STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, May 18, 2009 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 Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith Jr., Ronald E. Morton, Sandra Bastille, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:

PARKS AND RECREATION COMMUNITY CENTER – FACILITY OF MERIT AWARD

Mayor Roland Michaud congratulated Parks & Recreation Director Joe Hirsch and Deputy Director John Sherman on being awarded the Maine Recreation & Parks Association Facilities of Merit Award.

The Saco Parks and Recreation Department on April 27th 2009 received this Merit Award for work performed at the Saco Community Center on Franklin Street. This award is given for new construction or substantial renovations of a community recreation facility located in the State of Maine. The Saco Community Center, 75 Franklin Street is the old National Guard Armory built in 1940 and purchased by the City in 2004 with Recreation Impact Fees assessed on new homes in Saco.

Funding for the renovations at the Saco Community Center came from the following areas: Recreation Impact Fees, Efficiency Maine for energy efficiencies throughout the building, Homeland Security for the backup generator, York County Jail for kitchen equipment, Community Development Block Grant for the elevator and the Sweetser Park Fund. These sources of funding comprised the majority of funds used for renovations at the Saco Community Center.

ARBOR WEEK PROCLAMATION – 2009

Mayor Roland Michaud proclaimed May 17 through May 23rd as the celebration of Arbor Week in the City of Saco, and urged all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and further urged all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

A copy of the complete proclamation is on page 6 as Attachment A.

V. APPROVAL OF MINUTES: MAY 4, 2009 & May 11, 2009

The minutes of May 4, 2009 and May 11, 2009 were approved as written.

VI. AGENDA ITEMS:

A. CONTRACT ZONE: WIRELESS TELECOMMUNICATION FACILITY AT 202 McKENNEY ROAD – PUBLIC HEARING

U.S. Cellular dba Maine RSA #1, Inc., proposes to erect a 190 foot telecommunications tower on a 100’X100’ portion of the property at 202 McKenney Road. This applicant proposed the same project in 2008, an effort that ended in disagreement over space being made available on the tower for use by the City. The applicant has reconsidered its position, and submitted an agreement with the Police and Fire Chiefs.

Wireless Telecommunication Facilities are not an allowed use in the C-1 zone. The applicant has identified this location due to its desire to cover the service area in northwest Saco, where coverage is poor. A contract zone is the only option that would allow a cell tower to be built and operated in this location. There is precedent for cell towers
being allowed via contract zoning; existing towers off Industrial Park Road, Rte. One and Flag Pond Road were approved as contract zones.

This item was reviewed by the Planning Board on April 7, 2009. The Board forwards a positive finding on each of the four 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 April 27, 2009. The First Reading was held on May 4, 2009.

Councilor Mills moved, Councilor Smith seconded to open the Public Hearing. The motion passed with unanimous consent.

Bob Gashlin, Representative for United States Cellular – Mr. Gashlin stated that public safety now has ample space on tower. He said that he also agreed with the staff recommendation as follows: He is supportive of this proposal, based on representations from the applicant and limitations imposed by the contract zone agreement. The proposal will be subject to site plan review with the Planning Board, at which time both on and off-site impacts will be evaluated and addressed.

Donald Bragdon, 218 McKenney Road – Mr. Bragdon stated that this doesn’t look like a proper zone. This is a small piece of land, and this tower will be abutting his property. Mr. Bragdon said his house was 60 feet from the property line, whereas his neighbor’s house on the other side is allot farther away from the tower property line. He inquired why the tower was being put so close to his property and whether this tower could be moved farther away from his property line.

Bob Gashlin, Representative for United States Cellular – Mr. Gashlin explained that the area next to Mr. Bragdon’s property is a higher area at 202 feet above sea level, versus putting the tower in the wet land area of the lot at 189 feet above sea level. He stated that the tower is at least 200 feet from property lines. He also stated that U.S. Cellular could take a look at possibly relocating it on the lot.

Councilor Mills moved, Councilor Smith seconded to move to close the public hearing and Be it Ordered that the City Council set the Second and Final Reading of the contract zone document entitled “Contract Zone Agreement By and between Maine RSA #1, Inc. and the City of Saco,” dated April 7, 2009; for June 1, 2009. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay – Councilor Mills.

A copy of the Contract Zone Agreement is on page 7 as Attachment B.

B. CONTRACT ZONE – BEAR BROOK ESTATES LLC, MOBILE HOME PARK, OCEAN PARK ROAD – PUBLIC HEARING

Applicant Bear Brook Estates LLC, represented by John Daigle of the Old Orchard Beach Campground, proposes a contract zone that would allow a 41-unit mobile home park to be constructed on a 16.5 acre portion of the campground parcel. Mobile home parks are not an allowed use in the B-2c and R-4 zoning districts in which the campground is located. The contract zone would limit dwelling units within the park to manufactured homes installed on foundations, and establishes the minimum lot size at 7,500 s.f.

Units are probably best described as “modular homes,” ranging from 1,000 to 1,400 s.f. in size with 2-3 bedrooms, installed on a slab foundation. Lots would be accessed via a proposed interior roadway off Ocean Park Road, which will remain private. Utilities would be public. The Affordable Housing Committee has reviewed this proposal favorably. If the contract zone is approved, the applicant would return to the Board for site plan and subdivision review.

This item was reviewed by the Planning Board on April 7, 2009. The Board made a positive finding on each of the four standards found in Section 1403-6, and makes a positive recommendation for the proposed contract zone.
The Council discussed this item at Workshop on April 27, 2009, and the First Reading was held on May 4, 2009.

Councilor Morton moved, Councilor Bastille seconded to open the Public Hearing. The motion passed with unanimous consent.

John Daigle, representing Bear Brook Estates LLC – Mr. Daigle currently owns and operates the Old Orchard Beach Campground, which has been a family owned business for 40 years. Mr. Daigle wants to create an affordable mobile home park. These would be very attractive double-wide mobile homes which are energy star rated, and look like regular stick homes. Each home is on a permanent chassis. Mr. Daigle stated that he is willing to work with the City and State. The main entrance would be on the Ocean Park Road, and it hasn’t been determined yet where the 2nd egress would be located. Mr. Daigle said that they would try not to put the 2nd egress on Cumberland Ave, because of concerns from the neighbors. He also noted that it would be more beneficial to have one entity taking care of the park area versus a subdivision with several owners. Individuals will be able to buy a home and put it on a rented lot. The home owner maintains their lot, and the park maintains the roads and utilities.

John Kennedy, Engineer for Sevee Maher – Mr. Kennedy stated that the roadway width is 20 feet, and that the turnarounds would also meet public safety requirements.

Joan Gilbert, 56 Cumberland Ave. – Ms. Gilbert was concerned about the prices of the homes, and that Skyline manufactures traditional mobile homes. She felt the contract zone wording should be very precise about what is being allowed to come into the community. When the lot rent is included, is this still considered affordable housing? What is the life expectancy of the home?

Don Eckley, representing Skyline Mobile Home – Mr. Eckley stated these were the same as regular homes. They are far superior to a stick built house. They are sectional homes that will not have the appearance of the old mobile homes.

Chris Cosgrove, 54 Cumberland Ave. – Mr. Cosgrove inquired whether this is intended to be a 55 year & older community? He noted that in the past there was a condo unit that was denied access to Cumberland Avenue because it would have caused more traffic in an area with children, and that there is also wetland there.

Wayne Dow, 65 Cumberland Ave. – Mr. Dow noted that Mr. Daigle was asking to put a mobile home park in a B2c & R4 zone, were it is not an allowed use. He inquired how much of a setback does the State allow from abutting properties? He thought 50 feet. Mr. Dow also inquired whether it was a requirement for a sidewalk. Also what happens if the Bear Brook ravine backs up?

Mary Connor, corner of Washington Ave – Ms. Connor was concerned for the city and abutters. She asked that the city think about sidewalks and a 50 foot buffer for property owners as well as green space. She noted that 1/3 of this property is in a wetland zone. Ms. Connor also felt this should be for age restricted individuals.

Sandy Guay, 52 Cumberland Ave. – Ms. Guay asked for clarification on what was being presented and what the actual contract zone is. She asked if financing would be available? Will it be considered affordable? Ms. Guay noted that once setbacks and buffers are considered there may not be room for 41 lots. She suggested that language be put in the contract zone under #5 that it should say up to 41 lots, and be subject to planning board review.

Brian Rayback, Attorney representing the Proposed Mobile Home Park – Mr. Rayback clarified that these homes will not be on permanent chassis.

Wayne Dow, 65 Cumberland Ave. – Mr. Dow asked that in the contract zone under #K, that it read that the second means of egress to and from the property shall not be Cumberland Ave. Hr stated that what they are saying and what is on paper are not the same.
Gail Libby, 73 Ocean Park Rd. – Ms. Libby wanted to know how many feet the buffer would be? Who are the tenants going to be? Will there be green space & sidewalks? She noted that how this impacts the neighborhood needs to be taken into consideration.

Councilor Bastille moved, Councilor Smith seconded to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for the contract zone document entitled “Contract Zone Agreement By and Between Bear Brook Estates, LLC and the City of Saco”, dated April 7, 2009 ; for June 1, 2009. Further move to approve the order. The motion passed with seven (7) yeas.

It was noted that if you rule out Cumberland Avenue, you restrict safety vehicle access. So Cumberland Avenue may be used for a safety vehicle egress only. It was also mentioned that this contract zone should address affordable housing more.

A copy of the complete contract zone by and between Bear Brook Estates LLC and the City of Saco is on page 14, as Attachment C.

C. ZONING ORDINANCE AMENDMENT - §805. STORMWATER RUN-OFF – PUBLIC HEARING

This proposed Zoning Ordinance amendment would update the City’s approach to stormwater management as required by the Maine Department of Environmental Protection (MDEP) under its Small Municipal Separate Storm Sewer Systems program (MS4). This is one piece of a comprehensive stormwater plan designed to reduce the discharge of pollutants within Saco’s urban area, and to protect water quality in keeping with requirements of the federal Clean Water Act.

The Planning Board considered the proposed amendments on April 14, 2009 and forwards a positive recommendation for passage.

The City Council discussed this item at Workshop on April 27, 2009; and the First Reading was held on May 4, 2009.

Councilor Lovell moved, Councilor Mills seconded to open the Public Hearing. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Lovell moved, Councilor Mills seconded to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the document titled, ‘Amendments to Zoning Ordinance Section 805. Stormwater Run-Off, dated April 27, 2009’ for June 1, 2009. Further move to approve the order. The motion passed with seven (7) yeas.

A copy of the Amendments to Zoning Ordinance Section §805, is on page 22, as Attachment D.

D. CODE AMENDMENT: CHAPTER 112-GENERAL ASSISTANCE PROGRAM APPENDIX B-THRIFTY FOOD PLAN FOR APRIL 09-SEPT 09

As part of the newly adopted Stimulus Bill signed by President Obama on February 17, 2009, the U.S.D.A. Thrifty Food Plan has increased to help provide additional food to the households receiving Food Supplements and to put additional money into the economy. The change is effective from April 1, 2009 to September 30, 2009, when the new Food Supplement allotments are usually developed.

The City Council discussed this item at Workshop on April 6, 2009, and the First Reading was held on April 27, 2009.
Councilor Tardif moved, Councilor Mills seconded to open the Public Hearing. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Tardif moved, Councilor Smith seconded to close the Public Hearing and be it Ordered that the Council set the Second and Final Reading for the code amendment to Chapter 112, General Assistance Program, Appendix B – Food Maximums for June 1, 2009. Further move to approve the Order. The motion passed with seven (7) yeas.

A copy of the General Assistance Appendix B – Food Maximums figures are on page 28 as Attachment E.

E. MASSAGE THERAPIST/ESTABLISHMENT LICENSE APPLICATION – DIANE M. PIERCE LMT

Diane M. Pierce, LMT located at O A Performance Center, 15 Lund Road, has applied for a Combined Massage Establishment/Therapist License.

The applicant has paid all applicable permit fees and has provided a license issued by the State of Maine in compliance with Chapter 138 § 138-9 Basic proficiency.

Councilor Cote moved, Councilor Mills seconded that it Be Ordered that the City Council grant Diane M. Pierce, LMT a Massage Therapist/Establishment License, in accordance to the Codes of the City of Saco, Chapter 138. Further move to approve the Order. The motion passed with seven (7) yeas.

VII. EXECUTIVE SESSION

Councilor Morton moved, Councilor Bastille seconded that it Be Ordered that the City Council, Pursuant to [1 M.R.S.A. Chapter 18, Subchapter 1 §405 (6) (D)] move to enter into Executive Session: for Labor Contract Discussions. The motion passed with unanimous consent. TIME: 8:05 p.m.

The Councilors moved from Executive Session with unanimous consent declared by the Mayor at 9:30 p.m.

A. REPORT FROM EXECUTIVE SESSION

Upon return from the executive session Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith Jr., Ronald Morton, Sandra Bastille, Arthur Tardif, Eric Cote and Marston Lovell.

There was no report.

VIII. ADJOURNMENT

The Councilors adjourned the meeting with unanimous consent declared by the Mayor at 9:31 p.m.

Attest: ____________________ Date Approved: ____________________
Michele L. Hughes, Deputy City Clerk
Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
Whereas, In 1978, the State of Maine first celebrated Arbor Week during the 3rd full week of May, and
Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and
Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Roland Michaud, Mayor of the City of Saco, do hereby proclaim

May 17th through May 23rd as the celebration of

Arbor Week

in the City of Saco, and I urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Further, Dated and signed this 18th day of May, 2009

Mayor ____________________________________________________
ATTACHMENT_B

Contract Zone Agreement
By and between
Maine RSA #1, Inc. and the City of Saco

April 7, 2009

THE CITY OF SACO HEREBY ORDAINS:

I. That the zoning ordinance of the City of Saco, dated January 2, 1985 as amended through December 5, 2008 is hereby amended by adopting the proposed change in use as further described in the following contract by and between the City of Saco and Maine RSA #1, Inc., (the U.S. Cellular Corporation).

This contract amends the Saco Zoning Ordinance in order to permit the construction of a Wireless Telecommunication Facility at 202 McKenney Road, identified as Tax Map 125, Lot 10, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. Maine RSA #1, Inc., (the Applicant), and/or its affiliates, proposes to construct a single Wireless Telecommunication Facility in the form of a monopole tower one hundred ninety (190) feet in height at 202 McKenney Road (Subject Property).

2. The record owner of the Subject Property is Linda L. Fenderson. Right, title and interest for the application is demonstrated via an Option to Lease by and between Linda Louise Fenderson, 1018 South Street, Dayton, Maine and Maine RSA #1, Inc., with an address of Attention: Real Estate, 8410 West Bryn Mawr Avenue, Suite 700, Chicago, Illinois 60631, a Maine corporation.

3. Said Option to Lease would grant the right to construct, operate and maintain a Wireless Telecommunications Facility, as defined by the City of Saco Zoning Ordinance, on a 100 foot by 100 foot portion (0.23 acre) of the Subject Property.

4. The Subject Property has an area of 8.25 acres, and is a legally nonconforming lot due to having only sixty (60) feet frontage on McKenney Road; two hundred (200) feet of frontage is required in the C-1 zone. A single family dwelling exists on the property.

5. The Subject Property is located in the C-1 zoning district.

6. Wireless Telecommunication Facilities not an allowed use in the C-1 district.

7. As stated in a letter dated March 5, 2009 from Robert Gashlin, KJK Wireless, 8 Providence Avenue, Falmouth, Maine, agent for U.S. Cellular, “U.S. Cellular is licensed by the Federal Communications Commission to provide telecommunications service to northwest Saco and the surrounding areas where it lacks adequate coverage and capacity.”

8. The Applicant requests that the City of Saco establish a Contract Zone specifically and exclusively for the portion of the Subject Property subject to said Option to Lease in order to allow the construction, operation and maintenance of a Wireless Telecommunication Facility.

II. This contract amends the Saco Zoning Ordinance as follows:

A. Notwithstanding Section 410-14, a single Wireless Telecommunication Facility, as described in the
application materials submitted by KJK Wireless on behalf of Maine RSA #1, Inc., to include a one hundred ninety (190) foot monopole tower and supporting infrastructure, antennas, utilities, equipment shelter, back-up power generator, propane tank, associated equipment and an access road from McKenney Road, sited within a fenced enclosure as shown on a site plan submitted by the Applicant, entitled “U.S. Cellular, Site Name: Salmon Falls, Site No.: 853399,” shall be regarded as a permitted use on the Subject Property.

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

1. The Wireless Telecommunication Facility is subject to review under the provisions of Section 728, and Article 11, Site Plan Review of the Saco Zoning Ordinance.

2. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance.

3. All details as shown on the final plan approved by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed 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. This Document and Contract Zone affects only the Subject Property.

5. This contract and its provisions shall apply exclusively to the contract zone request submitted by the Applicant and/or its agents.

6. This Document and the Contract Zone it creates shall not be transferable prior to development as proposed by the Applicant, unless permission for said transfer or conveyance is approved by the City Council.

7. Failure of the Applicant to secure site plan 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 Federal Communications Commission 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 Applicant, this one year deadline may be extended by one year upon written request submitted by the Applicant, subject to approval by the City Council.

8. Breach of these conditions and restrictions by the developer 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.

9. The Applicant shall provide the City of Saco with a co-location position on the proposed tower at an elevation between ninety (90) and one hundred ten (110) feet above the base of the tower, and with other considerations as specified in the “Agreement to Provide Space at US Cellular Telecommunications Facility to be Located at 202 McKenney Road, Saco, ME 04072” at no cost to the City, in order that the City may install or have installed an antenna for wireless telecommunication purposes.

10. It is the intent of the City that towers, structures or similar installations erected as part of a Wireless Telecommunication Facility shall be available to multiple tenants, carriers, and/or providers of wireless telecommunication service. The Applicant shall provide a signed statement obligating the owner of the Facility and its successors and assigns to:
a. Respond in a timely, comprehensive manner to any request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of what is commonly charged within the telecommunications industry;

b. Negotiate in good faith based on commonly accepted practices within the telecommunications industry for shared use of the facility by third parties, thereby agreeing to not limit the number of carriers utilizing the Facility to less than the carrying capacity of the Facility;

c. Allow shared use of the facility on a first come, first served basis if any applicant agrees in writing to pay charges for co-location that are commonly accepted within the telecommunications industry;

d. Require no more than a reasonable charge for shared use, based on commonly accepted practices within the telecommunications industry. This charge may include, but is not limited to a pro-rata share of the cost of planning project administration, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the Facility or equipment to accommodate a shared user without causing electromagnetic interference.

e. The City of Saco is specifically recognized as not being a potential co-location applicant, and is not bound by terms herein.

IV. By vote of the Saco Planning Board on April 7, 2009, and the Saco City Council on _____, 2009, the following findings are hereby adopted:

A. The portion of Map 125, Lot 10 proposed as a site for a Wireless Telecommunication Facility by the Applicant and/or its agents is of an unusual nature and location, for the following reasons:

1. The property is unique because it is located in an area that has substandard or no wireless telecommunications service. Also, US Cellular has determined that this specific location is required to effectively implement its Federal Communications Commission license.

2. U.S. Cellular’s intended service area is in northwest Saco where the overwhelming majority of land is zoned Conservation District (C-1). The Ordinance provides that telecommunications facilities are permitted only in the Light Industrial / Business Park District, Highway Business District, Business Park District, and Industrial District. No such districts are located in close enough proximity to U.S. Cellular’s intended coverage area to provide adequate service. Accordingly, U.S. Cellular proposes to construct its Facility in the Conservation District pursuant to contract zoning.

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

Part One and Part Two of the Saco Comprehensive Plan discusses the origins, trends, and existing socio-economic conditions in Saco. Like many northern New England manufacturing based communities, Saco has recognized the need to transition to a more diverse, dynamic, and contemporary orientation which is a basis for a viable community. Saco has successfully made this transition and the catalyst has been innovation and forward thinking community planning. Wireless telecommunication facilities do provide a stimulus for a diverse, dynamic and contemporary community. For example, currently 85% of all citizens own cell phones and 22% have replaced traditional land based telephones with cell phones as their only means of communications. Many people work from their homes and require adequate cell phone service and broadband (which wireless telecommunications facilities provide). Many people also require cell phone service while they commute to work, while they conduct routine errands, and during emergency situations. Last year up to 30% of all calls for emergency services in Maine came
from cell phones. Wireless telecommunications have become a fundamental need in many people’s lives and this trend is still evolving.

U.S. Cellular’s proposed Facility is also consistent with Part Four of the *Saco Comprehensive Plan* that encourages compatibility with regional plans. Specifically, US Cellular’s intent to provide cellular service to northwest Saco that currently has inadequate or no such service is directly compatible with Governor Baldacci’s Wireless Telecommunications Initiative and the Federal Government’s Telecommunications Act of 1996.

The *Saco Comprehensive Plan*, Section 17B, states a goal is “To assure that new commercial and industrial development occurs in a way that is visually and environmentally sound and that protects established residential neighborhoods.” The location of the Facility will have a minimal impact on the area because it is located in a relatively remote and forested area on an 8.25-acre parcel that is 200’ back from the closest property line and approximately 750’ back from McKenney Road. The Facility will produce minimal or no noise, dirt, dust, glare, odor, fumes, smoke, gas, sewerage, refuse, vibration, or danger of explosion or fire.

The *Saco Comprehensive Plan*, Section 17F, states a goal is “To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.” The *Saco Comprehensive Plan* has identified northwest Saco as one of the fastest growing areas in Saco. This area currently has substandard or no telecommunications service and the Facility will provide such service that will accommodate the growth of commercial and residential activities.

The *Saco Comprehensive Plan*, Section 17M, states a policy that “The City should continue to pursue economic growth that expands the City’s tax base.” It is anticipated that the Facility will produce a revenue stream for the City in the form of personal property taxes.

C. The proposed use is consistent with, but not limited to, existing uses and allowed uses within the C-1 zone. Similar existing uses in the C-1 zone include a Wireless Telecommunication Facility off Flag Pond Road, a cable television tower off Boom Road, and a radio broadcast tower off Simpson Road. Allowed uses include agriculture, single and two-family dwellings, essential services, kennels, timber harvesting, golf courses, hospitals and clinics, extractive industry, etc.

D. The conditions and restrictions noted above are adequate to meet the intent of the Saco Zoning Ordinance.

Based on the above findings, and the conditions and restrictions listed above, the City Council hereby incorporates this Contract Zone agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by all the conditions and restrictions as contained herein.

Adopted by the Saco City Council on __________, 2009.

City of Saco Maine RSA #1, Inc.

________________________________________________________

Richard Michaud, City Administrator

End of Contract Zone document

http://www.fcc.gov/oet/rfsafety/rf-faqs.html#Q15

Radio Frequency Safety
Frequently asked questions about the safety of radiofrequency (RF) and microwave emissions from transmitters and facilities regulated by the FCC

For further information on these (and other) topics please refer to OET Bulletin 56. You may also contact the FCC’s RF Safety Program at rfsafety@fcc.gov or 1-888-225-5322

ARE CELLULAR AND PCS TOWERS AND ANTENNAS SAFE?

Cellular radio services transmit using frequencies between 800 and 900 megahertz (MHz). Transmitters in the Personal Communications Service (PCS) use frequencies in the range of 1850-1900 MHz. Antennas used for cellular and PCS transmissions are typically located on towers, water tanks or other elevated structures including rooftops and the sides of buildings. The combination of antennas and associated electronic equipment is referred to as a cellular or PCS "base station" or "cell site." Typical heights for free-standing base station towers or structures are 50-200 feet. A cellular base station may utilize several "omni-directional" antennas that look like poles, 10 to 15 feet in length, although these types of antennas are becoming less common in urban areas.

In urban and suburban areas, cellular and PCS service providers now more commonly use "sector" antennas for their base stations. These antennas are rectangular panels, e.g., about 1 by 4 feet in dimension, typically mounted on a rooftop or other structure, but they are also mounted on towers or poles. The antennas are usually arranged in three groups of three each. One antenna in each group is used to transmit signals to mobile units (car phones or hand-held phones), and the other two antennas in each group are used to receive signals from mobile units.

At a given cell or PCS site, the total RF power that could be transmitted from each transmitting antenna at a cell site depends on the number of radio channels (transmitters) that have been authorized and the power of each transmitter. Typically, for a cellular base station, a maximum of 21 channels per sector (depending on the system) could be used. Thus, for a typical cell site utilizing sector antennas, each of the three transmitting antennas could be connected to up to 21 transmitters for a total of 63 transmitters per site. When omni-directional antennas are used, up to 96 transmitters could be implemented at a cell site, but this would be very unusual. Furthermore, while a typical base station could have as many as 63 transmitters, not all of the transmitters would be expected to operate simultaneously thus reducing overall emission levels. For the case of PCS base stations, fewer transmitters are normally required due to the relatively greater number of base stations.

The signals from a cellular or PCS base station antenna are essentially directed toward the horizon in a relatively narrow pattern in the vertical plane. The radiation pattern for an omni-directional antenna might be compared to a thin doughnut or pancake centered around the antenna while the pattern for a sector antenna is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter decreases rapidly as one moves away from the antenna. Consequently, normal ground-level exposure is much less than exposures that might be encountered if one were very close to the antenna and in its main transmitted beam.

Measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are thousands of times less than the FCC's limits for safe exposure. In fact, in order to be exposed to levels at or near the FCC limits for cellular or PCS frequencies an individual would essentially have to remain in the main transmitting beam (at the height of the antenna) and within a few feet from the antenna. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of these guidelines due to cellular or PCS base station transmitters.

When cellular and PCS antennas are mounted at rooftop locations it is possible that ambient RF levels could be greater than those typically encountered on the ground. However, once again, exposures approaching or exceeding the safety guidelines are only likely to be encountered very close to or directly in front of the antennas. For sector-type antennas RF levels to the side and in back of these antennas are insignificant. (Back to Index)
ARE CELLULAR AND OTHER RADIO TOWERS LOCATED NEAR HOMES OR SCHOOLS SAFE FOR RESIDENTS AND STUDENTS?

As discussed above, radiofrequency emissions from antennas used for wireless transmissions such as cellular and PCS signals result in exposure levels on the ground that are typically thousands of times less than safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

Other antennas, such as those used for radio and television broadcast transmissions, use power levels that are generally higher than those used for cellular and PCS antennas. Therefore, in some cases there could be a potential for higher levels of exposure on the ground. However, all broadcast stations are required to demonstrate compliance with FCC safety guidelines, and ambient exposures to nearby persons from such stations are typically well below FCC safety limits. (Back to Index)

_____________________End of Radio Frequency Safety document____________________
AGREEMENT TO PROVIDE SPACE AT US CELLULAR TELECOMMUNICATIONS
FACILITY TO BE LOCATED AT 202 MCKENNEY ROAD, SACO, ME 04072

US Cellular shall provide the City of Saco the right to install certain equipment at US Cellular’s
proposed telecommunications facility at 202 McKenney Road as listed below.

- Two (2) 20’ tall whip antennas to be located at the 90° - 110° tower elevation.
- One (1) coaxial cable for each antenna for a total of two (2) cables. Each cable shall not
  exceed 7/8” diameter.
- One (1) 6’ x 8’ equipment cabinet. US Cellular shall approve the final location of the cabinets
  inside US Cellular’s fenced compound. US Cellular shall provide the equipment cabinet to
  the City of Saco free of charge.

The City of Saco shall be responsible for all costs associated with the purchase and installation of its
equipment that will be installed at the facility except for the equipment cabinet which US Cellular
shall provide free of charge. The City of Saco shall also be responsible to pay for any structural
analysis for the installation of its equipment to the extent one may be required.

US Cellular agrees to waive all application fees and rental fees associated with the City of Saco’s
use of US Cellular’s proposed facility contemplated herein.

\[Signature\]
Alden Murphy, Chief, Saco Fire Department

\[Signature\]
Authorized Representative for US Cellular

\[Signature\]
Bradley Paul, Chief, Saco Police Department

\[Signature\]
Date
3/2/09

\[Signature\]
Date
3/2/09

\[Signature\]
Date
3/2/09
AGREEMENT TO PROVIDE SPACE AT US CELLULAR TELECOMMUNICATIONS
FACILITY TO BE LOCATED AT 202 McKENNEY ROAD, SACO, ME 04072

US Cellular shall provide the City of Saco the right to install certain equipment at US Cellular’s
proposed telecommunications facility at 202 McKenney Road as listed below:

- Two (2) 20’ tall whip antennas to be located at the 90’—110’ tower elevation.
- One (1) coaxial cable for each antenna for a total of two (2) cables. Each cable shall not exceed 7/8” diameter.
- One (1) 6’ x 8’ equipment cabinet. US Cellular shall approve the final location of the cabinet inside US Cellular’s fenced compound. US Cellular shall provide the equipment cabinet to the City of Saco free of charge.

The City of Saco shall be responsible for all costs associated with the purchase and installation of its
equipment that will be installed at the facility except for the equipment cabinet which US Cellular
shall provide free of charge. The City of Saco shall also be responsible to pay for any structural
analysis for the installation of its equipment to the extent one may be required.

US Cellular agrees to waive all application fees and rental fees associated with the City of Saco’s
use of US Cellular’s proposed facility contemplated herein.

Alden Murphy, Chief, Saco Fire Department

Date

Bradley Page, Chief, Saco Police Department

Date

Authorized Representative for US Cellular

Date
ATTACHMENT C

Contract Zone Agreement By and Between  
Bear Brook Estates, LLC, and the City of Saco  

April 7, 2009

THE CITY OF SACO HEREBY ORDAINS:

I. That the zoning ordinance of the City of Saco, dated January 2, 1985, and amended through December 5, 2008 is hereby amended by adopting this contract by and between the City of Saco and Bear Brook Estates, LLC.

1. Bear Brook Estates, LLC, (Applicant) has submitted an application for a contract zone for a portion of the parcel at 27 Ocean Park Road.

2. The Subject Property is a 16.6 acre portion (“the site”) of the 62.27 acre parcel identified as Map 29, Lot 7 on City of Saco tax maps, as identified on the plan attached at Exhibit A.

3. The Subject Property is owned by RBD, Inc., 27 Ocean Park Road, Old Orchard Beach, Maine, which is the parent corporation of the Applicant. By the signature of its President below, RBD, Inc. herein consents to this Contract Zone Agreement. The Applicant has established sufficient title, right, or interest to the Subject Property via a Capital Contribution Agreement from RBD, Inc.

4. The Subject Property is primarily in the R-4 zoning district. The portion of the Subject Property along Ocean Park Road is zoned B-2c for a depth of roughly two hundred fifty (250) feet.

5. The Applicant proposes to develop a forty-one (41) lot mobile home park on the Subject Property, as shown on the plan attached at Exhibit B.

6. Recognizing that a Mobile Home Park is not an allowed use in the R-4 or B-2c zones, and recognizing that the project may best suit the Subject Property if certain other requirements of the Zoning Ordinance are modified, the Applicant hereby makes application for a Contract Zone that would allow the proposed Mobile Home Park to be reviewed, approved and constructed on the Subject Property as a legally conforming use.

II. This contract 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 propose and construct a Mobile Home Park, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

a. A Mobile Home Park shall be allowed as a permitted use on the Subject Property.

b. Said Mobile Home Park shall be limited to those units commonly called “manufactured homes,” which the manufacturer certifies are constructed in compliance with Title 10 of the Maine Revised Statutes Annotated, Chapter 951, and rules adopted under that chapter, but meaning and intending said use under this Contract Zone to be limited to those structures transportable in one or more sections which are not constructed on a permanent chassis, and are designed to be installed on foundations and connected to utilities customarily available to residential dwellings.
c. Notwithstanding Tables 412-1 and 412-2, lot area, frontage and setback requirements shall be as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (sewered)</td>
<td>Minimum Net Residential Acreage per Dwelling Unit (sewered)</td>
</tr>
<tr>
<td>7,500 s.f.</td>
<td>7,500 s.f.</td>
</tr>
<tr>
<td>Minimum Lot Frontage on Interior Roadway</td>
<td>Minimum Depth Front Yard</td>
</tr>
<tr>
<td>65 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Depth Front Yard, Public Street</td>
<td>Minimum Depth Side and Rear Yards</td>
</tr>
<tr>
<td>20 feet</td>
<td>Combined setbacks on abutting lots shall be no less than 25 feet between buildings, and no individual setback shall be less than 10 feet.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>Maximum Height</td>
</tr>
<tr>
<td>30%</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

e. The Applicants shall adhere to all other applicable provisions of the R-4 and B-2c zoning districts and of the City of Saco Zoning Ordinance and Subdivision Regulations.

f. City and Applicant recognize that the sketch plan submitted for contract zone review is a general representation of site layout, but is subject to change as a result of site plan and subdivision review conducted by the Planning Board. If it is determined by the Planning Board that the changes constitute a material change in the substance of the contract, then Applicant shall also be required to seek and obtain subsequent City Council approval of the changes before any development may proceed.

g. These amendments affect only the Subject Property, which is the 16.6 acre site, and will not be deemed to bind, condition, or limit the remainder of the parcel upon and after the anticipated and required real property transfer which is an obligation of Applicant and RBD, Inc as described herein below in Subsections (k) and (j).

h. Upon approval of this contract by the City Council, the Applicant shall submit materials required for site plan and subdivision review to the Planning Office in order that the project may be reviewed by the Planning Board. Failure of the Applicant to secure site plan approval from the Planning Board within two years of the approval of this Contract by the 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, the two year deadline may be extended by one year upon written request to the City Council.

i. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicant as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be assigned or transferred without review and written approval by the City Council, such consent not to be unreasonably withheld.

j. Breach of these conditions and restrictions by the Applicant shall constitute a breach of the contract, and the Applicant 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.

k. A second means of egress to and from the Subject Property shall be provided as part of the site and subdivision plan submitted to the Planning Office for review by the Planning Board.

l. This Contract Zone shall only take final effect upon the transfer of the Subject Parcel from RBD, Inc to the Applicant. Within 30 days of said transfer of title on the Subject Property from RBD, Inc. to the Applicant, the Applicant shall provide written notice of such transfer, including a copy of the recorded deed, to the City at the following address:

City Planner

C:\Program Files (x86)\PDFConverter\temp\NVDC\3CB45E90-7E76-4FEE-9713-44C5FFA52172\64e3203d-be43-4792-9de2-f1b0f622b56efile.doc 5/27/2009 16
Planning & Economic Development Department  
City of Saco  
300 Main Street  
Saco, ME  04072

i. Upon confirmation of a transfer of title, the City shall create a separate Map Lot number for the Subject Parcel, and the site shall be permanently listed as being bound by this Contract Zone as required by Title 30-A. and Saco Zoning.

III. 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 April 7, 2009, and the Saco City Council on _______ , 2009, the following findings are hereby adopted:

A. A portion of City Tax Map 29, Lot 7 comprises the Subject Property, a parcel of an unusual nature and location for the following reasons:

1. The Subject Property is a 16.6 acre portion of a 62.27 acre parcel that lies within both Saco and Old Orchard Beach. It is bisected by both the town line and by a zoning boundary, and lies within both the B-2c and R-4 zoning districts.

2. The Subject Property is distinct from the remaining portion of the 62.27 acre parcel because it is separated from it by an electrical power line corridor, has a separate access onto Ocean Park Road, and the Applicant intends to develop it as a separate development from the Old Orchard Beach Campground.

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

Chapter 17, Section A. Population  
Local Goal: to accommodate growth in a manner that maintains the character of the City.  
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.

F. Land Use  
General Pattern of Development – To facilitate (the historical pattern of a built-up urban center) the city should plan an active role in encouraging and supporting the redevelopment, reuse, and revitalization of the built-up areas of the City.  
3. The City should allow reasonable infill residential development within the built-up area to accommodate some of the demand for residential growth within these areas of the City. The City’s land use regulations should allow new development at a density and scale similar to established neighborhood patterns.  
4. New development should be accommodated in designated growth areas where the City can provide municipal services and where development can occur in an environmentally sensitive manner. As a general principle, these areas should be served or should be able to be reasonably served by public water and public sewer service.

Residential Development  
7. The City of Saco is a desirable location. The City should continue to allow the construction of new housing in a variety of locations within the community. The zoning regulations should allow the development/redevelopment of a range of housing within the urban core…  
11. Manufactured housing offers a cost efficient form of housing. The City should allow double wide manufactured housing units that meet State standards and have a residential appearance including a pitched roof and residential siding to be located on any lot on which a conventionally built single family home can be located subject to the same requirements.
C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original (existing) zones are the R-4 General Residential District “…designated for land that, due to its availability of land, access to utilities, and existing character, can support a mix of residential use at medium densities,” and the B-2c Highway Business District, designated for “…business uses which require large areas of volumes of automobile traffic. The purpose of this district is to locate these high traffic generators away from the downtown core, along the major arterial traffic routes.” Among the permitted and conditional uses allowed in the R-4 zone are single, two-family and multi-family dwellings, manufactured housing units, elderly congregate housing, boarding homes, and adult day care centers. Among the permitted and conditional uses allowed in the B-2c zone are single, two-family and multi-family dwellings, tourist homes, nursing homes, day care centers, and boarding houses. Examples of uses in the vicinity of the subject property include single and two-family dwellings along Cumberland Avenue and Ocean Park Road, multi-family dwellings at the Bridgewater Place off Ocean Park Road, and Saco Commons condominium off Ocean Park Road, and an Elks Lodge off Ocean Park Road.

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

IV. 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 _______, 2009.

by ________________________________      by ________________________________

Richard Michaud                              Michael R. Daigle, President
City Administrator                        Bear Brook Estates, LLC
                                            Applicant

SEEN AND AGREED:

by ________________________________

Michael R. Daigle, President
RBD, Inc.

End of Contract Zone Agreement

Minutes of the April 7, 2009 Planning Board Meeting


Sandy recused herself from this review because she is an abutter to the project
On January 20, John Daigle appeared before the Board with a sketch plan for a 36-unit mobile home park, and a request for direction as to pursuing either a contract zone or a mobile home park overlay zone. No strong preference was indicated by the Board that evening. Since then, a meeting with the Affordable
Housing Committee and further discussion with staff has resulted in this application for a contract zone, and the creation of Bear Brook Estates, LLC, now and the applicant.

The primary thing the contract zone agreement (CZA) accomplishes is allowing a mobile home park on a 16.5 acre portion of the parcel; otherwise, mobile home parks are not an allowed use in the B-2c and R-4 zoning districts. The CZA also limits dwelling units within the park to manufactured homes installed on foundations, and establishes the minimum lot size at 7,500 s.f., which is 1,000 s.f. greater than the minimum required by the Zoning Ordinance for mobile home parks; it does happen to be the minimum lot size for the R-4 zone, however.

The plan has evolved a bit, now calling for 41 lots, each fronting on the proposed interior roadway, which will remain private. Utilities would be public, and will include an upgrade to an existing sewer main on Cumberland Avenue. If the proposal succeeds with the Council, then the applicant would return to the Board for site plan and subdivision review, and standards found in Sec. 704.

As set forth in Article 14: “Before forwarding a recommendation a contract zoning amendment to the City Council the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:
A. is for land with an unusual nature or location;
B. is consistent with the Comprehensive Plan;
C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and
D. that the conditions proposed is sufficient to meet the intent of this section.

(Amended 12-20-93)"

**John Daigle, applicant:** They are requesting a contract zone agreement for approximately 16.6 acre parcel located in the R-4 zone. The parcel is located on the back side of the Old Orchard Beach Campground.

The purpose of the contract zone would be to allow the development of a mobile home park with manufactured housing. These homes would be high quality, affordable, energy efficient homes, and would be of various sizes from one to three bedrooms, some of which would have attached garages or porches. We are open to the idea of 55+ concept, so as not to impact the school system. The lots would be leased, and they would retain the land. He has gotten positive feedback from the Affordable Housing Committee.

**Don:** How would the lots be leased; by the month? Do they come with their own frames and does it stay with the home? Are there axels and wheels?

**Rene:** Lots 28 thru 32, will permits be needed for the wetlands? **Bob H:** without question a stormwater law permit is in play here, as well a Site Location of Development.

**Don:** would you be willing to restrict this development to these types of homes and not mobile homes, because he wouldn’t want someone bringing in an older mobile home. We need to look at the language.

**John Daigle:** He is agreeable to that.

**Rene moved to open the public hearing, seconded by Roger and so voted 5-0**

**Jamie Storey, 75 Ocean Park Road:** What is the setback for Lots 1, 2, 3 and 4 because they are right near his property line. A 2009 mobile home will depreciate. What will happen to the value of his home?

**Gail Libby, 73 Ocean Park Road, Unit #5:** She complained about the process and the confusion of the address that was advertised, as well as the times of the meeting. How does the leasing work and how does the funding work? She would like a decision made on whether it is to be 55+ and older because it will make a difference.

**Mary Plummer, Hodgeman Ave:** She read somewhere where it was a State requirement that a contract zone be signed saying that it is for 55 years old and older.

**Chris Cosgrove, 54 Cumberland Ave:** How much tweaking can you do. You are trying to fit a square peg in a round hole. It sounds like a transient campground to him. Cumberland Ave is a raceway. This development will only create more traffic. You want to beautify something, then add a sidewalk and some trees.

**Joan Gilbert, 56 Cumberland Ave:** Will the Board decide tonight on the Contract Zone? What about the lot adjacent to Cumberland Ave. She is worried there might be another entrance. Don’t want to see more traffic flow. She does not want to see access to Cumberland Ave.
Wayne Dow, 65 Cumberland Ave: What happens when these mobile home turn 20 years old. What happens to them then?

Sandy Guay, 52 Cumberland Ave: Traffic is definitely an issue on Cumberland Ave. She is concerned about having lot access to Cumberland as well. She wants to make sure that the applicant adheres to all the Subdivision Regulations, such as buffering.

Bob H: He explained the Boards process and the Councils process as well, regarding contract zones. The Planning Office will notify abutters when the council meets on this topic. He will also get with Dan Sanborn in the Assessors office regarding the affect of property values. As for Wetlands, DEP will way in for the State and the City. The lot frontage on Cumberland will be for utility access only. A traffic report will be required and buffering will be needed and required as well.

John Daigle: They have not looked into the management aspect of the park, because if this doesn’t go forward, it’s all mute. They need to get past the conceptual plan first. The government has beefed up the code requirements and they are built much better than they use to, so there is no reason they cannot last as long as regular stick homes. He has models in his park, which have been around for 20 years and he encouraged people to go take a look and see how nice they looks. He is willing to work with his neighbors in buffering and fencing. His desire is to have 55 years and older. He wants to retain the land as a source of income.

Don Eckley, Skyline Mobile Homes: People would still need to have a good credit standing. These homes will cost around $100,000.

Roger moved to close public hearing, seconded by Rene and so voted 5-0

Don: He would like to focus on the setbacks, which are much different. It drops from 45ft to 10ft, which concerns him. They should be further apart. Will there be enough for cars to park? Bob H: the setback requirements for Mobile Home Parks are dead on.

Don: It looks like there is some room to increase that setback. Maybe the setback could be varied from side yard to side yard.

Bob H: It’s privately owned and he understands the input, but if the applicant can fit a Mobile Home and two parking spaces, it’s his prerogative.

Roger: Maybe they should change it from 10ft to 20ft.

Don: What about 20ft on front yard and side and rear yards 1 lot 10ft and 1 lot 15ft, with 25ft from abutting lots and no less than 10ft? We should make sure that the wording on what type of Mobile Home modules have restricted access to Cumberland Ave. Also restrictions on 55 and older. He thinks that there should be a second access to Cumberland Ave as well, but he will take that up when they come back for Site Plan.

The Board went through each of the four standards and voted accordingly.

A. IS the land of an unusual nature or location.

   Roger moved to accept, seconded by Rene and so voted 5-0

B. Is the land consistent with the Comprehensive Plan.

   Rene moved to accept, seconded by Roger and so voted 5-0

C. Is the land consistent with, but not limited to, the existing uses and permitted uses within the original zone.

   Rene moved to accept, seconded by Roger and so voted 5-0

D. Are the conditions proposed sufficient to meet the intent of this section.

   Roger moved to accept as amended in Section 3d of Contract Zone, seconded by Rene and so voted 5-0

Don: “I move that the Planning Board forward a positive recommendation to the City Council for a proposed contract zone that would allow a Mobile Home Park as proposed by applicant Bear Brook Estates LLC to be developed on a portion of the parcel identified as Tax Map 29, Lot 7 off Ocean Park Road.” Seconded by Rene and so voted 5-0
Bear Brook Estates, LLC

CAPITAL CONTRIBUTION AGREEMENT

This CAPITAL CONTRIBUTION AGREEMENT (this “Agreement”), dated as of March 13, 2009, is by and between Bear Brook Estates, LLC, a Maine limited liability company (the “Company”), and RBD, Inc., a Maine corporation (the “Contributor”).

1. Capital Contribution: Issuance of Membership Interest. Subject to the terms and conditions of this Agreement, the Contributor agrees to contribute its entire right, title and interest in the real property described on Exhibit A attached hereto (the “Property”) to the Company in exchange for 100% of membership interests of the Company (the “Membership Interest”).

2. Contribution and Assignment of Rights. The Contributor agrees to transfer and assign its entire right, title and interest in the Property to the Company within sixty (60) days after the Company has obtained all governmental permits and approvals necessary to develop and operate a mobile home park on the Property (the “Required Approvals”).

3. Termination of Agreement. This Agreement shall automatically terminate if the Company does not obtain the Required Approvals by December 31, 2011.

4. Representations and Warranties of the Company. The Company hereby represents and warrants to Contributor that the Membership Interest when issued pursuant to this Agreement will be duly and validly issued, fully paid and nonassessable.

5. Representations and Warranties of Contributor. The Contributor hereby represents and warrants to the Company that the Membership Interest acquired by it hereunder will be acquired for its own account for investment and not with a view toward, resale, or redistribution thereof in a manner prohibited under the Securities Act of 1933, as amended.

6. Notices. Correspondence and notices to the Contributor should be sent to the Contributor’s address in the Company’s records until such time as the Contributor shall notify the Company, in writing, of a different address to which such correspondence and notices are to be sent.

7. Amendment. This Agreement may not be amended without the duly authorized written consent of all parties.

8. Miscellaneous.

(a) This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same document.

(b) This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes any prior or contemporaneous agreements, oral or written, relating thereto.
(c) This Agreement shall be construed and enforced in accordance with the laws of the State of Maine

d) Each provision of this Agreement shall be considered separable and if for any reason any provision or provisions hereof are determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those portions of this Agreement that are valid.

IN WITNESS WHEREOF, the parties hereto have executed this Capital Contribution Agreement as of the date first written above.

BEAR BROOK ESTATES, LLC
By: ____________________________
   Michael R. Daigle,
   President

RBD, INC., Sole Member
By: ____________________________
   Michael R. Daigle,
   President

EXHIBIT A

Description of Property

See Attached
"Amendments to Zoning Ordinance Section 805, dated April 27, 2009"
Section 805. Stormwater Run-Off (Amended 3/2/92; 6/18/2001)

In general, surface water run-off shall be minimized, and it shall be the responsibility of the person developing the land to demonstrate that the work will not have an adverse impact on abutting properties or downstream properties.

The volume of stormwater discharged from any parcel must be minimized through the use of on-site infiltration, detention, or retention to the extent practical. When stormwater must be discharged from a parcel, the preferred method is discharge into the natural drainage system. Discharge of stormwater to the City’s MS4 shall be allowed only when on-site retention and/or discharge to the natural system is not practical.

Infiltration, detention, or retention of stormwater shall assure that the Total Maximum Daily Loads (TMDLs) that have been established by the U.S. Environmental Protection Agency for various waterbodies in the City will be met to the extent practical. The disposal of stormwater shall not constitute a threat to public health, safety and welfare and shall not degrade the quality of surface water or groundwater below city, state or federal standards.

805-1. STORMWATER QUANTITY

Adequate provisions shall be made for the disposal of all stormwater from a proposed development through a stormwater drainage system which will not have adverse impacts on abutting or downstream properties. All projects disturbing less than one acre shall be designed to meet the requirements of this Section, 805-1. All projects including one acre or more of disturbed area shall meet the requirements of this section, 805-1 and the requirements of the Site Location of Development Law, 38 MRSA, 481 – 490, the Maine Stormwater Management Law, 38 MRSA Section 420-D, and regulations promulgated there under, specifically Chapter 500 and 502, having an amended on December 21, 2006. In determining if the threshold is met, all disturbed area created after the effective date of this provision shall be included in that total.

1. To the extent possible, the design shall dispose of stormwater runoff on the land at the proposed development through the appropriate use of the natural features of the site. Stormwater runoff systems will infiltrate, detain, or retain stormwater falling on the site such that the rate of flow from the site does not exceed that which would occur in the undeveloped state for a storm of intensity equal to the 2, 10, 25 and 50-year storm events.
2. If the postdevelopment peak runoff rate exceeds the predevelopment peak runoff rate, on-site mitigation measures, such as detention basins or flow restrictors, shall be required.
3. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
4. The design of the storm drain system shall fully incorporate the existing upstream runoff which must pass over and/or through the site to be developed. The system shall be designed to pass upstream flows, based upon quantities calculated per this section 805-1, from the land, as fully developed, without surcharging the system.
5. Proposed alterations in stormwater drainage paths shall not enable the crossing of runoff over a city street in order to enter a drainage system.
6. A waiver may be granted by the Department of Public Works to discharge an insignificant increase in stormwater runoff to the municipal stormwater system when all of the following conditions are met:
   a. A drainage plan is prepared by a professional engineer licensed in the State of Maine, which demonstrates that the increase has no adverse impact to the downstream conditions, including impacts on abutting or city properties. Improvements may be required of the developer to prevent adverse downstream impacts caused by the project.
b. The increase in the peak flow from the site or in the peak flow of the receiving waters cannot be avoided by reasonable changes in project design or density.

c. Written authorization to discharge the increased peak flow rates has been provided by the Director of Public Works.

805-2. STORMWATER QUALITY

Sites shall be designed to minimize the amount of impervious area with a focus on reducing vehicle areas including parking, drives, and service areas. All activities, including the enlargement or modification of existing uses, that involve the creation of a total of more than ten thousand (10,000) square feet of new impervious area or five (5) or more acres of new disturbed area shall manage the quality of the stormwater runoff to meet the following standards. In determining if the threshold is met, all impervious area or disturbed area created after the effective date of this provision shall be included in the total. In the case of enlargements or modifications of existing uses that drain in more than one direction, the treatment standard shall apply to any watershed or subwatershed in which the amount of impervious area or disturbed area is increased.

Stormwater Best Management Practices (BMP’s) appropriate for the site and type of activity must be used to meet the standards specified in this section. Preference shall be given to the use of nonstructural BMP’s where feasible. The standards must be met at the property line or before the runoff enters a waterbody, whichever point is first reached by the runoff:

1. Sliding Scale Total Suspended Solids (TSS) Standard — Stormwater from the impervious areas and disturbed areas in each identified subwatershed on the site must be treated by the use of stormwater Best Management Practices designed to remove total suspended solids to the levels indicated in the Maine Department of Environmental Protection’s “Sliding Scale TSS Standard (Chapter 500 Stormwater Management, Section 4.A.(2)(a))”. The prescribed level of treatment must be applied to all impervious areas such that the areally weighted average TSS removal equals or exceeds the prescribed removal level.

2. Floating Hydrocarbons Standard — The following uses shall utilize appropriate Best Management Practices to minimize the amount of floating hydrocarbons discharged from the site. The BMP’s shall be designed to treat the first 0.5 inches of runoff. Preference shall be given to BMP’s that are “off-line” from the major stormwater conveyance system. The uses covered by this standard are:

a. Facilities for the sale, fueling, servicing, cleaning, or repair of motor vehicles, recreational vehicles or heavy equipment

b. Motor vehicle fleet storage areas

c. Truck terminals and similar facilities

d. Drive-through restaurants

e. Convenience stores

f. Vehicle recycling facilities including scrapyards and similar operations

g. Facilities for the long-term parking of motor vehicles such as commuter parking lots or transportation terminals

h. Other non-residential uses or multifamily residential uses with parking lots with a combined impervious area of more than 50,000 square feet

i. Any other use identified by the Director of Public Works as having a high potential for hydrocarbon pollution due to the nature of the use or the particular characteristics of the site
3. Basic Stabilization Standard — Activities located in the portions of the watershed of the Saco River that are tributary to the river upstream of the public water supply intake of the Biddeford Saco Water Company or that are located in the watershed of the Scarborough River including areas tributary to the Nonesuch River, Nonesuch Brook, Ricker Brook, Boynton Brook, Merrill Brook, Mill Brook, and Stewart Brook shall comply with the following additional requirements:

a. Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using erosion and sedimentation control Best Management Practices that achieve long term erosion control, and must receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel’s bottom or side slopes.

b. Gravel roads must be designed and constructed with crowns or other measures, such as water bars, to ensure that stormwater is immediately delivered to adjacent stable ditches or vegetated buffer areas. Grading of gravel roads, or grading of the gravel shoulder of gravel or paved roads, must be routinely performed to ensure that stormwater drains immediately off the road surface to adjacent buffer areas or stable ditches, and is not impeded by accumulations of graded material on the road shoulder or by excavation of false ditches in the shoulder.

c. The project site must be maintained to prevent or correct erosion problems.

805-3. DESIGN, CONSTRUCTION, AND MAINTENANCE OF STORMWATER FACILITIES

All elements of stormwater systems shall be designed, constructed, and maintained in accordance with the City’s Stormwater Management Systems Inspection and Maintenance Program Guidelines, Volumes 1 and 2. Each project subject to the stormwater quality standards of Section 805-2 shall prepare a stormwater facilities management plan which shall be reviewed and approved as part of the project approval. This plan shall set forth the types and frequencies of proposed maintenance activities and shall identify the party responsible for carrying out each maintenance activity. The plan shall provide for a report to be submitted annually to the Director of Public Works documenting that the required maintenance has been performed as set forth in the management plan. Failure to conduct the necessary maintenance as set forth in the maintenance plan shall be a violation of the ordinance.

1. Post-Construction Stormwater Management Plan -- Subdivisions and activities subject to site plan review that involve more than one acre (1) of disturbed area must meet the requirements for a Post-Construction Stormwater Management Plan. This Post-Construction Stormwater Management Plan shall be designed to meet one of the following:

A. If the project requires a stormwater permit from the Maine Department of Environmental Protection (“DEP”) under its Chapter 500 Stormwater Management Rules, as amended December 21, 2006 (“DEP Chapter 500 Rules”), the plan must, at a minimum, meet the “basic” and “general” standards of Section 4 of DEP Chapter 500 Rules. The plan shall also meet the “urban impaired stream standard” and “flooding standard” of Section 4 of DEP Chapter 500 Rules and the “other applicable standards” of Section 5, if applicable, as contained in DEP Chapter 500 Rules, and shall comply with the practices described in the manual Stormwater Management for Maine, published by the DEP in January 2006 (“DEP Stormwater Manual”); or

B. If the project does not require a stormwater permit from the DEP under its Chapter 500 Rules, the plan may either meet the Chapter 500 standards as set forth in (a) above, or provide for the treatment of 0.5 inches of runoff from ninety percent (90%) of the impervious surfaces on the site, and 0.2 inches of runoff from all disturbed pervious areas of the site using LID design practices and techniques determined by the Planning Board or its agents to be appropriate for the site. The treatment techniques used may include those set forth in Chapter 10 of the DEP Stormwater Manual, or Volume III-BMPs Technical Design Manual. Provisions must be made in the Stormwater Management Plan for all stormwater treatment techniques to be maintained in perpetuity.
2. Additional Requirements.
   a. The applicant may meet the quantity and quality standards above either on-site or off-site, but where off-site facilities are used, the applicant must document a sufficient property interest where the off-site facilities are located – by perpetual easement or other appropriate legal instrument – to ensure that the facilities will be available to provide post-construction stormwater management for the project and that the property will not be altered in a way that interferes with the off-site facilities.
   b. Where the applicant proposes to retain ownership of the stormwater management facilities shown in its Stormwater Management Plan, the applicant shall submit documentation that the applicant, his/her/its successors, heirs and assigns, shall have the legal obligation to operate, repair, maintain and replace the stormwater management facilities, and, shall enter into a Drainage Maintenance Agreement with the City in a form acceptable to the Department of Public Works.
   c. Whenever elements of the stormwater management facilities are not within the right-of-way of a public street and the facilities will not be offered to the City for acceptance as public facilities, the Planning Board may require that perpetual easements be provided to the City allowing access for maintenance, repair, replacement and improvement of the stormwater management facilities in accordance with the approved Drainage Maintenance Agreement. If an offer of dedication is proposed, the applicant shall be responsible for the maintenance of these stormwater management facilities until such time (if ever) they are accepted by the City.
   d. In addition to any other applicable requirements of this ordinance, any activity which also requires a stormwater management permit from the DEP under 38 M.R.S.A. Sec. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. Sec. 420-D(1), and the applicant shall document such compliance to the Planning Board. Where the standards or other provisions of such stormwater rules conflict with City ordinances, the stricter (more protective) standard shall apply.
   e. At the time of application, the applicant shall notify the Department of Public Works if its Stormwater Management Plan includes any Stormwater BMP(s) that will discharge to the City’s MS4 and shall include in this notification a listing of which Stormwater BMP(s) will so discharge.

3. Any person, business, corporation or other entity owning, leasing or having control over stormwater management facilities required by a Post-Construction Stormwater Management Plan shall demonstrate compliance with that Plan as follows:
   i. That person shall, at least annually, inspect, clean and maintain the stormwater management facilities, including, but not limited to, any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all City and state inspection, cleaning and maintenance requirements of the approved Post-Construction Stormwater Management Plan.
   ii. That person shall repair any deficiencies found during inspection of the stormwater management facilities.
   iii. That person shall, on or by July 15th of each year, provide a completed and signed certification to the Department of Public Works in a form provided by that Department, certifying that the person has inspected, cleaned and maintained the Stormwater Management Facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted during the annual inspection.
   iv. The required inspection(s) must be conducted by a qualified third-party inspector employed by the responsible person if the property is subject to a DEP stormwater permit. The third-party inspector shall perform an initial inspection to determine the status of the Stormwater Management Facilities. If the initial inspection identifies any deficiencies with the facilities, the same third-party inspector shall
re-inspect the facilities after they have been maintained or repaired to determine if they are performing as intended.

v. The qualified third party inspector must meet the following standards:
   a. The inspector must not have any ownership or financial interest in the property being inspected nor be an employee or partner of any entity having an ownership or financial interest in the property; and
   b. The inspector must be on the list of approved third-party inspectors maintained by the Department of Environmental Protection.

In order to determine compliance with this section and with the Post-Construction Stormwater Management Plan, the Director of the Department of Public Works or his/her designee may enter upon a property at reasonable hours and after making a good faith effort to contact the owner, occupant or agent to inspect the Stormwater Management Facilities. Entry into a building shall only be after actual notice to the owner, occupant or agent.

4. Submission Requirements.

A Post-Construction Stormwater Management Plan shall conform to the applicable submission requirements of Section 8 of DEP Chapter 500 Rules.

The Planning Board may modify or waive any of the submission requirements for a Post-Construction Stormwater Management Plan if the Board finds that, due to the unique physical characteristics of the site or the scale of the proposed activity, the information is not required to allow the Board to determine if the applicable stormwater management standards are met.

805.3.2 Drainage Plan – Activities that are not subject to site plan review that result in the expansion or alteration of an existing building or structure that increases the amount of impervious surface area by more than ten thousand (10,000) square feet or the construction of a new principal building or structure must meet the requirements for a Drainage Plan. New principal buildings that are located in a subdivision with an approved Post-Construction Stormwater Management Plan are not required to comply with the requirement for a Drainage Plan if the approved Stormwater Management Plan contains provisions that adequately address surface drainage related to the construction of the building as determined by the Code Enforcement Officer.

The Drainage Plan shall meet the “urban impaired stream standard” when located within a watershed designated by the Maine Department of Environmental Protection as an Urban Impaired Watershed.

The plan must demonstrate that the proposed improvements are designed to minimize the amount of stormwater leaving the site. This must include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The use of LID practices appropriate for the type of development as set forth in Chapter 10 of the DEP Stormwater Manual, Volume III-BMPs Technical Design Manual, and/or any City of Saco LID Manual adopted by the Planning Board is encouraged but not required. The Drainage Plan must also demonstrate that:

A. If the project requires a stormwater permit from the Maine Department of Environmental Protection (“DEP”) under its Chapter 500 Stormwater Management Rules, as amended December 21, 2006 (“DEP Chapter 500 Rules”), the plan must, at a minimum, meet the “basic” and “general” standards of Section 4 of DEP Chapter 500 Rules. The plan shall also meet the “urban impaired stream standard” and “flooding standard” of Section 4 of DEP Chapter 500 Rules and the “other applicable standards” of Section 5, if applicable, as contained in DEP Chapter 500 Rules, and shall comply with the practices described in the manual Stormwater Management for Maine, published by the DEP in January 2006 (“DEP Stormwater Manual”); or
a. any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots;
b. any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;
c. any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City’s property; and
d. Any increase in volume or rate of stormwater draining from the lot into the City’s separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.

A. Submission Requirements

A Drainage Plan must include a written statement demonstrating how the project has been designed to minimize the volume and rate of stormwater leaving the site including provisions for minimizing the area of impervious surface or the use of LID practices, and a plan and supporting documentation with at least the following information:

a. The location and characteristics of any streams or drainage courses existing on the parcel and/or abutting parcels.
b. The existing and proposed grading of the site using one-foot contours.
c. The location and area of existing and proposed buildings and impervious surfaces on the site.
d. The existing pattern of stormwater drainage on the site, including points of discharge to the City’s storm sewer system or adjacent properties.
e. The proposed pattern of stormwater drainage after development, including the location and design of any stormwater facilities.

The Code Enforcement Officer may modify or waive any of the submission requirements for a Drainage Plan if the Code Enforcement Officer determines that the information is not required to determine if the drainage standard is met.

End of the Amendments to Zoning Ordinance document

Minutes of the April 7, 2009 Planning Board Meeting


Bob H: We have been working with two different standards; the DEP and the City’s. So this is to bring everyone working on the same page.

Steve moved to open the public hearing, seconded by Roger and so voted 5-0

No comments were made

Steve moved to close the public hearing, seconded by Roger and so voted 5-0

Roger: I move to forward a positive recommendation to the City Council to adopt the amendments accepted by the Planning board for Section 805; Stormwater Run-Off of the Zoning Ordinance, seconded by Steve and so voted 5-0.

Meeting adjourned at 6:30 p.m.

Respectfully Submitted,
Maggie Edwards
Board Secretary
General Assistance Ordinance Appendix B – Food Maximums
Proposed Figures dated April 1, 2009

Numbers that have strike through are to be deleted while underline indicates new figures.

<table>
<thead>
<tr>
<th># IN HOUSEHOLD</th>
<th>WEEKLY MAX.</th>
<th>MONTHLY MAX.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current</td>
<td>New Proposed</td>
</tr>
<tr>
<td>1</td>
<td>$40.93</td>
<td>$46.51</td>
</tr>
<tr>
<td>2</td>
<td>$75.12</td>
<td>$85.35</td>
</tr>
<tr>
<td>3</td>
<td>$107.67</td>
<td>$122.33</td>
</tr>
<tr>
<td>4</td>
<td>$136.74</td>
<td>$155.35</td>
</tr>
<tr>
<td>5</td>
<td>$162.33</td>
<td>$184.42</td>
</tr>
<tr>
<td>6</td>
<td>$194.88</td>
<td>$221.40</td>
</tr>
<tr>
<td>7</td>
<td>$215.35</td>
<td>$244.65</td>
</tr>
<tr>
<td>8</td>
<td>$246.05</td>
<td>$279.53</td>
</tr>
<tr>
<td>EACH ADDITIONAL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Maine Municipal Association General Assistance Ordinance

Appendix B

Effective: 4/1/09 to 9/30/09

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2009, those amounts are:

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Weekly Maximum</th>
<th>Monthly Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>46.51</td>
<td>200</td>
</tr>
<tr>
<td>2</td>
<td>85.35</td>
<td>367</td>
</tr>
<tr>
<td>3</td>
<td>122.33</td>
<td>526</td>
</tr>
<tr>
<td>4</td>
<td>155.35</td>
<td>668</td>
</tr>
<tr>
<td>5</td>
<td>184.42</td>
<td>793</td>
</tr>
<tr>
<td>6</td>
<td>221.40</td>
<td>952</td>
</tr>
<tr>
<td>7</td>
<td>244.65</td>
<td>1052</td>
</tr>
<tr>
<td>8</td>
<td>279.53</td>
<td>1202</td>
</tr>
</tbody>
</table>

Note: For each additional person add $150 per month.
GENERAL ASSISTANCE ORDINANCE
APPENDIXES B
April 01, 2009 to September 30, 2009

The Municipality of ___________________ adopts the MMA Model Ordinance GA Appendixes (B) for the period of April 1, 2009—Sep. 1, 2009. This appendix are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____(day) of _________________ (month)_____ (year)
by the municipal officers:

______________________________________________
(Print Name) (Signature)

______________________________________________
(Print Name) (Signature)

______________________________________________
(Print Name) (Signature)

______________________________________________
(Print Name) (Signature)

______________________________________________
(Print Name) (Signature)