The following are minutes of the March 31, 2008 Council Meeting.

I. **CALL TO ORDER** – On Monday, March 31, 2008, at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. **ROLL CALL OF MEMBERS** – Mayor Roland Michaud conducted a roll call of the members and determined that the Councilor present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith, Jr., Ronald Morton, Sandra Bastille, Arthur Tardif, Eric Cote and Marston Lovell.

III. **PLEDGE OF ALLEGIANCE**

IV. **GENERAL**

V. **APPROVAL OF MINUTES:** February 19, 2008; March 3, 2008

Minutes of February 19, 2008 and March 3, 2008 were accepted as written.

VI. **AGENDA ITEMS**

   a. **Combined Municipal/School Budget Presentation**

Pursuant to the City Charter Article VI, Financial Procedures §6.04, Budget. “At the second regular meeting of the City Council in April of each year, the City Administrator shall submit to the City Council a summary of the two parts of the budget previously submitted to the City Council by the Board of Education and the City Administrator, which summary shall be itemized further than by principal sources of anticipated revenue, and which shall state separately the amount to be raised by property tax. It shall be itemized also by departments and kinds of expenditures in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

The summary of the proposed budget shall be published at least once in one or more newspapers of general circulation in the City within the two-week period following submission to the City Council.”

Councilor Morton moved, Councilor Mills seconded, that Pursuant to the City Charter Article VI, Financial Procedures §6.04, Be it Ordered that the City Council accept the Combined City & Board of Education Budgets for Fiscal Year 2009. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay. Councilor Bastille voted in the negative.
City of Saco, Maine

Combined Budget

For

Fiscal Year 2009

March 31, 2008

Municipal, School and County Appropriations

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>2009 Proposed</td>
<td>$48,945,885</td>
</tr>
<tr>
<td>2008</td>
<td>$46,353,176</td>
</tr>
<tr>
<td>Change</td>
<td>$2,592,709</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5.59%</td>
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Where are the Changes?

<table>
<thead>
<tr>
<th></th>
<th>2009 Proposed</th>
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<tr>
<td>City</td>
<td>$20,220,333</td>
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<tr>
<td>Education</td>
<td>$27,737,401</td>
<td>$26,618,859</td>
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<tr>
<td>County</td>
<td>$ 988,151</td>
<td>$ 941,096</td>
<td>$ 47,055</td>
</tr>
<tr>
<td>Total</td>
<td>$48,945,885</td>
<td>$46,353,176</td>
<td>$2,592,709</td>
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City, School & County Appropriation History
Revenue Change – City & School

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<td>Other</td>
<td>$20,994,419</td>
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<tr>
<td>Property Tax</td>
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<td>TOTAL</td>
<td>$48,945,885</td>
<td>$46,353,176</td>
<td>5.59%</td>
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Where are the Changes?

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<thead>
<tr>
<th></th>
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<td>City – Other Revenues</td>
<td>$9,306,856</td>
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Revenue Source Comparison

Average Home Comparison

Previously valued

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<tr>
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<tr>
<td>Previous value - FY 2008</td>
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</tr>
<tr>
<td>Mil rate/ thousand dollars</td>
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<td>Property Taxes paid</td>
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<tr>
<td>New value - FY 2009</td>
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<tr>
<td>Mile rate/ thousand dollars</td>
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<tr>
<td>Proposed Property Taxes to be paid</td>
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<td>Increase in annual property taxes</td>
<td>$ 138</td>
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Property Tax Change

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<tr>
<td>Mil Rate</td>
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<td>$13.32</td>
<td>.69 cents</td>
<td>5.18%</td>
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Consumer Price Index for 2007 = 8.23%

Thank You

A special thank you to all city and school personnel who were involved in the preparation of the fiscal year 2009 city and school budgets. Their time and input has been invaluable in the process of assuring that the highest levels of service continue to be offered to the citizens of Saco, while being mindful of rising costs and economic constraints.
b. Acceptance of Wedgewood Pines Open Space

The Wedgewood Pines Owner’s Association requests that the City accept 21.59 acres of open space, as shown on the subdivision plan approved July 14, 1992. On September 10, 2007, the Association voted to offer the open space to the City.

This issue has been addressed in the past with several variations on the Association’s intentions for the open space. A final decision has now been reached, and the open space is offered as is. The land would be of value to the City for two primary reasons: one of the three parcels offered could be improved as a “utility field” by the Parks and Recreation Department. The other two parcels include access to a large open space parcel owned by the Saco Valley Land Trust, and existing drainage ways and a fire pond.

Councilor Smith moved, Councilor Bastille seconded, that it be ordered that the City Council move pursuant to 23 MRSA Section 3025, to accept the dedication made by the Wedgewood Pines Owner’s Association of title in fee simple of three parcels of land labeled “Open Space” on a plan titled “Subdivision Plan-Final, of Wedgewood Pines, Watson Mill Road, Saco, Maine, and more particularly described and titled in a Quitclaim Deed from the ‘Wedgewood Pines Owners Association to the City of Saco, as shown on Tax Map 118, Lot 005-1’.” Further move to approve the Order. The motion passed with seven (7) yeas.
QUITCLAIM DEED

NOW COMES the WEDGEWOOD PINES OWNERS ASSOCIATION, a Maine Non-profit corporation with a principal address of 12 Wedgewood Drive which for $1.00 and other good and valuable consideration, herein conveys, transfers and quitclaims unto the CITY OF SACO, a municipal corporation, 300 Main Street in the City of Saco, Main certain land in the City of Saco shown as Tax Map 118, Lot 005-1.

Said transfer includes all its interests in the real property, together with any improvements thereon, shown and depicted on Exhibit 1 as areas A, B and C, totaling 21.5 acres, more or less, all as further shown on a plan entitled “Subdivision Plan-Final, of Wedgewood Pines, Watson Mill Road, Saco, Maine, developed by Wedgewood Development Corp. 47 Wavelet Street, Old Orchard Beach, Maine” dated May 22, 1991, revised June 16, 1992, prepared by Sebago Technics, and recorded in the York County Registry of Deeds in Plan Book 208, Page 30 as further amended by a plan prepared by BH2M, Inc. dated October 7, 1997, recorded in said Registry in Plan Book 238, Page 13.

Subject to those easements and conditions of record, and being a portion of property described in a deed from Pepperell Trust Company dated December 9, 1996, as recorded in Book 8110, Page 264 of said Registry. See also a deed into this Grantor found at Book 14546, Page 612 of said Registry.

TO HAVE AND TO HOLD with all the benefits and privileges appurtenant thereto, for itself and its successors and assigns, now and forever.

Now witness the hand and seal of its President this ___ day of February, 2008

WITNESS: WEDGEWOOD PINES OWNERS ASSOCIATION:

____________________________

Its President

____________________________

Print Name

Print Name
VII. CONSENT AGENDA

a. City of Saco Debt Policy

The City of Saco recognizes the foundation of any well-managed debt program is a comprehensive debt management policy. A debt management policy sets forth the parameters for issuing debt and managing the outstanding debt portfolio and provides guidance to decision makers regarding the purposes for which debt may be issued, types and amounts of permissible debt, timing and method of sale that may be used, and structural features that may be incorporated. Adherence to a debt management policy helps to ensure that government maintains a sound debt position and that credit quality is protected.
It is the intent of the City of Saco to establish a debt management policy to:

- Ensure high quality debt management decisions
- Impose order and discipline in the debt issuance process;
- Promote consistency and continuity in the decision making process;
- Demonstrate a commitment to long-term financial planning objectives, and
- Ensure that the debt management decisions are viewed positively by rating agencies, the investment community and taxpayers

Be it Ordered that the City Council approve the document titled, ‘City of Saco, Maine, Debt Policy – dated March 17, 2008’.

b. (First Reading) Code Amendment Chapter 118 River, Harbor & Waterfront

The Coastal Water Commission is proposing new language to provide a process for dealing with abandoned moorings, which will provide written notice to abandoned mooring owners.

Be it ordered that the City Council approve the First Reading of the document titled, ‘Code Amendment Chapter 118: Harbor and Waterfront §118-6 C(2)(d) and §118-6C(8) – dated March 17, 2008’, further move to schedule the Public Hearing for April 7, 2008.

**Code Amendment Chapter 118: Harbor and Waterfront §118-6 C(2)(d) and §118-6 C(8)- dated March 17, 2008**

*Please note that underline represents new language while strikethrough represents language to be deleted*

§ 118-6. Harbor Master; Duties.

C. Moorings

(2) Application for Mooring permits.

(a) Applications for mooring permits for any one-year period must be filed with the City Clerk by March 15 of the current year, on forms prescribed by the Saco Coastal Waters Commission.

(b) Mooring permits shall specify the name, address and telephone number of the owner; whether the mooring has been inspected and when, and the name, draft, size, year built, horsepower and kind of the vessel to be moored.

(c) Permits shall be good for one year (March 15 to March 15).

(d) Moorings that are not used for any consecutive three-month period between May 1 and September 30 shall be presumed to be abandoned and be removed at the owner’s expense, and the location shall be reallocated. Upon determination of a mooring being
abandoned, the Harbormaster will provide written notice to the mooring permit holder of such abandonment and the proper appeals process through the Commission. The mooring permit holder will have 45 days from receipt of the letter to file an appeal & will have that same 45 days to remove their mooring without incurring a fee. Moorings deemed abandoned and not removed or appealed within 45 days, will be considered the property of the City of Saco.

(e) The annual application fee for the waiting list shall be established by the City Council after a public hearing. [Amended 4-7-2003]

C. Moorings:

(8) Removal. A mooring shall be removed after September 30, unless it is still in use by its owner. If not removed by its owner, the Harbor Master shall see to its removal at the expense of the mooring owner. The mooring and ground tackle shall not be returned to its owner until such bill is paid.

d. (First Reading) Contract Zone Amendment – First Atlantic

A Contract Zone was approved by the Council on 10/21/02 at the request of First Atlantic Healthcare (FAHC) for a 26-acre tract off Ferry Road. FAHC proposed and has constructed a significant portion of a 224 unit/bed “continuing care retirement community.” FAHC now plans to finance the assisted/congregate care facility with the federal Department of Housing and Urban Development. Federal regulations require that HUD financing be secured by only the parcel of land upon which construction occurs. This necessitates separating a fourth parcel from the existing three lots. While the fourth lot is required to satisfy HUD regulations, the applicant proposes to site and develop structures as though this were a single lot.

The Planning Board is reviewing the proposed amendments to site plan and subdivision plans at its March 18 meeting.

Be it Ordered that the City Council approve the First Reading of the document titled, ‘Contract Zone Agreement By and Between First Atlantic Healthcare and the City of Saco, Amended April ___, 2008’, and further move to schedule the Public Hearing for April 7, 2008.

Contract Zone Agreement By and Between
First Atlantic Healthcare and the City of Saco

October 21, 2002
Amended April 21, 2003
Amended January 22, 2007
Amended April ___, 2008
Contract Zone Agreement By and Between
First Atlantic Healthcare and the City of Saco

October 21, 2002
April 21, 2003
Amended January 22, 2007
Amended April ____ , 2008

THE CITY OF SACO HEREBY ORDAINS:

That the zoning ordinance of the City of Saco, dated January 2, 1985 and amended through May, 2002, is hereby amended by adopting the proposed contract zone as further described in the following contract by and between the City of Saco and First Atlantic Healthcare.

1. First Atlantic Healthcare (FAHC) is the assumed name of First Atlantic Corporation, is a Maine-owned and operated health care management firm based in Portland, Maine. It has operated in the health care industry since 1963, today owning or operating nineteen facilities in the state of Maine.

2. FAHC received approval from the City Council for this contract zone on October 21, 2002. FAHC subsequently sought approval for an amendment to the contract zone agreement, which was approved by the City Council on April 21, 2003. FAHC once again sought approval for an amendment to the contract zone agreement, which was approved as a minor change on January 22, 2007. FAHC now seeks approval for an amendment to the contract zone agreement, namely to change the existing three lots to four. The fourth parcel is proposed as the site of the assisted living or congregate care facility, for which financing rules require that the loan be secured by the parcel of land upon which construction occurs and the building is located, hence the proposed fourth lot.

3. FAHC obtained approval for proposes an Elderly Congregate Housing facility on a twenty-six (26) acre parcel with frontage on Ferry Road. Phase One of the project would be a one hundred five (105) bed nursing health care facility. Phase One has been completed and is owned by Ferry Road Associates I, LLC (“Ferry Road I”). Ferry Road I, a Maine limited liability company, that is owned by the same principals that own First Atlantic Healthcare and is managed by First Atlantic Healthcare. Phase Two would be an assisted or congregate care facility with eighty (80) units. Phase Two would be owned and developed by Ferry Road Associates IV, LLC (“Ferry Road IV”). Ferry Road IV, a Maine limited liability
company, is owned by the same principals that own First Atlantic Healthcare, and is managed by First Atlantic Healthcare. - Phases One and Two could occur in one or two buildings, either join or separate. Phase Three would be a total of forty-six (46) individual cottage-style residential units, forty (40) unit/stytwent-two (22) individual cottage-style residences, twenty (20) of which are proposed asin twenty (20) duplexes, and six (6) of which are proposed as single-unit residences.

4. Said parcels are identified as a portion of Tax Map 22, Lot 40, and Tax Map 23, Lot 22, on the City of Saco tax maps.

45. At the time of application for this contract zone, said parcel was owned by the Biddeford and Saco Country Club. The twenty-six (26) acre portion for which a contract zone is sought is subject to an "Option/Purchase and Sale Agreement" dated January 11, 2002, between the Country Club and First Atlantic Healthcare, Inc. Said agreement is presented as evidence of right, title or interest in the property. A portion of said parcel was conveyed by the Biddeford and Saco Country Club to Ferry Road Associates I, LLC on December 12, 2000, as evidenced by a quitclaim deed without covenant recorded in Book 13787, Page 25, at the York County Registry of Deeds. The other portion of said parcel was conveyed by the Biddeford and Saco Country Club to Ferry Road Associates II, LLC on December 12, 2003, as evidenced by a quitclaim deed without covenant recorded in Book 13787, Page 17, at the York County Registry of Deeds. By deed dated February 28, 2005 but notarized on November 22, 2005, Ferry Road Associates II, LLC conveyed its parcel to Ferry Road Associates III, LLC, as evidenced by a warranty deed recorded in Book 14688, Page 492, at the York County Registry of Deeds. The deeds to Ferry Road Associates I, LLC and Ferry Road Associates III, LLC are presented as evidence of right, title and interest in the property.

This contract amends the Saco Zoning Ordinance as follows:

FAHC, on behalf of itself and its future affiliates to which parcels of real estate have and may later be conveyed or operated ("FAHC"), seeks the right to develop a "Continuing Care Retirement Community" on the above referenced parcel. The City's Zoning Officer has found that such a use shall be defined as Elderly Congregate Housing (ECH), a defined term in the Saco Zoning Ordinance. An ECH is not an allowed use in the R-1a district. FAHC has reviewed the requirements for a Contract Zone found in Section 1403 of the Zoning Ordinance, and submitted an application accordingly, requesting that the above referenced parcel be reviewed and approved by the City of Saco as a Contract Zone, thereby allowing the proposed use to be developed.
This Contract is subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. The subject parcel is in the R-1a zoning district. This Contract shall modify the uses allowed in the R-1a district to include "Continuing Care Retirement Community" for the subject parcel only.

2. The applicant proposes various financing sources for separate phases of this project. In order to obtain federal Department of Housing and Urban Development financing for the nursing care building and for the assisted/congregate care building, the debt must be secured by separating those portions of the overall parcel from the remainder of the parcel and single purpose entities, to be affiliated with FAHC, must be formed to serve as borrower. Accordingly, the subject parcel is proposed to be split into three parcels. This Contract shall modify minimum lot and yard requirements for the subject parcel(s) as follows:

* Interior lot line setbacks shall be reduced to zero, thereby allowing buildings and parking facilities to be constructed with no side or rear yard setback requirements. Setback requirements for the perimeter of the parcel as it exists on March 10, 2003 shall be consistent with Zoning Ordinance standards for the R-1a district.

* Existing street frontage for the parcel upon which the nursing home facility is constructed is one hundred forty seven and nine-tenths feet (147.9). This is deemed adequate frontage for the project as a whole, recognizing that for financing purposes the portion of the lot containing the congregate care facility and the cottages, front and rear, will be split from the nursing home portion of the parcel, resulting in four lots: Map 22, Lot 40 – cottages; Map 22, Lot 40-1 – nursing facility; Map 22, Lot 40-3 – assisted living/congregate care; and Map 23, Lot 22 – cottages.

* Minimum street frontage required for the parcel upon which the assisted/congregate care building will be constructed shall be reduced to zero (0) feet.

* The maximum height of buildings on the subject parcel shall not exceed forty (40) feet.

The Applicant shall adhere to all other applicable provisions of the R-1a zoning district and of the City of Saco Zoning Ordinance and Subdivision Regulations.

3. All details as shown on the submitted plans, as well as any plans amended in accordance with this Contract Zone Agreement later amended plans, are hereby
incorporated into this contract by reference. 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. These amendments affect only the parcel of land identified as Tax Map 22, Lot 40, Map 27, Lot 40-1, Map 22, Lot 40-3, and Map 23, Lot 22 on City of Saco tax maps.

5. This contract and its provisions shall specifically and exclusively apply to the contract zone request submitted by FAHC. Approval of this contract zone is in part based on the technical qualifications of FAHC as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable prior to issuance of a Certificate of Occupancy for the development as proposed by FAHC, without the consent of the City Council, which consent shall not unreasonably be withheld. The City Council hereby consents to conveyance of (a) a portion of the real estate to Ferry Road I, (b) a portion of the real estate to Ferry Road II and then to Ferry Road III, and (c) a portion of the real estate of Ferry Road I and Ferry Road III to Ferry Road IV as the proposed new fourth lot.

6. Site plan, preliminary and final subdivision approval, and Site Location of Development approval were granted by the Planning Board on August 19, 2005 and August 26, 2003. Failure of FAHC to secure site plan and subdivision approval from the Planning Board, and any and all other permits or approvals that may be required by the City or other regulatory agencies including but not limited to the Maine Department of Environmental Protection and/or Department of Transportation within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of FAHC, this one year deadline may be extended by one year upon written request to the City Council submitted by FAHC.

7. Substantial construction of utilities, roadways and the nursing home facility was initiated within two (2) years of the initial October 21, 2002 approval. Failure of FAHC and its contractors to initiate substantial construction of the proposed ECH that is the subject of this Contract Zone within two (2) years from the date of approval of this Contract Zone shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of FAHC, this two year deadline may be extended by one year upon written request submitted by FAHC.

8. Breach of these conditions and restrictions by FAHC shall constitute a breach of the contract. Should FAHC seek to modify these conditions or restrictions, FAHC shall be required to apply for a contract modification. Failure
to apply for and to obtain a modification shall constitute a zoning violation, subject to enforcement action.

9. A fifty (50) foot vegetated buffer shall be maintained along the westerly, easterly and southerly lot lines of the subject parcel. Said buffer shall consist of either, 1) existing treed vegetation where adequate to visually screen the proposed development from abutting properties, or, 2) shade and dense medium height shrubs.

10. A one hundred (100) foot buffer shall be maintained from the stream at the rear of the property, as requested by the Maine Department of Inland Fisheries and Wildlife.

11. A crosswalk crossing Ferry Road shall be provided in order to connect the existing sidewalk on Ferry Road to proposed sidewalks and walking trails on the site. Plans for sidewalks and walking trails on the site shall be submitted for review by the City Council prior to final action being taken by the Planning Board.

12. No less than a fifty (50) foot wide right of way shall be reserved and shown on the site subdivision plan providing the possibility of access from the subject parcel to adjacent parcels. Said parcels shall include at least, but not be limited to, the abutting parcels identified as Tax Map 22, Lot 41.

13. The entrance/exit from Ferry Road shall be designed and constructed as two lanes separated by a median strip for the distance necessary for the two lanes to intersect with the looped interior road system as represented on the Preliminary Site Sketch Plan revised through 9/3/02.

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 July 23, 2002, and the Saco City Council on October 21, 2002, and April 21, 2603 and April 21, 2008 the following findings are hereby adopted:

A. City Tax Map 22, Lot 40 is a parcel of an unusual nature and location, for the following reasons: The subject parcel is unusual in that it is an undeveloped parcel of approximately twenty-six (26) acres in area in a fairly densely developed area. The parcel is in the R-1a zoning district, which is characterized primarily by low density residential uses. The parcel is immediately adjacent to the R-2 zoning district, a medium density district characterized by single family and multi-family development. Few parcels of this size within walking distance of downtown services remain undeveloped or available for development as a continuing care retirement community.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:
Chapter 17, Section A. Population. "To accommodate growth in a manner that maintains the character of the City." Further, "...the policies of the City of Saco are:

1. The City should assure that residential growth is accommodated in appropriate locations that are properly zoned and able to be provided with public services.

2. The City should continue to provide for the construction of a wide range of types of housing at a variety of densities to assure that a diversity of people can continue to live in the City."

Chapter 17, Section E. Water and Sewer Service. "To minimize the amount of residential development that occurs in those areas of the City where water and sewer service is not available." Further, "...the City's policies with respect to water and sewer service are:

3. The City should allow residential development at higher densities in those areas where water (and sewer) service is available than in those areas where service is not available.

Chapter 17, Section F. Land Use. Local Goals:

* To foster a pattern of land use that respects and builds upon the established settlement pattern of an urban core surrounded by an outlying rural area.

* To discourage suburban sprawl.

* To encourage a pattern of land use that can be served efficiently and that does not impose an undue burden on the Town's financial resources.

Chapter 17, Section H. Housing. Local Goals:

* To provide a diversity of housing to meet the needs of a wide range of residents ...the City's policies with respect to housing are:

2. The City should continue to allow housing for the elderly to be built at higher densities than other types of housing in recognition of the lower impact that this type of housing has on the community.

C. The proposed use is consistent with, but not limited to, existing uses and permitted uses within the original zone. The R-1a zoning district is characterized as a low density residential district, much of which is serviced by public water and sewer facilities. Among the permitted and conditional uses allowed in the R-1a zone are single and two family dwellings, public and private schools, nursery schools, day care centers, nursing homes, kennels and community living uses.
D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

Based on the above findings, conditions and restrictions, 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 the conditions and restrictions contained herein. Adopted by the Saco City Council on April 21, 2003, and amended (p. 2, subsection 2) January 22, 2007, and further amended (p. __________), __________, 2008.

City of Saco

by

Richard Michaud
City Administrator

First Atlantic Corporation
d/b/a First Atlantic Healthcare

by

Craig Coffin
Vice President

Ferry Road I, Ferry Road III and Ferry Road IV hereby join in this Contract, as amended, and agree to be bound to the same terms and conditions as are applicable to First Atlantic Healthcare to the extent of each such affiliate's ownership of real estate in the contract zone.

FERRY ROAD ASSOCIATES I, LLC
By: First Atlantic Corporation

By: Craig Coffin
Vice President

FERRY ROAD ASSOCIATES III, LLC
By: First Atlantic Corporation

By: Craig Coffin
Vice President
Councilor Lovell moved, Councilor Bastille seconded to approve items A, B, D. of the Consent Agenda. The motion passed with seven yeas.

c.  (First Reading) Zoning Ordinance Amendment §701-4: Domestic Chickens

This proposed amendment to Section 701 and Article 3 of the Zoning Ordinance would allow up to three chickens to be kept in a backyard henhouse and pen – in all zones throughout the city, with certain restrictions that would limit impacts on neighboring properties. A permit would be required from the Code Enforcement Office, renewed annually. Eggs would be for the homeowner’s use only, no roosters allowed, and clean, dry conditions must be maintained.

The Planning Board considered the proposed amendment on March 4, 2008, and made a positive recommendation for passage, with this added recommendation: “that a 50 foot setback from all property lines be required. If not possible, then a minimum lot size of 1 acre is recommended”.

MAIN MOTION: Councilor Smith moved, Councilor Bastille seconded, that the City of Saco hereby approves the First Reading of the document titled, ‘Amendment to Zoning Ordinance Articles 3 and 7, §701-4, Domestic Chickens, dated March 17, 2008,” and further moves to schedule a Public Hearing for April 7, 2008.

AMENDMENT TO MAIN MOTION: Councilor Cote moved, Councilor Lovell seconded, to amend Article 3, Definitions Section 701-4. Domestic Chickens 2) The maximum number of chickens allowed is twelve (12) chickens per lot regardless of the number of dwelling units on the lot.

MOTION TO TABLE THE ABOVE AMENDMENT TO MAIN MOTION: Councilor Cote moved, Councilor Bastille seconded, to table the amendment to the main motion. The motion passed with five (5) yeas and two (2) yeas. Councilors Smith and Tardif voted in the negative.

Councilor Lovell moved, Councilor Morton seconded, to table the matter for review. The motion passed with six (6) yeas and one (1) nay. Councilor Cote voted in the negative.

‘Amendment to Zoning Ordinance Articles 3 and 7, §701-4, Domestic Chickens, dated March 17, 2008” (Please note that new language is underlined, while strikethrough represents language to be deleted)

Article 3. Definitions

Chicken Pen: a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Henhouse: a structure for the sheltering of female chickens. An existing shed or garage can be used for this purpose if it is a conforming structure.

701-4. Domestic Chickens

The keeping or raising of a small number of domestic chickens shall be allowed on a non-commercial basis. The City recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and loose animals leaving the owner’s property. This section is intended to create standards and requirements that ensure that domestic chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

1) A permit is required from the Code Enforcement Office for the keeping of domesticated chickens. Additionally, a building permit is required for the construction of a henhouse and chicken pen, or the conversion of any existing structure or portion of structure. The permit is specific to the permittee, and may not be assigned and shall be renewed annually. In the event that the keeping of chickens is discontinued for longer than six (6) months, the permit shall become void.
2) The maximum number of chickens allowed is three (3) per lot regardless of the number of dwelling units on the lot.

3) Only female chickens are allowed. There is no restriction on chicken species.

4) Chickens must be kept in a clean, dry and odor-free enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of the chicken pen in a securely fenced yard in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. Chickens shall be secured within the henhouse during non-daylight hours.

5) Henhouses and chicken pens shall only be located in rear yards, and are subject to a fifty (50) foot setback from all property lines. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the 50 foot setback is met. If a property is configured such that the 50 foot setback cannot be met, a henhouse and chicken pen may still be allowed only for parcels one (1) acre or larger in area. A henhouse shall not be placed in a front yard.

6) Provision must be made for the storage and removal of chicken manure to the satisfaction of the Animal Control Officer. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored at one time. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings.

7) Odors from chickens or chicken manure shall not be perceptible at the property boundaries.

Prohibited activities: no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

d. (First Reading) Zoning Ordinance Amendment – Multi Family Housing in R-2 District

VIII. ADJOURNMENT

Councilor Mills moved, Councilor Smith seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 7:29 p.m.

ATTEST: ________________________________
Lucette S. Pellerin, City Clerk