STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

The following are minutes of the July 7, 2008 City Council Meeting.

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

I. ROLL CALL OF MEMBERS - Mayor 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.

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

II. PLEDGE OF ALLEGIANCE

III. GENERAL

IV. APPROVAL OF MINUTES:

V. AGENDA ITEMS:

A. (Public Hearing) Amendments to Spring Hill Municipal Development Program and Tax Increment Financing District Development Program

Zyacorp Companies, owner of the Cinemagic movie theaters on Portland Road, would like to add a 400 seat IMAX digital 3D wide screen theater to the complex. It would be about a $2 million investment. Zyacorp is preparing an application to the Planning Board, and has been to traffic scoping sessions with the Maine Department of Transportation and city staff for MDOT’s required Traffic Movement Permit.

MDOT indicates that it will not issue the permit unless a fifth, center lane is built for a turning lane (about $500,000), or a substantial mitigation fee is set aside for construction of the turning lane. Zyacorp indicated initially that it could contribute $50,000 for off-site traffic mitigation, but is now negotiating a bit more with MDOT. In discussions with MDOT, the possibility of other funding sources such as Tax Increment Financing was raised.

On June 2, 2008, the Council reviewed the concept of a tax increment financing district and the Council reviewed the language at its workshop June 16.

The amendments include the following:

- Remove the 12 foot wide district to the Scarborough line, no longer needed for the sewer.
- The addition to the district of the Cinemagic lot.
- The addition to the district of the Route 1 right of way south to the Old Eastern ROW.
- The traffic mitigation fund for the fifth lane.
- An extension of the end date of the TIF 10 years beyond the original 2012.
- Additional language allowing Route improvements.
- If a tax increment financing district were created for the project, assuming a value of $1.8 million and a tax rate of $13., a 5-year revenue of $118,000 might be raised for the turning lane mitigation fund.
Councilor Morton moved, Councilor Lovell seconded, to open the Public Hearing on the ‘Amendment to Spring Hill Municipal Development Program and Tax Increment Financing District Development Program’. The Motion passed with seven (7) yeas.

Councilor Morton moved, Councilor Bastille seconded, to close the Public Hearing and Be it Ordered that the City Council approve the ORDER, that the City of Saco, acting pursuant to the provisions of Title 30-A, Chapter 206 of the Maine Revised Statutes, designate amended boundaries for the Spring Hill Municipal Development and Tax Increment Financing District and adopt the First Amendment to the Spring Hill Municipal Development and Tax Increment Financing District Development Program (the “First Amendment”) to the District as presented to this Meeting, a copy of which is incorporated herein and made a part of the minutes of this City Council Meeting, such designation and adoption to be pursuant to the following terms and provisions:

1. The First Amendment is hereby approved as an amendment to the Development Program for the District. For the reasons set forth therein, the City finds and determines that the designation of the District, as amended, and pursuit of the Development Program will make a contribution to the economic growth or well-being of the City and the betterment of the health, welfare or safety of its inhabitants, including employment opportunities, broadened and improved tax base and the effect on any existing business is outweighed by the contribution made by the District and the Development Program to the economic growth or well being of the City and the betterment of the health, welfare and safety of its inhabitants; and

2. The area of the City of Saco as described and shown in Exhibit D to the First Amendment is hereby designated as the amended development and tax increment financing district and such designation shall automatically become final and shall take full force and effect upon approval of the First Amendment by the Commissioner of the Maine Department of Economic and Community Development; and

3. The term of the District is hereby extended for 10 years, ending June 30, 2022.

4. The City Administrator is hereby authorized and directed, on behalf of the City to execute and submit to the Commissioner of the Maine Department of Economic and Community Development (“DECD”) such applications and further documentation as may be necessary or appropriate for final approval and establishment of the First Amendment; and the City Administrator is authorized and empowered, at his discretion, from time to time, to make such technical revisions to the Development Program for the District as he deems reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by the Commissioner of DECD, so long as such revisions are not inconsistent with these Orders or the basic structure and intent of the District.

Further move to approve the Order. The motion passed with seven (7) yeas.
FIRST AMENDMENT TO

SPRING HILL MUNICIPAL DEVELOPMENT AND

TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM

The Spring Hill Municipal Development and Tax Increment Financing District Development Program of the City of Saco, dated March 4, 2002 (the “Development Program) is hereby amended as set forth in this Amendment, dated July 7, 2008, to change the boundaries of the District as set forth herein, to extend the term of the District by ten years, ending June 30, 2022 and to provide for the other amendments set forth herein.

The boundaries of the District are hereby being amended to change the portion of Route 1 that is included in the District and to add a lot (Tax Map 44, Lot 6) on which a proposed Cinemagic Imax theater will be constructed. The Maine Department of Transportation (“DOT”) is requiring, in connection with the permits for the theater and in addition to contributions of the developer to the costs of Route 1 improvements, that the City of Saco pay to a traffic mitigation fund, approximately $118,000 of the costs of improvements to Route 1, which amount is equal to five years of the property tax revenues from that development. In addition, other improvements are needed to Route 1 in order to facilitate further commercial development of the Route 1 area in Saco. Accordingly, in addition to the public facilities to be funded from the tax increment revenues of the District as described in the Development Program, the Development Program is amended to include, as part of the public facilities to be financed from the tax increment revenues of the amended District, (a) such amounts that the City will pay to the DOT, and (b) costs of other improvements to Route 1, including, without limitation, costs of acquisition of land for widening Route 1, costs of widening and otherwise improving Route 1, costs of turning lanes, sidewalks, paving, traffic lights and other improvements.

Attached as Exhibit A hereto is a copy of the Notice of Public Hearing published in the Journal Tribune, a newspaper of general circulation in Saco, on June __, 2008, a date at least ten (10) days before the public hearing. A public hearing pursuant to such Notice was held on July 7, 2008. The original assessed value of the District and Appendix 3b of the Development Program are amended as set forth in Exhibit B hereto. A copy of the Orders proposed for adoption at a City Council Meeting on July 7, 2008 is attached hereto as Exhibit C. The boundaries of the District and Appendix 2 and Appendix 3c of the Development Program and the plan of the District attached thereto are hereby amended in their entirety as set forth in Exhibit D hereto, with the effect that the portion of Route 1 included in the District is hereby changed to the area highlighted in Exhibit D and Lot 6 as shown on Tax Map 44 is added to the District. Accordingly, the physical description of the District set forth in Appendix 3a of the Development Program is hereby amended as follows:

1. Total Acreage of Municipality: 24,640 acres

2. Total Acreage of the amended TIF District: 135 acres.

3. Percent of total acreage in amended TIF District (line 2 divided by line 1, cannot exceed 2%): 0.5478%.

4. Total acreage of all existing and proposed municipal TIF Districts in the City : 567.85 acres.
5. Percentage of total acreage in all existing and proposed municipal TIF Districts (line 4 divided by line 1 cannot exceed 5%): 2.30%

6. Total acreage of all real property in the amended TIF District, that is:
   a. blighted: 0 acres (line 6(a) divided by line 2 = 0%);
   b. acreage in need of rehabilitation, redevelopment or conservation: 30 acres (line 6(b) divided by line 2 = 22%); and
   c. area suitable for industrial or commercial sites = 105 acres (line 6(c) divided by line 2 = 79%).

B. (Second and Final Reading) Zoning Ordinance Amendment Site Plan Review

§1103.3 Waiver of Submission Requirements

Recently, the Planning Board discussed extensively the topic of completeness of applications submitted for review, and when and why waivers of submission items may be granted.

The Board proposes to strengthen the existing language pertaining to waivers in an effort to clarify for applicants that waiver requests must be detailed and supported with evidence related to why a waiver should be granted.

The Planning Board considered the proposed ordinance amendment at several workshops, and on May 6, 2008, a Public Hearing was held. The Board makes a positive recommendation for passage.

Councilor Morton moved, Councilor Lovell seconded, that the City of Saco ordains and approves the Second and Final Reading of the document titled, ‘Amendment to Zoning Ordinance Section 1103.3 dated May 19, 2008,”.

‘Amendment to Zoning Ordinance Section 1103.3, dated May 19, 2008.”

The underlined passages are proposed as new language.

Section 1103.3. After an application is submitted, the planning department within ten (10) working days shall determine whether all information required under Section 1104, or requests for waivers of submission for items that have not been addressed, have been submitted. Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate. If the application appears to be complete, it shall be scheduled for Planning Board consideration within four weeks. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.

VI. CONSENT AGENDA

A. (First Reading) Contract Zone Amendment –KFC, CVS and York County FCU

A contract zone was approved on October 17, 2005, allowing the owners of three abutting Main Street parcels to address mutual access, parking, signage and setback issues. The three parties, including Linron Inc., doing business as KFC; the York County Federal Credit Union; and Shannon Realty Limited
Partnership, now request amendments to the contract zone that would allow the landscaped buffer along Main Street to be reduced in width, a sidewalk to be built within the landscaped buffer, and off-premise signage to be installed at the corner of Main Street and Smith Lane in order to direct southbound vehicles to turn left at the Smith Lane signal to access the three businesses. Ordinarily, off-premise signs are not allowed. The cooperative nature of this application allows for a shared access drive to the rear of the three parcels, and a single driveway off Main Street providing access to the credit union and CVS.

The Planning Board reviewed this item on June 3, 2008 and the Board forwards a positive recommendation for the amendments proposed by Shannon Realty LP.

If the contract zone amendment is approved by the Council, the project would be subject to site plan review by the Planning Board prior to development occurring on the Shannon Realty site.

Councilor Mills moved, Councilor Bastille seconded to pull Consent Agenda Item A.

Councilor Mills requested and Councilor Bastille agreed to recind the previous motion.

Councilor Mills moved, Councilor Bastille seconded, The City of Saco hereby Ordains and Approves the First Reading and adopt the findings in the contract zone document entitled ‘Amended Contract Zone Agreement by and Between Linron, Inc., Saco Realty Limited Partnership, York County Federal Credit Union and the City of Saco,’ dated June 3, 2008 as amended; and to schedule a Public Hearing for July 21, 2008, for the property at 477, 485 and 491 Main Street. The motion passed with seven (7) yeas.
Amended Contract Zone Agreement By and Between

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

THE CITY OF SACO HEREBY ORDAINS:

That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through June 26, 2005 November 19, 2007 is hereby amended by adopting this contract by and between the City of Saco and LINRON, INC. ("Linron"), SACO SHANNON REALTY LIMITED PARTNERSHIP ("SRLP") and YORK COUNTY FEDERAL CREDIT UNION ("Credit Union") (collectively "Applicants") and their successors and assigns.

1. The Applicants propose to establish a series of three (3) permitted uses located on Main Street with a single curb cut off of Main Street and a rear drive providing access for the three uses to Shannon Lane and its signalized intersection. The proposed uses include an existing eating establishment (KFC Restaurant) on the Linron, Inc. property; an existing financial institution (York County Federal Credit Union) and a proposed retail business (CVS Pharmacy) on the Saco-Shannon Realty Limited Partnership parcels.

2. Said properties are identified as Tax Map 33, Lot 6 (Linron); Tax Map 33, Lot 7 & Map 33, Lot 4-1 (SRLP) and Tax Map 33, Lot 9 (Credit Union) on City of Saco tax maps, and is in a B-2d zoning district (the "Subject Properties").

3. Part of the properties are currently improved with a KFC Restaurant (Linron parcel). The Credit Union occupies one parcel and the SRLP parcels are improved with a house and a carriage house in which a real estate agency is now located.

4. Eating Establishments, financial institutions and retail businesses are permitted uses in the B-2d zoning district.

The Applicants propose a zoning amendment in the form of a contract zone to facilitate the construction of a CVS Pharmacy, the construction of a new KFC, an addition to the Credit Union, the installation and maintenance of a single Main Street curb cut, and the establishment of a common rear drive to Shannon Lane benefiting all three (3) uses.

Recognizing the public necessity and convenience which will result from this undertaking, particularly traffic safety and efficiency that shall come from a shared common access and reduced curb cuts on Route 1, and recognizing the unique location of the parcels, and the requirements of the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would permit the following modifications to the requirements in the B-2d Zone and the establishment of the following components for the subject properties, which modifications would, in part, amend the Saco Zoning Ordinance.
A. A fifteen (15) foot wide integrated landscaped buffer will be established along Main Street for Linron, the Credit Union and SRLP. A reduced integrated landscape buffer as depicted on Exhibit A, attached hereto will be established along Main Street for Linron, the Credit Union and SRLP. A five (5) foot wide vegetative buffer will be established along Shannon Lane for the Linron property. Five (5) shade trees, and shrubs as described in Section 708-3.9.C of the Zoning Ordinance shall be installed along Shannon Lane, with final details to be addressed during site plan review provided said planting requirements will recognize the desire of Linron to maintain its visibility. A five (5) foot wide paved sidewalk and five (5) foot wide grassed esplanade serving all three (3) properties shall be located within the Main Street right of way to the extent possible. However, said sidewalk and esplanade may be located on the Subject Properties, and easements shall be granted by the Applicants for same, to the extent that right of way width imposes limits on the location of the sidewalk and esplanade in the landscape buffer on the Subject Properties, as shown on Exhibit A, and the Applicants shall grant easements for the same, to the extent that right of way width imposes limits on the location of the sidewalk.

B. Except as more specifically described in A above for landscaped buffers along streets, interior landscaping requirements for each property shall be as follows:

1. Interior landscaping requirements for the Linron property are waived;

2. Notwithstanding the depicted landscaping found on Exhibit A, interior landscaping requirements for the SRLP property shall be determined, and may be modified or waived, as part of and through site plan review for the proposed use on the SRLP parcel;

3. Interior landscaping for the Credit Union property shall be as currently existing;

4. A landscaping plan prepared by a registered landscape architect shall be submitted as part of site plan review of the individual properties, with specific attention to meeting and exceeding requirements found in Section 708-3.9.C regarding the front buffers along Main Street and Shannon Lane.

C. Upon the build out of the Subject Properties, there will be only a single curb cut off Main Street, where the Credit Union’s current curb cut is located. Said curb cut will be restricted to right hand turns into and out of the property. The curb cut shall be configured to permit only right hand turns in and out. Until the Subject Parcels and proposed internal roadways and drive improvements and the improvements related to the new access drive and related Route One and Shannon Road improvements are constructed, the access drive and internal roadways serving the Credit Union property will remain in their present configuration and with their same utility to the Credit Union.

D. A common directional sign plan shall be submitted with the site plan applications for the Linron and the Sace-Shannon Realty Limited Partnership properties, with the goal of directing all traffic headed southbound on Main Street with the Subject Properties as
destination to turning left at the signalized intersection at Shannon Lane, thence to a rear two-way drive that will be established and that will provide access to Shannon Lane for all three (3) uses pursuant to an easement agreement. All vehicles exiting the Subject Properties, then turning left (south) onto Main Street will be directed through the Shannon Lane signalized intersection via internal signage on the Subject Properties.

(1) **Notwithstanding Section 707-i(d) of the Saco Zoning Ordinance, an off-premise direction sign for the purpose of informing southbound motorists of access to the Subject Properties via Smith Lane.** The directional sign for southbound traffic will identify all uses on the Subject Properties and may be located off site either on private property or City owned land if the parties hereto can negotiate such an arrangement. Nothing herein assures Linron, SRLP or the Credit Union that the City will make land available for the location of such signage.

E. The setback for the Linron stacking lane off of Main Street will be reduced from forty (40) feet to twenty-five (25) feet, thereby amending Saco Zoning Ordinance Section 708-3(11).

F. This is a contract between four parties (City, Linron, SRLP and Credit Union) which anticipates the improvement of four (4) parcels all at different times, with the parties acknowledging that Linron is ready to undertake construction as of this date and should not be delayed in their construction. To provide assurances to all concerned, the following conditions are agreed to:

(1) Plan C101. Linron has presented a proposed Plan Design labeled C101, which Plan lays out shared parking with SRLP and a common access drive and which Plan is all parties' preferred option. Should Linron proceed with this Plan variant the required combined parking for the Linron and SRLP lots, based on a shared parking arrangement, by easement, (See Saco Zoning Ordinance Section 708-3) shall total ninety-three (93) spaces instead of the required one hundred two (102) spaces, with no required five (5) foot buffer between the Linron and SRLP lots as required by Section 708-3.2 of the Zoning Ordinance.

(2) Plan C101/B. If Linron is, for reasons outside its control, unable within a reasonable time period to assure itself of, and secure parking rights on SRLP property sufficient to build out Plan C101, it may proceed with the Plan detailed as C101/B. However, the following affirmative conditions shall be met:

a. Linron covenants to negotiate in good faith in its effort to secure shared parking rights with SRLP and/or other parties in interest (as set forth in Section F(1)), their successors and assigns. This covenant constitutes an ongoing obligation that continues until construction of the rear access drive has been completed.

b. When and if the SRLP parcels are subsequently developed/improved, whether or not such development requires site plan approval, Linron will cooperate with said parties to create shared parking with and between Linron and SRLP parcels as envisioned and set forth on Plan variant C101. Said shared parking spaces to be
constructed by the owner/developer of the SRLP parcels or paid for by said owner/developer of the SRLP parcels.

c. In addition, and at said future date, Linron (subject to Section (F) (2) (d) below) will grant to SRLP or its successors and assigns, and to the Credit Union or its successors and assigns, full and irrevocable permission, and an easement, to enter upon and construction across the Linron parcel the common shared access shown on Plan variant C101. Said easement will be for the benefit of the public for travel, for the benefit of SRLP, its successors and assigns, and for the benefit of Credit Union and its successors and assigns. Said construction will not unreasonably interfere with Linron's or Credit Union's use of its property.

d. SRLP and Credit Union, as they should negotiate, shall bear the costs of building out the shared access. In addition, SRLP and Credit Union, as they negotiate, shall also pay Linron a separate fee of not less than $200,000.00 or more than $275,000.00 as additional consideration for the easement across Linron's property. SRLP and the Credit Union, as they should negotiate, shall also agree upon a maintenance contract for the rear access drive.

e. Linron shall bear the burden, cost and obligation to secure a release from any and all mortgages of record encumbering Linron's property at the time of the execution of the required easement.

f. Until said shared parking is created, Linron will only be required to have 27 parking spaces for its parcel under Plan variant C101/B instead of 37.

G. The Credit Union will be permitted to place a fifteen (15) foot wide addition on the northeasterly side of its building as depicted on Exhibit "A" without the need for a variance. The height of this addition shall not exceed the height of the existing building. Construction of this addition will result in a reduction in the sideline setback to a width of five (5) feet. +/- The addition will be constructed consistent with the existing building's stone facade architecture to the maximum extent possible.

H. The required number of parking spaces for the Credit Union will be the presently existing eighteen (18) spaces consisting of one (1) space per 150 square feet of building footprint area based on a 2,280 square foot footprint rather than one (1) space per 150 square feet of floor area, as provided in Table 708-2. Six additional parking spaces will be added as part of the construction of the addition referred to in the preceding subparagraph, as depicted on Exhibit A.

I. The site plan application submitted to the Planning Board by Linron shall be subject to Zoning Ordinance, Section 729, Design Standards.
J. There shall be no more than a single row of parking spaces between the SRLP structure and Main Street, SRLP may configure its parking so that up to 35%, (twenty-three (23)) of the total required number of parking spaces (sixty-five (65)) for the SRLP parcel may be located between the building and Main Street, notwithstanding Zoning Ordinance Section 708-3.9.E.

K. Linron and the Credit Union will be permitted to retain their existing level of signage, including area, height, composition, configuration and style of signage, but the SRLP business, and its successors, including but not limited to CVS, will be required to comply with the existing sign ordinance provisions. Each use will be treated separately for signage purposes except that the Credit Union, to accommodate the new traffic conditions, pedestrian sidewalks and the impacts of changes in the traffic improvements on the subject Properties and adjacent Main Street, U.S. Route One, may, at its option, relocated its sign or located a similar sign in area, height, composition, configuration and style of signage at another location adjacent to or in the esplanade area on its parcel, and may as it finds necessary located internal direction signs to assist its customers to access and exit the Credit Union property. The Credit Union’s signage which is relocated shall be in place in a location acceptable to the City Planner and City Code Enforcement Officer.

L. The easement described herein above shall be reviewed by the City for approval, which shall not be unreasonably withheld. The easement shall assure perpetual public right to cross and re-cross the entire length of the shared drive.

M. City and Applicants recognize that any 'Sketch Plans' submitted for the purposes of Contract Zone consideration are limited in scope and detail. The project is subject to site plan review by the Planning Board, and to any and all permits, licenses or approvals which the project may be subject to by the Maine Department of Environmental Protection, the Maine Department of Transportation, and all other regional, state and federal agencies.

N. Failure of Linron or SRLP to submit applications for site plan review as proposed to the Planning Office for review, and approval by the Planning Board, within one (1) year of the approval of this Contract Zone shall render this Agreement null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of Linron or SRLP, this deadline may be extended by six (6) months upon written request submitted by an Applicant. The York County Federal Credit Union proposal for a fifteen (15) by sixty-six (66) foot addition to the northeasterly side of its building is subject to site plan review, but shall not be required to meet either the one year or eighteen month deadline.

O. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance. All details shown on the plans and application materials submitted in connection with the contract zone application or in connection with Linron's or SRLP's site plan review applications, to date or in the future are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. Minor changes may be approved by the Planning Office of the City of Saco. If it is determined that the changes constitute a change in
this Contract Zone Agreement, then the developer shall be required to obtain City Council approval of the changes.

P. This Contract Zone shall affect only the Subject Properties and shall bind the parties, as well as their successors and assigns.

Q. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Any proposed change of use for any of the subject properties shall be subject to site plan review by the Planning Board.

R. This Contract Zone, and benefits derived thereunder shall not be transferable without approval by the City Council, which approval shall not be unreasonably denied.

S. Breach of these conditions, restrictions and/or Agreement by any of the Applicants shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation, subject to enforcement action by the City of Saco.

T. Upon construction of the shared, common access drive, all delivery vehicles will be directed to enter the subject properties over Shannon Lane or by turning right from Main Street into the subject properties.

This Contract Zone, specifically and exclusively for the parcels at 477 Main Street (Credit Union), 481 Main Street (SRLP), 485 Main Street (adjoining parcel) and 491 Main Street (KFC), would allow the Applicants to develop the subject parcels with the limitations and modifications as proposed above, subject to the above conditions and restrictions.

Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and after a requisite recommendation from the Saco Planning Board on ________________, and by vote of the Saco City Council on ________________, the following findings are hereby adopted:

A. City Tax Map 33, Lot 6, Map 33, Lot 7, Map 33, Lot 4-1, and Map 33, Lot 9 are parcels of an unusual nature and location, for the following reasons:

1. The four parcels are contiguous parcels bordered by Main Street and Shannon Lane. A common rear drive accessible to all four parcels can only be constructed with the mutual participation and cooperation of the owners of all four parcels. That mutual undertaking is possible only if the property owners are able to retain the ability to operate and undertake reasonable expansion of their businesses. If development is not able to proceed consistent with the proposed contract zone, reconstruction on the KFC property consistent with current zoning will eliminate the opportunity to construct a common rear access by which all four parcels can access Shannon Lane's signalized intersection.

2. The four parcels are configured in such a way to limit Main Street access for all four parcels to a single curb cut.
3. Such shared access and limited curb cuts are necessary and appropriate given the significant traffic accessing the area, and using U.S. Route 1 corridor, and will substantially aid traffic flow, reduce accidents, and thereby advance the public welfare.

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

Saco Comprehensive Plan

Chapter 17, Goals and Policies

1. The Local Economy

Local goals: To increase the number of jobs available in Saco.
To maintain Saco's role as a retail and service center for the region.

Chapter 17(B)(6) The Route 1 corridor from Thornton Academy to the I-195 spur functions as a community commercial center. The City should work to improve the visual appearance of this area. In addition, efforts should be made to upgrade traffic flow and to improve access to and from adjacent properties and neighborhoods.

Chapter 17(F)(16) The City should also designate the Route 1 corridor from Thornton Academy north to the I-195 spur as a commercial district recognizing the established pattern of commercial use in this area. The City should focus its efforts in this area on improving traffic flow and vehicular access by developing alternative roadways and on improving the visual environment by continuing to work to reduce the amount and size of signs in the corridor.

Chapter 17(G)(5) The City's development standards should continue to limit the creation of new curb cuts to provide access to abutting property along the entire length of the Route 1 corridor. These standards should require the creation of consolidated entrances where feasible.

Chapter 17(G)(7) The City should discourage the creation of new lots fronting directly on Route 1. Where feasible the City's development standards should require that an overall access plan be instituted when new lots are created so that access to Route 1 is limited to internal streets or to combined access ways to minimize the number of access points.

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the B-2d zone and all of the proposed uses are permitted in that zone. Furthermore, the creation of the common rear drive and single Main Street curb cut are all consistent with the Comprehensive Plan and the City's Main Street Access Study. This contract zone proposal is designed to accommodate existing uses while creating a vastly improved common vehicular access system.
B. (First Reading) Code Amendment Chapter 87 Electrical Code

The City of Saco adopts and enforces model construction codes that regulate all phases of building, plumbing, electrical and fire safety installations. These codes are written and revised by membership organizations such as the International Code Council and the National Fire Protection Association (NFPA). Every 3 years, a new edition of these codes is published that include newly adopted provisions that recognize changes in safety and design.

The City has adopted and enforced, under the authority of Title 30-A, M.R.S.A., § 4171, the provisions of NFPA 70, The National Electric Code for many years. NFPA has published the 2008 edition of the National Electric Code.

On May 14, 2008, the Building Code office held an informational meeting and invited over 100 local electricians, any electrician who took out a permit in the previous 6 month period, to talk with staff about the National Electric Code; several changes were suggested, and summarized on the attached memorandum.

Councilor Mills moved, Councilor Bastille seconded, that it be Ordered that the City Council approve the First Reading of document titled, ‘City of Saco Code Amendments to Chapter 87 - Electrical Standards, dated June 16, 2008’, and further move to schedule the Public Hearing for July 21, 2008. The motion passed with seven (7) yeas.

City of Saco Code Amendments to Chapter 87 - Electrical Standards, dated June 16, 2008

(Please note that underline represents language to be added while strikethrough represents new language.)

§ 87-1. Title.
This chapter shall be known and may be cited as the "Electrical Code."

§ 87-1.1. Definitions. [Added 1-6-2003]
As used in this chapter, the following terms shall have the meanings indicated:
ELECTRIC FENCE -- Any fencing or barrier capable of delivering an electric shock to any person or animal coming into contact therewith, but does not include fences erected for enclosing pastures, crops or livestock and does not include underground invisible fencing which controls animals by use of a receiver collar worn by animals.

§ 87-2. Adoption of standards by reference. [Amended 11-18-1999; 3-4-2002; 2-6-06]

A. Reference is herewith made to the 2005 2008 Edition of the National Electrical Code, NFPA 70, as published by the National Fire Protection Association, as amended, to become effective April 1, 2006 September 1, 2008, and said code is hereby adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes as found herein. Statutory authority to adopt this code is granted by Title 30-A, M.R.S.A., § 4171 and shall cover original installations, alterations and additions, both residential and commercial and shall be in effect for the entire City of Saco. At least seven days prior to the public hearing, the purpose of which is to consider changes to this chapter, notice shall be given by regular mail, electronic mail or facsimile to all electricians who have obtained an electrical permit within the six month period preceding the public hearing date.

B. Additions, insertions and changes. The following are hereby revised as follows:

(1) Illumination. All locations containing electrical panels, and switchgear shall have a lighting outlet provided at or near such equipment. Where the main occupancy of the building in which the equipment is located is required by the building code to provide emergency lighting, all locations containing electrical panels, and switch gear shall also be provided with emergency lighting.

(2) Adoption of utility requirements. The Authority having jurisdiction may, at the request of the electrical utility company, enforce the requirements as found in the Handbook of Standard Requirements for Electric Service and Meter Installations published by Central Maine Power, effective August 15, 2002 April 25, 2006, and as amended.

3) Mounting hardware used for grounding. Grounding of all electrical equipment shall not rely on mounting hardware to achieve proper grounding of said equipment.

(4) Exception to the arc-fault protection requirements. Arc-fault protection, as required in the body of this code, is hereby amended to apply only to receptacles. Ceiling fixtures, at the electrician’s discretion, may be arc-fault protected. Smoke detectors shall not be arc-fault protected.

(4) 210.8(A)(5) addition to exception: A single receptacle supplying a sump pump shall not have to be GFCI protected provided that a GFCI protected receptacle is located within 3 feet of the non-GFCI protected outlet.
(5) Removal of old wiring required. All readily accessible cable that is not properly capped and terminated and labeled for future use shall be removed.

(6) Protection of receptacles. Any area within a commercial occupancy designated for day care or nursery school use shall utilize spring-type guards on all outlets in that space.

(6) 702.5(B) (2) for other than single-family dwellings, where automatic transfer equipment is used, and an optional standby system shall comply with (2) (a) or (2) (b).

(7) Electric fence requirements. Any person proposing to erect an electric fence within the City of Saco shall first obtain a permit in accordance with other provisions of this code. The Electrical Inspector, prior to issuance of a permit to install an electric fence, shall notify the Police and Fire Departments of Saco of the location of the proposed installation. Acknowledgement of the notification from both the Fire and Police Departments shall be given before any permit to install electrified fences is granted. Failure to comply with any of the design standards found in the manufacturers’ installation instructions shall be a basis for denial of a permit application.

Exemption: Any electric fence used in association with an agricultural use shall be exempted from this sub-section.

(7 a) Electric fence design standards. Where an electric fence is within 100 feet of a public or private road as defined by the Saco Zoning Ordinance, it shall be posted with signs every 75 feet along the fence line facing toward the road. The signs shall state "Warning, Electric Fence, Keep Back." All warning signs shall be legible from a distance of at least 10 feet away from the electric fence. Any fence that is electrified shall not contain more than 7,000 volts and no more than nine milliamps. All fence-charging equipment shall be listed by a recognized testing agency such as Underwriters Laboratories. All persons proposing to install electric fences shall provide plans in sufficient detail to determine compliance with these standards. All electric fences shall be pulse type systems. The point of electrical supply for the fence shall comply with all applicable standards of the main body of the National Electric Code.

(8) Smoke & Heat Detectors. In addition to smoke detectors required elsewhere in this code, a smoke or heat detector shall be installed in any new attached residential garage. Installation, including wiring and power sources for all smoke and heat detectors shall be in accordance with the provisions of the NFPA Standard 72, Chapter 11.

(9) USE cable may be used where it emerges from ground and is terminated in an enclosure at a location acceptable to the Authority Having Jurisdiction.

The Electrical Inspector who must be licensed by the State of Maine as a Master Electrician is herewith designated as the City official to supervise and enforce this chapter. The Electrical Inspector will be under the direction of the Building Inspector, who will act as his/her immediate supervisor.
§ 87-4. Appeals.
   A. Any person aggrieved by the decision of the Electrical Inspector with regard to the enforcement of the Electrical Code may take an appeal to the Mayor and City Council.
   B. An appeal may be taken within 30 days from the date of the decision appealed by filing with the City Council, through its Clerk, a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Electrical Inspector, is unsafe, dangerous and a threat to life safety, the Electrical Inspector may, in his/her order, limit the time for such an appeal to seven days. The Electrical Inspector shall forthwith transmit to the Mayor and City Council all the papers upon which the action appealed from was taken.

§ 87-5. Violations and penalties.
The following provisions shall apply to violations of the laws and ordinances set forth in this chapter, and all monetary penalties shall be civil penalties.

   A. The minimum penalty for starting construction or undertaking a land use activity without a required permit shall be $100, and the maximum penalty shall be $2,500.
   B. The minimum penalty for a specific violation shall be $100, and the maximum penalty shall be $2,500.
   C. The violator may be ordered to correct or abate the violations. Where the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:
      (1) Result in a threat or hazard to public health or safety;
      (2) Result in substantial environmental damage; or
      (3) Result in substantial injustice.
   D. If the City of Saco is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs, as provided by court rule.
   E. The maximum penalty may exceed $2,500 but shall not exceed $25,000 when it can be shown that there has been a previous conviction of the same party, within the past two years, of the same law or ordinance.
   F. All proceedings arising under the provisions of locally administered laws and ordinances shall be brought in the name of the City of Saco, and fines shall be paid to the City of Saco.

§ 87-6. Electrical Permits & Fee Schedule. [Amended 4-7-1997; 12-4-2000; 2-6-06]
   A. Electrical Permits shall be administered as provided for in Annex G, Section 80.19 (A) through (C) of the 2005-2008 National Electric Code. The City Council shall determine fees

VII. RECESS THE MEETING AND MOVE TO WORKSHOP
I. RECONVENE THE MEETING:
   Agenda Items:
      A. (First Reading) Code Amendment Bicycle Ordinance
B.  (Second and Final Reading) Contract Zone – Lawnmower Races proposed by Saco Pathfinders Snowmobile Club

The Saco Pathfinders Snowmobile Club clubhouse at 42 Heath Road was the setting for a series of lawnmower races last year. Upon hearing about the events from a neighbor, the City advised the Club that lawnmower races are not permitted under zoning. Discussion with the City has led the Club to propose a contract zone that would allow the events with certain limitations:

- No more than two evenings per month,
- Hours of operation from 6-9 p.m., and
- In the event that a contract zone is approved, the Lawnmower Race Project would be subject to site plan review.

On May 6, 2008, the Planning Board reviewed the Saco Pathfinders Club proposal. The Board made a positive finding on each of the standards found in Sec. 1403-6, and voted to make a positive recommendation on the proposed contract zone.

The Council discussed this item at Workshop on May 19, 2008, and the First Reading was held on June 2, 2008. The Planning Department notified all abutters by mail of the Public Hearing. The Public Hearing was held on June 16, 2008, and Council decided to discuss the public comment on the item at the council workshop on July 7, 2008.

Councilor Smith moved, Councilor Bastille seconded, that the City of Saco hereby ordains and approves the Second and Final Reading of the Contract Zone document titled, “Contract Zone Agreement By and Between Saco Pathfinders Snowmobile Club and the City of Saco,” dated May 6, 2007. The motion passed with five (5) yeas and two (2) nays. Councilors Morton and Smith voted in the negative.

Contract Zone Agreement By and Between
Saco Pathfinders Snowmobile Club and the City of Saco

May 6, 2008

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through November 19, 2007 is hereby further amended by adopting this contract by and between the City of Saco and the Saco Pathfinders Snowmobile Club.

1. The Saco Pathfinders Snowmobile Club (Applicant) has submitted an application for a contract zone for the parcel (Subject Property) at 42 Heath Road.

2. The Subject Property is owned by the Applicant, acquired November 12, 1973, and subject to a deed recorded in Book 2019, Page 292 at the York County Registry of Deeds.

3. The Subject Property is a 2.0 acre parcel identified as Tax Map 116, Lot 22-1 on City of Saco tax maps.

4. The Subject Property is in the C-1 zoning district.
5. The Applicant proposes to establish a use not currently recognized by the Zoning Ordinance – "Lawnmower Races" -- on the Subject Property. This is not an allowed use in the C-1 zoning district or in the City of Saco.

6. Recognizing the requirements of the Zoning Ordinance, and the limitations on establishing such a use in the C-1 zoning district, the Applicant hereby makes application for a Contract Zone that would allow said use to be established on the Subject Property as a legally conforming use.

II. This Contract Zone Agreement amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the Subject Property as identified above, would allow the Applicant to establish Lawnmower Races as an allowed use, as provided for in Article 14 of the Saco Zoning Ordinance:

Section 410-14 of the Zoning Ordinance is hereby amended so that “Lawnmower Races” shall be a permitted use on the Subject Property.

III. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 1403-5 of the Saco Zoning Ordinance:

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

b. City and Applicant recognize that the plan/map submitted for contract zone review is an accurate representation of existing site layout, but is subject to change as a result of site plan review conducted by the Planning Office. If it is determined that the changes constitute a significant change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

c. Abutter Scamman, 38 Heath Road, has offered to allow parking on his property for lawnmower racing events. An easement specifying this arrangement shall be drafted, made available to the City for review, and recorded at the York County Registry of Deeds prior to said events taking place. The Applicant is aware that should the Scamman property be found to contain wetlands, or found to be inadequate in some other way for the creation of additional parking, then an alternative may need to be found in order for site plan parking requirements to be met.

d. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office. Failure of the Applicants to secure site plan approval 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 the Applicants, this one year deadline may be extended by one year upon written request to the City Council.

e. Lawnmower races shall be limited to no more than two evenings per months, between the hours of 6:00 p.m. and 9:00 p.m.
f. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable prior to review of said qualifications by the Planning Board.

g. 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 shall constitute a zoning violation, subject to enforcement action.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on May 6, 2008 and the Saco City Council on _______, 2008, the following findings are hereby adopted:

A. The parcel identified as City Tax Map 116, Lot 22-1 comprises the Subject Property, a parcel of an unusual nature and location for the following reasons:

1. The Subject Property is the location of the sole snowmobile club in the City of Saco. The City finds the Saco Pathfinders Snowmobile Club to be a valued entity within Saco, as a supporter and contributor to numerous causes and events.

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

    Chapter 17, Section J. Recreation and Open Space
    Local Goals: To provide recreational facilities to meet the needs of the City’s growing population.

    Chapter 17, Section K. Cultural Facilities
    Local Goal: To provide cultural facilities to meet the needs of the community and reinforce Saco’s role as a core community within the region.

C. The proposed use is consistent with but not limited to the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated to promote agriculture and open space while permitting low density residential uses. Examples of uses in the vicinity of the subject property include single-family dwellings and agricultural land.

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

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract 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 __________, 2008.

by ________________________    by _______________________
Richard Michaud            Robert Berry, Chairman
City Administrator          Saco Pathfinders Board of Directors
Applicant

Saco Planning Board Minutes

May 6, 2008

Members Present:  Neil Schuster, Chairman, Don Girouard, Rene Ittenbach, Steve Dupuis, Sandy Guay, Roger Johnson, and Bob Hamblen, City Planner.
Members absent:  C. Chadwick-Granger.

Regular Meeting 5:30 p.m.

1. Minutes for April 15, 2008 – Motion by Dupuis, seconded by Johnson to accept the minutes with the amendment that Chadwick-Granger did not return to the meeting after recusing herself from the Sierra Woods item, and so voted, 5-0 (Guay abstains having not been at the meeting).

2. Public Hearing: Site plan review of a proposed parking lot expansion at 270 Main Street.
   Proposed renovation of the western façade and entrance to the existing Bangor Savings Bank building, including construction of a 92 s.f. addition for a remote teller window, and reconfiguration of the parking lot, to include a drive-through lane, and associated site and drainage improvements. Angela Blanchette, Deluca Hoffman Associates, and Rachel Sunnell, Gawron Associates represented the applicant. Changes have been granted a Certificate of Appropriateness by the Historic Review Commission.
   Johnson: moves to find site plan application complete, seconded by Guay, and so voted, 6-0.
   Ittenbach: is the dumpster accessible? Yes, is currently and will continue to be. Blanchette: 14 parking spaces proposed, 11 required. Drainage will be more formally handled than current sheet flow. Sunnell: new façade will hide rooftop equipment. Existing fence along northerly property line will be replaced. Trees shown on C-3 do not exist. Girouard: fence material appropriate? Sunnell: yes, 20 year warranty, framed with cedar fence elements.
   Guay: motion to open a public hearing, seconded by Ittenbach, and so voted, 6-0. No comments.
   Guay: motion to close the public hearing, seconded by Ittenbach, and so voted, 6-0.
   Guay: move to grant approval for the site plan application submitted by Bangor Savings Bank, based on Findings of Fact and Conditions of Approval dated May 6, 2008, seconded by Johnson, and so voted, 6-0.

Hamblen: As discussed during the April 1 workshop review, the only remedies to the nonconforming situation with lawnmower races on Heath Road are a change to the zoning ordinance that would allow such events, or a contract zone. The latter, in that it would be applicable only to this site, seems most appropriate. The draft CZ agreement is simple and straightforward, proposing only to amend Section 410-14. C-1, to allow lawnmower races.

The plight of the snowmobile club is what drives this, as explained by Chairman Bob Berry. Building maintenance and property costs, including taxes, are climbing. The revenue generated by the lawnmower events has been a help, and they’d like to continue. Issues addressed at the workshop included:

- Hours of operation proposed as 7:30-8:45 p.m., two evenings per month
- 8-10 machines race at a time, a flagman helps to maintain order
- Machines are 5-20 hp, with stock mufflers
- 95 spaces are expected to be available for parking if the easement from abutter Scamman is used; 75 vehicles per event are anticipated
- Food is served, alcohol is not
- A restroom in the clubhouse is available, and porta-potties are also on site
- About 350-400 snowmobiles are registered in Saco. The club owns 4 pieces of trail maintenance equipment. The club has donated money to the Boy Scouts, Special Olympics and a girl injured at Beech Ridge Speedway.
- The club is considering hiring 2 security people for race nights

Guay: should recognize community benefit in the agreement. Dupuis: motion to open a public hearing, seconded by Ittenback, and so voted, 6-0. Scott Dumais, 55 Heath Road: the Club has been good neighbors, noise and parking have been non-issues. Dupuis: move to close public hearing, seconded by Guay, and so voted, 6-0. The Board then reviewed the standards for a contract zone and found the application to be in compliance.

Guay: I move that the Planning Board forward a positive recommendation to the City Council for a proposed contract zone for the parcel owned by the Saco Pathfinders Snowmobile Club at 42 Heath Road, seconded by Dupuis, and so voted, 6-0.

1. Public Hearing: Proposed amendments to the Subdivision Regulations and Zoning Ordinance pertaining to application submissions – Sections 1103.3, 5.1 and 5.1.3.

Hamblen: As the Board is aware, a discussion on an application’s completeness, what “substantive review” is and when it occurs, and whether it’s possible to avoid angering abutters who show up at a meeting expecting to be heard when the application they came out to comment on is found to be incomplete are all issues that have been discussed during workshops over the past few months.

Members will recall the first meeting on the Community Center, when several abutters turned out for the advertised review and public hearing. The Board determined that a landscaping plan and stormwater management plan would be required, though waivers had been requested. The Board was then ready to table and hold off on any review until the next meeting, but, the abutters clearly were feeling unheard. What to do?

Ms. Burns answers with her opinion that “…the Board can always accept public comment on any matter before it, even if the matter is not scheduled as the formal and required public hearing.” The Board’s willingness to accept public comment outside of a public hearing would not seem to trigger substantive
review of a given application, in that “…substantive review…shall consist of a review of that application to determine whether it complies with the review criteria and other applicable requirements of law.”

After discussion of completeness and waivers, the Board agreed that “tightening up” language on waivers, and greater deliberation on the completeness of applications should address the issue.

**Proposed Zoning Ordinance amendment:**

Section 1103.3. After an application is submitted, the planning department within ten (10) working days shall determine whether all information required under Section 1104, or requests for waivers of submission for items that have not been addressed, have been submitted. Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate. If the application appears to be complete, it shall be scheduled for Planning Board consideration within four weeks. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.

**Proposed Subdivision Regulations Amendments**

5.1 The subdivider shall submit to the Planning Board's agent a completed application form, a preliminary plan and accompanying statement incorporating all requirements in "submissions" below, and the appropriate fee under the city's cost recovery ordinance at least three weeks before a regularly scheduled meeting of the Planning Board (See appendix for cost recovery ordinance). Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate.

5.1.3 Upon receiving an application and the fee required under the city's costs recovery ordinance, the Planning Board shall issue to the applicant a dated receipt. Within 30 days from receipt of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. If waiver requests have been submitted with the application, a determination of completeness by the Planning Board does not constitute approval of any waiver request, unless a specific finding to that effect is made by the Planning Board. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision. The review may begin at the meeting in which the application is declared complete.

Dupuis: motion to open a public hearing, seconded by Johnson, and so voted, 6-0. No comments. Dupuis: motion to close the public hearing, seconded by Johnson, and so voted, 6-0.

**Dupuis: I move that the Planning Board recommend to the City Council that the proposed amendment to Section 1103.3 of the Zoning Ordinance be approved, seconded by Ittenbach, and so voted, 6-0.**

**Ittenbach: I move that the Planning Board approve the amendments to Sections 5.1 and 5.1.3 of the Subdivision Regulations as proposed, seconded by Johnson, and so voted, 6-0.**

Meeting adjourned at 6:24 p.m.

Respectfully submitted,
Robert Hamblen
Planning Director
City of Saco

The Saco Pathfinders Snowmobile Club respectfully requests a zoning ordinance amendment or a contract zoning agreement with the City of Saco regarding its property located at 42 Heath Road, map 116, lot 22T1. The Club has started hosting lawn mower races from late spring through early fall in order to generate revenues to help with its operating expenses. The lawn mower races have become increasingly popular and the Club has need to expand its parking lot to accommodate attendees. In order to make this possible, we have secured the permission of an adjacent land owner as evidenced in the enclosed letter.

For over thirty years, the Saco Pathfinders Snowmobile Club has been involved in organizing and promoting snowmobiling in southern Maine. Formed in 1972, the Club brings together friends, families and neighbors while promoting safety, courtesy and landowner respect in snowmobiling and other sporting activities. Due to a generous bequeath from Frank Prior, Sr., the Club operates a clubhouse complete with kitchen facilities in Saco, Maine. In addition to providing parking and facilities for access to the thirty-five miles of trails the Club maintains in Saco and Scarborough, the Club is able to offer the benefits of its building and property for other activities such as:

- Providing a cost free meeting and activity space for a local Boy Scout troop
- Holding snowmobile, ATV and hunter safety courses
- Providing a low-cost rental space for large functions (a service which is discounted for members and charitable organizations)
Each year, the Snowmobile Club brings in revenue through membership dues, raffles, club rentals, grants, registration fees for safety courses and other miscellaneous fund raisers. The revenues generated from these activities are not adequate to keep up with the ever increasing costs of maintaining the building and property. The Club pays the City of Saco fully-assessed property taxes and must maintain an increasingly expensive insurance policy in addition to handling on-going utility and building maintenance expenses. Lawn mower racing has become an important addition to other fund-raising activities and goes a long way towards providing the funds necessary to maintain a safe and comfortable clubhouse for Club members as well as local Boy Scout Troop #371. For this reason, we ask that you respectfully consider this request.

Thank you in advance for your consideration.

Sincerely,

Robert Berry
Chairman
Saco Pathfinders Board of Directors
Saturday, May 03, 2008

To: Robert Hamblen, City Planner
RE: Planning Board Action; Contract Zone For Lawn Mower Races for Saco Pathfinders

Dear Mr. Hamblen:

RE: CE Department: R Lambert
Parking: With the adjacent land of S Scamman and our own property we will have 132 parking spaces. We also will have attendants to help park vehicles properly. Our intent is to keep this local and manageable.

RE: Police Department: C Labonte
No public safety related concerns as they relate to parking, crowd size, general community peace and quiet and health and welfare.

RE: Fire Department: J Duross
Access for emergency vehicles: With our current parking plan we see no problem with it.

State License: With the people that we have contacted to date no license required but still checking further.
Concession Stand: One for food
Attendance: In the past we averaged 100-150 with about 75 vehicles.
RE: Planning Board
Restrooms: We have a restroom in the building and also rent to portable toilets.
Track Lighting: The track has adequate lighting.
Noise: We have monitored noise levels and it is below required levels. All mowers are required to maintain stock exhaust.
Safety: Current spectator seating is protected by fencing and future seating will be also. We also have a stockade fence and buffer zone for the nearest neighbors.
Race Meets: Race meets will be held twice monthly, primarily on Friday nights from approximately 7 PM to 9 PM.

Any deviation would be due to weather.
I believe that I have covered all the items of interest for the Planning Board members.
If I can be of any further assistance or if you require additional information, please call me either at home @ 207 883-6775 or cell @ 207 730-2826.

Thank You,

Robert M. Berry
Chairman of Board of directors
January 20, 2008

If the Saco Pathfinders are given the proper permits/zoning from the City of Saco to hold Lawn Mower Races this year, I have agreed in principle to allow the Saco Pathfinders Snowmobile Club permission to park vehicles on a parcel of my property at 38 Heath Rd. which abuts there property, during any scheduled Lawn Mower Racing events. As one of there closest neighbors I would also like to give my endorsement for the races to continue. They have been nothing but great neighbors for the last 15 years that I have lived next to them and they manage all events on there property very professionally and treat all of there neighbors with great respect.

Shawn Scammon
38 Heath Rd.
North Saco Lawnmower Racing Association
Presents the
PATHFINDER CUP RACING SERIES

To Benefit The Saco Pathfinders Snowmobile Club Grooming Fund
5/4 Free Practice Session
5/11 Opening Day 50 laps
5/25 Memorial Day Classic 40 laps
6/8 Regular Racing 40 laps
6/22 Regular Racing 40 laps
7/6 The Firecracker 50 laps
7/20 The Midsummer Mowdown 50 laps
8/3 Regular Racing 40 laps
8/17 Dog Days of Summer 50 laps
8/31 Labor Day Classic 50 laps
9/14 Regular Racing 40 laps
9/28 The Mowdown Showdown 75 laps
10/12 Pathfinder Cup Racing Awards Banquet
At the Saco Pathfinders Clubhouse
46 Heath Road
Saco, Maine
Racing starts at 7:00 pm
Admission costs as follows:
Drivers $10 for 1st class
$5 for 2nd class
Non-Driver Pit Pass $5
Spectators $3
Under 10 free
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<td>YOUTH ALTERNATIVES INC.</td>
<td>PO BOX 596</td>
<td>PORTLAND</td>
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Councilor Mills moved, Councilor Bastille seconded, to recess. The motion passed with seven (7) yeas. TIME 7:35 p.m.

The City Council re-convened at 9:25 p.m

Mayor 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.

Mr. Richard R. Michaud, City Administrator was also present.

AGENDA ITEM:

a. (First Reading) Code Amendment Bicycle Ordinance Chapter 69-8 Bicycles

The title of ordinance §69-8 is “Bicycle Sale and Rental” which suggests that the original intent of the bicycle ordinance was to regulate licensed businesses. Said ordinance places the same requirements upon citizens that should be adhered to by licensed bicycle shops - as it relates to the safety worthiness of the bicycles.

The proposed changes in §69-8 simply remove the requirements placed on citizens that should be directed to licensed businesses.

Tim Murphy, the city attorney, is reviewing the potential of additional amendments to the ordinance which may be presented at the Council Meeting on July 7, 2008.

Councilor Lovell moved, Councilor Mills seconded that the city of Saco hereby Ordains and Approves the First Reading of the document titled, ‘Code Amendments to Chapter 69-8, Dated June 16, 2008’, and further moves to schedule the Public Hearing for July 21, 2008. The motion passed with seven (7) yeas.

A. Provision of safety equipment. No person, firm, association or corporations shall sell a bicycle without proper safety equipment as designated, unless such exchange of ownership is accompanied by a statement indicating that such bicycle has possible safety defects.

B. Proof of ownership required. No person shall sell or offer for sale or give away any bicycle unless he/she can prove ownership of said bicycle. Bill of sale shall constitute a proof of ownership. [Amended 5-3-2004]

C. Equipment and condition and registration. No person shall rent, or lease or loan a bicycle of any kind to another unless he/she has ascertained that the bicycle is in safe mechanical condition, and properly equipped as designated. [Amended 5-3-2004]

D. Persons under disability. No person shall knowingly rent, or lease or loan a bicycle of any kind to any person who is incapable of operating said bicycle by reason of physical or mental disability or who is under the influence of liquor, fermented beverages, narcotics or other drugs.

Be it ordered that the City Council, Pursuant to [1 M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (C) (A)] move to enter into Executive Session to discuss:

Acquisition of property and Personnel Matter

The motion passed unanimously.

Personnel Matter
Councilor Lovell moved, Councilor Mills seconded, to authorize the City Administrator to send a letter to the candidate. The motion passed with seven (7) yeas.

Acquisition
Councilor Smith moved, Councilor Lovell seconded, to acquire the property for a sum of $12,000. The motion passed with seven (7) yeas.

II. ADJOURNMENT
Mayor Michaud declared the meeting adjourned at 9:48 p.m.

Attest:__________________________
Lucette S. Pellerin, City Clerk