

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, June 3, 2013 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:

PROCLAMATION – CITY OF SACO IS A “PLAYFUL CITY USA” – THREE-TIME HONOREE



- Whereas,* play is a crucial factor in the overall well-being of children, and
- Whereas,* playspaces and playgrounds within walking distance of children’s homes are missing from many communities and neighborhoods, and
- Whereas,* unstructured, unplanned, spontaneous, and self-motivated play is on the decline, and
- Whereas,* fewer children spend time outside at parks and playgrounds, and
- Whereas,* children who play are healthier and suffer less obesity and obesity-related health problems such as diabetes and heart disease, and
- Whereas,* children who play do better in school and develop cognitive skills that are linked to learning and academic performance, and
- Whereas,* children who play learn the social skills that help them become happy and well-adjusted adults, and
- Whereas,* parents, schools, child care centers, nonprofit organizations, businesses, churches, synagogues, mosques, and all interested parties wish to raise this community’s children to become healthy, happy, and successful adults,

Now, Therefore, I, Mark Johnston, Mayor of the City of Saco, do hereby proclaim Saco as a

Playful City USA

and I urge all citizens to celebrate Play and to support efforts to build and maintain playspaces and playgrounds in our community.

Further, I urge all citizens to continue to support and maintain playspaces and playgrounds for the well-being of this and future generations

Dated this 17th day of June 2013
 Mayor Mark D Johnston

V. AGENDA

1. RSU 23 WITHDRAWAL COMMITTEE - UPDATE

RSU Withdrawal Committee Chairman William Johnson presented the following update on the negotiations of the Saco Withdrawal Committee and the Representatives of the RSU #23.

I'm pleased to report that our negotiations are nearly complete, subject to the possibility so some late stage modifications and an impending legal review. This agreement is also subject to the completion of the contract between Thornton Academy and the presumed new Municipal School Administrative Union, coupled with a revised agreement between Thornton Academy and RSU #23. Both of these agreements which will become exhibits to the core of the withdrawal agreement are currently in negotiations and expected to be completed in the next 2 weeks. At that point we expect that all authorized parties to the withdrawal agreement sign the document which will then be forwarded by the withdrawal committee to the Maine Commissioner of Education. As a reminder, the Commissioner has 60 days to accept the agreement or recommend any changes. We expect this agreement will be met with few if any objections to approve it by the Commissioner. The Commissioner will then set a date by which the City of Saco shall hold a referendum for all registered voters of Saco to vote on the question of withdrawal. Prior to said referendum one public hearing must be held by the RSU #23 and another by the municipality at least 10 days before the election. As you know, we began this process in September 2012 meeting weekly and sometimes twice a week over the last 10 months. We have arrived at what we believe is a financially sound and logical transition from membership in the RSU #23 to an individual Municipal School Administrative Unit (MSAU). We are confident that Saco will continue its long tradition of providing an exceptional education to the students of Saco recognizing that constant investment in education is a cornerstone of a healthy strong and vibrant community. This agreement essentially assures the Department of Education that Saco will go back to doing what it has done well for centuries and perhaps better. I'm confident that this document serves Saco well and that the Council can rest assured that we have delivered a beneficial set of conditions in becoming an individual school district. We believe this agreement is fair and balanced and recognizes the importance of allowing students who live in Saco to continue to attend the schools they have elected until the 12th grade. The relative cost of allowing those students to continue beyond the 1 year statutory requirement is reasonable and represents the only cost of any significance that Saco will incur in this transition above its own responsibility to educate all students of Saco. The Committee also allowed for a one-time payment of \$40,000, for the RSU #23 to vacate the Administrative office space at 90 Beach Street in order to establish a new space of their own. Any other withdrawal cost to the City of Saco will be incidental to the transition and quite negligible when measured against the scale and amount of our budget.

We want to assure you that we have taken a thorough approach to every element of this agreement consulting with both of our legal and financial supports and had a meeting with the Deputy Commissioner of Education to review the details of educational subsidy calculations. The exhaustive and painstaking efforts of Saco's Director of Finance Cheryl Fournier and the City Solicitor Tim Murphy has resulted in an orderly division of assets, assignment of staffing, recognition of existing employment contracts and assumption of debt obligations to their rightful entities. At this time I would like to clarify what I believe to be some misinformation that has been shared concerning Saco's membership in the RSU #23. You have been told that Saco's withdrawal from the RSU will result in Saco paying a higher cost for education and that not being associated with a public High School will reduce the cost subsidy from the State. Saco's Finance Director Cheryl Fournier has calculated that the RSU Budget just passed for 2014 Saco will contribute approximately \$1.6 million more to the RSU than its actual budgeted costs. Both the Assistant Superintendent of Business and Operations Mike Pulsifer and Staff Account Jason DiNonato, have essentially agreed with Ms. Fournier on this very detailed and complex set of expense calculations. More over in the prior budget year Saco contributed \$1.4 million more than its actual budgeted costs as well. These detailed calculations are available for public review on the cities website, and have yet to be disputed or disproved. As previously mentioned, members of our committee met with the Deputy Commissioner of Education Jim Rier to discuss details of the ED279 subsidy calculations. Mr. Rier was very clear that it would be extremely difficult to estimate an accurate per student subsidy because of many of the factors contributing to the

calculations, are in a state of constant change. That said, he did commit to providing an estimate to Saco as a stand-alone district, and the amount he anticipates falls far short from what some individuals have recently suggested. We recognize that there would be some measure of subsidy lost as a result of Saco withdrawing from the RSU. However, the portion of Saco's subsidy that is already being redistributed throughout the RSU far out-weighs this reduction in subsidy, evidenced by Saco's cumulative overpayment of \$3 million dollars in the prior and current budget. As the RSU transitions from the old cost sharing formula to the newer one, Saco's overpayment to the RSU will continue to occur and likely result in a continuation of tax increases to the citizens of Saco. If we can trust the collaborative analysis of both the Finance Director and the Financial Officers of the RSU than we can logically conclude that over time, Saco will realize substantial savings by withdrawing from RSU #23. It has been suggested that withdrawing from RSU #23 will result in a loss of efficiencies that have been achieved since becoming a RSU. In fact, the cost of education in Saco has risen by 29% since joining the RSU while the total increase among our partners (Dayton & O.O.B.) is less than 2.5%. So, you can see that it is just not about loss of State support, by rather a problem of substantial inefficiencies in the RSU magnified by a flawed formula that redistributes funds from one community to another.

As you know, the Withdrawal Committee has always stated an intention to seek an independent analysis of Saco's educational costs in a MSAU once negotiations came to a close and our costs could be defined. Since we are approaching that phase of the process, we are in the midst of interviewing a number of accounting firms to provide a performer budget for Saco as an independent school district, and our preference is to employ a candidate with a background in educational accounting in particular. We do not believe that it will serve Saco's purposes to employ the services of Dr. Lawton and Planning Decisions as said, reports hypnotized about what could happen based on the demographics and economic prediction. We think it is prudent to validate as accurately as we can what will happen which, is more about exploring existing data prognosticating about the future.

Finally, we have established a Memorandum of Understanding with the Town of Dayton such that we invite them to tuition their students to Saco schools to share costs with respect to administrative expenses, busing, shared employees, and to partner with Saco as a buying group for supplies, equipment, oil etc. The memorandum also seeks to continue fostering a culture of collaboration among teaching staff in the interest of cross community skilled development and career advancement. Excluding myself, I want to commend the City Council on your selection of withdrawal committee members. What I have observed is a group of selfless and committed individuals spending hundreds of volunteer hours trying with sincerity and integrity to do what they believe is in the best interest of the children of the City of Saco.

Note: A copy of the 52-page, RSU Withdrawal Agreement Draft can be located on the cities website (www.sacomaine.org) under the June 17th City Council Agenda and backup documents.

2. CONTRACT ZONE 445 MAIN STREET – MAP 33, LOTS 25; ZONED R-1D – (PUBLIC HEARING)

Applicant Lise Ouellette makes application for a contract zone for the property at 445 Main Street that would allow up to four apartment units to be established on the 2nd and 3rd floors of the existing building. The real estate office would remain in use on the first floor.

The applicant initially requested a zoning map amendment to adjust the boundary along the northerly side of the property for a zoning change from R-1b to B-2d. Upon hearing her objective, however, the Planning Board suggested instead a contract zone. In the R-1b zone, multi-family dwellings are not allowed; two-family dwellings are, as a conditional use. However, the applicant's primary issue is density. The parcel is 12,197 s.f. in area. A two-family in the R-1b zone requires 10,000 s.f. per unit, so only a single residential unit would be possible. If the requested zone change, to B-2d, were to be approved, 4,000 s.f. per unit would be required whether a two-family or a multi-family, so up to three units would be possible. The applicant seeks approval for up to four units, and is proposing a minimum lot area per dwelling unit of 3,000 s.f. per unit.

The Planning Board made a positive finding on each of the four standards for a contract zone, and forwards a positive recommendation for the contract zone as proposed.

The council discussed this item at Workshop on May 20, 2013; and the First Reading was June 3, 2013.

Councilor Doucette moved, Councilor Smith seconded to open the Public Hearing on the document titled, "Contract Zone Agreement by and between Lise D. Ouellette and the City of Saco," dated May 7, 2013. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Doucette moved, Councilor Smith seconded to close the Public Hearing and "Be it Ordered that the City Council set the Second and Final Reading for July 1, 2013." Further move to approve the order. The motion passed with six (6) yeas and one (1) abstention – Councilor Tardif.

**Contract Zone Agreement
by and between
Lise D. Ouellette and the City of Saco**

May 7, 2013

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through March 4, 2013 is hereby amended by adopting this contract zone agreement by and between the City of Saco and Lise D. Ouellette (Applicant).

1. The Applicant owns the property at 445 Main Street (Subject Property), a 0.28 acre parcel (12,197 square feet).
2. Said property is identified as Tax Map 33, Lot 25 on City of Saco tax maps.
3. Said property is in the R-1B zoning district. The property is also located in the Saco Historic Preservation District.
4. The building on the property is used as an office, which is a conditional use in the R-1b zone.
5. The Applicant proposes to maintain the existing office use on the first floor of the building. The Applicant proposes to "...re-hab the 2nd and 3rd floors into office/apartment, which would allow us to reach its potential."
6. The R-1b zone allows a Two-Family Dwelling as a Conditional Use. In the R-1b zone each dwelling unit requires 10,000 square feet of lot area. Given the existing lot area, a single dwelling unit would be possible, but no more.
7. The owner initially submitted a request for an amendment to the Zoning Map to rezone the Subject Property and the abutting Great American Realty parcel at 439 Main Street from R-1b to B-2d, as the Subject Property abuts the B-2d zone to the north. The B-2d zone allows two-family or multi-family units at 4,000 square feet of lot area.

8. The Planning Board reviewed this request, and rather than extending the B-2d zone further south along Main Street, the Board suggested that a contract zone may better address both the Applicant's and the City's goals.
9. Recognizing the limitations of the parcel, and the requirements of the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow the proposed residential units to be established and co-exist with the established office use.

II. This contract amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the parcel at 445 Main Street, would allow the Applicants to maintain the existing Office use, and also to establish up to four residential units on the second and third floors of the existing building, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

- a. The Applicant may establish no more than four (4) residential dwelling units on the second and third floors of the existing structure.
- b. For the purpose of meeting Minimum Lot and Yard Requirements as stated in Table 412-1 of the Zoning Ordinance, the Minimum Lot Area per Dwelling Unit for the Subject Property shall be 3,000 s.f. per unit.
- c. The site currently functions with fourteen (14) parking spaces. Table 708-2 of the Zoning Ordinance requires one (1) space for every 250 s.f. of floor area for an office use. The first and second floors of the building total 3,856 s.f. of floor area, thereby requiring sixteen (16) parking spaces. Notwithstanding Table 708-2, the changes proposed for use of the building shall be allowed based on the existing fourteen (14) parking spaces.
- d. The applicant shall incorporate Section 708-3(10) of the Zoning Ordinance into the site plan review application in order to identify and reserve an existing landscaped area that may be converted to parking should the need arise, as determined by either applicant/owner or Planning Board.
- e. Section 707-4 of the Zoning Ordinance limits a sign in a residential district to four square feet if one-sided, or two square feet per side if two-sided. Notwithstanding Section 707-4, the Applicant may maintain the existing business sign for Prime Prudential Realty as a conforming sign. However, said sign shall not be grandfathered in the case of a future change in the use of this property.
- f. The Applicants shall adhere to all other applicable provisions of the R-1b zoning district and of the City of Saco Zoning Ordinance and Subdivision Regulations.
- g. All details included in the submitted application materials are hereby incorporated into this contract by reference. The proposed use shall be operated substantially in conformance with these materials.
- h. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be "major" shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes.
- h. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office in order that the project may be reviewed by the Planning Board. Failure of the Applicants to secure site plan approval from the Planning Board within one year of the

approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.

i. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. A change in ownership prior to completion of the terms of this Contract may necessitate review and approval by the City Council. Determination of such shall be made by the Planning Office.

j. Failure of the Applicant to initiate the creation of up to four residential units as described in application materials for this Contract Zone within two (2) years of the date of approval shall render this Agreement null and void. Said two year period may be extended for a period of one (1) year upon written request to the Planning Office prior to termination of said two year period.

k. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer may be required to apply for a contract modification. Failure to apply for, or to obtain a modification shall constitute a zoning violation, subject to enforcement action.

III. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on May 7, 2013, and the Saco City Council on _____, 2013, the following findings are hereby adopted:

A. City Tax Map 33, Lot 25 is a parcel of an unusual nature and location, for the following reasons:

1. The residence at 445 Main Street is a historically significant structure located in the R-1b zoning district and the City's Historic Preservation District.

2. The residence was identified as the Paul Sands house as part of the City's historic resources survey in 1995. The Second Empire-style structure was built around 1860, and the exterior retains much of its historic character.

3. The Subject Property abuts the B-2d zoning district to its north. Among the permitted uses in the B-2d zone are Offices, and Dwellings above the first floor in a mixed-use building.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

Chap. 5. B. The Local Economy -- While the goal of the City is to accommodate good quality commercial development in appropriate locations, the City is also interested in discouraging commercial use in inappropriate locations. Therefore, it is a policy of the City to avoid the location of commercial activities within residential neighborhoods except for strictly regulated home occupations, day care, or others with minimum impact. In addition, the City discourages the establishment of commercial enterprises along major streets except in those areas specifically designated for commercial use in the land use policies.

Within the built-up area of the City, residential neighborhoods often abut commercial areas. The City should restrict the expansion of commercial activity into established residentially zoned neighborhoods, should limit the use of residential streets for access to commercial activities, and should require buffering along the transition from commercial to residential use.

Chap. 6 Land Use Goals and Policies

Commercial Development 25. The City's policy should be to resist designating other areas along the City's major streets for commercialization. Even within those areas designated for commercial development, the City's development standards should control the number of access points along these arteries to maintain their capacity to move traffic as safely and efficiently as possible.

- C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the Residential-1b (R-1b) zone, a high density residential district “. . . designated for areas which are predominately single-family residential in character.” (Zoning Ordinance, Section 405-1.)

Among the permitted and conditional uses allowed in the R-1b zone are single and two-family dwellings, offices within existing buildings, accessory apartments, community living uses, churches, daycare centers, elderly congregate housing and bed and breakfast establishments.

Examples of uses in the vicinity of the subject property include Great American Realty (439 Main St.), Rite-Aid (461 Main St.), Thornton Academy (438 Main St.) and the Paul Hazelton House (7 Smith Ln.), as well as single-family and multi-family dwellings. The property abuts the B-2d zone along its northerly property line.

- D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

IV. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on _____2013.

by _____ by _____

Richard Michaud
City Administrator
Applicant

Lise D. Ouellette, President
Prime Prudential

3. COMPREHENSIVE PLAN IMPLEMENTATION: REVIEW OF PREPOSED MIXED USE-4 ZONING DISTRICT – (PUBLIC HEARING)

The Comprehensive Plan calls for two new districts to encourage mixed use, master planned developments in areas with significant vacant, potentially developable land. One district (the proposed MU-3) is for the northern end of the Route One corridor – north of Flag Pond and Cascade Roads (see map of the MU-3 District) This area can now be served by public sewerage and public water and has a number of large, potentially developable parcels.

The MU-3 District is designed to require well planned development while limiting piecemeal development of this area. The Comprehensive Plan envisions that this area will develop as high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and nonresidential uses.

The second district (the proposed MU-4) is for an area between Lincoln Street and Bradley Street. The land in the proposed MU-4 District has significant development constraints but is served by public water and sewerage and is well located for development.

While the type and intensity of development proposed to be allowed in the two districts differs, both require that larger-scale development occur through a master planned development process.

The proposed new districts were recommended by the Planning Board on Feb. 14, 2012. The City Council met with the Planning Board in a joint workshop to discuss this amendment to the zoning ordinance on March 5, 2012.

The Council discussed this item at Workshop on May 20, 2013 and the First Reading was June 3, 2013.

Councilor Cote moved, Councilor Lovell seconded to open the Public Hearing on the document titled, “Proposed Amendments to Create an MU-3 Planned Mixed Use District and an MU-4 Planned Limited Mixed Use District and Establish Standards for Master Planned Developments Recommended by the Planning Board February 14, 2012’.” The motion passed with unanimous consent.

Chris Denton, Chair of the Saco Citizens for Sensible Taxes Committee, 322 Boom Road – Mr. Denton felt the request should be separated out and voted on separately. The request to change the area along Route #1 from the Business Park to MU-3 has a clear and stated purpose, and it appears to be in response to a change that took place 2003 that changed that to a business park. There is an issue right now that is preventing Mr. Chamberlain from expanding his self-storage business. So it has purpose and it is in response to something that the city inadvertently did. The reason for the request to change the zoning between Skyline Drive and Forest Street has not been provided, and it is not consistent with the zoning in all the surrounding areas which are zoned residential. Until such a time that we have more detail about the proposed use of this land, I don't personally believe that we should open the park up to uses that might be very much inconsistent with the surrounding area. Again, all of this land is zoned residential. Second, the documentation available tonight refers to Saco's vision and plan for the city and use of property on a number of occasions, and to an extent it appears that our vision is becoming cloudy and being confused by the need to make exceptions as a result of insufficient due diligence as well as approving zoning amendments and granting contract zones rather than adhering to our vision. Just by way of example, the first request here for the MU-3 zone is a result of inadvertent oversight on Mr. Chamberlain's property. We have recently heard at the Council meeting the request to build a barn on the Loudon Road, which has resulted in zoning changes on setbacks and height limitations there and immediately following this we are going to hear from Mr. Labonte on another proposed contract zone which would allow for higher density residential housing West of the turnpike which also involves extending the water and sewer beyond the turnpike. It seems that we shouldn't be arbitrarily changing zoning in areas without clear visibility into the proposed use especially when the city and Mr. Chamberlain have already invested a significant amount of time and money in developing the area for that mixed use along Route #1. It would also support the same type of development that is proposed here. Additionally, this same land that we are talking about here could be used for the same type of residential development Mr. Labonte is proposing by extending to the other side of the turnpike. Again, I request that these be separated and voted on separately.

City Planner Bob Hamblen – Mr. Hamblen explained the differences between the MU-3 and MU-4. The list of the approved uses in the Mu-3 zone along both sides of Route #1 just to the Scarborough line includes a number of Commercial Uses. Single family and multi-family dwellings are allowed as well, but only as a larger development which is going to be subject to a more detailed type of project. We are planning Saco's future out in that area and would like to get it right the first time. The Planning Board feels that the proposed standards in the mix of uses in the MU-3 zone will be very appropriate out along the Route #1 corridor. The MU-4 is much closer to town, and it does focus entirely on the Kimball Health Center property and is bounded North & Saco by Bradley Street and Boom Road. The uses that are proposed there are very much in keeping with the existing family dwellings, community living uses, places of worship and public parks etc. In terms of Master Plan development, which is the larger style development that the Planning Office anticipates, could work here such as multi-family housing (condos or Housing buildings), elderly congregate housing, and nursing homes are things pretty much in keeping with the existing Kimball Health Center. We know that the proposed zoning is exactly in line with the vision

outlined by the 2011 Comprehensive Plan. We feel this is merely implementing the Comprehensive Plan. The Planning Board's business is to know how to manage growth in all areas of the city.

The MU-4 is taking a more overall approach and there is a significant amount of performance standards that ensure that any larger proposed development (nursing home & health care clinics etc.) are going to take a closer look at the property to be developed and make sure the design standards are adhered to a step or two in a more urban direction than what we currently have on the books. The focus will be more intense development and open space guaranteed.

Councilor Smith inquired whether this change in the MU-4 zone would encourage more residential development in this area or less? Mr. Hamblen noted that the existing density requirements are 5,000 sq. ft. per unit for multi-family stays the way it currently is and 7,500 sq. ft. for single family. So no, we are not encouraging greater density, we are taking a more carefully considered approach to what development may come down the pike. Councilor Smith noted that back in the day, the city was saving this for a more Commercial application rather than residential. Mr. Hamblen noted that it is surrounded by residential currently. Forest Street is just to the East of it and to the other side is Skyline Drive. There are existing residential subdivisions to both East and West of the proposed MU-3 zone district. In the Mu-4 district, not only can you do residential, but, you can also get into some - what more uses such as nursing homes, health care clinics and professional offices. Office uses are very possible, but there is not retail in the mix. Councilor Smith inquired as to why there is not retail allowed. Commercial and retail seem to go hand and hand. Mr. Hamblen inquired whether Councilor Smith was referring to MU-3 or MU-4. Councilor Smith stated that he had meant to say MU-3 earlier and not MU-4. Councilor Smith stated that he was always under the impression that the long range goal was to have commercial development out there MU-3-Route #1 area. Mr. Hamblen agreed and noted that on the list of uses that are proposed for the MU-3 district out along Route #1 you are going to find that it doesn't quite mirror the existing business park zone, but hotel/motels, retail businesses with less than 40,000 sq. ft. of floor area, eating establishments, health/fitness clubs, financial institutions are allowed. There is a whole array of commercial uses that are very much possible. He also noted that if uses come along that are fair sized development they would need to be part of a master plan development. The proposed MU-3 pushes commercial uses to the fore front while still allowing residential uses, but the demand are greater is you are going to have residential as part of your development. Councilor Smith inquired whether we are still hung up on 40,000 sq. ft. of less? Mr. Hamblen noted that that goes back to when the big box stores building all around us. Councilor Smith noted that that was years ago and that he would like to revisit that. Mr. Hamblen noted that we can do that. Councilor Smith stated that he sees some great development going on in cities North, South East and West f us here, and we are sitting on 40,000 sq. ft. Why box ourselves out of the potential of a large building. Mr. Hamblen noted that on the easterly side of Route #1 where Elliot Chamberlain did his Park North project operating under a contract zone, he got approved for building up to 60,000 or 80,000 sq. ft., so he did not go up into the area of where the larger Walmart's are being built these days. Our Shaw's is about 50,000 sq. ft., and a Walmart these days is between 80,000 – 100,000 sq. ft. Mr. Hamblen stated that it is easy enough to amend if that is the Council's desire. Councilor Smith noted that in Scarborough, the large Cabela's building became an anchor store for other businesses that moved in all over that area. The Kittery Trading Post became the anchor for Route #1 in Kittery. Now I don't envision that area becoming that populated, but why restrict the potential for somebody coming in there. I'm sure there are businesses out there that say "Show me the plan. Oh 40,000 or smaller. Thank you very much." and they move on. Mr. Hamblen made the observation that back when the Council chose to restrict buildings to 40,000 sq. ft. or greater, public sewer had not been run out there. So now this is very much a public sewer and water area.

Councilor Lovell stated that he thought that Mr. Denton's observation is very apt. Could we split the MU-3 proposal from the Mu-4 proposal? Mayor Johnston noted that Councilor Lovell could make the amendment on the second and final reading. Councilor Lovell stated that the second part is in speaking of the MU-4, I certainly don't have the experience of those on the Council who been here awhile, but it seems to me that out there in that general area where the Lucia Kimball Health Center is it was always looked upon as a form of medical development. That is that they have a health clinic there and have added a short-term care facility for veterans and at one point there was a view that they might have some elderly congregate housing there that would support people who weren't in

the best of health and they would be near some sort of health facility. It sounds like we are trying to isolate this so that this can occur despite the fact that it is bounded by some residential areas. Mr. Hamblen noted that both remain distinct possibilities. Single and two-family dwellings are possible there today and would remain possible until the MU-4 zone. This is recognition that Kimball Health owns a good size piece of property. There certainly are some physical restrictions and it is generally recognized as having some wetlands. Councilor Lovell also thought it may have some specific development restrictions related to health services support because it was a gifted property. I think that this should be included if you are identifying it as a separate zone. That whatever generation of the Deering family donated that property that there may be stipulations that may need to be recognized so that no development could occur because it was a violation of the stipulation or ordinance. It shouldn't be mutually exclusive. Mr. Hamblen noted that he would look into that before the second and final reading. He noted that as part of a master plan development, we recognize the existence of Kimball Health and not promoting, but making very possible elderly congregate housing, nursing homes, health care clinics and professional offices. We would like to see a hospital satellite development in that area.

Councilor Cote moved, Councilor Lovell seconded to close the Public Hearing and “Be it Ordered that the City Council set the Second and Final Reading for July 1, 2013.” Further move to approve the Order. The motion passed with seven (7) yeas.

**Proposed Amendments to Create an MU-3 Planned Mixed Use District
and an MU-4 Planned Limited Mixed Use District and
Establish Standards for Master Planned Developments
Recommended by the Planning Board February 14, 2012**

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

1. Amend the Official Zoning Map to designate an area north of Flag Pond Road and Cascade Road as MU-3 Planned Mixed-Use District as shown on the attached zoning map fragment.
2. Amend the Official Zoning Map to designate an area between Lincoln Street and Bradley Street as MU-4 Planned Limited Mixed Use District as shown on the attached zoning map fragment.
3. 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-3 Planned Mixed-Use District

MU-4 Planned Limited Mixed-Use 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

4. Amend Article 4 District Regulations by adding a new section 405A-4 to create a purpose statement for the Planned Mixed-Use District to read as follows:

405A-4. MU-3 PLANNED MIXED-USE DISTRICT

The MU-3 classification is intended to allow for the development of high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and non-residential uses. The character of these neighborhoods is more urban than suburban and the neighborhoods are organized around an internal street system rather than being primarily oriented to Route One. The neighborhoods are pedestrian-friendly and include a high level of pedestrian and bicycle facilities that serve the neighborhoods and link them to other areas of the City and the Eastern Trail. A substantial portion of each neighborhood is set aside as open space, recreation areas, and conservation land.

5. Amend Article 4 District Regulations by adding a new section 405A-5 to create a purpose statement for the Planned Limited Mixed-Use District to read as follows:

405A-5. MU-4 PLANNED LIMITED MIXED-USE DISTRICT

The MU-4 classification is intended to allow for the development of the usable portions of the district with a mix of high density residential uses and lower-intensity non-residential uses such as community services and professional offices that are related to and supportive of a residential use while a large part of the district is retained as open space. The character of the neighborhood is urban, higher density/intensity of use in limited areas with the remainder preserved as open space and conservation land.

6. Amend Article 4 District Regulations by adding a new section 410-4D. MU-3 PLANNED MIXED-USE DISTRICT to read:

410-4D. MU-3 PLANNED MIXED-USE DISTRICT

PERMITTED USES

1. Hotels and motels
2. Bed and breakfast establishments
3. Retail businesses with less than 40,000 SF of gross floor area and related outside sales
4. Accessory retail sales of goods manufactured on the premises
5. Artist and craftsperson studios
6. Eating establishments
7. Eating and drinking establishments

8. Accessory food service facilities
9. Health and fitness clubs
10. Financial institutions
11. Professional offices
12. Business offices
13. Offices of tradesmen or contractors
14. Personal services
15. Business services
16. Repair services
17. Funeral homes
18. Health care clinics for humans
19. Animal hospitals and veterinarian offices
20. Light assembly in which all activities occur within a fully enclosed building with no exterior storage
21. Outdoor commercial recreational facilities
22. Commercial recreation
23. Indoor recreation/amusement centers
24. Nonprofit recreational uses
25. Public parks and playgrounds
26. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
27. Places of worship
28. Municipal uses
29. Quasi-municipal or public uses
30. Day care center
31. Adult care services
32. Agriculture
33. Accessory uses
34. Essential services
35. Public utility buildings
36. Any use permitted in the Resource Protection District
37. Mobile home parks in designated Mobile Home Park Overlay Districts

ADDITIONAL USES PERMITTED ONLY AS PART OF A MASTER PLANNED DEVELOPMENT

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Single family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units as part of a mixed-use building
6. Community living uses
7. Home occupations
8. Home babysitting service
9. Day care home
10. One accessory apartment in a single-family dwelling
11. Research and testing laboratories fully enclosed within a building that are compatible with a mixed-use neighborhood

7. Amend Article 4 District Regulations by adding a new section 410-4E. MU-4 PLANNED LIMITED MIXED-USE DISTRICT to read:

410-4E. MU-4 PLANNED LIMITED MIXED-USE DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Community living uses
4. Places of worship
5. Public parks and playgrounds
6. Home babysitting service
7. Day care home
8. One accessory apartment in a single-family dwelling
9. Accessory uses
10. Home occupations
11. Essential services
12. Public utility buildings
13. Any use permitted in the Resource Protection District
14. The reuse of a building existing as of April 1, 2011 for a use that is otherwise permitted only as part of a Master Planned Development

ADDITIONAL USES PERMITTED ONLY AS PART OF A MASTER PLANNED DEVELOPMENT

The following uses are permitted only as part of a Master Planned Development reviewed and approved by the Planning Board in accordance with the provisions of Section 416:

1. Multi-family housing
2. Elderly congregate housing
3. Nursing homes
4. Health care clinics for humans¹
5. Professional offices¹
6. Municipal uses
7. Quasi-municipal or public uses¹
8. Day care center¹
9. Adult care services¹
10. Nonprofit recreational uses¹

Note 1: This use is allowed only as part of a mixed-use building or development in which the non-residential use occurs in conjunction with a permitted residential use and is accessory and subordinate to the primary residential use.

8. Amend Table 412-1: Minimum Lot and Yard Requirements by adding new columns for the MU-3 District and MU-4 District to read:

	<u>MU-3²¹</u>	<u>MU-4</u>
A. MINIMUM LOT AREA (Sq. Ft.) ¹³		
(1) sewered	<u>20,000²²</u>	<u>7,500</u>
(2) unsewered	<u>40,000</u>	<u>20,000</u>
B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.) ^{7, 13}		
B1. MINIMUM NET RESIDENTIAL ACREAGE PER DWELLING UNIT IN SUBDIVISIONS (SQ. Ft.) ^{7, 13} (Amended 3/07/05)		

(1) Single Family		
sewered	<u>See Note 23</u>	<u>7,500</u>
unsewered	<u>N/A</u>	<u>N/A</u>
unsewered & on-lot water	<u>N/A</u>	<u>N/A</u>
(2) Two Family		
sewered	<u>See Note 23</u>	<u>5,000²³</u>
unsewered	<u>N/A</u>	<u>N/A</u>
(3) Multi-family		
sewered	<u>See Note 23</u>	<u>5,000²³</u>
unsewered	<u>N/A</u>	<u>N/A</u>
C. MINIMUM STREET FRONTAGE ⁴ (Feet)		
(1) sewered	<u>200²²</u>	<u>75</u>
(2) unsewered	<u>200</u>	<u>N/A</u>
D. MINIMUM DEPTH FRONT YARD (Feet)	<u>75/40^{11,22}</u>	<u>25</u>
E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)	<u>20²²</u>	<u>15</u>
F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet) ⁸		
(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes	<u>25²²</u>	<u>25</u>
(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	<u>50²²</u>	<u>50</u>
G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet) ⁵ (Amended 11/7/05)	<u>75</u>	<u>75</u>
H. MAXIMUM LOT COVERAGE (%)	<u>50²²</u>	<u>30</u>
I. MAXIMUM HEIGHT (Feet)	<u>60</u>	<u>35/50²⁴</u>

21. After the date of adoption of the MU-3 District, the construction of a new building on a lot greater than 2 acres in size as of April 1, 2012, or any portion thereof, must be done as part of a Master Planned Development approved by the PB in accordance with Section 416.
22. This requirement may be changed or eliminated by the Planning Board in approving a Master Plan for a Master Planned Development.
23. The lot area per dwelling unit requirement for dwelling units that are part of an approved Master Planned Development in accordance with Section 416 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 3,000 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 4,000 SF of lot area per unit.
24. The maximum height for a buildings that is part of an approved Master Planned Development in accordance with Section 416 is fifty (50) feet provided that the side or rear setback for any building that is adjacent to a lot that is not in the MU-4 District is a minimum of fifty (50) feet.

9. Create a new Section 416 establishing procedures and standards for the approval of Master Planned Developments to read:

SECTION 416. ADDITIONAL REQUIREMENTS FOR A MASTER PLANNED DEVELOPMENT

A. GENERAL

Any proposal for a Master Planned Development must conform to the requirements of this section. The approval of a Master Planned Development involves a two phase process as follows:

- (1) The Site Inventory and Analysis and Master Plan Phase – The site inventory and analysis involves the preparation and review of a detailed analysis of the existing conditions on the site, the opportunities and constraints these conditions create for the use and development of the site, and the factors that must be addressed in the development of the Master Plan for the master planned development. The Master Plan Phase involves the preparation and review of a conceptual master plan for the overall Master Planned Development and the development standards that will apply to individual buildings, subdivisions, or phases of the development based upon the results of the site inventory and analysis. Approval of the Master Plan and development standards must occur before any application is submitted for site plan review or subdivision approval.
- (2) The Site Plan or Subdivision Review Phase involves the preparation and review of the detailed development plans for individual buildings, subdivisions, or phases of the development in accordance with the City’s Site Plan Review provisions and/or Subdivision Ordinance requirements. In addition to conforming to the requirements of those chapters and the other zoning requirements, a Master Planned Development must demonstrate that it is consistent with the approved Master Plan and its development standards.

In addition, a developer or property owner considering a Master Planned Development may go through a Conceptual Review as set forth in subsection D. This review is optional. The Conceptual Review is intended to be informational and the results of this review are not binding on the applicant or on the Planning Board.

B. WHERE PERMITTED

Master Planned Developments are permitted only in those zones where they are expressly allowed by the standards of the zone.

C. AREA INCLUDED IN A MASTER PLANNED DEVELOPMENT

The intention of these requirements is that a Master Planned Development includes a substantial area that will allow for the master planning of a significant development activity. If a parcel is less than ten (10) acres, the entire area of the parcel must be included in the Master Planned Development unless the Planning Board determines otherwise based upon the unique characteristics of the parcel or existing development on the parcel. For lots with ten (10) acres or more, the Planning Board may permit a portion of the parcel to be treated as a Master Planned Development, or the parcel to be treated as more than one Master Planned Development, if it finds that such treatment will be consistent with the provisions of this section and will result in a coordinated development approach for the entire holding. If the Planning Board allows a Master Planned Development that is less than the entire parcel, the Master Planned Development must include at least five (5) acres.

If the Planning Board allows a Master Planned Development to include less than the entire parcel or if it permits multiple master planned developments on a parcel, the Site Inventory and Analysis, the Conceptual Site Plan, and Preliminary Infrastructure Plan submitted for the initial master planned development must cover the entire area of

the parcel unless the Planning Board determines that the areas of the parcel not included are unlikely to be developed in the future due to site constraints or legal restrictions on development such as easements. The materials submitted for the entire site must allow the Planning Board to evaluate the overall utilization of the entire parcel and how the Master Planned Development under consideration fits into the overall development plan.

D. CONCEPTUAL REVIEW

The purpose of the Conceptual Review is to allow the property owner or developer to discuss the preliminary concepts for the Master Planned Development with the planning staff and Planning Board. As such the review is intended to be informal and educational in nature. The Planning Board's feedback on the preliminary concepts is non-binding.

If an applicant wants to go through the Conceptual Review process, the applicant shall provide twelve (12) copies of the following information to the planning staff:

1. A map showing the location of the property under discussion.
2. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
3. A preliminary site analysis based on available information identifying the possible opportunities and constraints that the natural and built environments create for the use and development of the site. This analysis should tentatively identify the portions of the site anticipated to be suitable for development as well as areas that are potentially unbuildable or suitable as open space or conservation areas.
4. A narrative and accompanying sketches describing the potential development concept and how the development concept is consistent with the appropriate approval criteria.
5. An indication of any submission requirements for which the applicant may be interested in requesting waivers.

The Planning Board shall review the materials at a meeting of the Planning Board. All property owners that are entitled to notice under F.3 will be notified of the meeting. The result of the Planning Board review will be to provide the applicant with guidance as to whether the potential development is consistent with the general intent of the Master Planned Development provisions, issues or questions that will need to be addressed in subsequent submissions, and on the suitability of possible waivers of the submission requirements of subsection E.

E. SITE INVENTORY AND ANALYSIS AND MASTER PLAN PHASE

This phase consists of the preparation of a site inventory and analysis together with a development of a master plan for the development based on the site analysis. This section lays out the requirements for the site inventory and analysis and the master plan.

1. Site Inventory and Analysis. The Site Inventory and Analysis is intended to provide the applicant, Planning Board, staff, boards and utility districts, and public with a better understanding of the overall site and the opportunities and constraints that the natural and built environments create for the use and development of the site. The expectation is that the preparation of the inventory and analysis will result in a Master Plan for the Master Planned Development that reflects and is sensitive to the conditions on the site, that preserves areas that should be protected from development or intensive use, that utilizes the areas of the site that are most suitable for development for intensive use and development, and that recognizes and addresses identified constraints or limitations of the site.

The Site Inventory and Analysis shall include the following four elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the site and its development potential:

- A Site Context or Locus Map

- A Site Inventory Plan
- A Site Analysis Plan
- A Site Analysis Narrative

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may not waive the submission of any of the four required elements, but may waive the submission of individual pieces of data or information required for any of the four required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand the conditions of the site and the opportunities and constraints resulting from these conditions.

a) *The Site Context or Locust Map* shall show the location of the development in the City and its relationship to adjacent property. The map shall be drawn at a size adequate to show the relationship of the proposed development to the adjacent properties within five hundred (500) feet of the site, and to allow the Board to locate the site within the municipality. The location map shall show:

1. Existing subdivisions or other developments.
2. Approved but undeveloped subdivisions or other developments.
3. Locations and names of existing streets.
4. Boundaries and designations of zoning districts.
5. An outline of the land included in the master planned development, and of the overall parcel, if different.

b) *The Site Inventory Plan* shall show the existing natural features and resources and the built environment on and within five hundred (500) feet of the site. The Plan shall be an accurate scale plan of the site at a scale of not more than one (100) feet to the inch. If this scale is not adequate to show critical details of the inventory, the Planning Board may require larger scale plans be provided for these portions of the site. The Plan must show the following as a minimum:

1. The proposed name of the development, north arrow (True Meridian), date, and scale.
2. The owner's and applicant's name and address and the names and addresses of consultants who aided in the preparing the inventory and analysis.
3. Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
4. The boundaries of the property and all contiguous property under the control of the owner or applicant based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines. The Planning Board may waive the requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
5. The zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different zone.
6. Existing restrictions or easements on the site (if none, so state).
7. The topography of the site at two foot intervals.
8. The location, extent, and, where appropriate, value or condition of the natural features and historic features of the site, and within five hundred (500) feet of the site, including but not limited to floodplains, wetlands, vernal pools, streams, ponds, open drainage courses, sand and gravel aquifers, scenic views or areas, significant wildlife habitats, habitat areas for rare and endangered plants and animals, deer wintering areas, stands of trees, stone walls, graveyards, fences, unique natural areas, buildings more than 50 years old, other historically significant structures or features, archeologically significant features, or other important unusual natural site features or areas. Information on adjacent properties may be from published sources.
9. The soils on the site through a medium intensity soil survey. The Planning Board may require the submission of a high intensity soils survey if it determines that a high intensity survey is required to

evaluate the appropriate use of the property.

10. Vegetative cover conditions on the property according to general cover type, and the identification of any exceptional specimens including any trees with a diameter at breast height of more than twenty-four inches.

11. Watershed and sub-watershed boundaries.

12. The groundwater hydrology beneath the site including any information from test pits, borings, or existing wells.

13. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, fences, trails, and cemeteries (if none, so state).

14. The location and size of existing utilities or improvements servicing the site (if none, so state).

c) *The Site Analysis Plan* shall be at the same scale as the inventory plan (see b. above) and highlight the opportunities and constraints of the site in a bubble diagram or annotated format. This plan must enable the Planning Board to determine: which portions of the site: 1) are well suited for the proposed use; 2) are unsuitable or have significant limitations for development or use; 3) have potential conservation or open space value that should be addressed in the Master Plan; and 4) may be subject to or create off-site conflicts or concerns (noise, lighting, visual intrusion, traffic, etc.).

d) *The Site Analysis Narrative* must describe the existing conditions of the site, the constraints and opportunities created by the site, the potential for mitigating any potential conflicts or concerns, the development potential of the site, and the open space conservation potential of the site. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including traffic studies, market studies, or other information that will help the Board understand the site and the proposed project.

2. Master Plan -- The Master Plan is intended to lay out, in general terms, how the Master Planned Development will be developed including the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas, and the development standards that will apply to development proposals. The intention of this plan is to provide the overall development framework for the district into which specific projects can then be fitted to produce a coordinated development.

The Master Plan shall include the following six elements plus any additional information the applicant wishes to submit to enable the Planning Board to evaluate the proposed development and the treatment of the site vis-à-vis the Site Inventory and Analysis. These elements may be combined if appropriate:

- A Development Narrative
- A Conceptual Site Plan
- A Preliminary Infrastructure Plan
- A Neighborhood Impact Mitigation Plan if the development abuts a residential zone
- An Environmental Assessment
- Development and Design Standards

Each element shall include all of the information set forth below together with any supplemental information desired by the applicant. The Planning Board may waive the submission of any of the required items as well as the submission of individual pieces of data or information required for any of the six required elements upon written request of the applicant and a finding, by formal vote of the Board, that the information is not needed to understand how the proposed development relates to the conditions of the site or the proposed nature of development, or that the information is not appropriate given the scale of the development.

a) *The Development Narrative* must describe the overall nature of the proposed development, the

general utilization of the site, the types and scale of anticipated development, and provisions to address the constraints and limitations identified in the Site Inventory and Analysis. The development narrative must specifically address how the master planned development standards of the zone in which the development is located will be met. The narrative must include a projected timeline for the development of the project and/or a description of the phasing of the development if applicable.

b) *The Conceptual Site Plan* must be an accurate, scaled plan at the same scale as the Site Analysis Plan submitted as part of the Site Inventory and Analysis and show the proposed layout of the site, the proposed use of various parts of the site, the primary road and pedestrian network, primary utility network, overall approach to stormwater management, proposed development areas, proposed open space areas, and proposed buffer areas. The conceptual site plan may show proposed uses in a bubble diagram or similar conceptual format and does not need to include the location of individual buildings. However, if buildings are not shown on the conceptual site plan, the development standards (see e. below) must address the site and architectural design issues related to the design of individual buildings and sites.

c) *The Preliminary Infrastructure Plan* must show the layout and preliminary design of the various infrastructure components that will serve as the core infrastructure for the site if the site will have any internal infrastructure/utility networks. This should address off-site infrastructure improvements where necessary. The Plan should include the proposed primary road network within the development as well as access into and out of the site, the public water and sewerage systems, the overall approach to stormwater management including any mitigation activities to comply with state stormwater requirements, electric, cable, and fiber optic systems, and any shared or common facilities such as parking or service areas.

d) *The Neighborhood Impact Mitigation Plan* must describe how the impacts of the proposed development on neighboring residential areas including traffic, noise, exterior lighting, and visual considerations will be minimized. The impact mitigation plan must specify the areas that will be retained as buffers and how those areas will be treated and protected. The plan must include any specific standards or requirements that will be imposed on individual buildings or projects such as increased setbacks, buffering or landscaping, and similar measures.

e) *The Environmental Assessment* must identify and evaluate the importance of the natural resources on the site based upon the Site Inventory and Analysis, detail how the Conceptual Site Plan has been designed to minimize encroachment on high value resources identified in the Site Inventory and Analysis, describe actions that will be taken to reduce adverse impacts on these resources from the proposed use of the site, and what mitigation activities will be undertaken to compensate for any undesirable negative impacts.

f) *Development and Design Standards* that will apply to individual buildings or projects if the Conceptual Site Plan does not address site and building design issues. The standards should assure that the development will conform to the Design Standards of Section 729, and result in a coordinated, visually-integrated development. These standards must address, at a minimum, parking layout and design, landscaping, exterior lighting, signage, pedestrian and bicycle facilities, noise, and architectural design and details

F. REVIEW AND APPROVAL OF THE SITE INVENTORY AND ANALYSIS AND MASTER PLAN

1. Every applicant applying for approval of a master plan for a Master Planned Development shall submit to the Planning Department a completed application form and twelve (12) copies of a complete site inventory and analysis and master plan for the proposed development which shall be prepared in accordance with Subsection E, and accompanied by a fee as prescribed by the City's cost recovery ordinance.

2. After an application is submitted, the Planning Department within ten (10) working days shall determine whether all information required under Subsection E, or requests for waivers of submission for items that have not been addressed, have been submitted. **Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate.** If the application appears to be complete, it shall be scheduled for Planning Board consideration. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. **A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.**

3. Prior to taking action on a master plan application, the Planning Board shall hold a public hearing. Property owners shall be notified by first class mail at least seven days prior to a public hearing. Property owners in the Conservation District, any industrial district, the Resource Protection district, or the R-1, R-2, and R-4 districts, shall be notified of the hearing if their property is within six hundred (600) feet of the applicant's property. Property owners in the R-3 district, or any business or mixed-use district, shall be notified if their property is within two hundred (200) feet of the applicant's property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board. The hearing shall also be advertised in a local newspaper at least seven days prior to a public hearing.

4. The Planning Board shall act to approve, approve with conditions, or disapprove the master plan within thirty (30) days of the close of the public hearing, or by a date mutually agreeable with the applicant.

5. The Planning Board shall approve the Master Plan only if it finds that it complies with the following criteria. The Planning Board may impose conditions on its approval of the Master Plan if it finds that such conditions are necessary for the Master Plan to comply with the approval criteria:

a) The Master Plan is consistent with the Site Inventory and Analysis and reflects a reasonable utilization of the site given both environmental and built-environment considerations. Areas that are proposed to be intensively developed or used are located in the areas identified for development in the Site Inventory and Analysis. Areas that were identified as being unsuitable for development in the Site Inventory and Analysis are protected and the adverse impacts of development mitigated. Areas that were identified as having open space or conservation and natural resource value in the Site Inventory and Analysis have been addressed and the resource value maintained through the utilization of the site, mitigation activities, and/or on or off-site compensatory activities. Other issues and concerns identified in the Site Inventory and Analysis have been appropriately addressed in the Master Plan.

b) The Master Plan is consistent with the space and bulk standards, the development standards, and other requirements for master planned developments in the zoning district in which it is located.

c) The Master Plan demonstrates that the infrastructure needed to serve the development including water supply, sewage disposal, power, telecommunications, and other utilities is available or can be reasonably expected to be able to be provided and will not create an unreasonable burden on the infrastructure systems.

d) The Master Plan demonstrates that street system can accommodate the traffic that will be generated by the development or that improvements can be reasonably made to accommodate the traffic.

e) The Master Plan demonstrates that runoff from the development will be managed to maximize on-site infiltration and minimize discharge from the site and that any runoff from the site can be accommodated by the City's stormwater system or that improvements can be reasonably made to accommodate the runoff.

f) The Master Plan is consistent with any zoning district specific approval criteria set out in subsections G or H.

G. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED DEVELOPMENT IN THE MU-3 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-3 District only if it finds that the master plan conforms to all of the following additional standards. When the Master Plan involves only a portion of the parcel, the Planning Board shall consider both the conceptual development of the entire parcel and the development of the proposed Master Planned Development in determining if these additional standards will be met. The Planning Board may condition its approval of the Master Plan on phasing of the development and/or the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan must demonstrate that the development will result in the creation of high-quality, mixed-use neighborhood that is consistent with the Vision for the Planned Mixed Use Development Area set out in the City's 2011 Update of the Comprehensive Plan.
2. The overall development concept must provide for a mix of residential and nonresidential uses and must assure that both components of the neighborhood will be developed in a timely manner.
3. The Master Plan must result in the creation of a mixed-use neighborhood in which residential and nonresidential uses are integrated both with designated development areas and within individual buildings. A plan that proposes that part of the development area be exclusively residential while the balance of the development area is exclusively nonresidential is not consistent with this standard. While some development areas may be devoted exclusively to one type of use, the objective is that there be a mix of uses throughout the neighborhood.
4. The residential uses proposed as part of the Master Plan should include a mix of housing types.
5. The nonresidential uses proposed as part of the Master Plan must be compatible with and integrated into the overall neighborhood development. Provisions must be included in the Master Plan to minimize and mitigate any potential conflicts between residential and nonresidential uses. Large parking lots should be avoided and parking provided in smaller, well-landscaped lots.
6. If retail uses are proposed as part of the Master Plan, these uses should be intended to either primarily serve residents and workers in the neighborhood or adjacent neighborhoods or offer goods and services that complement goods and services offered by the Downtown business community or in other commercial districts. The Master Plan must demonstrate how this standard will be met.
7. The overall layout of the development including the street system must result in a neighborhood in which all or most buildings and other centers of activity are internally focused rather than focused on Route One. Vehicle access to individual buildings or lots should be primarily from the internal street network. The creation of curb cuts on Route One to serve individual lots or buildings should be avoided.
8. The proposed street system serving the development should create an interconnected network that allows vehicles to move about the neighborhood without having to use existing arterials or collectors. The street network within the development should also be interconnected and dead end streets should be avoided. The internal street network should be connected to the existing street network at appropriate locations and should provide access to all adjacent arterials and collectors if feasible.

9. The overall character of the development should be urban rather than suburban. Most buildings should be located close to the street and parking lots should be located to the side or rear of most buildings although provision for limit parking between a building and the street may be appropriate for convenience retail and service uses. Major buildings should be more than one story and should include a mix of uses. The urban design standards of Section 729 should guide the character of the neighborhood.

10. The design of streets within the neighborhood should be urban in character with provisions for sidewalks or other pedestrian ways, street trees, and lighting. The Master Plan must demonstrate how this requirement will be met.

11. The neighborhood must be pedestrian-friendly and provide a high level of pedestrian and bicycle facilities. The Master Plan should provide for the creation of pedestrian and bicycle networks that allow people to move within the neighborhood. The neighborhood's pedestrian and bicycle networks should connect to the City's existing facilities and to the Easter Trail where feasible.

12. The neighborhood must include a network of parks, recreation areas, and conservation land/open space. At a minimum, at least fifteen (15) percent of the total area of the development and at least five (5) percent of the developable area of the Master Planned Development must be set aside for these purposes. The location and type of land should be based on the Site Inventory and Analysis and should create an interconnected "green" network where feasible and consistent with the Site Analysis.

13. The Master Plan should address opportunities for alternative transportation such as mass transit. Provisions for bus stops or other facilities should be incorporated into the Master Plan if appropriate. A plan that proposes reducing the amount of parking provided in exchange for support for transit service is appropriate and may be approved by the Planning Board as part of the Master Plan.

H. ADDITIONAL STANDARDS OF APPROVAL FOR A MASTER PLAN FOR A MASTER PLANNED DEVELOPMENT IN THE MU-4 DISTRICT

In addition to the general standards of approval set out in subsection E.5, the Planning Board shall approve a master plan for a Master Planned Development in the MU-4 District only if it finds that the master plan conforms to all of the following additional standards. The Planning Board may condition its approval of the Master Plan on the applicant addressing specific issues or questions in the site plan review process when additional information is available and/or detailed design or engineering has been completed.

1. The Master Plan assures that areas that are identified in the Site Inventory and Analysis as being unsuitable or having significant limitations for development or use are preserved as open space to the extent practical, that areas that are identified as having potential conservation or open space value have been considered for inclusion in any open space, and that development in these areas is minimized to the extent practical.

2. The Master Plan assures that the treatment of areas along the perimeter of the MU-4 District that are adjacent to existing residential uses are done in a manner that minimizes any negative impacts on the adjacent residential uses including visual intrusion, exterior lighting, noise, traffic, or other external factors.

3. The Master Plan assures that the treatment of areas adjacent to existing public streets creates an attractive urban streetscape that is compatible with the pattern of the adjacent neighborhood and results in the transition of the development into the adjacent neighborhood taking into consideration the scale and massing of any buildings or structures in this area, the orientation of buildings to the street if they are located within one hundred (100) feet of the street, the location of parking, vehicular drives, and service areas including limitations on parking between buildings and existing streets, and any proposed improvements within the street right-of-

way.

10. Amend Sub-Section B. applicability of Section 729 by adding a sentence to the end of the subsection to read as follows:

In the MU-3 and MU-4 Districts, any project that is part of a Master Planned Development for which a Master Plan has been approved by the Planning Board must conform to the design and development standards included in the Master Plan rather than the standards of this section. However, any aspect of the design of a project that is not addressed in the Master Plan shall be subject to the standards of this section.

11. Amend Section 1106 Approval Criteria by adding a new item 22. Master Planned Developments in the MU-3 and MU-4 Districts which shall read as follows:

22. MASTER PLANNED DEVELOPMENTS IN THE MU-3 AND MU-4 DISTRICTS

When the application for site plan review involves a project that is located in a Master Planned Development for which a Master Plan has been approved by the Planning Board, the Planning Board must find that the project is consistent with the approved Master Plan and its development standards.

Overview of Proposed MU-3 and MU-4 Districts

Background

- The Comprehensive Plan calls for two new districts to encourage mixed-use, master planned developments in areas with significant vacant, potentially developable land
- One district (the proposed MU-3) is for the northern end of the Route One corridor – north of Flag Pond and Cascade Roads (see map of the MU-3 District)
- This area can now be served by public sewerage and public water and has a number of large, potentially developable parcels
- The MU-3 District is designed to require well planned development while limiting piecemeal development of this area
- The Comprehensive Plan envisions that this area will develop as high-quality mixed-use neighborhoods on either side of Route One with a wide range of both residential and non-residential uses. The character of these neighborhoods is intended to be more urban than suburban with the neighborhoods organized around an internal street system rather than being primarily oriented to Route One. The neighborhoods are intended to be pedestrian-friendly and include a high level of pedestrian and bicycle facilities that serve the neighborhoods and link them to other areas of the City and the Eastern Trail. A substantial portion of each neighborhood must be set aside as open space, recreation areas, and conservation land.
- The second district (the proposed MU-4) is for an area between Lincoln Street and Bradley Street (the Kimball Trust property – see map of the MU-4 District)
- The land in the proposed MU-4 District has significant development constraints but is served by public water and sewerage and is well located for development
- The MU-4 District is designed to allow development of the limited suitable areas for residential use while assuring that much of the area is preserved as open space.
- While the type and intensity of development proposed to be allowed in the two districts differs, both require that larger-scale development occur through a master planned development process
- The master planning process involves the preparation and approval of a conceptual Master Plan for the entire area before individual development approvals are sought
- The Master Plan has to be based on a detailed site inventory and analysis that looks at the opportunities and constraints created by the conditions of the site

MU-3 Planned Mixed-Use District

- This district allows a wide range of nonresidential uses as permitted uses including hotels, retail with less than 40,000 SF, restaurants, service and office uses, light assembly, recreation and entertainment uses, and government and community services
- A variety of residential uses are allowed but only as part of a Master Planned Development
- Development on existing lots with two acres or less goes through the traditional development review process – site plan review
- Development on lots with more than two acres has to go through the process of developing a Master Plan and having it approved by the Planning Board
- The development standards for projects that are not part of a Master Planned Development are similar to the existing B-6 standards
- The development standards for Master Planned Developments are developed and approved as part of the Master Plan
- The requirements for a Master Planned Development establish criteria that must be met for the Planning Board to approve a Master Plan
- In the MU-3 District, these criteria focus on the overall utilization of the site and the adequacy of the provisions for the basic infrastructure as well as on assuring that the development plan meets the vision for the area as a high-quality mixed-use neighborhood that is more urban than suburban in character and is organized around an interior street system rather along Route One

MU-4 Planned Limited Mixed-Use District

- This district allows single-family and two family dwellings and community services as permitted uses (this is similar to the surrounding neighborhood)
- Multifamily housing and elderly congregate housing are allowed but only as part of a Master Planned Development
- Professional offices, medical uses, and adult and child care services are also allowed as part of a Master Planned Development but only in conjunction with a permitted residential use
- The development standards require a 7,500 SF lot for a single-family home (about 5-6 units per acre)
- Multifamily housing that is part of a Master Planned Development can be built at up to 10 units per acre or 14 units per acre for small apartments (2 bedrooms or less)
- Buildings can be up to 50 feet tall as part of a Master Planned Development but must be setback at least 50 feet from any lot that is not part of the MU-4 District
- The criteria for approval of a Master Plan for a Master Planned Development in the MU-4 focus on the overall utilization of the site and the adequacy of the provisions for the basic infrastructure as well as on assuring that the development plan meets the vision for the area including preserving areas that have development limitations or natural resource value, protecting adjacent residential properties, and creating an attractive streetscape along the existing streets

Draft MU-3 District Saco, ME



MU3 District

Draft
Revised 1/5/12

Draft MU-4 District Saco, ME



MU4 District

Draft
Prepared 12/12/11

4. CONTRACT ZONE 6 & 8 NEW COUNTY ROAD – (SECOND & FINAL READING READING)

Applicants Robert and Jeanne Labonte propose a contract zone for their two parcels at 6 and 8 New Country Road. The current R-1d zoning allows residential subdivisions. In order to make the project feasible – costs include extending the public sewer across the Turnpike – they ask that minimum lot size, frontage and setback requirements be relaxed so that more lots would be possible than otherwise allowed in the R-1d zone.

The Planning Board reviewed this request originally as a proposed zoning map amendment, but felt that the applicant would be served in a timelier manner via a contract zone application. The Board made a positive finding on each of the four standards for a contract zone; and forwards a positive recommendation for the contract zone as proposed.

The Council discussed this item in Workshop on April 1, 2013. The First Reading was on April 16, 2013, and the Public Hearing was May 6, 2013. The Second and Final Reading was on May 20, 2013, at which time the Council tabled the item for further discussion on June 3, 2013.

Councilor Cote moved, Councilor Smith seconded “Be it ordered that the contract zone document titled, ‘Contract Zone Agreement By and between Robert and Jeanne Labonte and the City of Saco, dated March 5, 2013’ be removed from the table at this time and further that the City Council approve the Second and Final Reading of the document ‘Contract Zone Agreement By and between Robert and Jeanne Labonte and the City of Saco, dated March 5, 2013”, with the additions and changes in the applicants June 3, 2013 letter and Howard Carter’s June 12, 2013 letter.

AMENDMENT #1 – Councilor Lovell moved, Councilor Tripp seconded to strike section #III-paragraph #7. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

AMENDMENT #2 – Councilor Smith moved, Councilor Tripp seconded to amend section #II as follows:
#1 – Table 412-1 is amended to establish a minimum lot size of ~~8,000~~ 10,000 square feet for individual building lots on the Subject Property;
#2 – Table 412-1 is amended to establish a minimum frontage requirement of ~~eighty five (85)~~ one hundred (100) feet for individual building lots on the Subject Property;
#3 – Table 412-1 is amended to establish a minimum front setback of twenty-five (25) feet and side and rear yard setback of ~~ten (10)~~ fifteen (15) feet for individual building lots on the Subject Property.
This motion applies also to section #I- #7 (a,b,c). The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

AMENDMENT #3 – Councilor Cote moved, Councilor Tripp seconded to incorporate the letters on page #39 & #40 from Jason Labonte and Howard Carter. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

Mayor Johnston called for a vote on the Main Motion with the three amendments – The motion failed with three (3) yeas and four (4) nays – Councilors Tardif, Blood, Doucette and Tripp.

**Contract Zone Agreement
by and between
Robert and Jeanne Labonte and the City of Saco**

March 5, 2013

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through Nov. 5, 2012, be amended as further described in this Contract by and between the City of Saco and Robert and Jeanne Labonte (Applicants).

1. The Applicant proposes to develop a residential subdivision on a portion of the parcels at 6 and 8 New County Road (Subject Property). The Subject Property is identified as Tax Map 87, Lots 1 and 1-1 on City of Saco tax maps.
2. The Subject Property is the site of one single-family dwelling, owned and resided in by the Applicants, and outbuildings.
3. A copy of a Warranty Deed, recorded June 29, 1981, is submitted by Mr. and Mrs. Labonte as evidence of right, title and interest. Said deed is recorded in Book 2811, Page 268 at the York County Registry of Deeds.
4. The Subject Property is in the R-1d zoning district.
5. The Subject Property has an area of 23.5+/- acres. The minimum lot area requirement in the R-1d zoning district is 15,000 square feet. The Subject Property includes two parcels that are each conforming with respect to minimum lot area.
6. The Subject Property has 150 feet of frontage on New County Road: Lot 1 has 150 feet of frontage on New County Road, while Lot 1-1 has no direct frontage on a public way, but benefits from a 20 foot wide right of way across a portion of Lot 1. Each of the parcels are existing lots of record. The minimum frontage requirement for a parcel in the R-1d zoning district is one hundred (100) feet for a lot serviced by public sewer.
7. The Applicant proposes to develop a residential subdivision, and requests that certain lot and yard requirements found in Article 4 of the Zoning Ordinance be amended:
 - a. That the 15,000 s.f. minimum lot area in the R-1d zone be reduced to 8,000 s.f. minimum lot area.
 - b. That the 100 feet minimum frontage requirement be reduced to 85 feet.
 - c. That the fifteen (15) foot rear yard setback be reduced to ten (10) feet.
8. The Zoning Ordinance provides no authority for either the Planning Board or City staff to deviate from the stated lot and yard requirements.
9. Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change. Accordingly, this Contract Zone Agreement is proposed by the Applicants.

II. This contract amends the Saco Zoning Ordinance as follows:

1. Table 412-1 is amended to establish a minimum lot size of 8,000 square feet for individual building lots on the Subject Property.
2. Table 412-1 is amended to establish a minimum frontage requirement of eighty-five (85) feet for individual building lots on the Subject Property.
3. Table 412-1 is amended to establish a minimum side and rear yard setback of ten (10) feet for individual building lots on the Subject Property.

4. Sections 10.12 and 11.14 of the Subdivision Regulations are amended in order to allow the implementation of a Low Impact Design stormwater management system that shall comply with existing City and state water quality and quantity standards.

III. This Contract Zone is subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. The provisions of this Contract Zone shall become effective only in the case of a subdivision plan application being submitted by the Applicants, or an agent thereof on behalf of the Applicants. Should no subdivision plan application be submitted to the Planning Office of the City of Saco within two (2) years of the date of approval of this Agreement, then the provisions herein shall become null and void.
2. Minimum lot and yard requirements established in Table 412-1 of the Zoning Ordinance shall be reduced in accordance with Section II.1-3 above.
3. The subdivision shall be serviced by public sewer and public water.
4. As addressed in Section 10.11.5.11 of the Subdivision Regulations, the proposed subdivision shall include sidewalks along all future City streets.
5. Provision shall be made for pedestrian and bicycle access to and from the subdivision. If the Turnpike Bridge on New County Road is found to be too narrow or otherwise inadequate for the construction of a sidewalk connection to the existing City sidewalk that ends at the corner of Bradley Street and Shadagee Road, then other measures creating a pedestrian and bicycle friendly connection to downtown Saco including signage, trail connections, and/or contributions to future sidewalk construction shall be proposed by the applicants and found acceptable by the Planning Board during subdivision review.
6. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance and Subdivision Regulations.
7. All details shown on the plans and submitted as application materials are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. The staff of the City of Saco may approve minor changes. If it is determined that the changes constitute a change in the contract, then the developer shall be required to obtain City Council approval of the changes.
8. This Document and Contract Zone affects only the Subject Property: the parcels of land identified as Tax Map 87, Lots 1 and 1-1 on City of Saco tax maps.
9. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant.
10. This Document and the Contract Zone it creates shall not be transferable prior to development as proposed by the Applicant unless said transfer is approved by the City Council.
11. Failure of the Applicant to submit application for a residential subdivision as proposed to the Planning Office for review and approval by the Planning Board within two (2) years of the approval of this Contract Zone shall render this Agreement null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicant, this deadline may be extended by one (1) year upon written request submitted by the Applicant.
12. Breach of these conditions, restrictions and/or Agreement by the developer shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation, subject to enforcement action by the City of Saco.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on March 19, 2013, and the Saco City Council on _____, 2013, the following findings are hereby adopted:

- A. City Tax Map 87, Lots 1 and 1-1 are parcels of an unusual nature and location, for the following reasons:
- i. Lot 1-1 includes a 10,500 s.f. former poultry barn and two silos. The applicants do not propose to return to raising poultry, and hope to instead pursue the highest and best use of the property.
 - ii. The parcels abut the Maine Turnpike, are serviced by public water, are within several hundred feet of existing public sewer service, and are owned by a party interested in pursuing development possibilities.
 - iii. The parcels are bisected by a 30 foot wide easement, within which exists a 24 inch water main owned by Maine Water Company. Development within the easement will be limited by the agreement between the applicants and the Water Company, recorded in 1947.
- B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

General Pattern of Development

1. The guiding principle of the City's effort to manage the use of land should be to encourage a development pattern which maintains the historical pattern of a built-up urban center surrounded by a rural outlying area. To facilitate this pattern, the City should focus on directing development to vacant or underutilized areas within the built-up area or to designated development areas on the fringe of the built-up area where public water and sewer service is or can be provided and on directing development away from areas with natural constraints for development or in which public services are not available.

4. New development should be accommodated in designated growth areas where the City can provide municipal services and where development can occur in an environmentally sensitive manner. As a general principle, these areas should be served or should be able to be reasonably served by public water and public sewer service.

Population and Demographics

1. The City should assure that residential growth is accommodated in appropriate locations that are properly zoned and able to be provided with public services.

2. The City should continue to provide for the construction of a wide range of types of housing at a variety of densities and types to assure that a diversity of people can continue to live in the City including younger households.

Sewer Service

5. The City should allow residential development at higher densities in those areas where sewer (and water) service is available than in those areas where service is not available.

6. The City should establish a mechanism to facilitate the extension of sewer service in areas that are designated for residential growth at the fringe of the existing service area. This program should allow a developer who finances extensions or capacity improvements to recover some of those costs from other users as building or development occurs.

- C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the R-1d zone, here described in the Zoning Ordinance, Section 405-1. R-1 LOW DENSITY DISTRICT (includes R-1a, R-1b, R -1c and R-1d designations) "The R-1 classification is designated for areas which are predominately single-family residential in character. It includes both sewerred and unsewerred land, with appropriate lot size requirements for each situation. New land uses in this district are restricted to low-density residential and associated uses."

Allowed uses in the R-1 districts include single family dwellings, public parks and playgrounds, public and private schools, places of worship, two-family dwellings, day care centers, kennels, and stables.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zone agreement into the Saco Zoning Ordinance by reference.

By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on _____, 2013.

City of Saco
by _____
Richard Michaud
City Administrator

Robert and Jeanne Labonte
by _____
Robert and Jeanne Labonte
Owners and Applicants

VI. CONSENT AGENDA

Councilor Tripp moved, Councilor Smith seconded to approve consent agenda items #1, 2, 3 and 4 as follows:

1. Be it ordered that the City Council approve the minutes for June 3, 2013. Further move to approve the order.
2. Be it ordered that the City Council grant Susan Ashley Leo a Massage Therapist License in accordance to the Codes of the City of Saco, Chapter 138.” Further move to approve the Order.
3. Be it ordered that the City Council grant Tyler Langill a Massage Therapist License in accordance to the Codes of the City of Saco, Chapter 138.” Further move to approve the Order.
4. Be it ordered that the City Council approve the document titled, “Lease Extension Dated June 17, 2013”, for the Saco Valley Land Trust use of the City Owned Tapley Road Parcel identified on tax Map126, Lot 02-02.” Further move to approve the Order.

The motion passed with seven (7) yeas.

The item commentaries are listed below.

#2 MESSAGE THERAPIST LICENSE APPLICATION: SUSAN ASHLEY LEO

Susan Ashley Leo, located at Peak Performance Therapeutic Massage, 334 Main Street has applied for a Massage Therapist License.

The applicant has paid all applicable permit fees and has provided a State of Maine Massage Therapist License in compliance with Chapter 138, Sub-section §138-9 Basic proficiency.

#3 MESSAGE THERAPIST LICENSE APPLICATION: TYLER LANGILL

Tyler Langill, located at Peak Performance Therapeutic Massage, 334 Main Street has applied for a Massage Therapist License.

The applicant has paid all applicable permit fees and has provided a Certificate of Completion of a Therapeutic

Massage Career Program through Spatech Institute in compliance with Chapter 138, Sub-section §138-9 Basic proficiency

#4 CITY OWNED TAPLEY ROAD PARCEL LEASE EXTENSION – SACO VALLEY LAND TRUST

The City acquired the parcel located on the Tapley Road in 1989 through a tax foreclosure. The complete parcel totaled 83.31 acres. A large portion of this property, 53.27 acres, was then deeded to the Saco Valley Land Trust (SVLT). The smaller portion, 30.04 acres was retained by the City.

Additionally an easement was negotiated with the Robert’s Living Trust to ensure proper entrance to the City’s portion of the Tapley Road parcel for the growth of trees. The SVLT has approached the City to request the remaining 30.04 acres of City land be transferred to the Land Trust.

On June 5th 2008, the City of Saco entered into a 10 year lease agreement with the SVLT for this 30 acre portion on the Tapley Road. Based on a letter of request dated December 12, 2013 from the SVLT co-chair requesting the Council donate the 30 acre parcel to the SVLT, discussion by the Council on January 7, 2013, resulted in the recommendation of a lease extension so that the City could preserve its rights should it have need for this parcel in the future.

The Council discussed this item at Workshop on June 3, 2013.

LEASE EXTENSION – Dated June 17, 2013

NOW COME the Parties, the CITY OF SACO, a Municipal Corporation, 300 Main Street, Saco, Maine (“The City”) and the SACO VALLEY LAND TRUST, INC. a Maine Not for Profit Corporation with a principal address of P.O. Box 1581, Saco, Maine (“SVLT”) who agree as follows:

1. Lease Extension. The Parties herein extend the existing Lease dated June 5, 2008 to June 1, 2048.
2. Consideration. The consideration for this extension is a payment by SVLT of \$30.00, said payment due at execution.
3. Revised Terms. All terms and conditions of the Lease are herein reincorporated except the Parties note there was a scrivener’s error in the original lot description. The current Lease reads “Tax Map 126, Lot 02”, and it should read “Map 126, Lot 02-02”. The Parties have, since execution, and at all times thereafter acted in accordance with their actual intentions, and the Lease of, and use of, land was of Lot 02-02, the Parties unaware of the scrivener’s error.

Dated at Saco, Maine this ____ day of June ____, 2013.

CITY OF SACO:

SACO VALLEY LAND TRUST:

Rick Michaud
City Administrator

Richard Rhames
President

STATE OF MAINE June ____, 2013
YORK, ss.

Then personally appeared before me Rick Michaud, who gave oath and acknowledged the foregoing to be his free act and deed, and the free act and deed of the CITY OF SACO, and of his authority herein to act on its behalf.

Before me,

Notary Public/Attorney at Law

STATE OF MAINE June ____, 2013
YORK, ss.

Then personally appeared before me Richard Rhames, who gave oath and acknowledged the foregoing to be his free act and deed, and the free act and deed of the SACO VALLEY LAND TRUST, and of his authority herein to act on its behalf.

Before me,

Notary Public/Attorney at Law

VII. ADJOURN THE MEETING

Councilor Tripp moved, Councilor Smith seconded to adjourn the meeting at 8:30 p.m. The motion passed with unanimous consent.

Attest: _____
Michele L. Hughes, City Clerk