STATE OF MAINE

COUNTY OF YORK                                              CITY OF SACO

I. CALL TO ORDER – On Monday, August 6, 2012 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor 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

VI. CONSENT AGENDA

Councilor Blood moved, Councilor Lovell seconded to approve consent agenda items #2, #6 and #7. The City of Saco hereby:

2. Ordains and Approves the Second and Final Reading of the motion allowing campgrounds existing as of April 15, 2012 in the R-2, R-4 and B-2c zones to become a conditional use, be approved;

6. Confirm the Mayor’s appointment of Donald Uldbjerg of 11 Glenhaven Circle, as a member to the Historic Preservation Commission for a 3 year term ending August 5, 2015;


The motion passed with seven (7) yeas.

Note: The complete item commentaries are listed below. There were no minutes presented this evening. Councilor Lovell requested that items # 4 and #5, be pulled from the Consent Agenda. Councilor Tripp requested that item # 3 and #8 be pulled from the Consent Agenda. The pulled items will be voted on separately.

2. ZONING ORDINANCE AMENDMENT CAMPGROUNDS IN THE R2, R4 AND B2C ZONE – (2ND & FINAL READING)
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. Elder/Disability Housing Facility
   Elder/Disability Housing Facility – Limited Service (5/21/12)

3. Hospitals and clinics

4. Boarding houses

5. Home occupations

6. Parking lots (Amended 1/3/95)

7. Funeral homes

8. Cemeteries

9. Elder/Disability Care Facility – Full Service (5/21/12)

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)

25. Campgrounds existing as of April 15, 2012

Article 4 - District Regulations

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. Reserved

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)

3. Campgrounds existing as of April 15, 2012 (pending)
3. CODE AMENDMENT CHAPTER 82 CONSUMER FIREWORKS – (FIRST READING)

Code Amendment Chapter 82 Consumer Fireworks, August 6, 2012

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

Chapter 82 Consumer Fireworks

82.1 Purpose.

The purpose of this Chapter is to assure the comfort, convenience, safety, health and welfare of the inhabitants of the City of Saco, to protect and conserve its environment and resources by regulating the use and sale of consumer fireworks.
82.2 Definitions.

As used in this Chapter, the following term shall have the meaning ascribed to it in this section:

*Consumer Fireworks* has the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, but includes only products that are tested and certified by a third party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

“Consumer fireworks” does not include the following products:

(a) Missile-type rockets, as defined by the State Fire Marshal by rule;

(b) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

(c) Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

82.3 Prohibition.

No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City of Saco; provided, however, that this Chapter does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.

82.4 Penalties.

(a) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use them in the City shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than four hundred dollars ($400.00) per violation plus attorney fees and costs. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation plus attorney’s fees and costs shall be imposed.

(b) Any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell them in the City shall be punished by a fine of not less than five hundred dollars ($500.00) plus attorney’s fees and costs. For second and subsequent offenses, a fine of not less than one thousand dollars ($1,000.00) per violation plus attorney’s fees and costs shall be imposed.

82.5 Seizure and Disposal.

The City may seize consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this Chapter or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.
Councilor Cote moved, Councilor Blood seconded the City of Saco hereby ordains and approves the First Reading of the document titled, ‘Code Amendment Chapter 82 Consumer Fireworks, August 6, 2012’, and further schedules a Public Hearing for August 20, 2012. The motion passed with seven (7) yeas.

6. CONFIRM THE MAYOR’S APPOINTMENT OF DON ULDBJERG TO THE HISTORIC PRESERVATION COMMITTEE

The Historic Preservation Commission consists of five members and up to five associate members, appointed by the Mayor and confirmed by the Council, for a 3-year term. Some of the duties of the Commission are to:

- review applications for certificate of appropriateness,
- advise and inform the City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.
- Each Commission member shall be a resident of the City and shall be persons qualified to perform the duties of such office and shall serve without compensation.

The Mayor is seeking to have Donald Uldbjerg of 11 Glenhaven Circle reappointed for a 3 year term.

7. APPLICATIONS FOR A LICENSE TO OPERATE GAMES OF CHANCE – ORDER OF THE EAGLES #3792

Fraternal Order of Eagles – Saco Aerie #3792 has applied for four Licenses to Operate Games of Chance: Meat Shoot - 1 game on August 26, 2012, Turkey Shoot - 1 game on November 11, 2012, Turkey Shoot - 1 game on November 18, 2012 and Holiday Meat Shoot - 1 game on December 9, 2012.

8. CERTIFICATION OF ELECTION RESULTS – RSU NO. 23 BUDGET VALIDATION REFERENDUM & SPECIAL MUNICIPAL REFERENDUM ELECTIN 7/31/2012

STATE OF MAINE
CITY OF SACO
UNOFFICIAL ELECTION RESULTS
REGIONAL SCHOOL UNIT NO. 23 BUDGET VALIDATION REFERENDUM & SPECIAL MUNICIPAL REFERENDUM ELECTIONS
JULY 31, 2012

RSU #23 BUDGET VALIDATION REFERENDUM - QUESTION #1
Do you favor approving the Regional School Unit No. 23 budget for the upcoming school year that was adopted at the latest Regional School Unit budget meeting?

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<th>WARD 2</th>
<th>WARD 3</th>
<th>WARD 4</th>
<th>WARD 5</th>
<th>WARD 6</th>
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NOTICE OF AMOUNTS ADOPTED AT BUDGET MEETING
REGIONAL SCHOOL UNIT NO. 23
INFORMATION FOR VOTERS AT BUDGET VALIDATION REFERENDUM

TO: Municipal Clerks of the City of Saco and the Towns of Dayton and Old Orchard Beach,
State of Maine

In the name of the State of Maine and pursuant to 20-A M.R.S. §1486(2) you are hereby directed
to display this Notice of Amounts Adopted at Budget Meeting at the polling places within your
respective municipalities to assist the voters of Regional School Unit No. 23 (the "Regional
School Unit") in voting at the budget validation referendum to be held on July 31, 2012 for the
purpose of determining if the Regional School Unit budget for the 2012-2013 fiscal year that was
adopted at the Regional School Unit budget meeting on July 11, 2012 should be approved.

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<th>Cost Center Summary Budget Category</th>
<th>Amount Recommended by School Board</th>
<th>Amount Approved by Voters at the Budget Meeting*</th>
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*Amounts to be completed by Superintendent of Schools under authority of School Board

The amount approved at the Regional School Unit budget meeting includes locally raised funds
that exceed the maximum state and local spending target pursuant to 20-A M.R.S. §15671-A(5).

[Signatures]

A majority of the School Board of Regional School Unit No. 23

July 11, 2012

Patrick Phillips, Superintendent of Schools
Councilor Tripp moved, Councilor Lovell seconded “Be it Ordered that the City Council hereby approve the results of the July 31, 2012 Regional School Unit No. 23 Budget Validation Referendum & Special Municipal Referendum Elections as presented”. Further move to approve the Order. The motion passed with seven (7) yeas.

V. AGENDA
A. 2012 GENERAL ASSISTANCE AMENDMENTS – (PUBLIC HEARING)

Due to action taken by the State of Maine during its last legislative session, The Overall Maximums of the General Assistance Ordinance of the City of Saco, which were accepted on March 19, 2012, must now be amended to Ninety Percent of their effective levels as of April 1, 2012.

The Amended Overall Maximums to take effect July 1, 2012. In addition, Article VI, Section 6.8 (B) of the General Assistance Ordinance of the City of Saco must be amended to limit the amount of housing assistance available to a maximum of nine months, beginning July 1, 2012.
Councilor Tardif moved, Councilor Blood seconded to open the Public Hearing on the amendment to the Saco Code, Chapter 112, General Assistance Program, Appendix A – GA Overall Maximums, and the amendment to Article VI, Section 6.8(B) of the General Assistance Ordinance – City of Saco. The motion passed with unanimous consent.

There were no comments from the public.

Mayor Johnston closed the Public Hearing and ordered that the City Council set the Second and Final Reading of the Amendments to the Saco Code Chapter 112, for August 20, 2012. Further move to approve the order. The motion passed with seven (7) yeas.

B. SPECIAL ENTERTAINMENT PERMIT – PIT ROAD ENTERPRISES d/b/a SARGE’S TAILGATE GRILL – (PUBLIC HEARING)

Pit Rd Enterprises d/b/a Sarges Tailgate Grille, has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

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

There were no comments from the public.

Councilor Cote moved, Councilor Tardif seconded to close the Public Hearing and “Be it ordered that the City Council grant the renewal application submitted by Pit Road Enterprises d/b/a Sarges Tailgate Grille for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”. Further move to approve the Order. The motion passed with seven (7) yeas.

C. SPECIAL ENTERTAINMENT PERMIT – TOWNHOUSE MANAGEMENT INC. d/b/a TOWNHOUSE PUB – (PUBLIC HEARING)

Townhouse Management Inc, d/b/a Townhouse Pub, has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

Councilor Smith moved, Councilor Blood seconded to open the Public Hearing. 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 Council grant the renewal application submitted by Townhouse Management Inc., d/b/a Townhouse Pub for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”. Further move to approve the Order. The motion passed with seven (7) yea.

D. CODE AMENDMENT – CHAPTER 64 – ANIMALS (DOGS), ARTICLE II, §64-8 RUNNING AT LARGE – (1ST READING)

City Code Chapter 64 – Animals, Article II, §64-8 – Running at Large, August 6, 2012

(please note underline represents new language while strikethrough is language to be deleted.)

64-8 Running At Large

A. A dog, while on any public way or place, shall be under restraint, within the meaning of this article, if it is controlled by leash or voice control beside a competent person and obedient to that person's commands or on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

B. The following restrictions apply to dogs on beaches:

1. No dog shall be present on any beach at any time unless the dog is accompanied by its owner or keeper who has voice control over the dog and who is carrying a leash in the hand of the owner or keeper which can be used to restrain the dog.

2. Any owner or keeper of a dog using the beach must have with them a means of cleaning up and disposing of any dog feces left on the beach.

3. No dog shall be present on any beach between the hours of 9:00 a.m. and 5:00 p.m. from June 15th through September 15th.

4. When otherwise allowed to be present on a beach pursuant to this section, all dogs must be leashed at the following times:

   At all times from June 15th through September 15th, except that a dog under the voice control of its owner or keeper shall be permitted to be unleashed between sunrise and 9:00 a.m. (The purpose of this exception is to allow individuals to walk, jog, run or engage in other physical exercise with their dogs in the early hours of the morning.)

   Whenever the owner or keeper has been directed by a law enforcement officer to leash the dog,

Several people showed up to voice their concerns with the Amendments to the Dog Ordinance. Public comment is usually only allowed at Public Hearings. Mayor Johnston inquired with the Council to see if they would allow some brief public comments this evening. The Council agreed.

Reginald Parent, 560 Ferry Road - Mr. Parent walks the beaches every day. He stated that the city should continue with the existing dog policy, there is no problem.

Eleanor Gross, 87 Oceanside Dr. - Ms. Gross loves dogs, but doesn’t think they belong on the beach when everyone else is on the beach. She has known people who have got bitten by dogs, and there is dog feces left behind on the beach. The new ordinance as described makes enormous sense.

Donald Henson, 2 Maple Street – Mr. Henson has medical issues, and needs to have a dog. He spends allot of time on the beach with his dogs, and picks up after his dog. He also picks up the beer bottles and cigarette butts that are left behind on the beach.
Anne Spires, Seaside Ave. – Ms. Spires has never had a problem with dogs on the beach. Everyone should be allowed to express their opinions, and not just a certain few. How will the Police Dept. regulate this dog ordinance?

Maureen Henderson, Glenhaven Circle – Ms. Henderson’s family lives here full time, and walks the dogs on the beach daily. They have never had any issues. If this dog ordinance goes through, they will look for a different community to live in.

Jason Scott – 338 Ferry Road – Mr. Scott runs on the beach allot, and has found no problems, just people having a good time with their families and dogs. Each day he goes down there, he picks up dirty diapers, bottles and other stuff that is left behind. Mr. Scott stated that we all gave up our time tonight to stick up for dogs.

Kristine Ginere – Summer Resident from Connecticut – Ms. Ginere enjoys taking her dog to the beach.

Anita Huizing, 17 Sunset Ave. – Ms. Huizing doesn’t have a dog, but her neighbors do, and they are responsible dog owners.

Rosanna Pratt, 13 Vernon St - Ms. Pratt stated that Saco is a very nice town, with good neighbors and good businesses. This ordinance is contrary to this vision. She supports allowing dogs on the beaches.

Guy Huntley, 433 Seaside Ave. – Mr. Huntley cautioned the Council is they go down this road that to watch out for the horses and llamas.

Ed McCain, Outlook Ave. – Mr. McCain stated that as a result of Saco allowing dogs on the beaches, people coming to the beaches have no affiliation with Saco. They just bring their dogs to the Saco’s beaches because they are restricted from all the other beaches in the areas. He had an elderly neighbor who was tumbled from her chair and was scared. She should be able to go to the beach without the fear of a loose dog. Another lady got tangled in a leash. The issue is abuse of visitors to the beaches. Your constituents need your protection. He suggested that Saco is no different from our neighboring towns and the city should institute a policy with no dogs allowed.

Jane Kerns, 10 Shore Ave. – Ms. Kearns is a long time resident. It is very important the association that people have with their dogs, and they should be able to go to the beach when they want. When she retires, she wants to be able to walk her dogs on the beach. The city should be more concerned with fireworks. The city should enforce the current dog ordinance on the books, before creating a new one.

-----------------------------------End of Public Comments----------------------------------

Councilor Blood moved, Councilor Doucette seconded “The City Council hereby ordains and approves the First Reading of the document titled, ‘City Code Chapter 64 – Animals, Article II, §64-8 – Running at Large, August 6, 2012’, and further move to schedule the Public Hearing for August 20, 2012.” The motion passed with seven (7) yeas.

VI. CONSENT AGENDA
4. ZONING ORDINANCE AND MAP AMENDMENTS TO CREATE B2-D DISTRICT – 1ST READING)

Proposed Amendments to the B-2c and B-2d Districts to Accommodate Their Use on a Portion of North Street and Related Amendments
July 10, 2012

Proposed additions to the ordinance are underlined;
proposed deletions are struck through.

1. Amend Section 410-6 to read:

**410-6C. B-2c and B-2d HIGHWAY BUSINESS DISTRICTS**

**PERMITTED USES**

1. Single family dwellings
2. Two family dwellings
3. Tourist homes. Dwellings above the first floor in a mixed-use building
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. Places of worship
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-municipal or public uses
19. Private and commercial schools
20. Private clubs
21. Municipal uses
22. Essential services
23. Public utility buildings
24. Nursing homes
26. Bed and breakfast establishments (Amended 9/5/85)
27. Accessory Uses (Amended 9/5/85)
28. Repair services (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 services 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. Offices of contractors or tradesmen

**CONDITIONAL USES**

1. Multifamily dwellings
2. Health club (Reserved)
3. Boarding houses
4. Amusement centers
5. Commercial recreation
6. Masonry supply yards
7. Indoor recreation (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)

3. Revise Table 412-1 Minimum Lot and Yard Requirements as follows:
   - Add footnote 22 to the Minimum Depth Front Yard in the B-2c and B-2d column to read:
     22. In the B-2d, the minimum front yard may be reduced to 25’ for buildings that front on North Street west of the Industrial Park Road.

4. Amend Section 729. Design Standards by amending Subsection B. Applicability to read:

   B. Applicability. These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1, and MU-2, and B-2d Districts shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

5. Amend Section 729. Design Standards by adding a new subsection J. Additional Standards for the B-2d District to read:

   J. Additional Standards in the B-2d District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

   a. Location of the Building with Respect to the Front Lot Line. The front facing wall shall be designed so that it features enough windows and other architectural features such as porches, variation in the facade, varied roof lines, and other variation so that the front of the building addresses the public way as an important façade of the building.

   b. Location of Parking and Service Areas. Parking and service areas should be located to the side or rear of buildings where feasible.
Proposed Saco Zoning Map Amendments
To Create a B-2D District on North Street,
July 10, 2012

The Council stated that they would like this to go to a Workshop after the Public Hearing.
Councilor Tripp moved, Councilor Smith seconded “The City of Saco hereby ordains and approve the First Reading of the document and map titled ‘Proposed Amendments to the B-2c and B-2d Districts to Accommodate Their Use on a Portion of North Street and Related Amendments July 10, 2012’, and ‘Proposed Saco Zoning Map Amendments To Create a B-2d District on North Street, July 10, 2012’. further moves to set the Public Hearing for August 20, 2012”. The motion passed with seven (7) yeas.

5. ZONING ORDINANCE AMENDMENT: CREATION OF B-8 DISTRICT – (1ST READING)

Proposed Amendments to the Zoning Ordinance to Create a New B-8 Office Park District and Related Amendments Recommended by the Planning Board, November 21, 2011 Revised July 10, 2012

Proposed additions to the ordinance are underlined; proposed deletions are struck through.

1. Amend Section 403 in Article 4 District Regulations to read:

Section 403. Zoning Districts
The city is divided into the districts stated and described in this Ordinance and as shown by the district boundary lines on the Official Zoning Map. The district classifications are:

RESIDENTIAL DISTRICTS:
R-1 Low Density District
R-2 Medium Density District
R-3 High Density District
R-4 General Residential District

MHP Mobile Home Park Overlay District

MIXED-USE DISTRICTS
MU-1 Downtown Residential Mixed-Use District
MU-2 Elm Street Gateway District

BUSINESS DISTRICTS:
B-1 General Business District
B-2 Highway Business District
B-3 Downtown Business District
B-4 Planned Development District
B-5 Marine Business and Residential
B-6 Highway Business and Commercial District
B-7 Limited Business/Residential District

BP Business Park District
B-8 Front Street Waterfront District

B-8 Office Park District

INDUSTRIAL DISTRICTS:
I-1 Industrial Park District
I-2 Industrial Business District

I-3 Light Industrial-Business Park District
CONSERVATION DISTRICT:
C-1 Conservation District

NATURAL RESOURCE DISTRICTS:
RP Resource Protection District
SR Saco River Overlay District
SO Shoreland Overlay District

2. Amend Article 4 District Regulations by adding a new section 406-10 to create a purpose statement for the new office park district to read as follows:

406-10. B-8 OFFICE PARK DISTRICT
The B-8 classification is intended to provide attractive locations for high-quality economic growth in close proximity to the Maine Turnpike. These areas develop as attractive office parks that attract a range of business and professional offices, hotels and related services, and indoor recreation/entertainment uses. A limited amount of residential development is accommodated as part of mixed-use developments. The areas have attractive visual environments with well-designed buildings and attractive site design. The natural environment is protected and green space is provided as part of the development.

3. Amend Article 4 District Regulations by adding a new section 410 - 10B. B-8 OFFICE PARK DISTRICT to read:

410 - 10B. B-8 OFFICE PARK DISTRICT

PERMITTED USES

1. Dwelling units only as part of a mixed-use building or mixed-use development
2. Multifamily housing only as part of a mixed-use building or mixed-use development
3. Elderly congregate housing
4. Nursing homes
5. Home occupations
6. Eating establishments
7. Eating and drinking establishments
8. Hotels
9. Business offices
10. Professional offices
11. Financial institutions
12. Business services
13. Research and testing laboratories fully enclosed within a building
14. Personal services
15. Health clubs
16. Health care clinics for humans
17. Hospitals
18. Day care center
19. Adult care services
20. Places of worship
21. Municipal uses
22. Quasi-municipal or public uses
23. Private schools
24. Public utility buildings
25. Essential services
26. Accessory uses
27. Any use permitted in the Resource Protection District
Note 1: The total floor area devoted to all residential uses shall not exceed thirty (30) percent of the total floor area of the mixed-use building or mixed-use development in which the residential use is located.

CONDITIONAL USES

1. Commercial schools
2. Light industry in which all activities occur within a fully enclosed building
3. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
4. Indoor Recreation
5. High voltage transmission lines
6. Convenience retail uses only within a mixed-use building and limited to a maximum of 1,000 square feet of floor area

4. Amend Table 412.1: Minimum Lot and Yard Requirements by adding a column for the B-8 District to read:

<table>
<thead>
<tr>
<th></th>
<th>B-8</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MINIMUM LOT AREA (Sq. Ft.)(^{13})</td>
<td></td>
</tr>
<tr>
<td>(1) sewered</td>
<td>10,000</td>
</tr>
<tr>
<td>(2) unsewered</td>
<td>N/A</td>
</tr>
<tr>
<td>B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)(^{13})</td>
<td></td>
</tr>
<tr>
<td>(1) Single Family</td>
<td></td>
</tr>
<tr>
<td>sewered</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered &amp; on-lot water</td>
<td>N/A</td>
</tr>
<tr>
<td>(2) Two Family</td>
<td></td>
</tr>
<tr>
<td>sewered</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered</td>
<td>N/A</td>
</tr>
<tr>
<td>(3) Multi-family</td>
<td></td>
</tr>
<tr>
<td>sewered</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered</td>
<td>N/A</td>
</tr>
<tr>
<td>B1. MINIMUM NET RESIDENTIAL ACREAGE PER DWELLING UNIT IN SUBDIVISIONS (SQ. Ft.)(^{7,13}) (Amended 3/07/05)</td>
<td></td>
</tr>
<tr>
<td>(1) Single Family</td>
<td></td>
</tr>
<tr>
<td>sewered</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered &amp; on-lot water</td>
<td>N/A</td>
</tr>
<tr>
<td>(2) Two Family</td>
<td></td>
</tr>
<tr>
<td>sewered</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered</td>
<td>N/A</td>
</tr>
<tr>
<td>C. MINIMUM STREET FRONTAGE(^{4}) (Feet)</td>
<td></td>
</tr>
<tr>
<td>(1) sewered</td>
<td>50</td>
</tr>
<tr>
<td>(2) unsewered</td>
<td>N/A</td>
</tr>
<tr>
<td>D. MINIMUM DEPTH FRONT YARD (Feet)</td>
<td></td>
</tr>
<tr>
<td>E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)</td>
<td></td>
</tr>
<tr>
<td>F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet)(^{8})</td>
<td></td>
</tr>
<tr>
<td>(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td></td>
</tr>
<tr>
<td>(2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td></td>
</tr>
<tr>
<td>(3) Multi-family</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td></td>
</tr>
<tr>
<td>G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet)(^{3}) (Amended 11/7/05)</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td></td>
</tr>
<tr>
<td>H. MAXIMUM LOT COVERAGE (%)</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td></td>
</tr>
<tr>
<td>I. MAXIMUM HEIGHT (Feet)</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

16. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 SF of total floor area, the requirement is 1,400 SF of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 SF of total floor area regardless of the number of bedrooms, the requirement is 2,000 SF of lot area per unit.
5. Amend Section 729. Design Standards by amending Subsection B. Applicability to read:

B. Applicability. These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1, MU-2, B-2c, and B-8 Districts shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

6. Amend Section 729. Design Standards by adding a new subsection K. Additional Standards for the B-8 District to read:

K. Additional Standards in the B-8 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from the one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Campus Environment. An objective of the B-8 District is to create a high quality visual environment in which the individual buildings are harmonious elements in a cohesive office park environment. Therefore it is desirable that buildings and sites have consistent design features such as signs, exterior lighting, and sidewalk furniture that create a common image throughout the district.

b. Open Space. An objective of the B-8 District is to create an attractive, green environment. At least 25% of the total area of the development shall be devoted to green space. This requirement can be met by green space provided as part of an overall development plan for the office park or by green space provided as part of the development of individual lots, or by a combination thereof. The subdivision plan for the overall development shall demonstrate how this requirement will be met. The application for subdivision approval must address the ownership and maintenance of the open space and include a plan addressing these issues together with appropriate legal documents. If some or all of the open space will be provided as part of a subdivision that includes a mix of business and residential lots, the requirements of this provision shall be coordinated with the requirements of Section 10.2 of the Subdivision Regulations pertaining to residential subdivisions and the open space shall be designed and used to meet both open space requirements. If the project involves the development of a lot that is not part of a subdivision that has provided for the set aside of open space, at least 25% of the lot shall be devoted to green space. The open space in a subdivision or on an individual lot shall protect areas that are identified as having significant natural resource value, provide for continuous networks of green space, create recreational opportunities for residents and users of the office park, and enhance the overall office park environment.

c. Storage and Service Areas. All storage and service areas (including dumpsters) that are not fully enclosed within a building shall be located to minimize their impact on the visual environment of the individual site and the overall park and shall be located within landscaped and fenced enclosures that are visually compatible with the overall park environment.

7. Amend Section 302. Meaning of Words by adding, in proper alphabetical order, definitions of “convenience retail use” and “place of public assembly or entertainment” to read as follows:

Convenience retail use: A business that sells pre-packaged food and beverages and/or food and beverages prepared on the premises for consumption on the premises or for take-out together with sundries, household goods, and other convenience goods primarily to residents or occupants of a specific area such as an
employment center or residential neighborhood. All activity shall occur within a fully enclosed building with no provisions for drive-thru service and/or the sale of motor fuels.

**Place of public assembly or entertainment:** A commercial, non-profit, or governmental use that is fully enclosed within a building that provides a place for public gatherings and events such as theaters, concert halls, auditoriums, function halls, clubs, and similar venues. A place of public assembly or entertainment may include facilities for the provision or sale of food and beverages to people attending activities or events or the sale of related merchandise such as souvenirs, specialty apparel, or items related to the activities occurring at the site.

**Proposed Saco Zoning Map Amendments To Create a B-8 Office Park District, July 10, 2012**

Councilor Smith moved, Councilor Blood seconded “The City of Saco hereby ordains and approve the First Reading of the document titled, ‘Proposed Amendments to the Zoning Ordinance to Create a New B-8 Office Park District and Related Amendments Recommended by the Planning Board, November 21, 2011, Revised July 10, 2012’, and the map titled, ‘Proposed Saco Zoning Map Amendments To Create a B-8 Office Park District, July 10,
2012’, and further move to set the Public Hearing date for August 20, 2012.” The motion passed with seven (7) yeas.

V. AGENDA

F. REGIONAL SCHOOL UNIT 23 WITHDRAWAL EXPENSE – ENGAGE PLANNING DECISION

On July 31, 2012, voters in the City of Saco voted to withdraw from RSU 23.

Pursuant to 20-A MRSA §1466. Withdrawal of a single municipality from a regional school unit (11) Cost of advisors. The expense of employing competent advisors by the municipality petitioning to withdraw must be borne by the municipality, and the expense of employing competent advisors by the regional school unit must be borne by the regional school unit with the municipality bearing its share according to the regional school unit's cost-sharing agreement.

The city’s recommendation is to employ Charles Lawton, Ph.D. Chief Economist and Judith Harvey, C.A.S. Education Consultant from Planning Decisions, Inc., to prepare a ‘draft education budget alternatives for the City of Saco’.

The City Council discussed this item at Workshop on July 16, 2012.

Councilor Tripp moved, Councilor Lovell seconded “Be it ordered that the City Council employ Charles Lawton, Ph.D. Chief Economist and Judith Harvey, C.A.S. Education Consultant from Planning Decisions, Inc., to prepare a ‘draft education budget alternatives for the City of Saco’.”

TABLE - Councilor Lovell moved, Councilor Doucette seconded to table this item until the city finds out from the Town of Arundel, how much their report cost. Councilor Lovell withdrew this motion.

AMENDMENT – Councilor Cote moved, Councilor Lovell seconded to add a clause to the engagement letter to allow for termination of the agreement without cause. The motion passed with seven (7) yeas.

AMENDMENT – Councilor Cote moved, Councilor Smith seconded to have the City Administrator ask Planning Decisions to submit a scope of services and a detailed cost. Councilor Cote withdrew this motion.

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

TABLED – “Be it ordered that the City Council engage Special Legal Counsel ____________, to assist the City of Saco in the Withdrawal from RSU 23.” Councilor Tripp moved, Councilor Smith seconded to table this item. The motion passed with seven (7) yeas.

E. REGIONAL SCHOOL UNIT (RSU23) WITHDRAWAL COMMITTEE APPOINTMENTS

On July 31, 2012, the voters in the City of Saco voted to begin the process of withdrawal from RSU 23. Therefore, city officials and interested citizens are tasked with creating a plan to withdraw from RSU 23 and to develop an alternative plan to provide education services in the future.

Pursuant to procedures to withdraw from a Regional School Unit Step 6: “The Commissioner shall direct the municipal officers of the petitioning municipality to establish a Withdrawal Committee to develop a Withdrawal Agreement in the format specified in the ‘Require Elements of a Withdrawal Agreement,’ per 20-A MRSA §1466(4). The Withdrawal Committee shall include four members appointed as follows:

A. One member from the municipal officers.
B. One member from the general public.
C. One member from the group filing the petition. . . “

The Council discussed this item at Workshop on July 16, 2012.

Councilor Doucette moved, Councilor Smith seconded “Be it ordered that the City Council confirm the Mayors following appointments to the Withdrawal Committee: Councilor Marston Lovell with alternate Councilor David Tripp; Citizen Bill Johnson with alternate Karl Carrigan, Vangel Cotsis (a member of the group filing the petition) with alternate Tracy Collins.”

Councilor Lovell moved, Councilor Tardif seconded to strike all reference to alternate members Tripp, Carrigan & Collins. The motion passed with six (6) yeas and one (1) nay – Councilor Blood.

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

VII. EXECUTIVE SESSION

Councilor Tripp moved Councilor Smith seconded “Be it Ordered that the City Council, Pursuant to [M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (c)] move to enter into Executive Session to discuss: (D) Labor Contract Negotiation. The motion passed with unanimous consent. TIME: 9:30 p.m.

A. REPORT FROM EXECUTIVE SESSION

Mayor Johnston moved from Executive Session with the unanimous consent of the Council at 10:05 p.m.

Mayor 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.

There was no report.

IX. ADJOURNMENT

Mayor Johnston adjourned the meeting with the unanimous consent of the Council at 10:06 p.m.

ATTEST: ____________________________
Michele L. Hughes, City Clerk