

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday May 7, 2012 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Mark Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith Jr., Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:

PROCLAMATION – SESQUICENTENNIAL CELEBRATION FOR THE CITY OF SACO

Mayor Johnston asked Councilors Lovell and Doucette, Johanna Hoffman, William Johnson and Nadeen DeSilva to step forward and accept the “Sesquicentennial Celebration Proclamation”. On June 9, 2012, the City of Saco will celebrate its 250th anniversary of the incorporation of Pepperrellborough (later Saco); and whereas this marks the original separation of the settlement known as Biddeford in to two noted districts, each with their own meetinghouse and whereas the population on the eastern settlement of Biddeford increased, and caused the inhabitants to petition the general court for a separate act of incorporation for the district to form, maintain the original boundaries of land of the eastern settlement and whereas it be named Pepperrellborough, after the generous benefactor Sir William Pepperrell of Kittery, who donated land for a meetinghouse, burying ground, and common land; and the district maintained the name Pepperrellborough until 1805, when the town decided the name should be changed to the older, more convenient designation of Saco, and whereas in 1867, the town of Saco incorporated a second time as an official city, with a mayor, board of Alderman, and a Common Council.

The Mayor, on behalf of the City Council and the Citizens of Saco, proclaimed June 9 through July 8, 2012, in honor of the Saco Sesquicentennial, Saco will be known as Pepperrellborough.

Johanna Hoffman gave an overview of all the events planned for the month. The following is a listing of some of these events: The Saco Post Office with be offering a cancellation stamp in honor of the event, there will be a self-guided tour throughout the whole city during the month, commemorative items for sale, rediscovery series, parade, downtown businesses will have window displays, trivia contest, ice cream social, historic walking tours, sidewalk arts festival, community art mural, pilgrims progress panoramic performance, high tea at the Dyer Library, Saco Bay Garden Tours, Old Home Street Fair, bingo and square dance at the old Saco Firehouse, strawberry shortcake social and a Centennial Brass Band. The Mayors address (Saco & Biddeford) will close out the event.

PROCLAMATION – NATIONAL TRAIN DAY

Mayor Johnston presented Economic Development Director Peter Morelli with the National Train Day Proclamation. The City of Saco opened its transportation center on February 27, 2009. It is Americas first green train station. National Train Day commemorates the driving of the “Golden Spike” that created the 1,776 miles of Transcontinental Railway when the Central Pacific and Union Pacific Railroads were connected in 1869. The Mayor, on behalf of the City Council proclaimed Saturday May 12, 2012 to be “National Train Day”.

PRESENTATION TO CARL STASIO JR. – THORNTON ACADEMY HEADMASTER

Mayor Johnston stated that we are here tonight to honor a man that has the ability to see the future, a vision, not only for education but also for community advancement. Most of us see a vision for not decades such as Carl Stasio has, most of us see it in only hours or days. He noted that Carl Stasio is retiring as Thornton Academy’s Headmaster and thanked him what he has achieved here in Saco.

Mayor Johnston gave a brief biography on Carl Stasio as follows: Served since 1986 as 7th headmaster. After beginning his career as a high school history teacher in Burlington, Mass., Carl has filled leadership roles in the curriculum office of the Mass. Department of Education in the Methulm School Department. Upon moving to Maine, he first served for several years as the principal of Wells High School. During his 26 year tenure at Thornton Academy the school has built a comprehensive arts center, created a Middle School and added a boarding program for high school students, which is an international program which has brought over 100 students from 17 countries to southern Maine. He has earned a bachelor's degree in Political Science, from Boston College and has completed graduate study at the University of Mass., Northeastern University and Boston University. He is active in professional organizations including the New England Association of Schools and Colleges or which he has served as President and in 2011, was awarded the organizations prestigious Bradley Award. He has participated on or chaired more than 20 schools evaluation teams, both in the United States and abroad, including schools in Jordan, Switzerland, Belgian, Dominican Republic and China. He has dedicated his life's work to providing students with excellent and wide ranging opportunities that development and broaden their abilities and interest through involvement in academics, athletics, activities, arts and their community. Mayor Johnston, on behalf of the City Council, city staff, employees and especially the citizens of Saco presented Mr. Stasio with a plaque, which read: "On behalf of the City of Saco, this plaque is presented to Carl Stasio Jr., Headmaster of Thornton Academy in grateful appreciation of your services to the city as well for your vision, passion, dedication and fostering of culture, and lifelong learning for students from 1986 to 2012".

Mr. Stasio stated that he was blessed with a wonderful board of trustees, and fantastic staff that dedicated many hours to improving the curriculum for the students. It was a blessed ride over the 26 years and he will miss job.

V. AGENDA

A. A FISCAL IMPACT ANALYSIS OF THE SACO RIVER & CAMP ELLIS BEACH SHORE DAMAGE MITIGATION PROJECT

The City of Saco employed Planning Decisions to prepare a fiscal impact analysis of the Saco River and Camp Ellis Beach Shore Damage Mitigation Project. Charles Lawton, Chief Economist and Rick Milliard of the Saco Bay Implementation Committee presented the report and answered questions. Mr. Lawton is from Planning Decisions and specializes in economic policy, fiscal impact studies, smart growth and economic development studies.

The report is located on the city's home page at www.sacomaine.org.

Councilor Blood moved, Councilor Lovell seconded "Be it Ordered that the City Council accept the project report titled 'A Fiscal Impact Analysis of the Saco River & Camp Ellis Beach Shore Damage Mitigation Project'."
Further move to approve the order. The motion passed with six (6) yeas and one (1) nay – Councilor Tripp.

B. PAN ATLANTIC SMS GROUP – CITIZENS SURVEY REPORT – PRESENTED BY PATRICK O. MURPHY

Patrick Murphy, President of Pan Atlantic SMS Group, presented the recently completed City of Saco Citizen Satisfaction Survey for 2012. Pan Atlantic SMS Group, a full-service market research and consulting firm located in Portland, Maine, was commissioned by the City to conduct a quantitative research project with a random sample of Saco residents in order to measure citizens' current satisfaction levels with city services, and to benchmark the results against citizen satisfaction surveys previously conducted in November 2004, November 2005, October 2007, and November 2009. Additionally, Pan Atlantic SMS Group did a comparative report of results for Saco to the results from a similar survey that was completed by the Town of Scarborough.

Both reports are located on the city's home page at www.sacomaine.org

Councilor Blood moved, Councilor Lovell seconded "Be it Ordered that the City Council accept the 'Report to the City of Saco Citizens Satisfaction Survey April 2012' and 'Report to the City of Saco Citizen Satisfaction Survey:'"

Comparative Data: Saco vs. Scarborough –April 2012’.” Further move to approve the order. The motion passed with seven (7) yeas.”

C. AMENDMENTS TO THE FEE SCHEDULE – (PUBLIC HEARING)

PROPOSED CHANGES IN FEE SCHEDULE – April 17, 2012

Copy Cost for All Departments

- ✓ Increased price from \$0.20 per page after 25 pages to \$0.25 per page 0-25 pages, and over 25 pages to \$0.50 per page. Color Copies are 0-25 pages of copy is \$0.50 per page, greater than 25 pages is \$1.00 per page.

CHAPTER 60 – Ambulance Service

- ✓ Chapter 60-2: Changing all Charges to be 125% of Medicare, New England Fee Schedule instead of just Medicare charge.

CHAPTER 83 – Cost Recovery

- ✓ Chapter 83-3: Add Sketch plan consideration of subdivision or site plan for \$200.00.

CHAPTER 86 – Cost Recovery

- ✓ CMR 241: Add Non-engineered system Impact Fee for \$15.00.
- ✓ CMR 241: Non-engineered system from \$200.00 to \$250.00
- ✓ CMR 241: Disposal field (non-engineered) from \$125.00 to \$150.00
- ✓ CMR 241: Treatment tan (non-engineered) from \$75.00 to \$150.00

CHAPTER 118 – Harbor and Waterfront

- ✓ Hourly parking for residents increased from \$1.00 to \$2.00 per hour.

CHAPTER 176 – Sewer Fees

- ✓ Chapter 176-52-58 sewer user fees per cubic foot. Effective for fiscal 2013 the rate is changing from \$4.20 to \$4.50 per cubic foot

CHAPTER 186 – Street Openings

- ✓ Added Street Opening fee of \$30.00.

CHAPTER 211 – Vehicles and Traffic

- ✓ Added Permit Parking Monthly fee \$25.00 and replacement \$5.00.

Recreation Department Fees

- ✓ The Recreation Department adjusted their program schedules and costs based on participation and cost of execution of the program. See Exhibit 1 for a breakdown of the fiscal 2013 program offerings.
- ✓ Facility rental changes are outlined at Appendix A – changes made to
 - Added the following non-resident fees:
 - Fall Soccer \$43.00
 - Field Hockey \$43.00
 - Basketball \$42.00
 - Travel Basketball \$140.00
 - Adult Indoor Field Hockey \$30.00
 - Mini Cheering \$30.00
 - Cheerleading (K2) \$30.00
 - T-Ball \$43.00
 - Sandbox Programs \$3.00
 - Travel Basketball from \$120.00 to 115.00

- Adult Indoor Field Hockey from \$30.00 to \$25.00
- Summer Day Camp (resident) from \$795.00 to \$875.00
- Weekly Rate (resident) from \$99.00 to \$120.00
- Weekly Rate (non-resident) from \$119.00 to \$135.00
- Daily Rate (resident) from \$47.00 to \$48.00
- Daily Rate (non-resident) from \$57.00 to \$60.00
- Added Competition Cheering for \$280.00
- Added Mini Cheering for \$25.00
- After School Intramurals from \$28.00 to 25.00
- Open Walk from \$1.00 to \$2.00
- Tennis from \$33.00 to \$38.00
- Adult Softball Team Fee from \$485.00 to \$500.00
- Women's Volleyball Team Fee from \$200.00 to \$235.00
- Sandbox Programs from \$3.00 to \$2.00
- Late Fee for Reg after Program Deadline 1st week from \$5.00 to \$6.00
- Delete the following
 - Travel Basketball (5&6)
 - Travel Basketball (7&8)
 - Indoor Soccer
 - Summer Teen Companion Camp (full week)
 - Summer Teen Companion Camp (partial week)
 - Mini Camp per week
 - Mini Camp (daily)
 - Competition Gymnastics
 - Open Cheer Gym
 - Co Ed Volleyball Nightly (resident)
 - Co Ed Volleyball Nightly (non-resident)
 - Late Fee for Reg after Program Deadline 2nd week
 - Late Fee for Reg after Program Deadline 3rd week
- Security Deposit for Private & Commercial
 - Minimum Security from \$75.00 to \$100.00
 - Rentals Between \$50-\$100 from \$100.00 to \$150.00
 - Rentals Over \$300 from 75% of Application fee to 50% of Application fee
- Security Deposit for Non-Profit & Community
 - Minimum Security from \$50.00 to \$70.00
 - Rentals Between \$50-\$100 from \$50.00 to \$100.00
- Commercial or Private Group
 - Gymnasium Hourly from \$50.00 to \$100.00
 - Gymnasium Meeting (2 hr limit) increased from \$75.00 to \$200.00
 - Gymnasium ½ day rate increased from \$250.00 to \$375.00
 - Gymnasium full day increased from \$500.00 to \$750.00
 - All Weekend Amounts Deleted
- Non Profit Group
 - Gymnasium hourly increased from \$25.00 to \$50.00
 - Room 203 – Conference Room Meeting (2 hr limit) from \$20.00 to \$30.00
 - Room 104 – Meeting Room (2 hr limit) from \$20.00 to \$30.00
 - Gymnasium meeting (2 hr limit) increased from \$35.00 to \$100.00
 - Room 203 – Conference Room Meeting ½ day from \$35.00 to \$60.00
 - Room 104 – Meeting Room ½ day from \$35.00 to \$60.00
 - Gymnasium ½ day rate increased from \$75.00 to \$250.00
 - Room 203 – Conference Room Meeting full day from \$50.00 to \$90.00
 - Room 104 – Meeting Room full day from \$50.00 to \$90.00
 - All Weekend Amounts Deleted

- Non Profit Youth Group
 - Gymnasium meeting (2 hr limit) increased from \$40.00 to \$50.00
 - Gymnasium ½ day rate increased from \$75.00 to \$150.00
 - Gymnasium full day increased from \$200.00 to \$300.00
 - All Weekend Amounts Deleted
 - Community (Family) Group
 - Room 203 – Conference Room hourly rate increased from \$10.00 to \$15.00
 - Room 104 – Meeting Room hourly rate increased from \$10.00 to \$15.00
 - Room 203 – Conference Room meeting (2 hr limit) rate increased from \$15.00 to \$20.00
 - Room 104 – Meeting Room meeting (2 hr limit) rate for increased from \$15.00 to \$20.00
 - Gymnasium meeting (2 hr limit) increased from \$40.00 to \$50.00.
 - Room 203 – Conference Room ½ day rate increased from \$25.00 to \$40.00
 - Room 104 – Meeting Room ½ day rate increased from \$25.00 to \$40.00
 - Gymnasium ½ day rate increased from \$75.00 to \$150.00.
 - Room 203 – Conference Room full day rate increased from \$50.00 to \$80.00
 - Room 104 – Meeting Room full day rate increased from \$50.00 to \$80.00
 - Gymnasium full day increased from \$200.00 to \$300.00
 - New fee for Setup & Take Down during Normal Business Hours for Private/Commercial \$350.00 and for Non-Profit/Community \$300.00
 - New fee for Setup & Take Down outside Normal Business Hours for Private/Commercial \$450.00 and for Non-Profit/Community \$400.00
- ✓ Athletic field fee schedule is outlined at Appendix B – no changes were made to the prior schedule.

Documentation of Changes to the City Fee Schedule

Copy Cost for All Departments

- ✓ The copy fee change is based upon a recent survey of what other municipalities are charging for copies. We are keeping up with the going rate.

CHAPTER 60 – Ambulance Service

- ✓ An analysis of our current EMS billing rates based on what is usual, customary and is likely to be paid by the various insurance companies that we deal with in the industry show that our current rates are well below the average market. For the past few years our rates have been based on the maximum allowable Medicare/Medicaid rates which are below our cost to deliver those services and below what some of the other private insurance companies are willing to pay.

CHAPTER 83 – Cost Recovery

- ✓ Sketch plan is the only review not covered by the present fee structure.

CHAPTER 86 – Cost Recovery

- ✓ The reason for the fee change is to reflect what the State mandates we charge for Internal and External Plumbing Permits. The fee structure is set up by the Plumbers Examining Board under rule making, Section 395, Chapter 4, Section 103.4.1. The Statutory Authority is set out in 32 MRSA § 3403-B(1). We have no local code on Plumbing Installations.

CHAPTER 118 – Harbor and Waterfront

- ✓ The City transitioned to an automated parking system late last year which does not distinguish between resident and non-resident users, so we charge a single rate of \$2/hour.

CHAPTER 176 – Sewer Fees

- ✓ The sewer fee increase is due to a decrease in revenue from Poland Spring.

CHAPTER 186 – Street Openings

- ✓ Street opening fee is the only fee not covered by the present fee structure.

CHAPTER 211 – Vehicles and Traffic

- ✓ The Permit Parking fees were passed in 2007, but left off the fee schedule in prior years.

Recreation Department Fees

- ✓ ***(Recreation Programs)***

Non-residents have always historically paid a small surcharge above the program costs for recreational programs. Before last year's fee schedule this was a standalone rate. This year's fee schedule incorporates that fee into the overall program fee based on the overall cost of the program for ease of viewing. Examples of the non-resident charges being incorporated into the program fees are; Fall Soccer, Field Hockey, Basketball, Travel Basketball, Adult Indoor Field Hockey, Mini Cheering, Cheerleading (K-2), T-Ball and Sandbox Programs.

Some programs went down in price such as Travel Basketball for residents due to contractual costs, or due to program costs such as Adult Indoor Field Hockey for residents. While other programs dependent upon transportation and field trips went up such as Summer Day Camp (residents), Summer Day Camp weekly and daily (residents and non-residents).

Our added cheering programs increased due to rising uniform, competition and staffing costs for both the Competition Cheering and Mini Cheering. The Intramurals went down slightly due to in-house staffing costs. The open walk- jog program increased slightly due to processing costs and the methods of payment while our recreational tennis increased minimally to bring the fees in line with current charges for services in our other programs.

Other fees which increased were our Adult Softball and Volleyball team fees, due in part to contractual obligations for officiating. Our daily sandbox program decreased slightly reflective of our burgeoning numbers in these programs. We also now only charge one late fee for registering for a program late.

We have deleted the following programs because they are not offered this year or will not be offered. This is not to say that they will not be offered again when the timing is correct or the need occurs. Travel Basketball (5&6 and 7&8) has been combined to one line although they have distinct populations the fee is redundant. The following programs have been deleted from this fee schedule; Indoor Soccer, Summer Teen Companion (both full and partial weeks), Mini Camp (per week and daily), Competition Gymnastics, Open Cheer Gym, Co Ed Volleyball nightly (resident and non-resident) and redundant late fees.

Many times, program fees being changed, is due to the length of the program changing, either shorter or longer or maybe finding that we can add on a week to an existing program and we have the space to do just that. At other times, you run a program that has a breakeven point when the program has 8-12 participants and we get 20 - 25, the next year the fee needs to reflect the accurate cost for the program and be reduced slightly. The fees established for Parks and Recreation programs are constantly moving and keeping up with the times, the safety of the programs and the participant's needs. The department continuously evaluates the needs for these changes against actual costs, the surrounding community's charges for services (market value) and what is appropriate for Saco residents. This flexibility is used in an attempt to make the most cost effective professional programs available to the widest number of people in Saco and the surrounding area.

- ✓ ***(Facility Rentals)***

Many of the associated fee increases in the Community Center rentals have risen in direct response to need, availability and the overwhelming success of our programs and their needs for more space to expand. Below is a list of areas increased to remain within fair market value while meeting the Departments needs and in consideration of the ever increasing costs of fuel oil, propane and electricity.

- Security Deposit for Private & Commercial
- Security Deposit for Non-Profit & Community
- Commercial or Private Group Gymnasium Rates
- Non Profit Group Gymnasium and Conference/ Meeting Rooms
- Non Profit Youth Group Gymnasium
- Community (Family) Group Gymnasium, Conference/ Meeting Rooms
- Nee Fee for Setup & Take Downs

✓ There were no changes made to the Appendix B -Athletic field fee schedule.

Councilor Smith moved, Councilor Blood seconded to open the Public Hearing on the document titled, ‘City of Saco Fee Schedule Amended May 7, 2012, at Council Meeting’. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Smith moved, Councilor Blood seconded to close the Public Hearing and Be it Ordered that the City approve the document titled, ‘City of Saco Fee Schedule, Amended May 7, 2012, at Council Meeting’. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

D. PUBLIC HEARINGS

Councilor Blood moved, Councilor Smith seconded to open the public hearing on the following items:

A. CODE AMENDMENT – CHAPTER 45 SHORELINE COMMISSION

B. CODE AMENDMENT – CHAPTER 106 FLOODPLAIN MANAGEMENT (SLAWG)

C. ZONING ORDINANCE AMENDMENT – COMMERCIAL SCHOOL IN I-2 DISTRICT

D. ZONING ORDINANCE AMENDMENT - §504, NON-CONFORMING STRUCTURES

E. ZONING ORDINANCE AMENDMENT – RELATED TO ELDERCARE AND ELDER HOUSING

F. ZONING ORDINANCE AMENDMENT - §708, PARKING

The motion passed with unanimous consent.

There were no comments.

Councilor Blood moved, Councilor Tripp seconded to close the public hearing on items A, B, C, D, E and F and further “Be it Ordered that the City Council set the Second and Final Reading for May 21, 2012. Further move to approve the order. The motion passed with seven (7) yeas.

Note: The complete Public Hearing item commentaries are listed below.

A. CODE AMENDMENT – CHAPTER 45

CODE AMENDMENT TO CHAPTER 45. SHORELINE COMMISSION ORDINANCE

Dated: April 2, 2012

(Please note that ~~strikethrough~~ indicates deletion while underline represents new language.)

Chapter 45. CHAPTER 4. ADMINISTRATIVE CODE – ARTICLE VII. BOARDS, COMMISSIONS AND COMMITTEES - 4-39.2 SHORELINE COMMISSION

[HISTORY: Adopted by the City Council of the City of Saco 4-6-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Floodplain management — See Ch. 106.

Harbor and waterfront — See Ch. 118.

§ 45-1. Powers and duties.

- A. The Saco Shoreline Commission exists for the general purpose of studying the continuing effects of erosion on Saco's shorefront, as well as evaluating public usage of the beaches and other public infrastructure within a coastal zone under the jurisdiction of the City of Saco and advising the City Council on policy matters relating to coastal erosion and use.
- B. The Commission shall review and advise the City on issues relating to the Saco shoreline, including but not limited to maintenance and the care of City-owned waterfront facilities. In addition, the Commission shall advise on all dredging issues related to the mouth of the Saco River.
- C. The Commission shall participate in planning efforts and review plans affecting the shoreline as required by City, state or federal rules or regulations.
- D. The Commission shall make recommendations to the City Council regarding the implementation or amendment of the Camp Ellis Beach Erosion Study Committee Report of October 1997.
- E. The Commission shall participate in local, regional or state coastal planning efforts.
- F. The Commission shall perform other such advisory duties as are assigned to it by ordinance or by the City Council .
- G. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the City, as is appropriate, of its activities.

§ 45-2. Organization and membership; conflicts and removal; terms.

- A. Saco Shoreline Commission shall consist of nine members, appointed by the Mayor and confirmed by the Council. Each Commissioner shall be a resident of the City and shall serve without compensation.
- B. Neither a municipal officer nor his/her spouse may be a member of the Commission.
- C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
- D. Commissioners may be removed by the City Council for cause, after notice and hearing. A Commissioner shall forfeit his/her membership on the Commission if he/she fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Mayor of the forfeiture of office by a Commissioner.
- E. The term of office of a member shall be three years, except the initial appointments, which shall be as follows: three members for three-year terms; three members for two-year terms; and three members for one-year terms.

§ 45-3. Officers; administrative procedures.

A. A Chair, Vice Chair and Secretary shall be elected by the Commission annually.

B. The Commission shall meet at least monthly, except that the Chairperson or City Administrator may call special meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least five members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission. A simple majority of members present and voting shall be sufficient for passage of a motion.

C. The Secretary shall maintain a permanent record of all Commission meetings and all correspondence of the Commission. The Secretary shall be responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Secretary are deemed public and shall be filed in the Planning Office and may be inspected at reasonable times.

D. The Commission shall adopt rules of procedure, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Commission upon good cause shown.

E. The Commission shall provide public notice of Commission meetings by posting agendas at City Hall at least 24 hours in advance of a meeting. All meetings shall be open to the public. The Commission may hold hearings at its discretion, upon published notice in a newspaper of general circulation at least seven days prior to the hearing.

§ 45-4. Interlocal cooperation.

The municipal officers of the City of Saco recognize the aesthetic beauty and environmental sensitivity of the ocean front and fully recognize the City's obligation to the citizens of Saco and future generations to protect such a natural resource. The City Council further recognizes that Saco's beach front, as part of the Saco Bay system, is integrally connected with beach systems in Old Orchard Beach and Scarborough and that these towns have an obligation to their citizens to protect these natural resources and, in the spirit of cooperation, hereby authorizes that the Saco Shoreline Commission join with similar commissions, committees, organizations or individuals established by the Towns of Old Orchard Beach and Scarborough to address and incorporate community needs and wishes. The Commission shall have no police powers nor authority to create regulations or ordinances or to commit funds but shall exist for the general purpose enumerated in § 45-1, Powers and duties.

§ 45-5. Definitions.

" Shoreline" shall mean that portion of Saco's waterfront affected by daily tides, excluding the portions of the shoreline within the Saco River or between the jetties at the mouth of the Saco River.

B. CODE AMENDMENT – CHAPTER 106 FLOODPLAIN MANAGEMENT (SLAWG)

'Recommended Amendments to Chapter 106. Floodplain Management, dated April 2, 2012'

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “* * * *” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

Proposed Amendments to Chapter 106. Floodplain Ordinance

(May 3, 2012 - Planner's Note: following review by the state Office of Floodplain Management, staff recommends citing a different date in Section 106-6.A(5), and, re-wording the language clarifying height restrictions in Section 504-2A.)

Chapter 106. FLOODPLAIN MANAGEMENT

[HISTORY: Adopted by the City Council of the City of Saco 3-3-1998; amended in its entirety 12-5-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 73.

Cost recovery — See Ch. 83.

Mobile homes — See Ch. 143.

Sewers — See Ch. 176.

§ 106-1. Purpose and establishment.

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§ 106-2. Permit required.

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§ 106-3. Application for permit.

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§ 106-4. Application fee and expert's fee.

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§ 106-5. Review of standards for flood hazard development permit applications.

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§ 106-6. Development standards.

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All development. All development shall:

- (1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) Use construction materials that are resistant to flood damage.
- (3) Use construction methods and practices that will minimize flood damage.

- (4) Use electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- (5) Include the total cost of all improvements, modifications, additions and reconstruction projects. All costs shall be accrued over the lifetime of the structure. Once the total cost of the project reaches 50% of the building's market value at the time of the first permit application following the effective date of **March 3, 1998** **November 7, 1983**, the project is considered a substantial improvement. See the definition of "substantial improvement" in section 106-14 below.

B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.

D. On-site waste disposal systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse carrying capacity. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood-carrying capacity of any watercourse.

F. Residential. New construction or substantial improvement of any residential structure located within:

- (1) Zones A1-30 and AE shall have the lowest floor (including basement) elevated to at least ~~one foot~~ **three feet** above the base flood elevation.
- (2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - (a) At least ~~one foot~~ **three feet** higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
 - (b) At least three feet if no depth number is specified.
- (4) Zone A shall have the lowest floor (including basement) elevated to at least ~~one foot~~ **three feet** above the base flood elevation utilizing information obtained pursuant to §§ 106-3H(1)(b), 106-5B or 106-9D.
- (5) Zones V1-30 and VE shall meet the requirements of § 106-6P.

G. Nonresidential. New construction or substantial improvement of any nonresidential structure located within:

- (1) Zones A1-30 and AE shall have the lowest floor (including basement) elevated to at least ~~one foot~~ **three feet** above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - (a) Be flood proofed to at least ~~one foot~~ **three feet** above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the flood proofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 106-3K and shall include a record of the elevation above mean sea level to which the structure is flood proofed.
- (2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
- (a) At least ~~one foot~~ **three feet** higher than the depth specified in feet on the community's Flood Insurance Rate Map;
 - (b) At least three feet if no depth number is specified; or
 - (c) Together with attendant utility and sanitary facilities be flood proofed to meet the elevation requirements of this section and flood proofing standards of § 106-6G(1).
- (4) Zone A shall have the lowest floor (including basement) elevated to at least ~~one foot~~ **three feet** above the base flood elevation utilizing information obtained pursuant to §§ 106-3H(1)(b), 106-5B or 106-9D; or, together with attendant utility and sanitary facilities, meet the flood proofing standards of § 106-6G(1).
- (5) Zones V1-30 and VE shall meet the requirements of § 106-6P.

H. Manufactured homes. New or substantially improved manufactured homes located within:

- (1) Zones A1-30 or AE shall:
- (a) Be elevated such that the lowest floor (including basement) of the manufactured home is at least ~~one foot~~ **three feet** above the base flood elevation;
 - (b) Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and
 - (c) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

[1] Methods of anchoring may include, but are not limited to:

- [a] Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or
- [b] Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

[2] All components of the anchoring system described in § 106-6H(1)(c)[1][a] and [b] shall be capable of carrying a force of 4,800 pounds.

- (2) Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
- (3) Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:
 - (a) At least ~~one foot~~ **three feet** higher than the depth specified in feet on the community's Flood Insurance Rate Map; or
 - (b) At least three feet if no depth number is specified; and
 - (c) Meet the anchoring requirements of § 106-6H(1)(c).
- (4) Zone A shall:
 - (a) Be elevated on a permanent foundation, as described in § 106-6H(1)(b) such that the lowest floor (including basement) of the manufactured home is at least ~~one foot~~ **three feet** above the base flood elevation utilizing information obtained pursuant to §§ 106-3H(1)(b), 106-5B or 106-9D; and
 - (b) Meet the anchoring requirements of § 106-6H(1)(c).
- (5) Zones V1-30 and VE shall meet the requirements of § 106-6P.

I. Recreational vehicles. Recreational vehicles located within:

- (1) Zones A1-30 and AE shall either:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions; or
 - (c) Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in § 106-6H(1).
- (2) Zones V1-30 and VE shall meet the requirements of either § 106-6I(1)(a) or (b) or § 106-6P.

J. Accessory structures. Accessory structures, as defined in § 106-14, located within Zones A1-30, AE, AO, AH and A, shall be exempt from the elevation criteria required in § 106-6F and G above, if all other requirements of § 106-6 and all of the following requirements are met:

- (1) Be 500 square feet or less and have a value of less than \$3,000;
- (2) Have unfinished interiors and not be used for human habitation;
- (3) Have hydraulic openings, as specified in § 106-6L(2), in at least two different walls of the accessory structure;
- (4) Be located outside the floodway;

- (5) When possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of the flooding than is the primary structure; and
- (6) Have only ground fault interrupt electrical outlets. The electrical service disconnect shall be located above the base flood elevation and, when possible, outside the special flood hazard area.

K. Floodways.

- (1) In Zones A1-30 and AE riverine areas, encroachments, including fill, new construction, substantial improvement and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) In Zones A1-30, AE, and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement and other development shall not be permitted in the floodway as determined in § 106-6K(3) unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - (a) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
 - (b) Is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors (FEMA 37/January 1995, as amended).
- (3) In Zones A1-30, AE and A, riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed areas below the lowest floor. New construction or substantial improvement of any structure in Zones A1-30, AE, AO and A that meets the development standards of § 106-6, including the elevation requirements of § 106-6F, G or H, and is elevated on posts, columns, piers, piles, stilts or crawlspaces may be enclosed below the base flood elevation requirements, provided that all the following criteria are met or exceeded:

- (1) Enclosed areas are not "basements," as defined in § 106-14.
- (2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
 - (a) Be engineered and certified by a registered professional engineer or architect; or
 - (b) Meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

[2] The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and

[3] Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the entry and exit of floodwaters automatically without any external influence or control such as human intervention, including the use of electrical and other nonautomatic mechanical means.

(3) The enclosed area shall not be used for human habitation.

(4) The enclosed areas are useable solely for building access, parking of vehicles or storage.

M. Bridges. New Construction or substantial improvement of any bridge located within Zones A1-30, AE, AO, AH, A, V1-30 and VE shall be designed such that:

(1) When possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least ~~one foot~~ **three feet** above base flood elevation; and

(2) A registered professional engineer shall certify that:

(a) The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of § 106-6K; and

(b) The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment walls. New construction or substantial improvement of any containment walls located within:

(1) Zones A1-30, AE, AH, A, V1-30 and VE shall:

(a) Have the containment wall elevated to at least ~~one foot~~ **three feet** above the base flood elevation;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by § 106-3K.

(2) Zones AO and AH shall have adequate drainage paths around containment walls on slopes, to guide the floodwater away from the proposed walls.

(3) Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:

(a) At least ~~one foot~~ **three feet** higher than the depth specified in feet on the community's Flood Insurance Rate Map; or

(b) At least three feet if no depth number is specified; and

(c) Shall meet the requirements of § 106-6N(1)(b) and (c).

O. Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, A1-30, AE, AO, AH, V1-30 and VE, in and over water and seaward of the mean high tide if the following requirements are met:

- (1) Wharves, piers, and docks shall comply with all applicable local, state and federal regulations; and
- (2) For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. Coastal floodplains.

(1) All new construction located within Zones A1-30, AE, A, V1-30 and VE shall be located landward of the reach of mean high tide except as provided in § 106-6P(6).

(2) New construction or substantial improvement of any structure located within Zones V1-30 or VE shall:

(a) Be elevated on posts or columns such that:

[1] The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to ~~one foot~~ **three feet** above the base flood elevation;

[2] The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and

[3] Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

(b) Have the space below the lowest floor:

[1] Free of obstructions;

[2] Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting piles or columns; or

[3] Constructed with non supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

(c) Require a registered professional engineer or architect to:

[1] Develop or review the structural design, specifications and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual (FEMA-55/June, 2000); and

[2] Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of § 106-6P(2).

(3) The use of fill for structural support in Zones **A1-30, AE, A, AO**, V1-30 and VE is prohibited.

(4) Human alteration of sand dunes within Zones V1-30 and VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

- (5) The area below the lowest floor may be used solely for parking vehicles, building access and storage.
- (6) Conditional use. Lobster sheds and fishing sheds located seaward of mean high tide shall be exempt from the elevation requirement in § 106-6G and are permitted as a conditional use only upon review and approval by the Planning Board, as provided in § 106-7, and if all the following requirements and those of § 106-6A, K, and L are met:
 - (a) The conditional use shall be limited to low-value structures, such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
 - (b) The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - (c) The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
 - (d) The structure shall have unfinished interiors and shall not be used for human habitation.
 - (e) Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or flood proofed to ~~one foot~~ **three feet** above the base flood elevation.
 - (f) All electrical outlets shall be ground-fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible, outside the special flood hazard area.

§ 106-7. Conditional use review.

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§ 106-8. Certificate of compliance.

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§ 106-9. Review of subdivision and development proposals.

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§ 106-10. Appeals and variances.

The Board of Appeals of the City of Saco may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this chapter. The Board of Appeals may grant a variance from the requirements of this chapter consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that should a flood comparable to the base flood occur, the granting of a variance will not

result in increased flood heights, additional threats to public safety, public expense or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances;

(3) A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

(4) A determination that failure to grant the variance would result in undue hardship, which in this section means that:

(a) The land in question cannot yield a reasonable return unless a variance is granted;

(b) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(c) The granting of a variance will not alter the essential character of the locality; and

(d) The hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements or other development for the conduct of a functionally dependent use, provided that:

(1) Other criteria of §§ [106-10](#) and [106-6K](#) are met; and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation or restoration of historic structures upon the determination that:

(1) The development meets the criteria of § [106-10A](#) through [D](#) above; and

(2) The proposed repair, reconstruction, rehabilitation or restoration will not preclude the structure's continued designation as an historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of § [106-10A](#) through [E](#) shall be notified by the Board of Appeals, in writing, over the signature of the Chairman of the Board of Appeals that:

(1) The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;

(2) Such construction below the base flood level increases risks to life and property; and

(3) The applicant agrees, in writing, that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any

claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Reconstructed buildings in areas governed by this Floodplain Management Ordinance, may exceed the maximum height requirements of the zoning ordinance, without the need for a variance, only if the requirements of section 504-2A of the Zoning Ordinance are met.

G.H. Appeal procedure for administrative and variance appeals.

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within 30 days after the receipt of a written decision of the Code Enforcement Officer or Planning Board.
- (2) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (3) The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
- (4) The person filing the appeal shall have the burden of proof.
- (5) The Board of Appeals shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.
- (6) The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.
- (7) Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Board of Appeals.

§ 106-11. Enforcement; violations and penalties.

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§ 106-12. Validity and severability.

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§ 106-13. Conflict with other ordinances.

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§ 106-14. Definitions.

Unless specifically defined below, words and phrases used in this chapter shall have the same meanings as they have at common law and to give this chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

* * * * *

LOCALLY ESTABLISHED DATUM

For purposes of this chapter, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the ~~National Geodetic Vertical Datum (NGVD)~~ North American Vertical Datum (NAVD) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.
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MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the ~~National Geodetic Vertical Datum (NGVD) of 1929~~ North American Vertical Datum of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
* * * * *

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - NORTH AMERICAN VERTICAL DATUM (NAVD)

The national geodetic North American vertical datum, whose standard was established in 1929-1988, and adopted by the National Geodetic Survey in 1991 to replace the NGVD 1929 datum. NAVD 1988 which is used by the National Flood Insurance Program (NFIP), and has been used on Saco's Flood Insurance Rate Maps since 2006. NGVD was based upon mean sea level in 1929 and also has been NAVD 1988 can also be called "1929 Mean Sea Level (MSL)."
* * * * *

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure and a variance is obtained from the community's Board of Appeals.
- C. Any completed project to elevate a building or structure, to a height of one (1) foot or more above the base flood elevation, for which a building permit was issued after **March 3, 1998** ~~November 7, 1983~~ and prior to May 1, 2012.

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Zoning Ordinance: Article 5 - Nonconformance

Section 501. Purpose

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Section 502. Nonconforming Lots

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Section 503. Nonconforming Uses

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Section 504. Nonconforming Structures

504-1. MAINTENANCE AND ENLARGEMENT

1) A structure in existence as of the effective date of this Ordinance which does not meet the lot and yard requirements in Section 412 may be repaired, maintained and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that the enlargement or accessory structure itself meets the setback and height requirements of the district in which it is located and that the enlargement or accessory structure in combination with the existing structure does not exceed the prescribed maximum lot coverage.

2) The following activities shall not constitute an enlargement or creation of a nonconforming structure, and may encroach into front, side or rear yard setbacks, without the need for a variance from the Board of Appeals, if any of the following conditions are present:

- a) the addition of an open patio with no structure elevated above ground level, ~~except in~~ and the addition is outside of the Mandatory Shoreland Zone;
- b) the addition of steps from the first floor to the ground level in any zone;
- c) the placing of a foundation below a nonconforming structure in any zone.

Note: The Maine DEP Shoreland Zoning reviewer has tentatively agreed to these above amendments, as well as to section 504-2A below. Any amendments affecting Shoreland Zoning must be submitted to DEP for approval after adoption by Council.

3) FURTHER LIMITATIONS IN SHORELAND ZONES (Amended 6/29/09)

Except as otherwise provided in this Article, a non-conforming condition shall not be permitted to become more non-conforming. Further limitations and exceptions in the Shoreland Zones:

a. After January 1, 1989 if any portion of a structure is less than the required setback from a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 504-2 and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 504-4. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with this section, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

c. No structure which is less than the required setback from the normal highwater line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

d. Two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the Shoreland provisions in this Ordinance shall be considered one lot.
(Amended 4/21/92)

504-2. RECONSTRUCTION

Any non-conforming building or structure which is removed, damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in

compliance with all dimensional requirements of this Ordinance to the greatest extent practical as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 504-1(3) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 504-4.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

504-2A. RECONSTRUCTION IN FLOODPLAINS

Any building in existence prior to January 1, 2012, which is located in an area of special flood hazard and which is thereafter substantially improved, as defined in Chapter 106 of the Saco City Code, may be elevated pursuant to the standards of Chapter 106, and may be allowed to exceed the height limits of this ordinance without need for a variance from the Board of Appeals, as long as all of the following standards are met.

- a. If the building, prior to reconstruction, had a height of 30 feet or greater, as defined by this ordinance, the overall height of the reconstructed building may exceed the required height in the zone in which it is located without the need for a variance, but by no more than the distance that the lowest floor (including basement) is raised above its original elevation during reconstruction.
- b. If the building, prior to reconstruction, had a height of less than 30 feet, as defined by this ordinance, the building shall not be allowed to be reconstructed higher than the maximum height requirement, unless a variance is applied for and granted by the Board of Appeals.
- c. Any reconstructed building shall meet all of the requirements of the Department of Environmental Protection Sand Dune Act and Regulations, if it is located in a designated Dune Area.

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C. ZONING ORDINANCE AMENDMENT – COMMERCIAL SCHOOL 1-2 DISTRICT

‘Amendment to Add Commercial School to the I-2 Use List, Dated April 2, 2012’

(Please note underline represents language to be deleted, while ~~striketrough~~ represents new language).

410-12. I-2 INDUSTRIAL BUSINESS DISTRICT (ed. note: includes I-2b district at former Maine Turnpike Exit 5) (Amended 8/1/88, 9/19/88, 3/2/92, 3/16/92, 4/1/91, 6/4/91, 7/6/93, 7/6/93, 2/28/94, 2/19/02)

PERMITTED USES

- 1. Hotels and motels
- 2. Retail uses (I-2b only)
- 3. Accessory uses, including eating establishments associated with hotels and motels
- 4. Teen Center

5. Financial institutions
6. Business offices
7. Business services
8. Hospitals and clinics for humans
9. Research and testing labs
10. Light Industry
11. Any use permitted in the Resource Protection District
12. Essential services
13. Municipal Uses
14. Recycling center
15. Nursery School
16. Adult day care center, Type 1 and 2
17. Municipal animal incinerator
18. Enclosed Sports Arena
19. High Voltage Transmission Lines (Amended 12/15/08)
20. Commercial School

CONDITIONAL USES

1. Self-service storage units (Amended 10/2/86)
2. Distribution (including not more than 10% of gross floor space for retail purposes)
3. Public and private schools
4. Day Care Centers
5. Registered dispensary, grow-only (Amended 7/19/10)
6. Addiction Treatment Facility (Amended 12/6/10)

D. ZONING ORDINANCE AMENDMENT - §504, NON-CONFORMING STRUCTURES

Proposed Amendments to Section 504 of the Saco Zoning Ordinance, Non-Conforming Structures, dated March 19, 2012

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

Section 504. Nonconforming Structures

504-1. MAINTENANCE AND ENLARGEMENT

- 1) A structure in existence as of the effective date of this Ordinance which does not meet the lot and yard requirements in Section 412 may be repaired, maintained and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that the enlargement or accessory structure itself meets the setback and height requirements of the district in which it is located and that the enlargement or accessory structure in combination with the existing structure does not exceed the prescribed maximum lot coverage.

Vertical enlargements of single-family or two-family dwellings that are nonconforming with regard to setbacks may be permitted if each of the following is met:

- a) The proposed use of the enlarged space is habitable residential space. No enlargements are permitted to expand space for a use that is nonconforming in the district.
- b) The closest point of the new construction shall be no nearer to the property line than the closest point on the existing building upon which the vertical enlargement is proposed.
- c) Enlargements constructed under these provisions shall not increase the height of the vertical face of the building more than ten (10) feet vertically within the setback. The height of the new eaves within the setback shall not exceed twenty-two (22) feet, when measured from original grade to the new eaves.

Mansard and gambrel roofs, or similar roofs, and full dormers, or roof pitches greater than 12/12 are not permitted above the new eaves. Two single window dormers above the new eaves are permitted, but each may not exceed four feet in width.

- d) The nonconforming portion of the existing structure on which the addition is built is no closer than six (6) feet from the side or rear property line upon which it encroaches. If the building code requires the new construction to be fire rated, the existing first floor construction in the setback shall be reconstructed to the same fire rated standard.
- e) The closest point of the nonconforming portion of the existing structure on which the addition is built is no closer than (fifteen) 15 feet to the front property line.
- f) All other relevant standards of the zoning ordinance not related to setbacks are met.
- g) The standards of the Floodplain Development Ordinance, Chapter 106, must be met.

2) The following activities shall not constitute an enlargement of a nonconforming structure:

- a) the addition of an open patio with no structure elevated above ground level, except in the Mandatory Shoreland Zone;
- b) the addition of steps from the first floor to the ground level;
- c) the placing of a foundation below a nonconforming structure

3) FURTHER LIMITATIONS IN SHORELAND ZONES (Amended 6/29/09)

Except as otherwise provided in this Article, a non-conforming condition shall not be permitted to become more non-conforming. Further limitations and exceptions in the Shoreland Zones:

- a. After January 1, 1989 if any portion of a structure is less than the required setback from a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 504-2 and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
- b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 504-4. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with this section, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
- d. Two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the Shoreland provisions in this Ordinance shall be considered one lot.
(Amended 4/21/92)

504-2. RECONSTRUCTION

Any non-conforming building or structure which is removed, damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage,

destruction or removal, and provided that such reconstruction or replacement is in compliance with all dimensional requirements of this Ordinance to the greatest extent practical as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 504-1(3) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 504-4.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

E. ZONING ORDINANCE AMENDMENT – RELATED TO ELDERCARE AND ELDER HOUSING

Proposed Amendments to the Saco Zoning Ordinance Related to Eldercare and Elder Housing Recommended by the Planning Board to the City Council, February 14, 2012

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

Amend the Saco Zoning Ordinance Article 3, Section 302, by inserting the following three definitions alphabetically:

Elder/Disability Housing Facility: A housing project or development that provides housing in dwelling units for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project does not provide a regular program of supportive services or meals to its residents but may include facilities for outside agencies or programs to provide services to residents. Disabled means having a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, and having a record of such a disability or are regarded as having such a disability. Elder/Disability Housing Facilities shall not average more than 1.5 bedrooms per unit.

Elder/Disability Housing Facility – Limited Service: A housing project that provides housing in dwelling units or other accommodations such as suites or individual rooms for senior households in which a head of household is at least 55 (fifty-five) years old or for disabled persons regardless of age. The project provides a regular program of supportive services and/or meals to some or all residents but does not provide twenty-four hour a day care or medical oversight. In addition to the residential facilities, the project may include common facilities to provide services to residents. This use may include facilities that are commonly referred to as retirement housing, congregate housing, or independent living centers that provide limited support services. Elder/Disability Housing Facilities – Limited Service shall not average more than 1.5 bedrooms per unit.

Elder/Disability Care Facility – Full Service: A care facility that provides housing together with a program of supportive services and meals to some or all of its residents including twenty-four hour a day care and/or medical oversight. In addition to the residential facilities, the project includes common facilities, including common kitchen and dining facilities, to provide services to residents. This use may include facilities that are commonly referred to

as nursing homes, hospices, rehabilitation centers, Alzheimer's facilities, or assisted living facilities that provide a complete package of care and support services.

2. Amend the Saco Zoning Ordinance Article 3, Section 302, by deleting the following definition

~~**Elderly congregate housing:** A type of living accommodation, including multiple individual rooms or dwelling units, to be occupied by persons over 55 years of age (or in the case of couples, at least one of the two persons shall be over 55) as a residential shared living environment. Such construction may include small individual apartments with kitchens or individual rooms, either of which shall be combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance, and specialized shared services such as medical support services and physical therapy. Elderly congregate housing shall be certified by the State of Maine Department of Human Services as elder supportive housing or as an assisted living facility. Elderly congregate housing shall be located only on sewerred lots at the following densities: one unit per 1000 square feet of land in the R-3 and B-3 districts, and one unit per 2000 square feet of land in the R-2, R-4 and R-1c districts. Elderly congregate housing complexes shall not average more than 1.5 bedrooms per unit.~~

3. Amend Table 412.1: Minimum Lot and Yard Requirements by adding a footnote 15. to read:

15. Notwithstanding the Minimum Lot Area Per Dwelling Unit Requirements set out in the table, the minimum lot area per dwelling unit requirement for Elder/Disability Housing Facilities and for Elder/Disability Care Facilities – Limited Service that is served by public sewer shall be:
- 2,000 square feet in the R-1, R-2, R-4, B-7, B-2b, B-2c, B2-, B-7 and I-2 Districts
 - 1,000 square feet in the R-3, B-1, B-3, B-9, MU-1 and MU-2 Districts
If not served by public sewer the density shall be the same as for multifamily housing, if permitted.

4. Amend the use lists as follows:

410-1. R-1 LOW DENSITY DISTRICT (Editor's note: includes R-1a, R-1b, R-1c and R-1d except where otherwise noted.)

PERMITTED USES

1. Single family dwellings
2. Agriculture, excluding livestock
3. Public parks and playgrounds
4. Public and private schools, excluding commercial schools
5. Churches
6. Essential services
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service (Amended 8/1/88)
10. Adult day care center, Type 1 (Amended 7/1/91)
11. Accessory apartments in Single Family Dwelling, R-1b only (Amended 8/6/01)
12. One accessory apartment in a single family dwelling (Amended 10/20/08)
13. Community living uses (Amended 12/1/08)

CONDITIONAL USES

1. Two-family dwellings (reviewed as minor conditional use) (Amended 12/17/02)
2. Cemeteries
3. Home occupations
4. Nonprofit recreational uses
5. Nursery schools
6. Day care centers

7. ~~Nursing Homes~~
8. Municipal uses not listed under permitted uses
9. Public utility buildings
10. Commercial greenhouses and nurseries
11. Kennels
12. Stables
13. Quasi-public uses
14. Water recreation including piers, docks, and boathouses related thereto
15. (Reserved)
16. Offices which comply with the standards of Section 713 of this Ordinance (R1-b district only) (Amended 5/7/93)
17. Bed and breakfast establishment, in the R1-b District only (Amended 9/5/85)
18. Day care home (Amended 8/1/88)
19. Religious conference center in the R1-c District only (Amended 6/19/88)
20. Adult day care center, Type 2 (Amended 7/1/91)
21. ~~Elderly Congregate Housing, in the R-1c District only (Amended 2/3/92)~~
22. Bed and Breakfast Establishments, in Historic Overlay Districts and on Historic Sites only, subject to Section 716 (R-1a only)
23. Home Based Retail Use (R-1b district only with frontage on Main Street, subject to Section 721)
24. Golf Courses, in the R-1a District only, subject to Section 722
25. High Voltage Transmission Lines (Amended 12/15/08)
26. Elder/Disability Housing Facility
27. Elder/Disability Housing Facility – Limited Service

410-2. R-2 MEDIUM DENSITY DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Churches
4. Essential services
5. Public parks and playgrounds
6. Public and private schools, excluding commercial schools
7. Agriculture, excluding livestock
8. Accessory uses
9. Any use permitted in the resource protection district
10. Home babysitting service (Amended 8/1/88)
11. Adult day care center, Type 1 (7/1/91)
12. One accessory apartment in a single family dwelling (Amended 10/20/08)
13. Community living uses (Amended 12/1/08)

CONDITIONAL USES

1. Multi-family dwellings limited to no more than eight units in each building, unless a conversion of an existing building, within the existing structure, except for minor additions such as stair towers, entrances, dormers, and similar minor building features (Amended 4/28/08)
2. ~~Elderly Congregate Housing~~
Elder/Disability Housing Facility and
Elder/Disability Housing Facility – Limited Service
3. Hospitals and clinics
4. Boarding houses

5. Home occupations
6. Parking lots (Amended 1/3/95)
7. Funeral homes
8. Cemeteries
9. ~~Nursing Homes~~ Elder/Disability Care Facility – Full Service
10. Municipal uses not listed under permitted uses
11. Nursery schools
12. Day care centers
13. Nonprofit recreational uses
14. Public utility buildings
15. Commercial greenhouses and nurseries
16. Water recreation including piers, docks, and boathouses related thereto
17. Private clubs
18. Offices which comply with the standards of Section 713 of this Ordinance
19. Kennels
20. Quasi-public uses
21. (Reserved)
22. Day care home (Amended 8/1/88)
23. Adult day care center, Type 2 (Amended 7/1/91) (Amended 8/1/88; 7/1/91)
24. High Voltage Transmission Lines (Amended 12/15/08)

410-3. R-3 HIGH DENSITY DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Churches
4. Essential services
5. Public and private schools, excluding commercial schools
6. Public parks and playgrounds
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service Amended 8/1/88)
10. Adult day care center, Type 1 Amended 7/1/91)
11. One accessory apartment in a single family dwelling (Amended 10/20/08)
12. Community living uses (Amended 12/1/08)

CONDITIONAL USES

1. Multi-family dwellings
2. ~~Elderly Congregate Housing~~
Elder/Disability Housing Facility and
Elder/Disability Housing Facility – Limited Service
3. Boarding homes
4. Home occupations
5. Hotels and motels
6. Tourist homes
7. Commercial parking lots
8. Funeral homes
9. Offices which comply with the standards of Section 713 of this Ordinance

10. Hospitals and clinics for humans
11. Quasi-public uses
12. Nursing Homes Elder/Disability Care Facility – Full Service
13. Nursery schools
14. Day care centers
15. Private clubs
16. Nonprofit recreational uses
17. Municipal uses not listed under permitted uses
18. Public utility buildings
19. Water recreation including piers, docks, and boathouses related thereto
20. (Reserved)
21. Bed and breakfast establishments (Amended 9/5/85)
22. Day care home (Amended 8/1/88)
23. Adult day care center, Type 2 (Amended 7/1/91)(Amended 9/5/85; 8/1/88; 7/1/91)
24. High Voltage Transmission Lines (Amended 12/15/08)

410-4. R-4 GENERAL RESIDENTIAL DISTRICT (Amended 1/3/95)

PERMITTED USES

1. Any use permitted as a matter of right in the R-2 District
2. Manufactured housing units
3. Multi-family dwellings in structures containing no more than eight units each
4. ~~Elderly congregate housing~~
5. Boarding homes
6. Any use permitted in the Resource Protection District
7. Home babysitting service (Amended 8/1/88)
8. Adult day care center, Type 1 (Amended 7/1/91)(Amended 8/1/88; 7/1/91; 1/3/95)
9. One accessory apartment in a single family dwelling (Amended 10/20/08)

CONDITIONAL USES

1. Any use permitted as a conditional use in the R-2 District and not otherwise listed herein as a use permitted as a matter of right
2. High Voltage Transmission Lines (Amended 12/15/08)

410-4A. MU-1 DOWNTOWN RESIDENTIAL MIXED USE DISTRICT

PERMITTED USES

1. Single family dwelling (existing as of April 1, 2011)
2. Two family dwellings
3. Multi-family dwellings
4. ~~Elderly Congregate Housing~~
Elder/Disability Housing Facility and
Elder/Disability Housing Facility – Limited Service
5. Dwelling units above the first floor in a mixed-use building
6. One accessory apartment in a single family dwelling
7. Home occupations
8. Retail businesses¹ excluding outdoor sales and drive-thru service
9. Eating establishments¹ excluding fast food restaurants

10. Eating and drinking establishments¹
11. Business offices
12. Professional offices
13. Financial institutions¹ excluding drive-thru service
14. Business services¹
15. Personal services¹
16. Repair services¹
17. Artist or craftsperson studios¹
18. Commercial schools¹
19. Health care clinics for humans¹
20. Home babysitting service
21. Day care home
22. Bed and breakfast establishments
23. Places of worship¹
24. Municipal uses¹
25. Quasi-municipal or public uses¹
26. Public utility buildings¹
27. Essential services
28. Accessory uses
29. Any use permitted in the Resource Protection District

CONDITIONAL USES

1. Offices of contractors and tradesmen¹
2. Registered dispensary, non-growing¹
3. Health clubs¹
4. Private clubs¹
5. Nursery school¹
6. Day care center¹
7. Adult day services¹
8. Commercial parking lots
9. High voltage transmission lines

Note 1 – Each retail or service establishment or use is limited to a maximum of four thousand five hundred (4,500) square feet of floor area.

410-5. B-1 GENERAL BUSINESS DISTRICT

1. Single family dwellings
2. Two family dwellings
3. ~~Elderly Congregate Housing~~ Elder/Disability Housing Facility
Elder/Disability Care Facility – Limited Service
4. Multi-family dwellings
5. Home occupations
6. Retail businesses excluding outdoor sales
7. Eating establishments, excluding fast food restaurants
8. Eating and drinking establishments
9. Hotels and motels
10. Tourist homes
11. Financial institutions

12. Business offices
13. Professional offices
14. Personal services
15. Business services
16. Repair services
17. Artist or craftsperson studio
18. Health club
19. Office of a contractor or tradesman
20. Funeral homes
21. Health care clinics for humans
22. Veterinarian offices
23. Churches
24. Public and private schools
25. Commercial schools
26. Essential services
27. Accessory uses
28. Municipal uses
29. Any use permitted in the Resource Protection District
30. Bed and breakfast establishments (Amended 9/5/85)
31. Home babysitting service (Amended 8/1/88)
32. Day care home (Amended 8/1/88)
33. Day care center (Amended 8/1/88)
34. Adult day care center, Type 1 and 2 (Amended 7/1/91)
35. Nursery school (Amended 7/6/93)
36. ~~Nursing Homes~~
37. Quasi-public uses
38. One accessory apartment in a single family dwelling (Amended 10/20/08)

(Amended 9/5/85; 8/1/88; 7/1/91; 7/6/93; 1/3/95; 4/7/03)

CONDITIONAL USES

1. Boarding homes
2. Gas stations (Amended 4/7/03)
3. Gasoline sales accessory to a retail use (Amended 4/7/03)
4. Auto repair garages
5. Car washes
6. Private clubs
7. Public utility buildings
8. Commercial recreation
9. Quasi-public uses
10. Private clubs
11. Municipal uses not listed under permitted uses
12. Public utility buildings
13. Water recreation including piers, docks, and boathouses related thereto
14. Commercial recreation
15. Indoor recreation (Amended 4/7/03)
16. Marinas
17. Commercial fisheries and related sales of fresh products

18. High Voltage Transmission Lines (Amended 12/15/08)
19. Registered dispensary (Amended 7/19/10)
20. Registered dispensary, non-growing (Amended 7/19/10)

410-6B. B-2b HIGHWAY BUSINESS DISTRICT

PERMITTED USES

1. Single Family Dwelling
2. Two family dwelling
3. Manufactured housing unit
4. One caretaker's apartment within a non-residential use
5. One accessory apartment in a single family dwelling
6. Home occupations
7. Hotels and motels
8. Tourist homes
9. Bed and breakfast establishments
10. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
11. Accessory retail sales of goods manufactured on the premises
12. Lumber yards and material supply yards
13. Artist and craftsman studios
14. Eating establishments (Amended 4/7/03)
15. Eating and drinking establishments (Amended 4/7/03)
16. Drive through eating establishments (Amended 4/7/03)
17. Accessory food service facilities
18. Health & fitness clubs
19. Private clubs
20. Financial institutions
21. Professional offices
22. Business offices
23. Offices of tradesman or contractors
24. Personal services (Amended
25. Business services
26. Repair services
27. Small engine repair (Amended 4/7/03)
28. Funeral homes
29. Health care clinics for humans
30. Hospitals
31. Animal hospitals and veterinarian offices
32. Kennels
33. Boarding kennels
34. Any use permitted in the Resource Protection District
35. Research and testing laboratories
36. Wholesale trade and warehouses
37. Essential services
38. Accessory uses
39. Municipal uses
40. Public utility buildings
41. Quasi-public uses
42. Churches
43. Public parks and playgrounds
44. Public schools
45. Private schools

46. Commercial schools
47. Nursery school
48. Home babysitting service
49. Day care home
50. Day care center
51. Adult day care center, Types 1 and 2
52. Agriculture
53. Elder/Disability Housing Facility
54. Elder/Disability Housing Facility – Limited Service
55. Elder/Disability Care Facility – Full Service

12/5/94)

CONDITIONAL USES

1. Multi-family dwelling

2. Automobile dealers
3. Auto repair garages
4. *Gas stations*
5. Gasoline sales accessory to a retail use
6. Car washes
7. Indoor recreation/amusements centers
8. Outdoor commercial recreational facilities
9. Commercial recreation
10. Campgrounds
11. Public riding stables
12. Contractors
13. Light industry in buildings less than 20,000 square feet with no exterior storage
14. Radio or TV transmission towers
15. High Voltage Transmission Lines
(Amended 12/15/08)
16. Registered dispensary (Amended 7/19/10)
17. Registered dispensary, grow-only (Amended 7/19/10)
18. Registered dispensary, non-growing
(Amended 7/19/10)

410-6. B-2c and B-2d HIGHWAY BUSINESS DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Churches
4. Home occupations
5. Retail businesses
6. Eating establishments (Amended 4/7/03)
7. Eating and drinking establishments (Amended 4/7/03)
8. Hotels and motels
9. Tourist homes
10. Financial institutions
11. Personal services
12. Business services
13. Offices
14. Research and testing laboratories

15. Wholesale trade and warehouses
16. Hospitals and clinics for humans
17. Animal hospitals and veterinarian offices
18. Quasi-public uses
19. Private and commercial schools
20. Private clubs
21. Municipal uses
22. Essential services
23. Public utility buildings
24. ~~Nursing Homes~~ Elder/Disability Care Facility – Full Service
25. Any use permitted in the Resource Protection Dist.
26. Bed and breakfast establishments (Amended 9/5/85)
27. Accessory Uses (Amended 9/5/85)
28. (Reserved) (Amended 6/4/87)
29. Funeral homes (Amended 6/4/87)
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. Adult day care center, Type 1 and 2
(Amended 7/1/91)
34. Nursery School (Amended
7/6/93; 1/3/95)
35. One accessory apartment in a single family dwelling (Amended 10/20/08)
36. Elder/Disability Housing Facility
37. Elder/Disability Housing Facility – Limited Service

CONDITIONAL USES

1. Multifamily dwellings
2. (Reserved)
3. Boarding houses
4. Amusement centers
5. Commercial recreation
6. Masonry supply yards
7. (Reserved)
8. Gas stations in B-2c only
9. Auto repair garages in B-2c only
10. Car washes in B-2c only
11. Small engine repair (Amended 4/7/03)
12. High Voltage Transmission Lines (Amended 12/15/08)
13. Registered dispensary (Amended 7/19/10)
14. Registered dispensary, grow-only (Amended 7/19/10)
15. Registered dispensary, non-growing (Amended 7/19/10)

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~~
Elder/Disability Housing Facility and
Elder/Disability Housing Facility – Limited Service
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. Reserved (Amended 3/1/10)
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 (Amended 3/1/10)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~~ Elder/Disability Care Facility – Full Service
 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 (Amended 3/1/10)
10. Registered dispensary (Amended 7/19/10)
11. Registered dispensary, grow-only (Amended 7/19/10)
12. Registered dispensary, non-growing (Amended 7/19/10)

410-9-B, B-7 LIMITED BUSINESS/ RESIDENTIAL DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. ~~Elderly Congregate Housing~~
Elder/Disability Housing Facility
Elder/Disability Housing Facility – Limited Service
5. Adult day care center, Types 1 and 2
6. Bed and breakfast establishments
7. Home babysitting service, day care center, day care home
8. Home occupations
9. Personal services, except laundromats and dry cleaners
10. Nursery schools
11. Public and private schools
12. Accessory uses
13. Municipal uses
14. Offices
15. Quasi-public uses
16. Artist and craftsperson Studios (Amended 1/17/85)
17. One accessory apartment in a single family dwelling (Amended 10/20/08)

CONDITIONAL USES

1. Funeral homes
2. Boarding houses
3. Community living uses
4. ~~Nursing Homes~~ Elder/Disability Care Facility – Full Service
5. Financial institutions
6. Retail businesses except alcohol sales (limited to 1,500 square feet.)
7. High Voltage Transmission Lines (Amended 12/15/08)

410-12. I-2 INDUSTRIAL BUSINESS DISTRICT (ed. note: includes I-2b district at former Maine Turnpike Exit 5) (Amended 8/1/88, 9/19/88, 3/2/92, 3/16/92, 4/1/91, 6/4/91, 7/6/93, 7/6/93, 2/28/94, 2/19/02)

PERMITTED USES

1. Hotels and motels
2. Retail uses (I-2b only)
3. Accessory uses, including eating establishments associated with hotels and motels
4. Teen Center
5. Financial institutions
6. Business offices
7. Business services

8. Hospitals and clinics for humans
9. Research and testing labs
10. Light Industry
11. Any use permitted in the Resource Protection District
12. Essential services
13. Municipal Uses
14. Recycling center
15. Nursery School
16. Adult day care center, Type 1 and 2
17. Municipal animal incinerator
18. Enclosed Sports Arena
19. High Voltage Transmission Lines (Amended 12/15/08)
20. Elder/Disability Housing Facility-Limited Service
21. Elder/Disability Care Facility – Full Service
22. Elder/Disability Housing Facility (in conjunction with uses 20 or 21)

CONDITIONAL USES

1. Self-service storage units (Amended 10/2/86)
2. Distribution (including not more than 10% of gross floor space for retail purposes)
3. Public and private schools
4. Day Care Centers
5. Registered dispensary, grow-only (Amended 7/19/10)
6. Addiction Treatment Facility (Amended 12/6/10)

F. ZONING ORDINANCE AMENDMENT - §708, PARKING

Proposed Amendments to Section 708, Saco Zoning Ordinance, Parking Recommended by the Planning Board to the City Council, Nov. 15, 2011

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

708-1. OFF STREET PARKING REQUIRED

1. A minimum number of off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. However, existing uses are considered grandfathered for the number of parking spaces required on June 19, 1995 and need provide additionally only the difference between that required for the grandfathered use and the new or expanded use. (Amended 6/19/95)
2. Off-street public parking lots may be utilized to fulfill parking requirements in lieu of on-premise parking when such public parking lots have been provided for that purpose.
3. Notwithstanding other provisions of this section requiring on-site parking, existing buildings in the B-3 district, north and west of the Boston and Maine Railroad only, and in the MU-1 district may receive a parking waiver in whole or in part from the Planning Board, when a structure is expanded, when a change of use requires additional parking spaces be provided, or when an existing building or use undergoes internal expansion. Such expansion includes the reuse or rehabilitation of unused or under utilized space within a building that exists on June 19, 1995. It does not include additions to buildings, except for dormers or other roof structures that may make an upper floor more useable . The Planning Board shall hear the application for the parking waiver as a conditional use and before approving it shall make a finding that it meets the following standards, as well as the conditional use standards of § 901-4:
 - A. On-site parking is not available;
 - B. Off-site parking as described in § 708-3-2 is not available;

- C. The lack of on-site parking will not create excessive congestion in the neighborhood. (Amended 6/19/95).

708-2. SPECIFIED USES AND OFF-STREET PARKING SPACES REQUIRED

The minimum number of off-street parking spaces required for different uses shall be as shown in Table 708-2. When the required number of spaces arrived at is not a whole number, fractions of parking spaces shall be rounded up to the next whole number. In the B-3 district, north and west of the Boston and Maine Railroad, and the MU-1 district, the parking requirements of Table 708-2 are reduced by 50 percent. (Amended 4/3/89; 6/19/9

708-3. PARKING DESIGN CRITERIA

- 2) Off-site Parking: Required off-street parking for all land uses shall be located on the same lot as the principal building or facility or within 500 feet measured along lines of access. However, in the B-3 district, north and west of the Boston and Maine Railroad, and in the MU-1 district, this is increased to 1,200 feet. The Planning Board may approve off-site parking or the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility would substantially meet the intent of the requirements because there is sufficient space, or because of a difference in the probable time of maximum use by patrons or employees of such establishments. A long-term lease or other arrangement satisfactory to the Planning Board is required for any off-site parking. The Planning Board as part of a site plan review may permit contiguous properties to construct shared parking areas that extend over property lines without regards to five foot setback requirement for parking areas. The Board may require adequate plantings and other landscape treatments if necessary to buffer such shared parking. (Amended 6/19/95; 10/15/01; 2/19/02)

Table 708-2 Minimum Off-Street Parking Spaces Required By Use

| Use | Minimum Off-Street Parking Spaces Required |
|---|---|
| Single family residential | 2 spaces per dwelling unit |
| Two family residential | 2 spaces per dwelling unit |
| Multifamily residential | -1.5 spaces per unit for 1 bedroom units -2 spaces per unit for units with 2 bedrooms -In Residential zoning districts, 2.5 spaces for units with 3 or more bedrooms -in Residential zoning districts 2 spaces per dwelling unit plus one additional visitor's space for every 6 units or fraction thereof |
| Multifamily residential restricted to elderly | 1 space for every two units |
| Elderly congregate housing | 1 space per three units |
| Churches | 1 space per 4 seats in principal assembly room |
| Schools (not including high schools or colleges) | 1 space per each 2 employees, including teachers and administrators, plus sufficient off-street space for safe loading and unloading of students |
| High schools and colleges | 1 space for each 5 students based upon the maximum number of students attending the school at any one period in the day |
| Commercial schools | 1 space for each 3 students based upon the maximum number of students attending the school at any one period in the day |
| Private clubs or lodges | 1 space per 75 square feet of total floor space |
| Recreational assembly places, e.g. dance halls, night clubs, video game parlors | 1 space per 75 square feet of total floor area |
| Theatres | 1 space per 4 seats |
| Bowling alleys | 5 spaces for each alley |

| | |
|--|---|
| Funeral homes | 1 space per 100 square feet of total floor area |
| Adult day care center | 1 space per employee and one per six clients |
| Hospitals and rest homes | 1 space per 3 beds plus 1 space per 2 employees on the maximum working shift |
| Professional offices, business services, office of wholesale businesses | 1 space for every 250 square feet of total floor area |
| Banks | 1 space per 150 square feet of floor area exclusive of storage space |
| Medical offices | 1 space per 100 square feet of floor area exclusive of storage space |
| Veterinarian clinic, kennel, animal hospital | 5 spaces per veterinarian |
| Retail business, personal services businesses | 1 space per 200 square feet of total floor area |
| Eating and drinking, Eating, and Drinking Establishments | 1 space per 75 square feet of total floor area |
| Barber, beauty shop | 4 spaces per chair |
| Industrial businesses | 1 space per employee on the maximum working shift |
| Warehouses | 1 space per 500 square feet of total floor area |
| Child care facilities | 1 space per 4 children |
| Flea markets | 3 spaces per table |
| Hotels and motels, tourist homes, bed and breakfast establishments, boarding homes | 1 space per guestroom plus 1, space per employee working on the largest shift |
| Home occupations | See mixed uses |
| Mixed uses | Total of individual use requirements |
| Golf Courses | 50 spaces per 9 holes (Amended 12/7/98) |
| Marinas | 1 space per 2 slips or moorings (Amended 6/2/08) |

E. FY13 MUNICIPAL BUDGET – (PUBLIC HEARING)

The City Administrator submitted the Fiscal Year - 2013 Budget to the City Council on March 19, 2012. Pursuant to the City Charter, § 6.06 and 6.07, City Council Action on the Budget and Capital Program, a “Notice of Budget Hearing” was posted in the newspaper.

The purpose of this evening’s meeting is to hear public comment on the Budget and Capital Program. Section 6.06 (b) further states that, “Amendment before adoption. At the next regular or special City Council meeting, at least seven (7) days after the public hearing, the City Council may adopt the budget with or without amendment....” Section 6.06 (c) states, “the City Council shall, by order, adopt the budget at a regular City Council meeting on or before the first regular City Council meeting in June”.

**CITY OF SACO
NOTICE OF BUDGET HEARING**

There will be a Public Hearing on May 7, 2012 on the City of Saco's Municipal and Capital Improvement Budgets. This special meeting will be held in the City Hall Auditorium, 300 Main Street at 7:00 p.m. The following is a summary of the proposed budgets. Copies of the complete proposed budgets are available for inspection at City Hall during regular business hours.

FY 2013 CITY BUDGET AND CAPITAL PROGRAM

| <u>MUNICIPAL BUDGET</u> | <u>COUNCIL APPROVED FY 11-12</u> | <u>CITY ADMIN FY 12-13</u> | <u>REQUESTED CHANGE</u> | <u>PERCENT CHANGE</u> |
|---------------------------------|--|------------------------------------|-----------------------------|---------------------------|
| Mayor-Council (Legislative) | \$ 20,600 | \$ 20,600 | \$ - | 0.00% |
| City Administration | \$ 284,157 | \$ 308,273 | \$ 24,116 | 8.49% |
| Finance Department | \$ 367,166 | \$ 385,872 | \$ 18,706 | 5.09% |
| Technology Department | \$ 380,639 | \$ 446,931 | \$ 66,292 | 17.42% |
| City Clerk | \$ 262,448 | \$ 288,443 | \$ 25,995 | 9.90% |
| Tax Assessor | \$ 190,332 | \$ 190,045 | \$ (287) | -0.15% |
| City Building Maintenance | \$ 112,033 | \$ 122,205 | \$ 10,172 | 9.08% |
| Legal Department | \$ 185,000 | \$ 185,000 | \$ - | 0.00% |
| Police Department | \$ 3,338,169 | \$ 3,376,482 | \$ 38,313 | 1.15% |
| Fire/Ambulance Department | \$ 2,711,468 | \$ 2,929,010 | \$ 217,542 | 8.02% |
| Building Inspection | \$ 207,580 | \$ 212,671 | \$ 5,090 | 2.45% |
| Planning & Economic Development | \$ 302,941 | \$ 318,937 | \$ 15,996 | 5.28% |
| Public Works Department | \$ 4,605,121 | \$ 4,731,728 | \$ 126,607 | 2.75% |
| Public Agencies | \$ 85,600 | \$ 101,600 | \$ 16,000 | 18.69% |
| City Agencies | \$ 542,143 | \$ 606,200 | \$ 64,057 | 11.82% |
| Emergency Management | \$ 5,900 | \$ 5,900 | \$ - | 0.00% |
| Parks & Recreation Department | \$ 1,142,905 | \$ 1,261,088 | \$ 118,183 | 10.34% |
| Debt Service | \$ 2,390,941 | \$ 2,232,515 | \$ (158,426) | -6.63% |
| Employee Benefits | \$ 2,829,212 | \$ 2,950,632 | \$ 121,420 | 4.29% |
| Insurance | \$ 159,012 | \$ 166,963 | \$ 7,951 | 5.00% |
| Contingency | \$ 135,000 | \$ 135,000 | \$ - | 0.00% |
| Capital Projects | \$ 165,000 | \$ 2,425,000 | \$ 2,260,000 | 1369.70% |
| Gross Municipal Budget | \$ 20,423,367 | \$ 23,401,094 | \$ 2,977,727 | 12.72% |

| <u>MUNICIPAL ANTICIPATED REVENUES</u> | <u>COUNCIL APPROVED FY 11-12</u> | <u>CITY ADMIN FY 12-13</u> | <u>REQUESTED CHANGE</u> | <u>PERCENT CHANGE</u> |
|---------------------------------------|--|------------------------------------|-----------------------------|---------------------------|
| Non-Property (Excise) Taxes | \$ 3,007,500 | \$ 3,007,500 | \$ - | 0.00% |
| Permits/Licenses/Fees | \$ 704,800 | \$ 664,800 | \$ (40,000) | -5.68% |
| Intergovernmental Revenues | \$ 1,953,131 | \$ 1,986,131 | \$ 33,000 | 1.69% |
| Charges for Services | \$ 1,094,300 | \$ 1,109,300 | \$ 15,000 | 1.37% |
| Other Unclassified/Miscellaneous | \$ 596,983 | \$ 409,000 | \$ (187,983) | -31.49% |
| Subtotal Revenues | \$ 7,356,714 | \$ 7,176,731 | \$ (179,983) | -2.45% |

Other Credits Municipal

| | | | | |
|--------------------------------|------------|------------|--------------|----------|
| General Fund- Undes. Fund Bal. | \$ 822,719 | \$ 755,000 | \$ (67,719) | -8.23% |
| General Fund- Des. Fund Bal. | \$ - | \$ - | \$ - | 0.00% |
| Ambulance Fund transfer | \$ 580,000 | \$ 400,000 | \$ (180,000) | -31.03% |
| Economic Dev. Fund transfer | \$ 181,000 | \$ - | \$ (181,000) | -100.00% |
| Saco Island/Downtown transfer | \$ 25,000 | \$ 25,000 | \$ - | 0.00% |
| Camp Ellis Fund transfer | \$ 1,000 | \$ 1,000 | \$ - | 0.00% |

| | | | | |
|---|---------------------|---------------------|---------------------|----------------|
| Subtotal Other Credits Municipal | \$ 1,609,719 | \$ 1,181,000 | \$ (428,719) | -26.63% |
| Total Revenues/Credits Municipal | \$ 8,966,433 | \$ 8,357,731 | \$ (608,702) | -6.79% |

| SUMMARY | COUNCIL APPROVED EY 11-12 | CITY ADMIN EY 12-13 | REQUESTED CHANGE | PERCENT CHANGE CHANGES |
|--------------------------------------|--|--------------------------------------|-----------------------------------|---|
| Municipal Expenditures | \$ 20,423,367 | \$ 23,401,094 | \$ 2,977,727 | 14.58% |
| Municipal Revenues/Credits | \$ 8,966,433 | \$ 8,357,731 | \$ (608,702) | -6.79% |
| Net Taxes to be raised municipal | \$ 11,456,934 | \$ 15,043,363 | \$ 3,586,429 | 31.30% |
| Net Taxes to be raised education | \$ 16,030,811 | \$ 16,030,811 | \$ - | 0.00% |
| Taxes to be raised City Council | \$ 27,487,745 | \$ 31,074,174 | \$ 3,586,429 | 13.05% |
| County Taxes | \$ 1,099,643 | \$ 1,099,643 | \$ - | 0.00% |
| Overlay | \$ 1,200,000 | \$ 755,000 | \$ (445,000) | -37.08% |
| TIF Taxes | \$ 785,141 | \$ 803,000 | \$ 17,859 | 2.27% |
| Gross Taxes to be raised | \$ 30,572,529 | \$ 33,731,816 | \$ 3,159,288 | 10.33% |
| Taxable Valuation | \$ 2,120,343,274 | \$ 2,120,343,274 | \$ - | 0.00% |
| Mil Rate-Preliminary Estimate | \$ 14.42 | \$ 15.91 | \$ 1.49 | 10.33% |

Note: The Homestead Exemption, Overlay, TIF Taxes and Taxable Valuation figures are estimates as the Assessor's property valuation process is not yet complete. They will be adjusted by the Tax Assessor when he completes his work on new valuations, adjustments to existing valuations and adjustments to personal property.

Michele Hughes, CMC/CCM

City Clerk

| PROPOSED CHANGES TO FY13 BUDGET | | | |
|--|--|-----------------|---|
| Account # | Account Name | Original Budget | Additional Administrator Proposed (increase/(decrease)) |
| 10372/500428 | Administration - Contracted Services (Business Survey) | 12,000.00 | (12,000.00) |
| 10472/500428 | Fire - Contracted Services | 120,000.00 | (120,000.00) |
| 10670/500910 | Capital Improvements - Fiber to Biddeford Dispatch | 30,000.00 | (30,000.00) |
| 10670/500910 | City Hall Heating System | 250,000.00 | (250,000.00) |
| 10670/500910 | Saco Fire Station Roof | 4,000.00 | (4,000.00) |
| | | | |
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| | | | |
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| | | | |
| | | | |
| | | | |
| | Total increase/(decrease) | | (416,000.00) |

Councilor Blood moved, Councilor Tripp seconded to open the public hearing on the Fiscal-Year 2013 City Budget and Capital Improvement Program. The motion passed with unanimous consent.

Bob Stewart, 3 Wendy Way - Moved here in 1997. He stated that his taxes have gone up \$500 each year. He recognizes it is a hard job to do and thanked the city for the work they do. Mr. Stewart noted that the city represents all the people in Saco including the retired people. The economy is hard, and maybe we can't afford to do all the things we want to do at his time.

Richard Camden, 17 Charles St. – Mr. Camden has lived in Saco for 23 years. The city has raised the taxes every single year except for a couple of years. He is retired and living on a fixed income, and enough is enough. Mr. Camden lives by a tight budget and stated that the time has come for local government to do the same. The past practice of setting the budget and raising the taxes to meet the budget must stop. Taxes cost him \$10.00 a day, this is unreasonable and excessive.

Patrick McKenna, 18 Lewis Lane – Mr. McKenna stated that the bridge from Saco to Biddeford Island is not a necessity at this time. The city needs to trim the fat of the budget somehow. He owns a small business in Saco and it has been hard the last couple of years due to the economy. He needs to provide a living for his family as well as to save for future college expenses for his children.

Kathrine Glynn, 10 Locke Street – Ms. Glynn supports the budget. She noted that Saco is a great community, and we have a good quality of life here and that is why she wants to stay here. The city should keep the Old Fire House, be a visionary and get creative and keep Saco Spirit in the budget, this is just as important as roads. Also the library should not be cut. Ms. Glynn noted that we should consolidate some of the schools administration.

Bill Johnson, 76 Simpson Road – Mr. Johnson stated that the formulation of a city budget is the most challenging part of your job. My experience has been to utilize the strongest assets. Saco as an organization has many strong points that must be used. Explore the avenue of going to bond every two years for the capital improvement portion of the budget. Saco at the same time will be preserving the cities assets. Once you see a mil rate increase, you very seldom see it reduced. Also, don't add additional man power, shift it within the organization. Tax payers will support this bond. By spreading the mil rate out, many people will be able to survive. Over the weekend, he heard from two old time Saco families who after reading Saturdays Journal called for advice. That is way he is here tonight. Saco is a community in which we all take great pride and step forward when our fellow citizens need help. Please step forward with me now and examine and consider my bond proposal.

James McKenney, Hillview Heights – Mr. McKenney stated that over the last 5-6 years, the rate of tax increase has been significantly more than the cost of living increase. This doesn't line up with the way we should be increasing taxes. He understand that things go up from year to year, but in a time when we are working with the economy we have at this time, we should be cutting costs, rather than increasing costs. When we elect people to take care of the city business for us, and they don't realize that they can't keep increasing costs and then fixing a budget to meet it, then somewhere along the line, he feels they are not doing their job. We should have a city management and administration that will first of all take into account the ability of the citizens of the town. Mr. McKenney was not in favor of bonding, because this is just a debt our children and grandchildren will need to pay down the road, but it that being said, if the rates are as low as he is hearing, 1 – 1.5 %, then it might be an out to save us from some of the tax increases that are being projected.

David Dunn, 12 Wild Briarwood Dr. – Since 2005 our unemployment has gone from 3.8 % to 8.3 % and estimates of true unemployment are closer to 16-18%. Four out of ten homes nation-wide face foreclosure. Saco has 40-50 homes that are in various stages of foreclosure at all times. Income among the employed has dropped 8-10%. In order to keep their jobs, they have taken pay cuts. Mr. Dunn stated that his family income has dropped 45% since 2005. He is a real estate broker who was doing quite well, but he had to make allot of adjustments in his life. He has gone from eating out 3 times a week to once a month. He hasn't been on a vacation in 9 years, and owns 3 vehicles with the newest one being 8 years old and the oldest one 14 years old. Energy conservation is a on-going theme in his home. Capital Improvements are planned over time and funds are allotted based on a long term plan. They carefully plan their expenditures and live within their income range. He noted that he is more fortunate than others who are unemployed, facing foreclosure or living on a fixed income. He noted the following possible cost savings: natural gas to run the buildings and vehicles, keep city vehicles 3-5 years longer, use buying power with other municipalities and share equipment, cross train employees, offer early retirement, shorten the work week to 4

days, capital expenditures need to be planned over time and budgeted for, the Parks & Recreation Dept. has asked for an increase, we should consider ourselves lucky to be able to even continue to have a Parks & Recreation Department. All the proposed capital improvement projects do not need to be done in a year, float a bond and spread them out over time. What do you have for a cost cutting plan for the future? We can't continue doing what we have been doing. His family had to make cuts to adjust to the economy, and now the city needs to get real and live within their means as well. Saco is a great town, he is proud to be a citizen but we have a lot of issues.

Ronald Zehner, 124 Buxton Rd – A \$1.52 increase in the mil rate, which is a 12.7% increase was what was printed in the paper the other day. Now there is another boogie in the room that no one is talking about, and that is the schools estimated budget increase of about 12.5%. So now we are talking about a combined 25% increase. Mr. Zehner has a home valued at \$500,000, and he pays of \$7,000 for taxes. He could not sell his home last year for even \$425,000. Mr. Zehner noted that he heard there was a bond issue being floated around for next March for \$8-\$10 million dollars for a new Public Works Facility, on top of this 25% increase. Mr. Zehner felt that the city should go back and look at the 2008-2009 budget and start leveling some of this. But remember, 12.7% for the municipal side and 12.5% for the school side, but at least we can vote on that one, and he hoped that everyone would vote it down so that the school department would go back and re-examine their budget. Mr. Zehner noted that he is retired has had his house for sale for 2 years, and has been selling off his back yard properties on the Foss Road, in order to stay in Saco.

Walter Wilson, Heath Road – The Mayor said 2 million for each year for the next few years. The city should have been paying attention to running the city, and not buying wind mills and electric cars over the past 5-6 years. The city should have been paying attention to the city infrastructure instead. Prioritize what you have been doing over the past several years. Cut back on the things we don't need. The Fire and Train Station could have been built cheaper. The city likes to get gold medals for these projects, but we are paying for these gold medals. We he moved into his house 6 years ago, he was paying \$4,600 a year. Last year he paid \$8,300, and this year it will be close to \$10,000 a year. For what? He doesn't get anything out of the things that are being added on this year. The Police Station and Fire Station are built. He also heard that the city wants to do a new Public Works Building and that there are plans to put in a Recreation Building with swimming pools, field houses and everything else. Prioritize, review the budget and cut back. Don't go overboard like you have been doing. Look at the things that absolutely have to be done, and do a bond while the interest rates are low. Make the city work for the citizens.

Greg Dumas, Lincoln Street – Opposed to any budget increase and raising taxes.

Linda Presby, 456 Flag Pond Road – The survey said that it is statistically improved in the sidewalks, so why are we putting more money into the budget to repair sidewalks that have been done for the last 4 years, when the statistics show that the people really like the sidewalks we have. Ms. Presby lives in a part of town that doesn't have sidewalks. She noted that the sidewalks downtown are beautiful, but we don't have sidewalks through the whole town, and we don't need to. Sidewalks are not a high priority, and they are only in a certain part of town. What other money shouldn't be in the budget.

Guy Huntley – 36 Landing Road – The adequacy of the test of pension program against your actuarial standards for making a test, fully funded or something as a percentage of? City Administrator Rick Michaud responded that Saco has a credit in the program more than fully funded. Has he misinterpreted any of the previous year's budgets that we have used some rainy day or other type of reserve fund to balance them the last 2 or possibly 3 years? The City Administrator stated that Mr. Huntley had not misinterpreted them. Mr. Huntley asked is any of the funds if we were to bond it tonight be used for current expenses in this reduction of revenues coming in or would it remain strictly capital expenditures? The City Administrator stated that if the Mayor's view is followed and the items are bonded the bond counsel will require that if we use a seven year bond, we cannot buy an asset with a shorter life than 7 years, so this would not be for operating funds. Mr. Huntley's point was that there are a lot of towns in deeper trouble because of pensions, and the road to hell is paved, like New York City found out when it bonded off current expenses. He felt we could go along with bonding. The previous council has given the current council some serious problems.

Councilor Blood moved, Councilor Smith seconded to close the Public Hearing, and Be it Ordered that the City Council set the vote on the FY13 City Budget and Capital Improvement Program for May 21, 2012. Further move to approve the order.

Councilor Tripp – Feels strongly that the current economic environment it is inappropriate and untimely to be burdened with this type of increase at this time. No one in this audience has gotten a 12% increase in the past year. Councilor Tripp suggested that since we are unwilling or unable to do a significant line item reduction, we should now determine a percentage of increase on the \$20 million dollar budget and then ask the Department Heads to determine their budgets from that.

Councilor Smith – The last 4 years, we have done very little to the infrastructure in the city. It is a necessity to maintain it. We have used up the rainy day fund to keep taxes low, which he voted against, because it is the city's emergency fund. When we talk about taxing people, his grandson recently had a flat tire due to a pot hole in one of the roads, this cost \$116.00. This wasn't a tax increase, but it cost a tax payer anyway because the road was not kept up. If we let the infrastructure deteriorate, it will cost the city more in the long run to fix, and in the mean time, it will cost the residents when they need to replace tires, shocks etc. We have a responsibility to keep the city safe. That means the Fire Dept, Ambulance, Police Dept., road to run our vehicles on safely. We have looked at everything from eliminating street lights, keeping the city vehicle longer, he voted against the electric car. The citizen satisfaction survey seems to suggest that the citizens are happy with living here. His taxes have gone up what seems like a tremendous amount if he looks at the taxes he was paying in 1984 versus what he is paying now. We had a bigger better Police Dept, with fewer break-ins in North Saco. The Fire Department responds very rapidly, rescue even faster. The public works department has outgrown their current facility, and if this was a commercial building and not a municipal entity, OSHA probably would have closed it by now. Combining the schools was supposed to save a lot of money, but it hasn't yet. There is a whole lot that the city doesn't have control over. Mr. Smith looks forward to hearing from everyone who has ideas that might help us keep this budget within limits. We will work on it.

Councilor Doucette – In good conscience she could not vote for this budget. She feels that the cost of living has increased so much, the price of gas, oil and food that we need to cut something or take some of these capital expenditures and put them out to bond and let the people decide whether they want to spend that money or not. We should go back to the school board and ask them to revisit their budget, because half of the increase in the taxes is for the school board. If people vote for the school budget, they are voting for large increase in their taxes. Something has to give some place.

Councilor Blood – He cannot vote for the budget the way it stands, there is still work to do on it. He appreciated the comments from the public this evening and thanked them for showing up.

Mayor Johnston – He noted that Mr. Huntley understands this budget very clearly. The 3 years ago, the council decided to hold the line on taxes and they took \$1.2 million out of the undesignated fund balance. The second year, they choose to take approximately another \$1.5 million out of the undesignated fund balance. The fourth year they choose to again take \$1.9 million out of the fund balance, to the point that last year gimmicks had to be done and that was to reduce the capital improvements, to the point where it was only funded by \$165,000. They chose to do another gimmick of shifting the due dates on the taxes do. You cannot run this community on \$165,000. We run a community that is a 24 hour operation. When you pick up the phone, you are able to get the Police Department to respond to your home very quickly, and there is a cost to that. The Fire Department, ambulance, and broken sewers all have a cost. Saco's proposed tax increase minus what has been taken out is in line with all communities which are a 24 hour service community, such as Scarborough, Portland and Biddeford. We are not unique. What happened is that the last 4 years when this economy was tanking they chose to delay things. We can't delay it anymore. Yes, you can do the bonding but as it was pointed out though, every year there are approximately more than \$1 million in capital improvements. So do you do a bond this year, the following year and a bond for the next 10 years? Eventually you build those capital improvements into the budget you will always have that money. There will be no need for a bond unless you are doing a major project. We have looked into Natural Gas, but they want us to pay up front for the costs, when we can't even fix pot holes in the roads. We have been keeping our vehicles longer, and sharing equipment with other communities. If we lose the ocean front property tax base, that is 20% of the tax base. Mayor Johnston supports this budget because it is realistic, we have needs and they have to be

taken care of or else what we will have it the streets or sewer systems or Police Department or Fire Department that will not be at the caliber that we want. We can do the bond, but there is \$20 million necessary. Do we float a bond every year? There is a cost to that as well. The increases are solely based on capital improvements, that make our community better and saves us money in the long run.

Mayor Johnston called for a vote on the main motion. The motion passed with seven (7) yeas.

Councilor Lovell moved, Councilor Tripp seconded move that the city administrator produce a pro-forma budget with a 5% increase and to identify the items that would then be placed on a Capital Improvements Bond and this action to be taken before the second reading so that we can workshop this to find a way to produce a budget that could pass this council, because at this point the budget as presented will not pass. The motion passed with seven (7) yeas.

Councilor Lovell noted that the 5% is a starting place, to examine what the department operations look like if the budget increases at some starting point (5%) and make then make the cuts or additions to the budget from that and make the cuts and additions from the Capital Improvements Bond, just to be able to come to a resolution on this matter. This is just a pro-forma budget. A new budget does not need to be produced for submission through 1st reading etc.

VI. CONSENT AGENDA
A. MINUTES OF 4/17/2012

Councilor Smith moved, Councilor Tripp seconded to approve the consent agenda. The motion passed with seven (7) yeas.

VII. ADJOURN THE MEETING

Councilor Tripp moved, Councilor Smith seconded to adjourn the Council meeting and to go into a Workshop at 9:50 p.m.

ATTEST: _____
Michele L. Hughes, City Clerk