

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

**I. CALL TO ORDER** – On Monday, November 7, 2011 at 7:20 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., Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Richard Michaud was also present.

**III. PLEDGE OF ALLEGIANCE**

**IV. GENERAL:**

**V. APPROVAL OF MINUTES**

**VI. AGENDA**

**A. CONFIRM THE MAYORS APPOINTMENT OF MARK JOHNSTON TO THE SACO RIVER CORRIDOR COMMISSION**

Councilor Mills moved, Councilor Smith seconded “Be It Ordered that the City Council confirm the Mayor’s reappointment of Mark Johnston to the Saco River Corridor Commission effective November 30, 2011, for a term of three years expiring on November 30, 2014”. Further move to approve the Order. The motion passed with seven (7) yeas.

**B. INTERLOCAL COOPERATION AGREEMENT FOR BIDDEFORD-SACO PUBLIC SAFETY-FIRE DISPATCH**

**INTERLOCAL COOPERATION AGREEMENT  
FOR  
BIDDEFORD-SACO PUBLIC SAFETY ANSWERING POINT**

Pursuant to the provisions of 30-A M.R.S.A., Chapter 115, this Inter-local Cooperation Agreement (Agreement) is made and entered into as of the 19th day of September, 2007, by and between the City of Biddeford and City of Saco, Maine, for the provision of Public Safety Answering Point (PSAP) and E-911 services for the City of Saco.

**WHEREAS**, Maine law permits municipalities and political subdivisions to enter into inter-local cooperation agreements to make the most efficient use of their powers and to cooperate with other municipalities or political subdivisions on a basis of mutual advantage, in order to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of Maine communities; and

**WHEREAS**, M.R.S.A. §2926 Emergency Services Communication Bureau (ESCB) (2A) directs, to the extent possible, the Bureau shall establish a total of between 16 and 24 public service answering points. 625 Emergency Services Communication Bureau Chapter 1, Standards for Establishing a Statewide Enhanced 9-1-1 System §4(2)(c) Consolidation; and,

**WHEREAS**, the City of Biddeford and City of Saco have enjoyed cooperation; and,

**WHEREAS**, the City Council of Biddeford and City Council of Saco have reviewed the information available on this subject and have determined that it is in the best interest of their constituencies to participate in a consolidated PSAP center for the Cities of Biddeford and Saco, and that an appropriate agreement be created to facilitate the terms of this relationship, and,

NOW, THEREFORE, pursuant to the authority granted by 30-A M.R.S.A., Chapter 115, and every other legal authority, and in consideration of the following mutual covenants and conditions set forth herein, the parties hereby agree as follows:

**Section 1. Statement of Purpose**

The City of Biddeford Public Safety Communications Center will provide the following PSAP services to the City of Saco:

1. E 9-1-1 call transfer.
2. Emergency Medical Dispatching (EMD) will be provided by the City of Biddeford Public Safety Communications Center only if, due to the nature of the emergency, the call cannot be safely transferred to the City of Saco Dispatch, and Biddeford's Public Safety Communications person has already started EMD protocols. Otherwise, EMD calls will be transferred to, and handled by the Saco Dispatch personnel.
3. The City of Saco shall maintain a staff of State of Maine certified Emergency Medical Dispatchers on duty at all times. A copy of training records and proof of certification shall be provided to the City of Biddeford's Director of Emergency Communications.
4. The City of Saco will provide all other dispatch services for the City of Saco.
5. The City of Saco is responsible for developing, maintaining and complying with the State of Maine's Quality Assurance and Quality Improvement Plan. A copy of this Plan shall be supplied to the City of Biddeford.

**Section 2. Operation and Costs**

1. The PSAP Center shall be under the direct control and supervision of the Biddeford Police Department.
2. The PSAP shall comply with all pertinent ESCB rules, regulations and guidelines concerning operation of a PSAP Center and E 9-1-1 system and call-transfer services for other agencies.
3. The cost of the operation of the PSAP Center, its systems, personnel & equipment, shall be borne by the City of Biddeford. Any cost associated with the operation of the PSAP that requires additional equipment or otherwise, or which in any way is for the exclusive benefit of Saco, shall be the sole responsibility of the City of Saco.
4. The City of Saco agrees to pay a fee of \$1.00 per capita, for the fiscal year 2008 and a rate of \$2.50 per capita for the fiscal year 2009 and subsequent fiscal year. The population figures shall include the most recent resident information available from the U.S. Census Bureau. This fee may be changed with six months notice. This fee shall be paid yearly by the 15<sup>th</sup> day after the beginning of the fiscal year. Since this agreement begins after the start of the current fiscal year, the initial payment will be pro-rated to October 1, 2007.
5. The agencies represented in this agreement recognize that the complexities involved in multi-agency emergency dispatching will require continuous review and improvement. On occasion, problems or concerns between agencies or disciplines will occur. First line supervisors assigned to those agencies, departments, or organizations experiencing those concerns shall work to resolve such issues at their level whenever practical. Should the issue rise to the level of the Communications Director, the Director shall have the authority to resolve the issue on behalf of the communities.

**Section 3. Dispatch Procedures**

1. The Biddeford PSAP Center shall provide E 9-1-1 call-transfers for the City of Saco. Emergency Medical Dispatching services will be provided by the City of Biddeford, only under those circumstances when it is more prudent to handle the call at the answering point. Otherwise, the EMD call will be transferred to the City of Saco for processing.

2. E 9-1-1 and other emergency calls received for the City of Saco shall be transferred as quickly and efficiently as possible, and within the guidelines established by the ESCB.
3. Nothing in this agreement is intended to supplant or supersede any other agreement made by or between the City of Biddeford and City of Saco, nor is it intended to preclude either community from requesting assistance from the other pursuant to any existing agreement between the communities.
4. All citizens requesting the non-emergency services of a specific municipal police or fire agency shall be directed to the appropriate municipal dispatch center to be processed.
5. The Biddeford PSAP Center shall provide call-transfer and EMD functions commencing on or about November 1, 2007.

**Section 4. Effective Date**

The conditions and procedures outlined in this Agreement shall be in full force and effect commencing on or about November 1, 2007.

**Section 5. Term**

Either party may terminate this agreement with six months written notice to the other party, unless a shorter time period is agreed to by the parties.

**Section 6. Agreements**

The signatures of the following shall effectuate compliance with the terms and conditions of this Agreement .

**Section 7. Report to City of Saco**

The City of Biddeford shall submit a report of Saco PSAP activities to the City of Saco on a quarterly basis.

Richard Michaud, City Administrator City of Saco	John Bubier, City Manager City of Biddeford
Date	Date

\_\_\_\_\_ End of the Interlocal Cooperation Agreement \_\_\_\_\_

Councilor Blood moved, Councilor Mills seconded “Be it Ordered that the City Council hereby ordains and approves the report submitted by the chiefs and that the chief cause the creation of the Interlocal Cooperation Agreement for Biddeford-Saco Public Safety-Fire Dispatch submitted for council action no later than January 15, 2012”. Further move to approve the Order. The motion passed with four (4) yeas and three (3) nays – Councilors Smith, Doucette and Tardif.

**C. APPLICATIONS FOR A LICENSE TO OPERATE A GAME OF CHANCE: CARDS & DAILY POOL**

Councilor Doucette moved, Councilor Lovell seconded “Be it Ordered that the City Council grant the applications for a License to Operate a Game of Chance: Cards from January 1, 2012 to December 31, 2012 and Daily Pool from January 1, 2012 to December 31, 2012, as submitted by the fraternal Order of Eagles #3792”. Further move to approve the Order. The motion passed with seven (7) yeas.

**D. AMENDMENTS TO CHAPTER 73, BUILDING STANDARDS AND CHAPTER 74, BUILDING ENERGY STANDARDS – (FIRST READING)**

**Amendments to City Code Chapter 73, Building Standards and Chapter 74,  
Building Energy Standards – October 17, 2011**

*(Please note ~~strikethrough~~ indicates language to be deleted and underline represents new language)*

**73-1 TITLE**

**[Amended 1-18-2000]**

This chapter shall be known and may be cited as the "Building and Energy Code."

**73-2**

**ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE BY REFERENCE; AMENDMENTS TO  
STANDARDS**

~~A. Adoption of the International Residential Code. A certain document, three copies of which are on file in the office of the City Clerk of the City of Saco, being marked and designated as the "International Residential Code," as published by the International Code Council, be and is hereby adopted as the code of the City of Saco for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building, mechanical, plumbing and electrical systems in the City of Saco and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2003 Edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made part hereof as if fully set out in this chapter.~~

~~B. The following sections are hereby revised or adopted:~~

~~(1) Section R101.1 (page 1): insert "City of Saco."~~

~~(2) Section R102.7 (page 1): insert "NFPA 1" in place of "International Fire Code."~~

~~(3) Section R107.4 (page 5): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter 87 of the Code of the City of Saco."~~

~~(4) Section R112.1 (page 7), Board of Appeals, General: Insert "The Saco Zoning Board of Appeals shall serve as the Board of Appeals." after the first sentence.~~

~~(5) Table R301.2(1) (page 24): insert the following:~~

~~(a) Under "Ground Snow Load (pounds per square foot)" insert "60."~~

~~(b) Under "Wind Pressure (pounds per square foot)" insert "90."~~

~~(c) Under "Seismic Condition by Zone" insert "C."~~

~~(d) Under "Weathering" insert "severe."~~

~~(e) Under "Frost Line Depth" insert "48 inches."~~

~~(f) Under "Termite" insert "none to slight."~~

~~(g) Under "Decay" insert "none to slight."~~

~~(h) Under "Winter Design Temperature for Heating Facilities" insert "to ~~5° F.~~"~~

~~(i) Under "Ice Shield Underlayment Required" insert "Yes."~~

~~(j) Under "Flood Hazards" insert "January 6, 1997, date of adoption of the Floodplain Management Ordinance of the City of Saco." Date of FIRM, January 5, 1984, with revisions dated March 16, 1998."~~

~~(k) Under "Air Freezing Index" insert "1500."~~

~~(l) Under "Mean Annual Temperature" insert "45° Fahrenheit."~~

~~(6) Section R309.3 (page 49): add the following to end of the section: "The sills of all door openings between garages and adjacent interior spaces shall be raised not less than four inches above the garage floor."~~

~~(7) Section R310.1.1 (page 50): delete the exception.~~

~~(8) Section R311.6.1 (page 52): change "eight units horizontal" to "twelve units horizontal."~~

~~(9) Section R323 (page 58): delete entire section and insert "For Flood Resistant Construction, refer to Chapter 106 of the Code of the City of Saco, Maine."~~

~~(10) Section M1301.1.1 (page 291): delete "Section 323.1.5" and replace with "Chapter 106 of the Code of the City of Saco, Maine."~~

~~(11) Section M1401.5 (page 297): delete "Section R323.1.5" and replace with "Chapter 106 of the Code of the City of Saco, Maine."~~

- (12) Section M2001.4 (page 321): delete "Section R323.1.5" and replace with "Chapter [106](#) of the Code of the City of Saco, Maine."
- (13) Chapter 24, Fuel Gas (pages 331 to 386): delete chapter and refer to applicable NFPA Standards as adopted by the State of Maine.
- (14) Chapters 26 through 32 (pages 389 through 434): delete chapters and replace with "All plumbing shall be installed in accordance with the State of Maine Internal Plumbing Code, Chapter 238."
- (15) Appendix A is deleted.
- (16) Appendix I (page 573): delete "International Private Sewage Disposal Code" and insert the words "Maine Subsurface Wastewater Disposal Rules, Chapter 241."

### 73-3.1

#### **ADOPTION OF THE INTERNATIONAL BUILDING CODE BY REFERENCE; AMENDMENTS TO STANDARDS [Amended 1-18-2000; 5-3-2004]**

A. ~~Adoption of Building Code. A certain document, three copies of which are on file in the office of the City Clerk of Saco, being marked and designated as the "International Building Code, 2003 Edition," as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Saco in the State of Maine, for control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, as hereby referred to, are adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Subsection [B](#) of this section.~~

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

- (1) Section 101.1, Title (page 1): insert "City of Saco."
- (2) Section 101.4.1, Electrical (page 1): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter [87](#) of the Code of the City of Saco."
- (3) Section 101.4.4, Plumbing (page 1): delete "International Plumbing Code" and insert "State of Maine Internal Plumbing Code, Chapter 238."
- (4) Section 105.1, Required (page 3): delete the words "gas, mechanical" without replacement.
- (5) Section 105.1.1, Annual permit (page 3): delete entire section without replacement.
- (6) Section 105.1.2, Annual permit records (page 3): delete entire section without replacement.
- (7) Section 105.2, Work exempt from permit (page 3): Delete the following items under the heading "Building" without replacement and renumber the remaining: 1, 3, 5, and 12. Delete all items under the heading "Gas" and insert "No local permit required for gas installations." Delete all items under the heading "Mechanical" and insert "No local permit required for mechanical installations."
- (8) Section 105.5, Expiration (page 4): delete entire section and replace as follows: "Time limitation of permits: A building permit issued under the provisions of this code shall become void if work has not commenced within six months of the date of approval and shall expire two years from the date of issue. A building permit may be renewed once for a one-year period upon submission of an application and payment of the prescribed fee. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued."
- (9) Section 107.3, Temporary power (page 6): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter [87](#) of the Code of the City of Saco."
- (10) Section 108.6, Refunds (page 5): delete section and replace as follows: "In the case of a revocation of a permit or abandonment or discontinuance of a building project, any permit fees already paid shall be nonrefundable. In any other case, a refund may be made after deduction of administrative fees associated with the processing of the building permit based on the City of Saco's Cost Recovery Ordinance."
- (11) Section 112.1, Board of Appeals, General (page 8): insert "The Saco Zoning Board of Appeals shall serve as the Board of Appeals." after the first sentence.
- (12) Section 903.2, Automatic Sprinkler Systems, Where required (page 166): remove period and add to the end of the first sentence "and in any occupancy or structure as required by Chapter [102](#), § [102-4](#), of the Code of the City of Saco, whichever is more stringent."
- (13) Section 1025.2, Minimum size (page 223): delete exception without replacement.
- (14) Section 1612.3, Establishment of flood hazard areas (page 300): insert "City of Saco" and "January 5, 1984," and "March 16, 1998."
- (15) Section 1612.4, Design and construction (page 301): delete the period at the end of the section and insert "and Chapter [106](#) of the Code of the City of Saco."

- (16) ~~Section 2111, Masonry Fireplaces (page 427): delete entire section and insert "Masonry fireplaces shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition."~~
- (17) ~~Section 2112, Masonry Heaters (page 431): delete entire section and insert "Masonry heaters shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition."~~
- (18) ~~Section 2113, Masonry Chimneys (page 431): delete entire section and insert "Masonry chimneys shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, 2002 Edition."~~
- (19) ~~Section 2701.1, Scope (page 543): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter **87** of the Code of the City of Saco."~~
- (20) ~~Section 2702.1, Installation (page 543): delete "the ICC Electric Code" without replacement.~~
- (21) ~~Sections 2702.2.8, Membrane structures, 2702.10, Highly toxic and toxic materials, 2702.11, Organic peroxides, 2702.12, Pyrophoric materials (page 543): delete "International Fire Code" and insert "NFPA 1."~~
- (22) ~~Section 2702.3, Maintenance (page 543): delete "the International Fire Code" and insert "NFPA 110, Standard for Emergency and Standby Power."~~
- (23) ~~Section 2801.1, Scope (page 545): delete "International Fuel Gas Code" and insert "NFPA 54 National Fuel Gas Code."~~
- (24) ~~Section 2901.1, Scope (page 547): delete "International Plumbing Code" in two locations and insert "State of Maine Internal Plumbing Code, 144A CMR Chapter 238." Delete "International Private Sewage Disposal Code" and replace with "State of Maine Subsurface Wastewater Disposal Rules, 144A CMR Chapter 241."~~
- (25) ~~Section 2902.1.1, Unisex toilet and bath fixtures (page 549): delete "Section 404 of the International Plumbing Code" and insert "the State of Maine Internal Plumbing Code, Chapter 238."~~
- (26) ~~Chapter 30, Elevator and Conveying Systems (pages 551 through 553): delete the entire chapter and insert "All elevator and conveying systems installed shall comply with the Maine State Elevator Regulations found in Title 32, Chapter 133, of the Maine Revised Statutes, Annotated."~~
- (27) ~~Chapter 32, Encroachments Into the Public Way (page 561): delete the entire section without replacement.~~
- (28) ~~Section 3305.1, Facilities required (page 563): delete "the International Plumbing Code" and insert "federal and state OSHA requirements."~~
- (29) ~~Section 3309.2, Fire hazards (page 565): delete "International Fire Code" and insert "NFPA 1."~~
- (30) ~~Section 3401.3, Compliance with other codes (page 567): delete "in the International Fire Code, International Fuel Gas Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Mechanical Code, International Residential Code and ICC Electric Code" and replace with "as regulated by other codes promulgated by the City of Saco."~~
- (31) ~~Section 3410.2, Applicability (page 570): insert "the effective date of adoption of the International Building Code, 2003 Edition."~~

### **73-3.2**

## **ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE BY REFERENCE; AMENDMENTS TO STANDARDS**

**[Added 5-3-2004]**

A. ~~Adoption of Existing Building Code. A certain document, three copies of which are on file in the office of the City Clerk of Saco, being marked and designated as the "International Existing Building Code, 2003 Edition," as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Saco in the State of Maine, for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings and structures, including historic buildings as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Existing Building Code, as hereby referred to, are adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Subsection **B** of this section.~~

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

- ~~(1) Section 101.1, Title (page 1): insert "City of Saco."~~
- ~~(2) Section 104.2.1, Preliminary meeting (page 2): delete "shall" and insert "may."~~
- ~~(3) Section 105.1.1, Annual permits (page 3): delete entire subsection without replacement.~~

- (4) Section 105.1.2, Annual permit records (page 3): delete entire subsection without replacement.
- (5) Section 109.3, Required inspections (page 7): delete "shall" and insert "may."
- (6) Section 112.1, Board of Appeals, General (page 8): Insert "The Saco Zoning Board of Appeals shall serve as the Board of Appeals." after the first sentence.
- (7) Section 202, Definitions, "substantial damage" (page 12): delete the word "market" and replace with "assessed."
- (8) Section 202, Definitions, "substantial improvement" (page 12): delete the words "market" and replace with "assessed."
- (9) Section 410, Plumbing (page 17): delete entire section and replace with "All plumbing shall be installed in accordance with the State of Maine Internal Plumbing Rules, Chapter 238."
- (10) Section 605.3.1.1 (8), seventh line: change "5 square feet (0,46 m<sup>2</sup>)" to "5.7 square feet (0.54 m<sup>2</sup>)."
- (11) Section 608, Electrical (page 31): delete entire section and replace with "All electrical work shall be done in accordance with the Electric Code as adopted by Chapter **87** of the Code of the City of Saco."
- (12) Section 808, Electrical (page 38): delete entire section and replace with "All electrical work shall be done in accordance with the Electric Code as adopted by Chapter **87** of the Code of the City of Saco."
- (13) Section 810, Plumbing (page 39): delete entire section and replace with "All plumbing shall be installed in accordance with the State of Maine Internal Plumbing Rules, Chapter 238."
- (14) Section 1201.2, Applicability (page 53): insert "the date of adoption of this ordinance."

### **73-2**

#### **Administration and enforcement of Maine Uniform Building and Energy Code.**

**Effective December 1, 2010, the City of Saco applies and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as required by 10 M.R.S.A. § 9724.**

### **73-3**

#### **Building Permit Required**

**All construction activity as regulated by the Maine Uniform Building and Energy Code must first obtain a Building Permit from the City of Saco before construction commences. The following activities shall be exempt from these requirements:**

- 1. Fences.**
- 2. Sidewalks and driveways.**
- 3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.**
- 4. Prefabricated swimming pools that are less than 24 inches in depth.**
- 5. Swings and other playground equipment.**
- 6. Window awnings supported by the exterior wall which do not project more than 54 inches from the exterior wall and do not require an additional support. This exemption does not include awnings used as signs.**

### **73-4**

#### **SUPERVISING OFFICIAL**

The Building Inspector of the City of Saco shall serve as the building official as defined in 25 M.R.S.A. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Building Inspector shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Advisory Board. ~~is herewith designated as the City official to supervise and enforce this chapter.~~

### **73-5**

#### **APPEALS**

A. Any person aggrieved by the decision of the Building Inspector with regard to the enforcement of the Building and Energy Code may take appeal to the Mayor and City Council.

B. An appeal may be taken within 30 days from the date of the decision appealed by filing with the City Council, through its Clerk, a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Building Inspector, is unsafe, dangerous and a threat to life safety, the Building

Inspector may, in his/her order, limit the time for such an appeal to seven days. The Building Inspector shall forthwith transmit to the Mayor and City Council all the papers upon which the action appealed from was taken.

### 73-6 VIOLATIONS AND PENALTIES

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

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

### 73-7 SCHEDULE OF CONSTRUCTION FEES

*Editor's Note: Copies of the current fee schedule are on file in the office of the City Clerk.*

**[Amended 10-16-2000]**

Fees shall be determined by Council after a public hearing.

- A. The minimum fee shall be established by the City Council after a public hearing.
- B. Dwellings.
  - (1) New buildings. Any building or structure or portion thereof designed or used exclusively for residential purposes, including additions, modular homes and mobile homes.
  - (2) Foundations for residences (full or partial).
  - (3) Residential alterations (up to \$5,000).
  - (4) Residential alterations (each \$1,000 or portion thereof above \$5,000).
- C. Sheds up to 180 square feet (over 180 square feet considered a garage).
- D. Commercial buildings, including multifamily residential (three or more units), including additions but not alterations.
- E. Foundations for commercial structures (full or part).
- F. Commercial alterations (up to \$5,000).
- G. Commercial alterations (each \$1,000 or portion thereof above \$5,000).
- H. Mobile signs, siding, chimneys and swimming pools (aboveground sidewall of 30 inches or more or capacity of 1,200 gallons).
- I. Permanent signs (freestanding, parallel or projecting).
- J. In-ground swimming pools.
- K. Garages (space is 10 feet by 20 feet or fraction thereof rounded downward, i.e.,  $24 \times 24 = 576$  square feet  $\div$  200 = 2.88 or 2).
- L. Decks per square foot.
- M. Moving a building.
- N. Commercial parking lots (space is nine feet by 18 feet).
- O. Propane tank placement of 250 gallons or more.
- P. Underground fuel storage tanks (500 gallons or more).



- Q. Removal of underground fuel storage tanks (500 gallons or more).
- R. Aboveground fuel storage tanks.
- S. Occupancy permits (change in use).
- T. Occupancy permits (when used in conjunction with new construction).
- U. Removal of stop-work order.
- V. Reinspection fee.
- W. Zoning information, letter form.
- X. Mobile home park annual fee.
- Y. Demolition.
- Z. Plumbing permits.
  - (1) Per fixture, no maximum.
  - (2) Reinspection fee, including septic system reinspections.

**CHAPTER 74  
BUILDING ENERGY CONSERVATION**

~~[HISTORY: Adopted by the City Council of the City of Saco 12-1-2008. Amendments noted where applicable.]~~

**GENERAL REFERENCES**

- Building Construction — See Ch. ~~73~~.
- Electrical Code — See Ch. ~~87~~.
- Fire Prevention — See Ch. ~~102~~.
- Mobile Homes — See Ch. ~~143~~.

**74-1  
PURPOSE**

~~The purpose of this chapter is to assure the comfort, convenience, safety, health and welfare of the inhabitants of the City of Saco, to protect and conserve its environment and resources, and to provide for alternative measures to design and construct energy efficient buildings.~~

**74-2  
FINDINGS AND INTENTIONS**

~~The City of Saco finds that preserving resources through energy efficient construction will improve the quality of community life, will foster continued reinvestment and redevelopment in the community, and promote and sustain the greater public's interest in visiting and living in Saco. As part of its overall green and clean initiatives, including the installation of windmills, the adoption of mandatory single-stream recycling, the purchase of electric and other alternative energy vehicles, the preservation of critical open space, and the adoption of this and other similar ordinances, the City intends to lead by example, and promote and maintain for its citizens a clean and sustainable life.~~

**74-3  
TITLE**

~~This chapter shall be known and may be cited as the "Building Energy Conservation Code."~~

**74-4  
ADOPTION OF STANDARDS BY REFERENCE**

~~The 2006 Edition of the International Energy Conservation Code, as recommended and published by the International Code Council, is adopted by reference and made a part of this chapter, with the same force and effect as though set out in full herein, as the Official Building Energy Conservation Code of the City of Saco, subject to additions and deletions set forth in this chapter. This chapter is adopted pursuant to 30-A M.R.S.A. §§ 3001 and 3003, and pursuant to the authority provided under the Maine Constitution Article VIII, Part Second. Pursuant to 30-~~

A.M.R.S.A. § 3003, at least one copy of the International Energy Conservation Code has been and shall be on file in the office of the City Clerk for public inspection and use.

#### **74-5 SUPERVISING OFFICIAL**

The Building Inspector, Code Enforcement Officers and Electrical Inspector of the City of Saco are all authorized to administer and enforce this chapter.

#### **74-6 ADDITIONS, DELETIONS AND INSERTIONS**

The following are hereby revised:

A.-  
Section 101.1 Insert: [City of Saco].

#### **74-7 APPEALS**

A.-  
Any person aggrieved by a decision of the Building Inspector, Code Enforcement Officer or Electrical Inspector with regard to the enforcement of the Building Energy Conservation Code may take such appeal to the City Council.

B.-  
An appeal may be taken within 30 days from the date of the decision appealed by filing with the City Council, through its Clerk, a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Building Inspector, is unsafe, dangerous and a threat to safety of the inhabitants thereof, the time for such an appeal shall be seven days. Upon receipt of an appeal, the Clerk and the Building Inspector shall cause and forthwith transmit to the City Council all papers upon which the action appealed from was taken.

C.-  
The City Council shall act as a review board of appeals, hold a hearing and make findings of fact and conclusions of law before rendering a decision on the matter appealed. The hearing will not be de novo.

D.-  
Any appeal from a decision of the City Council shall be taken pursuant to Rule 80(B) of the Maine Rules of Civil Procedure.

#### **74-8 VIOLATIONS, ENFORCEMENT AND PENALTIES**

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

A.-  
The minimum penalty for violation of any provision of this code shall be \$100, and the maximum penalty shall be \$2,500 per violation or instance.

B.-  
The minimum penalty for a specific violation shall be \$100, and the maximum penalty shall be \$2,500.

C.-  
In addition to monetary fines, the violator may be ordered to correct or abate the violations. Where a court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:

- (1) Result in a threat or hazard to public health or safety;
- (2) Result in substantial environmental damage; or
- (3) Result in substantial injustice.

~~D.~~

~~If the City is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, he/she may be awarded reasonable attorney fees, expert witness fees and costs, only as provided by court rule or state law.~~

~~E.~~

~~The maximum penalty may exceed \$2,500 but shall not exceed \$25,000 when it can be shown that there has been a previous violation of the chapter by the same party, within the past two years.~~

~~F.~~

~~All enforcement proceedings initiated by the City, arising under the provisions of this chapter and the code adopted by reference herein shall be brought in the Maine District Court pursuant to the Maine Rule of Civil Procedure 80(K). Proceedings shall be brought in the name of the City of Saco, and fines shall be paid to the City of Saco.~~

~~G.~~

~~The Code Enforcement Officer may, in consultation with the City Administrator and with the advice of the City Attorney, reach, enter into and execute a settlement or consent agreement with the party alleged to have violated this chapter or any provision of the International Energy Conservation Code incorporated herein. Such consent or settlement agreement may provide for the following remedies or relief:~~

- ~~(1) Fines;~~
- ~~(2) Attorney fees;~~
- ~~(3) Costs, including experts and tests;~~
- ~~(4) Injunctive relief;~~
- ~~(5) Other affirmative undertakings by the subject party-defendant.~~

#### **74-9**

#### **VALIDITY AND/OR CONFLICT WITH OTHER ORDINANCES**

~~A.~~

~~Validity. Should any section or provision of this chapter be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this chapter.~~

~~B.~~

~~Conflict with other ordinances. Whenever the requirements of this chapter are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirement shall apply.~~

#### **74-10**

#### **EFFECTIVE DATE**

~~This chapter shall become effective as provided by the City Charter; however, the Code provisions adopted by reference herein shall remain advisory only until January 1, 2010. Thereafter, all provisions shall become mandatory, and the failure to comply with them shall become enforceable as provided herein.~~

\_\_\_\_\_ End of the Amendments Document \_\_\_\_\_

Councilor Blood moved, Councilor Doucette seconded “The City council hereby ordains and approves the First Reading of the document titled, ‘Amendments to City Code Chapter 73, Building Standards and Chapter 74, Building Energy Standards – October 17, 2011’, and further moves to set the Public Hearing for November 21, 2011”. The motion passed with seven (7) yeas.

### **E. SACO HOUSING AUTHORITY, CONTRACT FOR ADMINISTRATION**

On May 16 the City Council, acting as the board of the Saco Housing Authority, approved a transfer of administration of the Saco Housing Authority administration from AVESTA Housing to the Biddeford Housing

Authority. That transfer was completed on July 1 and has gone well. The chief activity of the SHA is to administer 38 Housing Choice vouchers.

Part of the BHA's duty is to prepare and operate under what the Dept. of Housing and Urban Development calls an "Administrative Plan for Section 8 Housing Choice Voucher Program." The Council, again acting as the Housing Authority, would adopt it.

BHA Executive Director Guy Gagnon has prepared the lengthy administration plan, which is mostly required boiler plate. One section worth noting, however, would give Saco residents a preference on receiving the vouchers, a change from the previous plan. The timing is good, too, because Gagnon anticipates opening up the waiting list on December 1.

The Council discussed this item at Workshop on October 24, 2011.

## SELECTION METHOD

### Local Preference

Local preference will be given to applicants that can provide verification that they are currently residents of Saco, who are homeless and provide verification that their previous residence was in Saco, and those who work or have been notified that they are hired to work in Saco. Preference will be given to a family whose head, spouse or single member is an elderly or disabled person or the single member is a displaced person, over other single persons who are not elderly, disabled or displaced. This preference must be applied whether the elderly, displaced or other single person have local preference.

### Income Targeting Requirement

HUD requires that extremely low income (ELI) families make up at least 75% of the families admitted to the voucher program during the SHA's fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, the SHA will skip non-ELI families on the waiting list in order to select an ELI family.

The SHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as needed basis to ensure the income-targeting requirement is met.

### Order of Selection

Families will be selected from the waiting list on a first come, first serve basis according to the date and time their completed application is received by the SHA. Families that qualify for target funding may be selected from the waiting list ahead of higher placed families that do not qualify for the targeted funding. However, within the targeted funding category, applicants will be selected on a first-come, first served basis according to the date and time their completed application is received. Documentation will be maintained by the SHA as to whether families on the list qualify for targeted funding.

If a higher placed family on the waiting list is not qualified for targeted funding, there will be a notation maintained so that the SHA does not have to ask higher placed families each time targeted selections are made.

**Note: A copy of the complete Administrative Plan for Section 8 Housing choice Voucher Program document can be viewed at the following link: [Go to #0009 - Planning Dept - Saco Housing Study - Administrative Plan For Section 8 Housing Choice Voucher Program.](#)**

Councilor Cote moved, Councilor Tardif seconded “Be it Ordered that the City Council, acting as the Saco housing Authority, adopt the ‘Administrative Plan for Section 8 Housing Choice Voucher Program’”. Further move to approve the Order. The motion passed with seven (7) yeas.

**F. ZONING ORDINANCE AMENDMENT – INFILL DEVELOPMENT – (SECOND & FINAL READING)**

*“Zoning Ordinance Amendment to Implement a Changes with Regard to Infill Development as Proposed in the 2011 Comprehensive Plan, dated July 20, 2011”*

*Proposed additions are underlined; proposed deletions are ~~struck through~~.*

1. Amend TABLE 412-1: MINIMUM LOT AND YARD REQUIREMENTS by adding a new standard D.1 Maximum Front Setback to read as shown on the revised table and accompanying footnotes on the following pages.
2. Amend TABLE 412-1: MINIMUM LOT AND YARD REQUIREMENTS by revising the Minimum Lot Area per Dwelling Unit requirement in the R3 District to allow a higher density for small dwelling units to read as shown on the revised table and accompanying footnotes on the following pages.
3. Amend TABLE 412-1: MINIMUM LOT AND YARD REQUIREMENTS by revising the Minimum Side Yard and Rear Yard requirement in the R3 District to increase the setbacks for multifamily housing and principal structures that are part of a multi-unit residential project to read as shown on the revised table and accompanying footnotes on the following pages.



**TABLE 412-1: MINIMUM LOT AND YARD REQUIREMENTS**

	R-1a	R-1b	R-1c	R-1d	R-2	R3/B7	R-4	B-1	B-2a	B-2b	B-2c& B-2d	B-3	B-4	B-5	B-6	BP	I-1 I-2,I-2b, I-3	C-1	RP <sup>3</sup>
<b>A. MINIMUM LOT AREA (Sq. Ft.)<sup>13</sup></b>																			
(1) sewerd	20,000	10,000	7,500	15,000	7,500	6,07,500 <sup>20</sup>	7,500	7,500	20,000 <sup>9</sup>	20,000 <sup>9</sup>	7,500	7,500	*	7,500	20,000	40,000	40,000	40,000	40,000
(2) unsewerd	40,000	20,000	40,000	40,000	20,000	20,000	20,000	20,000	20,000	20,000	N/A	*	20,000	40,000	40,000	40,000	80,000	80,000	80,000
<b>B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)<sup>7, 13</sup></b>																			
<b>B1. MINIMUM NET RESIDENTIAL ACREAGE PER DWELLING UNIT IN SUBDIVISIONS (SQ. Ft.)<sup>7, 13</sup> (Amended 3/07/05)</b>																			
<b>45)</b>																			
Single Family																			
sewerd	20,000	10,000	7,500	15,000	7,500	7,500	7,500	7,500	10,000	7,500	7,500	7,500	N/A	7,500	20,000	40,000	N/A	N/A	N/A
unsewerd	40,000	20,000	20,000	40,000	20,000	20,000	20,000	20,000	40,000	20,000	20,000	N/A	N/A	20,000	40,000	40,000	N/A	80,000	N/A
unsewerd & on-lot water	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	N/A	N/A	40,000	40,000	40,000	N/A	80,000	N/A
<b>(2) Two Family</b>																			
sewerd	20,000	10,000	7,500	15,000	5,000	4,000 <sup>20</sup>	5,000	5,000	7,500	5,000	4,000	3,750	N/A	7,500	20,000	N/A	N/A	N/A	N/A
unsewerd	40,000	20,000	20,000	30,000	17,500	17,500	17,500	17,500	30,000	20,000	17,500	N/A	N/A	17,500	40,000	N/A	N/A	80,000	N/A
<b>(3) Multi-family</b>																			
sewerd	N/A	N/A	N/A	N/A	5,000	4,000 <sup>20</sup>	5,000	5,000	7,500	5,000	4,000	1,500	*	N/A	5,000	N/A	N/A	N/A	N/A
unsewerd	N/A	N/A	N/A	N/A	17,500	17,500	17,500	17,500	30,000	20,000	17,500	N/A	NA	N/A	N/A	N/A	N/A	N/A	N/A
<b>C. MINIMUM STREET FRONTAGE<sup>4</sup> (Feet)</b>																			
(1) sewerd	100	100	75	100 <sup>13</sup>	75	75	75	50	100 <sup>10</sup>	200 <sup>10</sup>	100	50	*	50	200	150 <sup>12</sup>	150 <sup>12</sup>	200	200
(2) unsewerd	150	100	75	150	100	100	100	100	100	200	200	N/A	N/A	50	200	150 <sup>12</sup>	150 <sup>12</sup>	200	200
<b>D. MINIMUM DEPTH FRONT YARD (Feet)</b>																			
	40	25	25	25	25 <sup>19</sup>	15 <sup>19</sup>	25 <sup>19</sup>	25	40	75/40 <sup>11</sup>	40	0	*	15	75/40 <sup>11</sup>	75/40 <sup>11</sup>	50	30	50
<b>D.1. MAXIMUM FRONT SETBACK</b>																			
	N/A	N/A	N/A	N/A	See	See	See	N/A	N/A	N/A	N/A	N/A	N/A *	N/A	N/A	N/A	N/A	N/A	N/A
					Note 19	Note 19	Note 19												
<b>E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)<sup>14</sup></b>																			
	20	15	15	15	15 <sup>21</sup>	10 <sup>21</sup>	15 <sup>21</sup>	15/0 <sup>1</sup>	20	20	20	10/0 <sup>2</sup>	*	10	20	25	25	25	25
<b>F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet)<sup>8</sup></b>																			
<b>45)</b>																			
Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes																			
	25	25	25	25	25	25/N/A	25	25	25	25	25	25	25	25	25	25	25	25	25
<b>(2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools</b>																			
	50	50	50	50	50	50/N/A	50	50	50	50	50	50	50	50	50	50	50	50	50
<b>G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet)<sup>5</sup> (Amended 11/7/05)</b>																			
	75	75	75	75	75	75	75	75	75	75	75	25	25	75	75	75	75	75	75
<b>H. MAXIMUM LOT COVERAGE (%)</b>																			
	20	30	30	25	30	40	30	50	50	50	50	90	*	40	50	40	40	20	N/A
<b>I. MAXIMUM HEIGHT (Feet)</b>																			
	35	35	35	35	35	35	35	35	35	35	35	60	*	35	60	60	60	35	35
	R-1a	R-1b	R-1c	R-1d	R-2	R-3	R-4	B-1	B-2a	B-2b	B-2c B-2d	B-3	B-4	B-5	B-6	BP	I-1, I-1-2, I-2b,1-3	C-1	RP <sup>3</sup>



## Footnotes to Table 412-1.

1. Zero if with party wall; otherwise 15 feet minimum (Amended 1/3/95)
2. Zero if with party wall; otherwise 10 feet minimum (Amended 1/3/95)
3. Applies to lots involving development of buildings or structures
4. Where a lot fronts on a cul-de-sac, these minimums shall be measured at the front yard setback line
5. Along the Saco River, the aggregate of river frontage plus setback shall equal 500 feet, with a minimum setback of 100 feet. Setback provisions do not apply to structures which require direct access to the water as an operational necessity, such as piers and docks.
6. (Reserved) (Amended 1/3/95)
7. For religious conference centers density shall be governed on the basis that three bedrooms equal one dwelling unit, or for common sleeping areas, four beds equals one dwelling
8. In the Historic Preservation District only, the setbacks for new buildings (and additions) described in F (2) and F (3) shall be the same as in Row E above. Existing buildings are not required to conform to setbacks. For new parking areas, existing parking areas to be enlarged by five or more spaces, and new access drives as described in F(1), the setbacks shall be 10 feet. Existing parking areas and access drives do not require setbacks. For both new and existing parking areas, the Planning Board may impose conditions of approval including plantings, fences, earth berms, and other screens and buffers, to assure that adequate protection of nearby uses is provided. Nothing in this section shall be interpreted to prohibit shared parking on adjoining lots when permitted. (Amended 7/1/91)
9. Except for single-family houses in sewerer areas, the minimum lot size for which is 10,000 sq. ft. in the B-2a and 7,500 sq ft. in the B-2b. (Amended 3/2/92)
10. Special street frontages for single-family houses:
  - (1) B-2a sewerer, 100 feet
  - (2) B-2b sewerer, 75 feet
  - (3) B-2b unsewerer, 100 feet
11. B-2a, B-2b, B-6, and BP Setbacks:
  - (1) 75 feet for lots with frontage on Route 1
  - (2) 40 feet for lots fronting elsewhere in the district. (Amended 3/2/92, 2/19/02)
12. Street frontage may be reduced to 50 feet for lots that have their frontage and primary vehicular access from a collector or local street, or in the case of arterial streets, no more than one such reduced frontage in each 500 feet of frontage. The lot shall be at least as wide at a potential building site as the frontage measurement required in the district. (Amended 4/2/2001)
13. Notwithstanding the minimum lot size and minimum lot area per dwelling unit requirements shown on Table 412-1, any residential lot that uses subsurface waste disposal system for on-site sewage disposal and any portion of which is located over a mapped sand and gravel aquifer as shown on the map Significant Sand and Gravel Aquifers – 1998 published by the Maine Geological Survey shall have a minimum lot area per dwelling unit of forty thousand (40,000) square feet. (Amended 4/19/02)
14. See definition of shed for special setbacks for certain small sheds in certain districts. (4/7/03-5/7/03)

NOTE: Notes 15 through 18 are proposed to be added to the ordinance as part of the Downtown Zoning amendments.

19. The building must maintain the established relationship of the front walls of buildings to the street for the block in which it is located. The front wall of a new building must be located within +/- five (5) feet of the average of the front setbacks for the existing principal buildings in the same zone facing the same street in the block in which the building is located. Existing buildings that are set back significantly further from the front lot line than the pattern of the block should be excluded from the calculation. Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking must be located to the side or rear of the building and no parking shall be located in the area between the front wall of the principal building and the front property line extending the entire width of the lot. These requirements do not

apply if the building is part of a multi-unit residential project approved by the Planning Board in accordance with 729.

20. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 1 bedrooms and less than 600 SF of total floor area, the requirement is 3,000 SF of lot area per unit and for dwelling units with more than 1 bedroom or more than 600 SF of total floor area regardless of the number of bedrooms, the requirement is 4,000 SF of lot area per unit.

21. The side yard and rear yard shall be a minimum of 25 feet for multifamily buildings or for other principal buildings that are part of a multi-unit residential project if the building is adjacent to a lot line that is shared with a residential lot that is not part of the project unless a different setback is approved by the Planning Board in accordance with Section 729.

\* To be determined as part of subdivision and site plan review procedures

4. Amend Section 729 by adding a new subsection I. Additional Standards in the R2, R3, and R4 Districts that establishes additional design standards for multifamily housing and multi-unit residential projects in the R2, R3, and R4 Districts which shall read:

45) Additional Standards in the R2, R3, and R4 Districts. All multifamily dwellings and multi-unit residential projects located in the R2, R3, or R4 Districts shall conform to the following standards unless the Planning Board finds that a deviation from one or more of these design standards will still enable the project to meet the Intent and Purpose of these standards and be compatible with the neighborhood:

45) Neighborhood Compatibility. Multifamily dwellings and multi-unit residential projects are appropriate in the R2, R3, and R4 Districts only if they are developed in a manner that reflects an urban pattern of development that is compatible with the adjacent, established neighborhood. The overall layout and design of the site and buildings shall be compatible with the general character of the immediate neighborhood adjacent to the proposed development including the relationship of the buildings to the established streetscape, the design and placement of vehicle access, the scale and orientation of the buildings, the treatment of walls facing existing residential units or public streets, the layout of the building sites, provisions for pedestrian facilities, and provisions for a perimeter buffer.

b. Streetscape. The location and design of the buildings shall reflect the established streetscape of the street(s) which provides the vehicular access to the lot. Where there is a reasonably uniform relationship of existing buildings to the street, the placement and orientation of the new buildings must reflect this relationship to the extent feasible. The development should avoid creating gaps or irregularities in the streetscape unless there is a clear benefit in the overall use of the property that is compatible with the neighborhood.

c. Access Drives. The location and design of any streets, driveways or accessways shall minimize the impact on existing residential properties. If an accessway will serve more than two dwelling units, the edge of the travelway should be at least twenty-five (25) feet from any principal residential building on an adjacent lot. The accessway should be no less than eighteen (18) feet wide and no more than twenty (20) feet wide unless the Planning Board determines that a wider travelway is necessary for adequate safety or access to the project due to the unique characteristics of the site or the scale of the development. The design of the accessway including the grade, pavement width, and turning radii at the intersection with the street shall conform to the requirements of the Public Works Department.

A buffer consisting of berms, landscaping, and/or fencing shall be provided to minimize the impact of the accessway on adjacent property whenever the edge of the travelway of an accessway serving more than two dwelling units is located within thirty-five (35) feet of an existing principal residential building on an adjacent lot. The width and treatment of the buffer shall be determined by the Planning Board during the site plan review based

on the physical characteristics of the site and anticipated volume of traffic with more intensive and/or wider buffer treatments required when separation distances are less or the volume of traffic is greater.

d. Scale. The scale of the building(s) shall conform to the standard of E.a above. The horizontal length of walls shall be visually compatible with the length of walls that exist in the surrounding neighborhood. Walls that are longer than typically found in the neighborhood are permissible if the building is designed with offsets or other design features that visually breakup the scale of the wall.

e. Treatment of Walls. Walls that face a public street or that are adjacent to the wall of an existing principal residential building on an adjacent lot shall not be a blank wall and shall be designed with windows, doors, porches, or other building elements that provide scale and openness to the façade.

f. Site Layout. If buildings will get their vehicular access from an internal accessway, the layout and design of the site shall reflect the traditional urban pattern of 'streets' and 'lots' in which the areas devoted to vehicular circulation are physically separated from the areas devoted to the building sites and associated parking. A design that merges the accessway and parking areas into a single large paved surface is unacceptable. The internal accessways should be separated from the buildings and their associated parking by landscaping or other design features.

g. Pedestrian Facilities. If the street(s) serving the development has sidewalks or if sidewalks will be provided as part of the project, pedestrian facilities shall be provided to link the dwelling units to the sidewalk system. The type of pedestrian facility should be appropriate for the scale of the development. A narrow paved and striped shoulder added to the accessway may be appropriate for a limited number of units while a sidewalk or pedestrian path is appropriate for a larger project.

h. Perimeter Buffer. A buffer consisting of landscaping and/or fencing shall be provided to minimize the impact of the development on adjacent residential property whenever a building is located within thirty-five (35) feet of an existing principal residential building on an adjacent lot. The width and treatment of the buffer shall be determined by the Planning Board during the site plan review based on the physical characteristics of the site the scale and massing of the proposed buildings with more intense or wider buffer treatments required when the separation distances are less or the scale of the building is larger.

5. Amend Section 1104-1. BASIC INFORMATION in the Site Plan Review requirements by adding a new item 20 to read:

20. A design analysis demonstrating how the project conforms to the design standards of Section 729 including any district specific additional requirements. This analysis must address each of the applicable design standards and allow the Planning Board to determine if each standard has been met. The analysis must provide information about the proposed development and the characteristics of neighboring properties and the adjacent neighborhood and an analysis demonstrating how the proposed development meets the standards. This analysis should include plans, building elevations, visual simulations, and a narrative as appropriate to document conformance with the standards.

6. Amend Section 302. Meaning of Words to add a definition of "multi-unit residential project" in proper alphabetical order to read:

**Multi-unit residential project:** A residential development consisting of three or more dwelling units in which the buildings are designed and constructed as part of the overall development. The distinguishing characteristic of a multi-unit residential project is that it is designed and developed with a common, consistent architectural style. The dwelling units in a multi-unit residential project may be in single-family dwellings, two-family dwellings, or multifamily dwellings, or any combination thereof and may be located on a single lot or on multiple lots.

7. Amend Section 1102. Applicability so that item 4. Reads as follows:

4. Proposals for the new construction of multifamily dwellings, or the construction of a multi-unit residential project, or for the conversion . . . .

8. Amend Section 1103. Administration by adding a new subsection 9 to read:

9. NEIGHBORHOOD MEETING REQUIRED

a. Applicability and Purpose. An applicant intending to file a site plan review application for certain projects shall hold a neighborhood meeting in accordance with the requirements of this section before submitting an application for Site Plan Review. The goal of the meeting is to inform the public about the project and to identify concerns so they might be addressed in the design and review of the project. The neighborhood meeting, as described in this section, shall be held for any potential application for site plan review that involves:

- 1) the construction or expansion of a commercial, industrial, or other nonresidential structure with more than one thousand (1,000) square feet of total floor area that is located in a mixed use or residential zoning district, or that abuts a residential zoning district.
- 2) the construction or expansion of a multi-unit residential project that will create six (6) or more new dwelling units in a mixed use or residential zoning district, or that abuts a residential zoning district.

b. Timing and Location of the Neighborhood Meeting. An applicant for a site plan review shall conduct at least one neighborhood meeting no more than ninety (90) days prior to submitting the site plan application. The meeting shall be held at a convenient location either in the neighborhood surrounding the proposed site, or at a readily accessible location. All costs associated with the neighborhood meeting shall be borne by the applicant.

c. Procedures for the Neighborhood Meeting.

- 1) Notice. The applicant shall mail notice of the neighborhood meeting to all property owners who will be entitled to receive notice when the site plan review application is filed and to the Planning Department at least ten (10) days before the meeting. The notice shall be mailed by first class mail with a Post Office certificate of mailing. The notice shall contain a brief description of the potential project, the location of the project, the permits for which the applicant will be seeking approval, and the date, time and place of the neighborhood meeting. The Post Office certificate(s) of mailing with the list of the people who were mailed the notice shall be provided to the Planning Department.
- 2) Digital Copy. The applicant shall provide the Planning Department with a digital copy of the neighborhood meeting notice, at least ten (10) days before the meeting, which the City may forward to other interested persons or groups.
- 3) Presentation. At the meeting the applicant shall present a summary of the proposed project and a plan or drawing of the project, indicate what permits and licenses are required for the project, and provide adequate opportunity for public questions and comments.
- 4) Attendance Sheet. At the neighborhood meeting the applicant shall circulate a sign-in sheet for those in attendance who choose to sign. The sign-up sheet shall be submitted to the Planning Department and shall become part of the application submitted to the Planning Board.
- 5) Minutes. The applicant shall keep minutes of the meeting to be submitted to the Planning Department and, as part of the application, to the Planning Board. Any other person attending the meeting may submit comments on the neighborhood meeting to the Planning Department or Planning Board.

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*(with these potential amendments to the main motion these subsections would look like:)*

Amend Section 1103. Administration by adding a new subsection 9 to read:

**9. NEIGHBORHOOD MEETING REQUIRED**

a. Applicability and Purpose. An applicant intending to file a site plan review application for certain projects shall hold a neighborhood meeting in accordance with the requirements of this section before submitting an application for Site Plan Review. The goal of the meeting is to inform the public about the project and to identify concerns so they might be addressed in the design and review of the project. The neighborhood meeting, as described in this section, shall be held for any potential application for site plan review that involves:

1) the construction or expansion of a commercial, industrial, or other nonresidential structure with more than one thousand (1,000) square feet of total floor area that is located in a mixed use or residential zoning district, or that abuts a residential zoning district.

2) the construction or expansion of a multi-unit residential project that will create six (6) or more new dwelling units in a mixed use or residential zoning district, or that abuts a residential zoning district.

b. Timing and Location of the Neighborhood Meeting. An applicant for a site plan review shall conduct at least one neighborhood meeting no more than ninety (90) days prior to submitting the site plan application. The meeting shall be held at a convenient **city building**. All costs associated with the neighborhood meeting shall be borne by the applicant.

c. Procedures for the Neighborhood Meeting.

1) Notice. The applicant shall mail notice of the neighborhood meeting to all property owners who will be entitled to receive notice when the site plan review application is filed and to the Planning Department at least ten (10) days before the meeting. **The date of the meeting shall be coordinated with the Planning Department so that a member of the department can attend.** The notice shall be mailed by first class mail with a Post Office certificate of mailing. The notice shall contain a brief description of the potential project, the location of the project, the permits for which the applicant will be seeking approval, and the date, time and place of the neighborhood meeting. The Post Office certificate(s) of mailing with the list of the people who were mailed the notice shall be provided to the Planning Department.

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End of the Zoning Ordinance Amendments Document

Councilor Blood moved, Councilor Mills seconded to adopt the Zoning Ordinance Amendment in the document “Zoning Ordinance Amendment to Implement a Change with Regard to Infill Development as Proposed in the 2011 Comprehensive Plan, Dated July 20, 2011”.

AMENDMENT - Councilor Blood moved, Councilor Mills seconded to move to amend the motion with reference to the neighborhood meeting requirement by requiring that the meeting be held in a city building and that the Planning Department attend, as follows: Delete from 1103 9 b the words: “location either in the neighborhood surrounding the proposed site, or at a readily accessible location” and replace them with the words “city building” and in 1130 9 C 1 insert after the second sentence the words: “The date of the meeting shall be coordinated with the Planning Department so that a member of the department can attend”. The motion passed seven (7) yeas.

The Mayor called for a vote on the main motion which passed with four (4) yeas and three (3) nays – Councilors Tardif, Cote and Lovell.

**VII. ADJOURN THE MEETING**

Councilor Smith moved, Councilor Lovell seconded to adjourn the meeting at 7:39 p.m. The motion passed with unanimous consent.

ATTEST: \_\_\_\_\_  
Michele L. Hughes, City Clerk