

**STATE OF MAINE**

**COUNTY OF YORK**

**CITY OF SACO**

The following are minutes of the Feb. 16, 2010 Council Meeting.

- I. CALL TO ORDER** – On Tuesday, February 16, 2010 at 7:00 p.m., 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. Those present: Margaret Mills, Leslie Smith, Jr., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell.

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

**III PLEDGE OF ALLEGIANCE**

**IV. GENERAL:**

**VI. APPROVAL OF MINUTES:** 12/07/2009; 12/14/2009; 01/04/2010; 02/01/2010

Minutes were approved as printed.

**VII. AGENDA ITEMS:**

- A. **(Public Hearing)** New Application for a Liquor License/Entertainment Permit – Steak N Rib Restaurant

**HUOT T. Management, Inc. d/b/a STEAK N RIB Restaurant** has applied for a new Liquor License/Special Entertainment Permit for a term of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 653 and in accordance with Saco City Code, Chapter 93, and Entertainment sub-section 93-2.

Councilor Doucette moved, Councilor Christenbury seconded, to open public hearing. The motion passed with seven (7) yeas.

Councilor Doucette moved, Councilor Christenbury seconded, to close the public hearing and grant the new applications submitted by STEAK N RIB Restaurant for a Liquor License and Entertainment permit for the period of one year. Further move to approve the Order. The motion passed with seven (7) yeas.

**B. (Public Hearing) Renewal Application for a Liquor License/Entertainment Permit, Holiday Inn Express**

Saco Plaza LLC, d/b/a Holiday Inn Express a/k/a Ramada Inn Express Events Catering has applied for a renewal of their Liquor License/Special Entertainment Permit for a term of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 653 and in accordance with Saco City Code, Chapter 93, and Entertainment sub-section 93-2.

Councilor Lovell moved, Councilor Mills seconded, to open public hearing. The motion passed with seven (7) yeas.

Councilor Lovell moved, Councilor Smith seconded, to close the public hearing and grant the renewal applications submitted by Saco Plaza LLC, d/b/a Holiday Inn Express a/k/a Ramada Inn Express Events Catering for a Liquor License and Entertainment permit for the period of one year. Further move to approve the Order. The motion passed with seven (7) yeas.

**C. (Public Hearing) Contract Zone Amendment – Bay View Estates**

Applicant Estates at Bay View, LLC, represented by Tim Swenson, proposes a contract zone that would allow a 14 lot subdivision to be built on two parcels at 313 Seaside Avenue, commonly referred to as the Bay View Convent. The contract zone would modify lot size, frontage and setback requirements, thereby allowing up to 14 lots on a parcel that would otherwise support only 11 or 12.

Single family homes would be built on the lots, which range in size from 5,954 s.f. to 11,403 s.f., averaging 7,550 s.f. which meets the existing R-1c zone minimum of 7,500 s.f. All lots would be accessed via private drives within the project, with a single access point from Seaside Avenue. All utilities would be public. If the contract zone is approved, the applicant would return to the Planning Board for site plan and subdivision review.

This item was reviewed by the Planning Board at meetings on December 1, and December 15, 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.

Councilor Christenbury moved, Councilor Lovell seconded, to open the Public Hearing on the document titled, ‘Contract Zone Agreement By and between Estates at Bay View, LLC and the City of Saco,’ dated February 1, 2010’. The motion passed with seven (7) yeas.

Speaking on behalf of the applicant, Estates at Bay View, LLC, was Betsy Melrose who presented a power point presentation of the project. Also addressing the Mayor and Council pertaining to the project was David Ordway, Esq. Mr. Ordway stated that several members of the Baywood Colony Association were in favor of the plans submitted by the applicant.

Residents spoke in opposition to the project due to density and the change in the aesthetics of the neighborhood.

The following residents were opposed to the project:

Chris DiMatteo, 104 Spring St.  
George Roth, 305 Seaside Ave.  
Erika Donneson, Pleasant St.  
Craig Camenga, 62 Pleasant St.  
Ms. DeAngelo, 188 Bayview Road

David Lowry, Esq., who represents Ms. DeAngelo, stated that his client was not in favor of the project. Mr. Lowry felt that the City was getting “nothing for something”.

Sister Claire Lambert, representing the Order, acknowledged that the project would impact the neighborhood. Sister Lambert indicated that the plans for this project would be less disruptive to those living in the vicinity.

Councilor Christenbury moved, Councilor Mills seconded, to close the Public Hearing and Be it Ordered that the Council set the Second and Final Reading of the document titled, ‘Contract Zone Agreement By and between Estates at Bay View, LLC and the City of Saco,’ dated February 1, 2010’ for March 1, 2010. Further move to approve the order. The motion passed with seven (7) yeas.

#### D. **(Public Hearing)** Zoning Ordinance Amendment – B3 District

In late October the Planning Board completed its initial consideration of the September 8, 2009, B-3 referral from the City Council. A report from Chairman Neil Schuster outlined the Planning Board’s progress on October 28, 2009 (attached). The Planning Board met seven times on the issue, walked the neighborhood, held two public hearings, and on January 19, 2010 completed its recommendation to the Council.

In addition to its specific recommendation for the attached ordinance amendments, the Planning Board is also asking that the City consider creating a historic preservation district in the B-3 district, at least the portion between Main Street and Elm. This would require the assistance of a historic preservation consultant for survey work and nomination development.

The ordinance amendments would:

- Extend the design review ordinance in the B-3 district so that 1- and 2-family buildings, all building additions, and require all conditional uses would be subject to design review.
- Create 3000 square foot size limits on the footprint of new commercial buildings and retail occupancies.

- Create a mixed use concept for any redevelopment which would include a residential replacement provision. If a development removes a residential unit, it would have to replace it on or near the same site or pay a \$50,000 fee to a housing fund.
- Prohibit drive-in windows except for financial institutions.
- A demolition delay provision. This would prohibit demolitions (with minor exceptions) for a period of nine months until further historic preservation measures can be more fully considered.
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Councilor Lovell moved, Councilor Christenbury seconded, to open the Public Hearing on the open and close public hearing on the document titled, ‘**Zoning Ordinance Amendments Related to B-3 District Recommended by the Planning Board to the City Council January 27, 2010, as amended by the City Council, February 1, 2010**’. The motion passed with seven (7) yeas.

Mr. Mark Johnston, 17 Elm Street stated his opposition to the changes in the B-3 District. Mr. Johnston was concerned that the Amendments would have an impact on the character of the community.

Residents opposed to the project were:

- Erika Donneson, 19 Pleasant St.
- Johanna Hoffman, 10 Pepperell Square
- Beth Johnston, 62 Pleasant St.
- Luanne Timmerman, Foley Ave.

The above residents expressed the same concerns discussed by Mark Johnston.

Councilor Lovell moved, Councilor Christenbury seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the document titled ‘**Zoning Ordinance Amendments Related to B-3 District Recommended by the Planning Board to the City Council January 27, 2010, as amended by the City Council, February 1, 2010**’ for March 1, 2010. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

## VIII. CONSENT AGENDA:

### a. Confirm the Mayors Appointment of Don Sharland to the Planning Board

Be it Ordered that the City Council confirm the Mayor’s appointment of Don Sharland to the Planning Board for a 3 year term to expire on January 2, 2013.

### b. Maine Department of Transportation Paving Project STP- 8841 (00) X Route One beginning at I-195 and extending northerly 2.7 miles to Cascade Road

Be it ordered that the City Council approve the ‘Municipal State Agreement regarding the improvements to Route 1 under Federal Project number STP-8841(00)X, and authorize the City Administrator to sign said agreement.

**c. Vote to Certify the Bond Election Results**

Be it Ordered that the City Council approve the results of the February 9, 2010 Referendum Election as presented.

Question #1

Shall the Order of the City Council of the City of Saco entitled "Order Authorizing the City of Saco to Borrow and Amount Not to Exceed \$5,999,000 for construction of a new fire station at 271 North Street

be ratified and approved?"

	<b>Precinct 1</b>	<b>Precinct 2</b>	<b>Precinct 3</b>	<b>Precinct 4</b>	<b>Total</b>
<b>Yes</b>	449	498	214	1703	2864
<b>No</b>	130	108	52	213	503
<b>Blanks</b>	8	7	3	109	127
<b>Total</b>	<b>587</b>	<b>613</b>	<b>269</b>	<b>2025</b>	<b>3494</b>

**d. Application for a License to Operate Games of Chance – Eagles #3792**

Be it ordered that the City Council grant the applications for a License to operate two (2) Games of Chance: Sealed Tickets from April 1, 2010 to April 1, 2011.

**e. Application for a License to Operate Games of Chance – Elks #1597**

Be it ordered that the City Council grant the applications submitted by the Biddeford and Saco Elks #1597 for a License to operate four (4) Games of Chance: Sealed Tickets (2), Poker (1), and Daily Attendance from April 1, 2010 to June 30, 2010.

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

**II. ADJOURNMENT**

Councilor Mills moved, Councilor Smith seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 9:05 p.m.