

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

- I. CALL TO ORDER** – On Monday, March 1, 2010 at 7:01 p.m. a Council Meeting was held in the City Hall Conference Room.
- 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., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.
- III. PLEDGE OF ALLEGIANCE**
- IV. GENERAL:**
- V. APPROVAL OF MINUTES: FEBRUARY 22, 2010**

The Councilors approved the February 22, 2010 minutes as presented with unanimous consent.

- VI. AGENDA ITEMS:**
- A. CHARTER AMENDMENTS–BOARD OF EDUCATION REFERENCES–(PUBLIC HEARING)**

In respect and consideration of Public Law 2007, Chapter 240, as codified by the Legislature in 20-A MRS Section 1451, et seq., and with the creation of Regional School Unit 23, and following vote of the City on November 4, 2008 to join said Regional School Unit, the Saco Board of Education is hereafter dissolved. Therefore the city charter is being amended to reflect dissolution of the Board of Education and reference to the Regional School Unit 23 is being added where appropriate.

In summary,

- Article IV Board of Education § 4.01 – reflects the dissolution of the Board of Education and adds new language to acknowledge the creation of the Regional School Unit 23 in accordance with Public Law 2007, Chapter 240.
- Article VI Financial Procedures §6.02 -6.04 – reference to the Board of Education in the budget process is deleted as it is now a separate process from the municipal budget process.
- Article VII Elections §7.02 - deleted references to 5 member Board of Education under elected officials and added 4 member Regional School Unit 23. All references in this Article to Board of Education were changed to Regional School Unit 23.

Charter amendments; procedure

The City Council may determine that amendments to the municipal charter should be considered and, by order, provide for notice and hearing on them and shall provide for a public hearing on the proposed amendments. At least 7 days before the hearing, they shall publish a notice of the hearing in a newspaper having general circulation in the municipality. The notice must contain the text of the proposed amendments and a brief explanation. The hearing shall be conducted by the municipal officers.

Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election held at least 30 days after the order is passed; or they may order a special election to be held at least 30 days from the date of the order for the purpose of voting on the proposed amendments.

The Council discussed this item at Workshop on February 8, 2010.

Councilor Cote moved, Councilor Mills seconded to open the Public Hearing on the Charter Amendments included in the document titled, ‘Proposed City Charter Amendments to Article VI Board of Education; Article VI Financial Procedures, and Article VII Elections, dated February 16, 2010’. The motion passed with seven (7) yeas.

There were no comments from the public.

Councilor Cote moved, Councilor Doucette seconded to close the Public Hearing and further order the proposed amendments in the document titled, ‘Proposed City Charter Amendments to Article VI Board of Education; Article VI Financial Procedures, and Article VII Elections, dated February 16, 2010’ to be placed on a ballot at the next regular municipal election held at least 30 days after the order is passed. Further move to approve the Order. The motion passed with seven (7) yeas.

B. CONTRACT ZONE – ESTATES AT BAYVIEW – (2ND & FINAL READING)

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.

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.

The City Council discussed this item at Workshop on January 25, and February 22, 2010. The First Reading was held on February 1, 2010; and the Public Hearing was held on February 16, 2010.

Councilor Christenbury moved, Councilor Lovell seconded that it be Ordered that the Second & 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’.

The following proposed amendments to the Contract Zone titled ‘Contract Zone Agreement By and between Estates at Bay View, LLC and the City of Saco,’ dated February 1, 2010’ will be presented for vote at the Second & Final Reading on March 1, 2010.

(~~strikethrough~~ represents language to be deleted, while underline is new language)

1ST PROPOSED AMENDMENT: *“Be it Ordered that the City Council approve the following amendment:*

10. Bay View agrees to contribute ~~the required local 20% matching funds, estimated at \$100,000 by the Department of Public Works,~~ toward the construction of a sidewalk/pedestrian walkway along Bay View Road, from the westerly side of Seaside Avenue to Ferry Beach State Park, ~~and recognizes that said sidewalk is part of a larger project being managed by the Maine Department of Transportation.~~ Said contribution shall be paid no later than ~~thirty (30)~~ sixty (60) days after closing.

Councilor Christenbury moved, Councilor Mills seconded to approve the 1st Proposed Amendment. The motion passed with seven (7) yeas.

2ND PROPOSED AMENDMENT: *“Be it Ordered that the City Council approve the following amendment:*

13. Bay View will convey to the City via quitclaim deed with covenant all of its right, title and interest in the beach eastward of the existing dune fence free and clear of all mortgages, liens and encumbrances of record subject to the condition that no structures, physical improvements, or obstructions, including lifeguard chairs or stands, shall be placed on the land, and it shall forever remain open for use as a public beach. Such conveyance shall occur within thirty (30) days of closing with the current owner. Bay View will convey to the City via quitclaim deed with covenant all of its right, title and interest in the Bay View Road right of way.

Councilor Christenbury moved, Councilor Mills seconded to approve the 2nd Proposed Amendment. The motion passed with seven (7) yeas.

3RD PROPOSED AMENDMENT: *“Be it Ordered that the City Council approve the following amendment:*

2. This Contract shall modify minimum lot and yard requirements for the subject parcel as follows:

- The minimum lot area for Lots 1 through 3 on the attached plan shall be reduced from 7,500 square feet to 5,900 square feet, and the minimum lot area for Lots 5 through 13 shall be reduced from 7,500 square feet to 7,200 square feet. Notwithstanding the lot size reduction for individual lots, the total number of lots shall not exceed 14, and the total lot area for all proposed lots taken together shall not be reduced below 105,000 square feet.

Councilor Christenbury moved, Councilor Cote seconded to approve the 3rd Proposed Amendment. The motion passed with four (4) yeas and three (3) nays – Councilors Smith, Doucette and Tardif.

4TH PROPOSED AMENDMENT: *“Be it Ordered that the City Council approve the following amendment:*

2. Bay View proposes to develop up to fourteen (14) single family residential lots at the property currently occupied by the Convent at Bay View.

“I move to approve the order.”

Councilor Christenbury moved, Councilor Lovell seconded to approve the 4th Proposed Amendment. The motion passed with four (4) yeas and three (3) nays – Councilors Smith, Doucette and Tardif.

5th PROPOSED AMENDMENT: *“Be it Ordered that the City Council approve the following amendment:*

12. Bay View will construct a public restroom facility with a small interior storage space along the southerly side of Bay View Road, at the location designated on the "Subdivision Plan of Estates at Bay View" dated November 10, 2009, and Bay View will convey to the City a perpetual right to maintain such public restroom on the site, with both construction and easement rights to be completed no later than June 15, 2011. A design for said facility shall be submitted as part of the site plan and subdivision review process with the Planning Board and shall be permitted by the City. Restrooms are to be constructed as shown on Plan titled, (to be filled in 03/01/10), and dated (to be filled in 03/01/10).

“I move to approve the order.”

Councilor Christenbury moved, Councilor Mills seconded to approve the 5th Proposed Amendment. The motion passed with seven (7) yeas.

6th PROPOSED AMENDMENT: *“Be it Ordered that the City Council approve the following amendment:*

11. Bay View shall make improvements to the parking lot located at the northwesterly corner of Seaside Avenue and Bay View Road, a City owned parcel identified as Tax Map 10, Lot 6. Such improvements will

include the installation of an improved crushed gravel surface acceptable to the Department of Public Works bituminous pavement, delineation of parking stalls, and plantings along Seaside Avenue, and a vegetated buffer along the westerly boundary of the parcel as may be required by the Maine DEP, all as approved by the City Planner and permitted by the City. Said improvements shall be completed no later than June 15, 2011.

“I move to approve the order.”

Councilor Christenbury moved, Councilor Mills seconded to approve the 6th Proposed Amendment. The motion passed with seven (7) yeas.

7th PROPOSED AMENDMENT: *“Be it Ordered that the City Council approve the following amendment:*

9. As a condition of approval of this Contract, and following final approval of its plans by the Planning Board and all other approval authorities and agencies, and closing with the seller, Bay View agrees to convey a portion of the subject property to the City ~~for passive recreational uses and municipal parking~~, subject only to the condition that access to any such parking area shall not be in a location across Seaside Avenue from Baywood Condominiums. Such conveyance shall include all of the land on the westerly side of Seaside Avenue and the southerly side of Bay View Road, roughly depicted as Lot 57 on Tax Map 10, and shall be by quitclaim deed with covenant, free and clear of all mortgages, liens and encumbrances of record. Said conveyance shall occur within thirty (30) days of closing with current owner.

Further, Bay View shall remove all or part of, as designated by City staff, the existing garage building on the property at the same time as demolition of buildings on the easterly side of Seaside Avenue occurs. The resulting demolition debris shall be removed by Bay View or its agents to the satisfaction of City staff. Bay View shall make improvements to that portion of said parcel that have served as public parking, and that area upon which the garage building currently stands that will include the installation of an improved crushed gravel surface acceptable to the Department of Public Works, and plantings along Seaside Avenue, and a vegetated buffer along the westerly boundary of the parcel as may be required by the Maine DEP, all as approved by the City Planner and permitted by the City. Said improvements shall be completed no later than June 15, 2011.

Councilor Christenbury moved, Councilor Mills seconded to approve the 7th Proposed Amendment. The motion passed with seven (7) yeas.

The Mayor called for a vote on the main motion as amended. The motion passed with five (5) yeas and two (2) nay – Councilor Smith and Doucette.

C. ZONING ORDINANCE AMENDMENT – B-3 DISTRICT (2ND & FINAL READING)

On September 8, 2009, the City Council referred zoning revisions in the B-3 district to the Planning Board, which met seven times on the issue, walked the neighborhood, held two public hearings, provided an interim report, and on January 19, 2010 completed its recommendation to the Council.

Its proposed 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 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.

- Create 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.

The Council held workshops on January 25, 2010 and February 8 and first reading on February 1. The Council had a public hearing on February 16 and a workshop on February 22.

Councilor Lovell moved, Councilor Christenbury seconded that The City Council hereby Ordains and approves the Second Reading and final adoption of the ordinance amendments in 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”.

**Zoning Ordinance Amendments
Related to B-3 District
Recommended by the Planning Board to the City Council
January 27, 2010
As amended by City Council, February 1, 2010**

~~Strikeout~~ is deletions / Underlined is proposed additions

Section 729. Design Standards (Amended 4/11/05)

A. Purpose. The following design standards are intended to enhance and improve the exterior appearance of commercial and multi-family buildings and sites in order to:

- protect and encourage Saco’s cultural, architectural and visual resources in order to preserve and cultivate a desirable environment for its citizens and the region;
- prevent the decline of business districts and neighborhoods and maintain or upgrade building quality;
- preserve and reinforce the natural, historic and architectural qualities of business districts and neighborhoods;
- attract development and redevelopment by establishing conditions that result in an attractive living and working environment;
- prevent the loss of community identity by prohibiting the repetition of generic architectural forms found throughout the country, and encourage instead site-specific architectural building design or New England regional prototype building design.

B. Applicability. These provisions adopted are automatically repealed nine months after their effective date unless readopted by the City Council . These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12, Minor Conditional Uses (except in the B-3 district, between Main and Elm Street, outside of the Historic Preservation District), or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. Notwithstanding the above, these design standards shall apply to building additions and the construction of single family and two-family houses in the B-3 district, between Main and Elm Street, outside of the Historic Preservation District. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled. (Amended 1/2/07)

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section. Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

end

Additional amendments to Article 7

SECTION 733 SPECIAL PROVISIONS FOR B-3 DISTRICT BETWEEN MAIN AND ELM STREET, OUTSIDE OF THE HISTORIC PRESERVATION DISTRICT

1. SIZE LIMITATION

A. New commercial buildings are limited to footprints not exceeding 3000 square feet.

B. Within new commercial or mixed use buildings each retail occupancy is limited to 3000 square feet.

C. Within buildings which exist on the date of passage of this amendment, new retail uses are limited to 3000 square feet.

2. MIXED USE REQUIRED: Any proposed new building which includes a retail or commercial use on the first floor shall provide a residential use. The square footage of the residential space in the entire building shall be at least 35% as large as the square footage of the commercial space in the building. The conversion of residence space to commercial space in an existing building shall not reduce the residential portion of the building to less than 35% of the total floor area.

3. HOUSING REPLACEMENT REQUIRED Any project in the B-3 district between Main Street and Elm Street shall replace any multi-family dwelling units displaced by the project. This includes the replacement of any multi-family dwelling units demolished within two years preceding the application for site plan or conditional use approval. This also applies to the conversion of residential space to commercial space in existing buildings. The dwellings units may be replaced on the same site as the proposed development or nearby in the B-3, R-3 or R1-b zoning districts. If the Planning Board determines that no reasonable alternative for the replacement units exists, the applicant may pay a fee into the city's affordable housing fund for each unit displaced. The fee is set by the City Council and included in the Schedule of Fees in the City Code.

4. DEMOLITION DELAY IN B-3 DISTRICT

These provisions are automatically repealed nine months after their effective date unless readopted by the City Council.

A. SCOPE AND PURPOSE The following provisions apply to any proposal involving the demolition or removal of any building or structure over 50 years old, or any appurtenance thereto, in the B-3 zoning district, between Main Street and Elm Street, except for those buildings already in the downtown Historic Preservation District and governed by its provisions.

The purpose of this section is to afford the city, the Historic Preservation Commission, other preservation organizations and others interested in preservation, the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof or the proper removal of historic artifacts, or the proper recordation of the building, structure and/or site.

B. PROCEDURE Any person proposing any activity falling within the scope of this paragraph shall first file an application for a Certificate of Appropriateness. In addition to the regular submissions under Section 413-9, the applicant shall also submit evidence which supports one or more of the Standards of Approval below. This might include evidence from a structural engineer, a building inspector, an architectural historian, an appraiser, or other qualified expert.

C. STAY At the hearing on an application to relocate or demolish a building in the B-3 district, between Main and Elm Street, outside of the Historic Preservation District, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 60 days from the date of the hearing. The purpose of the delay is to find alternatives to demolition, such as:

_____ - assisting in securing funds to preserve in place the building, structure, or important portions and features thereof; or

_____ -finding other ways to preserve the building or structure, such as outright purchase of the property when feasible, or relocation.

D. STANDARDS OF APPROVAL In order to approve an application for the relocation or demolition, the Commission must find that the proposal meets one of the following standards of approval:

_____ 1. The building would not be considered a contributing structure if this area is designated as an historic preservation district.

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

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

_____ 4. No prudent and feasible alternative exists, or

_____ 5. The property is deteriorated beyond repair.

E. CONDITIONS OF APPROVAL In approving an application for the demolition, the Commission may impose the following conditions:

_____ 1. Photographic, video, or drawn recordation of the property to be demolished, and/or

_____ 2. Reasonable salvage and curation of significant elements, and/or other reasonable mitigation measures.

F. HAZARD BUILDINGS Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section. Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

Amendment to City Code, Schedule of Fees

Housing Replacement fee, per zoning ordinance Section, 733-3 - \$50,000.

Amendments to use list

410-7. B-3 DOWNTOWN BUSINESS DISTRICT

(See also special size limitations in portion of B-3 district, Section 733-1)

PERMITTED USES

1. Multifamily dwellings
2. Elderly congregate housing
3. Home occupation
4. Retail businesses, excluding outdoor sales
5. Eating establishments except those listed as conditional uses and excluding drive-in service (Amended 4/7/03)

6. Eating and drinking establishments (Amended 4/7/03)
7. Business offices (Amended 4/7/03)
8. Professional offices (Amended 4/7/03)
9. Offices of contractors and tradesmen (Amended 4/7/03)
10. Financial institutions
11. Business services
12. Personal services (Amended 12/5/94)
13. Repair services (Amended 4/7/03)
14. Artist or craftsperson studios (Amended 4/7/03)
- ~~15. Hotels and motels~~
16. Tourist homes
17. Health care clinics for humans (Amended 4/7/03)
18. Churches
19. Commercial schools
20. Private clubs
21. Health and fitness clubs (Amended 4/7/03)
22. Essential services
23. Public utility buildings
24. Municipal uses
25. Quasi-public uses
26. Accessory uses
27. Funeral homes
28. Any use permitted in the Resource Protection District
29. Bed and breakfast establishments (Amended 9/5/85)
30. Home babysitting service (Amended 8/1/88)
31. Day care home (Amended 8/1/88)
32. Day care center (Amended 8/1/88)
33. Single family dwellings (Amended 4/3/89)
34. Two family dwellings (Amended 4/3/89)
35. Adult day care center, Type 1 and 2 (Amended 7/1/91)
36. Nursery School (Amended 7/6/93)
37. One accessory apartment in a single family dwelling (Amended 10/20/08)
38. Drive-in windows are permitted only in association with financial institutions

CONDITIONAL USES

1. Commercial recreation
2. Indoor recreation (Amended 4/7/03)
3. Fast food restaurants, excluding drive through service (Amended 4/7/03)
4. Nursing homes
5. Drinking establishments (Amended 3/7/94; 4/7/03)
6. Commercial parking lots
7. Marinas (Amended 10/16/85)
8. Water recreation including piers, docks and boathouses related thereto (Amended 10/16/85)
9. High Voltage Transmission Lines (Amended 12/15/08)
10. Hotels and motels

Amendment 1:

This amendment modifies the size limitations in the original motion from 3000 square feet to 4500 square feet and makes them apply to the entire B-3 district, except the Historic Preservation District.

Councilor Lovell moved, Councilor Christenbury seconded to amend “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” by removing the words “between Main and Elm Street” from the title and other instances

in the amendments and by substituting 4500 square feet in three instances for 3000 square feet in Section 733-1, A, B, and C, Size Limitation. The motion passed with five (5) yeas and two (2) nays – Councilors Smith and Tardif.

SECTION 733 SPECIAL PROVISIONS FOR B-3 DISTRICT BETWEEN MAIN AND ELM STREET, OUTSIDE OF THE HISTORIC PRESERVATION DISTRICT

1. SIZE LIMITATION

- A. New commercial buildings are limited to footprints not exceeding 4500 3000 square feet.
- B. Within new commercial or mixed use buildings each retail occupancy is limited to 4500 3000 square feet.
- C. Within buildings which exist on the date of passage of this amendment, new retail uses are limited to 4500 3000 square feet.

Amendment 2:

This amendment removes provisions related to mixed use requirements and housing replacement:

Councilor Lovell moved, Councilor Christenbury seconded to amend “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” by eliminating the proposed amendments to Section 733-2 and 733-3, and by eliminating the amendment to the City Code, Schedule of Fees. The motion passed with six (6) yeas and one (1) nay – Councilor Smith.

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~~2. MIXED USE REQUIRED: Any proposed new building which includes a retail or commercial use on the first floor shall provide a residential use. The square footage of the residential space in the entire building shall be at least 35% as large as the square footage of the commercial space in the building. The conversion of residence space to commercial space in an existing building shall not reduce the residential portion of the building to less than 35% of the total floor area.~~

~~3. HOUSING REPLACEMENT REQUIRED— Any project in the B-3 district between Main Street and Elm Street shall replace any multi-family dwelling units displaced by the project. This includes the replacement of any multi-family dwelling units demolished within two years preceding the application for site plan or conditional use approval. This also applies to the conversion of residential space to commercial space in existing buildings. The dwellings units may be replaced on the same site as the proposed development or nearby in the B-3, R-3 or R1-b zoning districts. If the Planning Board determines that no reasonable alternative for the replacement units exists, the applicant may pay a fee into the city’s affordable housing fund for each unit displaced. The fee is set by the City Council and included in the Schedule of Fees in the City Code.~~

Amendment to City Code, Schedule of Fees

Housing Replacement fee, per zoning ordinance Section, 733-3 — \$50,000

Amendment 3

This amendment removes design review provisions and demolition delay provisions.

Councilor Lovell moved, Councilor Christenbury seconded to amend “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” by eliminating the proposed amendments to Section 729-B and 733-4 subsection A – F. The motion passed with five (5) yeas and two (2) nays – Councilors Smith and Doucette.

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B. Applicability. ~~These provisions adopted are automatically repealed nine months after their effective date unless readopted by the City Council.~~ These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section

901-12, Minor Conditional Uses ~~(except in the B-3 district, between Main and Elm Street, outside of the Historic Preservation District),~~ or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. ~~Notwithstanding the above, these design standards shall apply to building additions and the construction of single family and two family houses in the B-3 district, between Main and Elm Street, outside of the Historic Preservation District.~~ Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled. (Amended 1/2/07)

~~Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section. Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.~~

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4. DEMOLITION DELAY IN B-3 DISTRICT

~~These provisions are automatically repealed nine months after their effective date unless readopted by the City Council.~~

~~A. SCOPE AND PURPOSE The following provisions apply to any proposal involving the demolition or removal of any building or structure over 50 years old, or any appurtenance thereto, in the B-3 zoning district, between Main Street and Elm Street, except for those buildings already in the downtown Historic Preservation District and governed by its provisions:~~

~~The purpose of this section is to afford the city, the Historic Preservation Commission, other preservation organizations and others interested in preservation, the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof or the proper removal of historic artifacts, or the proper recordation of the building, structure and/or site.~~

~~B. PROCEDURE Any person proposing any activity falling within the scope of this paragraph shall first file an application for a Certificate of Appropriateness. In addition to the regular submissions under Section 413-9, the applicant shall also submit evidence which supports one or more of the Standards of Approval below. This might include evidence from a structural engineer, a building inspector, an architectural historian, an appraiser, or other qualified expert.~~

~~C. STAY At the hearing on an application to relocate or demolish a building in the B-3 district, between Main and Elm Street, outside of the Historic Preservation District, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 60 days from the date of the hearing. The purpose of the delay is to find alternatives to demolition, such as:~~

~~_____ assisting in securing funds to preserve in place the building, structure, or important portions and features thereof; or~~

~~_____ finding other ways to preserve the building or structure, such as outright purchase of the property when feasible, or relocation.~~

~~D. STANDARDS OF APPROVAL In order to approve an application for the relocation or demolition, the Commission must find that the proposal meets one of the following standards of approval:~~

~~_____ 1. The building would not be considered a contributing structure if this area is designated as an historic preservation district.~~

~~_____ 2. The Commission determines that the building is not of historical significance;~~

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

~~_____ 4. No prudent and feasible alternative exists, or~~

~~5. The property is deteriorated beyond repair.~~

~~E. CONDITIONS OF APPROVAL In approving an application for the demolition, the Commission may impose the following conditions:~~

- ~~1. Photographic, video, or drawn recordation of the property to be demolished, and/or~~
- ~~2. Reasonable salvage and curation of significant elements, and/or other reasonable mitigation measures.~~

~~F. HAZARD BUILDINGS Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this Section. Nothing in the Section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.~~

Potential Amendment #4

Councilor Mills moved, Councilor Smith to amend “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” by adding the sections entitled “CERTIFICATE FOR DEMOLITION IN B-3 DISTRICT”, and by striking under section 733-2-A the words “over 50 years old” and adding the words “built before 1895” and by adding after the word “significance” in Section 733-2-C-1, the words “as defined in sections 413-2 and 413-4 of the Saco Zoning Ordinance. The motion passed with four (4) yeas and three (3) nays - Councilor Christenbury, Tardif and Cote.

733-2

CERTIFICATE FOR DEMOLITION IN B-3 DISTRICT

These provisions are automatically repealed nine months after their effective date unless readopted by the City Council.

A. SCOPE AND PURPOSE The following provisions apply to any proposal involving the demolition or removal of any building or structure ~~over 50 years old~~ built before 1895, or any appurtenance thereto, in the B-3 zoning district, except for those buildings already in the downtown Historic Preservation District. Such buildings may not be demolished without a Certificate For Demolition The purpose of this section is to afford the city the opportunity to preserve neighborhood character and to preserve historic buildings and structures, or important portions and features thereof.

B. PROCEDURE AND SUBMISSIONS The Planning Board shall hold a public hearing on each application within 30 days of submission. Notice shall be given in the same manner as required for a site plan review. The Planning Board may waive any application requirement if it determines it is not necessary to an application. There is no fee for this application. Applicants shall file with the Planning Board an application for a Certificate For Demolition, which shall include at least the following:

- a) The applicant’s name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
- b) The owner's name, address, and signature, if different from the applicant's.
- c) The address and the tax map and lot number.
- d) The present use and zoning classification of the subject property.
- e) Photographs of the building involved and of adjacent buildings.
- f) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Demolition.
- g) Evidence which supports one or more of the Standards of Approval below. This might include evidence from a structural engineer, a building inspector, an architectural historian, builder, an appraiser, or other qualified expert.

C. STANDARDS OF APPROVAL FOR A CERTIFICATE FOR DEMOLITION

The building may be demolished within 60 days unless the Planning Board makes the following three findings based on the record:

1. The building is of historical significance;
2. Prudent and feasible alternatives to demolition exist, or
3. The property is not deteriorated beyond reasonable repair.

If the Planning Board finds that any of the three standards are not met, it shall issue a Certificate For Demolition. If it does not make such findings within 60 days of the public hearing or if it issues a Certificate of Demolition, the code enforcement officer may issue a demolition permit.

D. CONDITIONS OF APPROVAL In approving an application for the demolition, the Planning Board may impose reasonable conditions, including, but not limited to, the following conditions:

1. Photographic, video, or drawn recording of the property to be demolished, and/or
2. Reasonable salvage and curation of significant elements, and/or other reasonable mitigation measures.

E. HAZARD BUILDINGS Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature. Nothing in the section shall prevent the construction, reconstruction, or demolition of any building or feature which the Code Enforcement Officer shall determine is required because of concerns about structural deficiencies, the safety of the building and the safety of its occupants.

The Mayor called for a vote on the main motion as amended, The motion passed with six (6) yeas and one (1) nay – Councilor Smith.

The ordinance amendments adopted by the City Council on March 1, 2010

SECTION 733 SPECIAL PROVISIONS FOR B-3 DISTRICT, OUTSIDE OF THE HISTORIC PRESERVATION DISTRICT

1. SIZE LIMITATION

- A. New commercial buildings are limited to footprints not exceeding 4500 square feet.
- B. Within new commercial or mixed use buildings each retail occupancy is limited to 4500 square feet.
- C. Within buildings which exist on the date of passage of this amendment, new retail uses are limited to 4500 square feet.

2. CERTIFICATE FOR DEMOLITION IN B-3 DISTRICT

These provisions are automatically repealed nine months after their effective date unless readopted by the City Council.

A. SCOPE AND PURPOSE The following provisions apply to any proposal involving the demolition or removal of any building or structure built before 1895, or any appurtenance thereto, in the B-3 zoning district, except for those buildings already in the downtown Historic Preservation District. Such buildings may not be demolished without a Certificate For Demolition The purpose of this section is to afford the city the opportunity to preserve neighborhood character and to preserve historic buildings and structures, or important portions and features thereof.

B. PROCEDURE AND SUBMISSIONS The Planning Board shall hold a public hearing on each application within 30 days of submission. Notice shall be given in the same manner as required for a site plan review. The Planning Board may waive any application requirement if it determines it is not necessary to an application. There is no fee for this application. Applicants shall file with the Planning Board an application for a Certificate For Demolition, which shall include at least the following:

- a) The applicant's name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
- b) The owner's name, address, and signature, if different from the applicant's.
- c) The address and the tax map and lot number.

- d) The present use and zoning classification of the subject property.
- e) Photographs of the building involved and of adjacent buildings.
- f) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Demolition.
- g) Evidence which supports one or more of the Standards of Approval below. This might include evidence from a structural engineer, a building inspector, an architectural historian, builder, an appraiser, or other qualified expert.

C. STANDARDS OF APPROVAL FOR A CERTIFICATE FOR DEMOLITION

The building may be demolished within 60 days unless the Planning Board makes the following three findings based on the record:

- 1. The building is of historical significance as defined in Sections 413-2 and 413-4 of the Saco Zoning Ordinance;
- 2. Prudent and feasible alternatives to demolition exist; or
- 3. The property is not deteriorated beyond reasonable repair.

If the Planning Board finds that any of the three standards are not met, it shall issue a Certificate For Demolition. If it does not make such findings within 60 days of the public hearing or if it issues a Certificate of Demolition, the code enforcement officer may issue a demolition permit.

D. CONDITIONS OF APPROVAL In approving an application for the demolition, the Planning Board may impose reasonable conditions, including, but not limited to, the following conditions:

- 1. Photographic, video, or drawn recording of the property to be demolished, and/or
- 2. Reasonable salvage and curation of significant elements, and/or other reasonable mitigation measures.

E. HAZARD BUILDINGS Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature. Nothing in the section shall prevent the construction, reconstruction, or demolition of any building or feature which the Code Enforcement Officer shall determine is required because of concerns about structural deficiencies, the safety of the building and the safety of its occupants.

410-7. B-3 DOWNTOWN BUSINESS DISTRICT

(See also special size limitations in portion of B-3 district, Section 733-1)

PERMITTED USES

- 1. Multifamily dwellings
- 2. Elderly congregate housing
- 3. Home occupation
- 4. Retail businesses, excluding outdoor sales
- 5. Eating establishments except those listed as conditional uses and excluding drive-in service (Amended 4/7/03)
- 6. Eating and drinking establishments (Amended 4/7/03)
- 7. Business offices (Amended 4/7/03)
- 8. Professional offices (Amended 4/7/03)
- 9. Offices of contractors and tradesmen (Amended 4/7/03)
- 10. Financial institutions
- 11. Business services
- 12. Personal services (Amended 12/5/94)
- 13. Repair services (Amended 4/7/03)
- 14. Artist or craftsperson studios (Amended 4/7/03)
- 15. ~~Hotels and motels~~
- 16. Tourist homes
- 17. Health care clinics for humans (Amended 4/7/03)
- 18. Churches
- 19. Commercial schools
- 20. Private clubs
- 21. Health and fitness clubs (Amended 4/7/03)

22. Essential services
23. Public utility buildings
24. Municipal uses
25. Quasi-public uses
26. Accessory uses
27. Funeral homes
28. Any use permitted in the Resource Protection District
29. Bed and breakfast establishments (Amended 9/5/85)
30. Home babysitting service (Amended 8/1/88)
31. Day care home (Amended 8/1/88)
32. Day care center (Amended 8/1/88)
33. Single family dwellings (Amended 4/3/89)
34. Two family dwellings (Amended 4/3/89)
35. Adult day care center, Type 1 and 2 (Amended 7/1/91)
36. Nursery School (Amended 7/6/93)
37. One accessory apartment in a single family dwelling (Amended 10/20/08)
38. Drive-in windows are permitted only in association with financial institutions

CONDITIONAL USES

1. Commercial recreation
2. Indoor recreation (Amended 4/7/03)
3. Fast food restaurants, excluding drive through service (Amended 4/7/03)
4. Nursing homes
5. Drinking establishments (Amended 3/7/94; 4/7/03)
6. Commercial parking lots
7. Marinas (Amended 10/16/85)
8. Water recreation including piers, docks and boathouses related thereto (Amended 10/16/85)
9. High Voltage Transmission Lines (Amended 12/15/08)
10. Hotels and motels

VII. EXECUTIVE SESSION

Councilor Mills moved, Councilor Doucette 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 Negotiations.” The motion passed with seven (7) yeas. Time: 8:20 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., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell.

The Councilors moved to come out of the Executive Session with unanimous consent. TIME: 9:10 p.m.

Councilor Mills moved, Councilor Lovell seconded to authorize the City Administrator to sign Labor Contracts with Teamsters Local 340 Supervisory and Wastewater Treatment Plant bargaining units. The motion passed with seven (7) yeas.

VIII. RECESS THE MEETING AND MOVE TO WORKSHOP

The Councilors moved to recess the meeting and move to Workshop with unanimous consent. TIME: 9:15 p.m.

IX. ADJOURN THE WORKSHOP AND RECONVENE THE MEETING

Upon return from the workshop 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., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell.

The Councilors moved to adjourn the Workshop and reconvene the meeting. TIME: 9:49 p.m.

VI. AGENDA ITEMS:

D. CENTRAL FIRE STATION – AWARD ARCHITECTURAL AND ENGINEERING BID

At the regular City Council meeting on February 22, 2010 the council voted to award the Central Station design/build contract for the project to Pizzagalli Construction.

As part of the design/build award, all subcontracts over \$8,000 are to be reviewed and awarded by the Saco Council. Pizzagalli Construction sought architectural/engineering proposals from 3 firms. On February 24, 2010, the architects were interviewed and scored by staff and Pizzagalli.

Based on proposal results and post bid interview review, staff and Pizzagalli recommend awarding the architectural, structural, mechanical, and electrical design services to the low bidder Port City Architects.

Councilor Smith moved, Councilor Mills seconded that it be Ordered that the City Council award the Central Fire Station architect bid to Port City Architects. Further move to approve the Order. The motion passed with seven (7) yeas.

X. ADJOURNMENT

The Councilors adjourned the meeting with unanimous consent. TIME: 9:52 p.m.

Attest: _____
Claire I. Wyman, Asst. City Clerk