I. CALL TO ORDER – On Tuesday, September 3, 2013 at 7:02 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, Eric Cote and Marston Lovell. Councilor Arthur Tardif was excused this evening due to an illness. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

VI. CONSENT AGENDA

Councilor Blood moved, Councilor Smith seconded to approve consent agenda items #a, b, c, d, e, f and g as follows:

a. Be it Ordered that the City Council approve the minutes for August 5, 2013 and August 19, 2013. Further move to approve the Order;

b. The Council hereby ordains and approves First Reading of amendments to the Saco Zoning Map and further moves to schedule the Public Hearing for September 16, 2013;

c. Be it Ordered that the City Council grant the application for a Solid Waste Permit as submitted by Pine Tree/BBI Waste. Further move to approve the Order;

d. Be it Ordered that the City Council grant the application for a Solid Waste Permit as submitted by Waste Management. Further move to approve the Order;

e. Be it Ordered that the City Council grant The Studio at Island Point a Massage Establishment License in accordance to the Codes of the City of Saco, Chapter 138. Further move to approve the Order;

f. Be it Ordered that the City Council grant Mattie Hartley a Massage Therapist License in accordance to the Codes of the City of Saco, Chapter 138. Further move to approve the Order;

g. Be it Ordered that the City Council grant Heather Genschel a Massage Therapist License in accordance to the Codes of the City of Saco, Chapter 138. Further move to approve the Order.

The motion passed with six (6) yeas.

Note: The complete item commentaries are listed below.

b. ZONING ORDINANCE & MPA AMENDMENT – BRADLEY ST. – (FIRST READING)

Among the many recommendations found in the Land Use section of the 2011 Comprehensive Plan is this: “Revise the Zoning Ordinance to implement the land use designations set out in the Future Land Use Plan including creating/revising zoning districts as necessary. This includes revisions to and/or the creation of new mixed-use and non-residential districts as needed.”

The current proposal addresses an area between Boom Road and Bradley Street east of the Turnpike, one of the “…areas of the City that are suitable for residential development and are served or potentially can be served by public water and/or public sewerage.” It is currently zoned R-1d, and would be rezoned to R-2, thereby reducing the minimum lot size for a single-family home from 15,000 s.f. to 7,500 s.f., and allowing multi-family dwellings as a conditional use, where they are not currently allowed.

The proposed changes were reviewed by the Planning Board on June 11, July 9 and July 23, and are forwarded to
the Council with a positive recommendation.

The Council discussed this item in Workshop on August 5, 2013.

c. APPLICATION FOR A SOLID WASTE PERMIT – PINE TREE/BBI WASTE

Pine Tree/BBI Waste has applied for a Solid Waste Permit for a period of one year. The applicant has paid all applicable permit fees as required by Chapter 181 – Solid Waste, Article II, Licenses §181-21.

d. APPLICATION FOR A SOLID WASTE PERMIT – WASTE MANAGEMENT

Waste Management has applied for a Solid Waste Permit for a period of one year. The applicant has paid all applicable permit fees as required by Chapter 181 – Solid Waste, Article II, Licenses §181-21.

e. MASSAGE ESTABLISHMENT LICENSE – THE STUDIO AT ISLAND POINT

The Studio at Island Point, located at 110 Main Street has applied for a Massage Establishment License. Owners Holly Beaulieu and Susan Lamb operate the Spa and Hair Salon and will be employing Licensed Massage
Therapists. The applicants have paid all applicable permit fees and have provided a copy of their approved City of Saco Application for Business Registration.

f. MASSAGE THERAPIST LICENSE – MATTIE HARTLEY

Mattie Hartley, 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 copy of her State of Maine Massage Therapist License in compliance with Chapter 138, Sub-section §138-9 Basic proficiency.

g. MASSAGE THERAPIST LICENSE – HEATHER GENSCHEL

Heather Genschel, located at The Studio at Island Point, 110 Main St. has applied for a Massage Therapist License. The applicant has paid all applicable permit fees and has provided a copy of her State of Maine Massage Therapist License in compliance with Chapter 138, Sub-section §138-9 Basic proficiency.

V. AGENDA:

A. DOMESTIC PARTNERSHIP HEALTH INSURANCE COVERAGE OPTION

To offer the city’s health insurance benefit equitably to all employees, regardless of partnership status, would likely be a low cost Council decision with positive benefits for employees and employee morale. There are at least four city employees with long standing domestic partnerships; the additional cost to the city would be $5692/year (at 80% and current rates) were an employee to enroll such a dependent or a dependent with children.

This is an administrative issue that can be resolved by issuing a letter to the Health Trust from the city.

The Council discussed this item at Workshop on July 1, 2013.

Councilor Blood moved, Councilor Doucette seconded “Be it ordered that the City Council authorize a letter to the Maine Municipal Employee Health Trust to clarify the City’s position to offer the option of health insurance to employees in domestic partnerships, same sex or opposite sex.” Further move to approve the order. The motion passed with six (6) yeas.

B. PURCHASE OF 16 TO 28 CUTTS AVENUE – NOTRE DAME CHURCH, RECTORY & PARKING LOT – (PUBLIC HEARING)

The staff has researched the potential purchase of the former Notre Dame Church and rectory at 16 – 28 Cutts Avenue, and the church’s parking lot at 28 Cutts Avenue. The goal of the purchase would be to preserve an important downtown public parking lot with 27 spaces and to strategically increase downtown parking.

A contract for the purchase and sale of the property is nearly complete, subject to Council approval, with a few issues remaining. The purchase price would be in the $399,000 to $419,000 range with a $149,000 payment, followed for the next two years with payments of $125,000 each year – if the lower price achieved. The Church would be demolished. The Rectory would be sold and proceeds from that sale would be applied to purchase. The funding would initially come from the Economic Development Fund, which has a balance of $342,700. The range of price depends on the final determination of whether the transaction merits a commission to the broker who previously listed the property.

The Council discussed this item in executive session on August 5, 2013.

Councilor Lovell moved, Councilor Smith seconded to open the Public Hearing on the Purchase and Sale
agreement with the Diocese of Portland for the purchase of 16 to 28 Cutts Avenue. The motion passed with 
unanimous consent.

James Audiffred, 5 Cherryfield Ave. – Mr. Audiffred stated that he only knows what he reads in the papers, but he 
seemed to miss the part about Saco becoming a socialist State. I don’t know where you guys get off using public 
money to buy private property for a quasi public use, because what I read in the newspaper was that it was to 
provide parking for the employees of businesses who’s employees have to park on residential streets in order to get 
to work. Now, if you are going to do this for employers who don’t provide parking for their employees, what are 
you going to do for the rest of us who do provide parking to their employees or have free parking spaces for their 
employees? The second thing is that I think any amount of money is grossly over stated in the terms of the value of 
this property. It has been on the market for three years. They have done nothing but reduce the price and I haven’t 
seen people lining up to make an offer. The second thing that I think is fiction is that you think you are going to 
sell the rectory? Nobody has bought the building in 3 years. I think I saw in the paper that it was built in 1900, has 
been sitting empty for 3 years and I didn’t think we were in the real estate business. So I don’t think we have any 
business buying any of this property for any reason. I don’t think you have a snowball’s chance of selling the 
rectory and making any money to reduce the investment. The other part of this is, Mr. Morelli, who I didn’t know 
was in the construction business, is quoted in the newspaper as saying it is going to cost $50,000 to demolish the 
building. I don’t think $50,000 comes close to tearing down that building, but secondly, then you have to do all the 
ground work to pave the parking lot. The other thing that I believe we are doing here as misguided is putting more 
cars downtown or certainly the opportunity for more cars downtown. If we were concerned about green house gas 
we would be beating the drum for alternative transportation, car pooling and walking. Those would all be good 
ideas as far as I’m concerned to utilize the space we have in Saco and the health and well being of residents if they 
walk to work. I only know one person who walks to work and I see her every morning. More people should follow 
her example myself included. I think that the price we are going to pay for converting this into a parking lot is allot 
more than anybody thinks that it is. Is public works going to do the work? I don’t think so. I’m against the idea of 
spending our money to put up another parking lot. If businesses want to put up parking lots, let them buy the 
property and make parking lots. I was by there today, and there were cars parked there. I don’t see any “No 
Parking” signs. The only sign I saw was “No Over-Night Parking”. We are already using the lot, plowing and 
maintain it, which is yet another use of private money on public property. I pay a small fortune to have my drive-
way plowed and we are plowing theirs for free. I fail to see some fairness in this. This idea is a waste of money and 
energy. If you guys think we have $400,000 to throw around, let’s spend it on our children and their education.

Alex Wall, 504 Flag Pond – I decided to come down here and look at this church, which is a beautiful church and 
went through the whole thing. There was a man in there praying and crying. I got into where the pipe organ was, 
and it works magnificently. Why are we tearing this down and spending $500,000, my tax dollars to build a 
parking lot so 18 people can park their cars. That boils down to $22,222.22 per car. Why don’t we build in the 
back of this building a parking garage? I doubt that would cost a half million dollars. You could do all kinds of 
stuff with this building. There is plenty of room for teaching and educational stuff. I’m dead set against using my 
tax dollars to spend for that purpose. There are other ways to get the parking. Thumbs down on this, it doesn’t 
serve any purpose. Don’t use tax dollars to buy this building. It would be a shame to tear that gorgeous building 
down and to spend that type of money for that purpose.

Steve Ryan, 13 Cross Street – Mr. Ryan stated that the last time he was here, it was to speak to save the fire barn. I 
want to thank all the people on the Council who voted to save that. He thanked all of the Council and Mayor for 
their public service and all the employees of the city who are under incredibly difficult circumstances had done a 
tremendous job these past couple of years. Mr. Ryan has a personal interest in the church. When he looks out the 
windows in the morning and can see that beautiful rose window and amazing witches tower and incredibly intricate 
room line of the building. I think the Council should step back before you make this decision. The church may be 
demolished if a private buyer buys it. I think it ought to be preserved and should be part of the historic district.
If that church is raised, then from my neighbor’s house to the Saco River, there will be a series of parking lots. Each year for the last 30 years, building by building, brick by brick, we are ripping out the architectural heart of the city, which is the land between Main Street and Elm Street. That may happen anyway, but I don’t think this Council wants to be remembered for doing something like that. Instead, think about this. We want to create a vibrant downtown, and the only way cities become vibrant is not through parking lots, but through density. You can go to various cities like the City of Westbrook. Back in the 70’s, they tore down a huge area of buildings and put in parking lots. They were landscaped and looked wonderful. Did it help Main Street? No, there were no people there. Ideally this could be used as a mixed use building. It would have apartments, the other parking lot would become denser, and if you have the people and they are there, that makes a vibrant downtown. I live a block away in the historic district, and I have never had any problems parking in this city. My biggest problem is that when I pull up to the mail box in front of City Hall, sometimes I have to park 2 spaces away, that’s it. What is that building worth? I think it is what the fire barn was worth, $50,000 or $100,000 max. Mind you, it would cost millions of dollars to replace it, but in this economy, it is not going to bring in any money. I would recommend that instead of putting all of our development eggs in one basket, let’s take that half million dollars and connect the city to natural gas. This is what every city from Portsmouth to Miami has done, and from New York to Minneapolis. Also Portland, Westbrook, and now Falmouth, Yarmouth and Cumberland are all doing that. This would really be amazing and create enormous economic development. It would lower our heating bills by at least half. The price is way too high for this building and shouldn’t be city owned, it should be on the tax rolls.

Pat McKenna, 18 Lewis Lane – Mr. McKenna thought that everyone had made some good points. Another one is, the age of the building. Has anyone looked into asbestos and lead contaminants? Those all add to the cost, as well as the stability of the building. Not too long ago it was brought up that the old Fire Station ought to be made into a parking lot and that was pushed aside, because the cost was too much. So, what’s the difference with over here? You guys are not in the real estate business, nor are we. Our taxes keep going up. Federal dollars and State dollars are not free money. I oppose this purchase and allot of people do. If you personally have the money in your pockets to buy it, do so, and charge people to park there.

Don Pilon, 1 Meadow Lane – Mr. Pilon stated that he was speaking in opposition of this acquisition. He asked the Mayor if there had been a letter of intent signed yet or a MOU on this property? Mayor Johnston stated there they had a letter of understanding with the diocese, but it is not a letter of intent. This acquisition in my opinion is a waste of tax payer money. As previously stated, this is going to be a $600,000 acquisition. You’ll buy it for $400,000 and going to spend maybe $50,000 to tear the building down and tipping fee. This is probably not realistic, it is probably $100,000. Plus, you are going to have to pave it, strip it and light it. It is a $600,000 tax payer acquisition. Is that the highest and best use for that property? Is that the highest and best use of tax payer money? I don’t think so. We have other needs in this city that we can utilize with tax payer money. For example, they (Water Company) have been doing work on the water system on Cleveland Street and on Winter Street. Why didn’t we put natural gas lines in at that time, they had the streets open? That’s where we could use that money, and that would have benefited of our residents. This proposal tonight would only benefit about 20 people. Twenty people who work here in this town, but maybe aren’t residents or tax payers. In Kate Collins Sun Chronicle article, she said in a memorandum provided to the Council at the end of July, Morelli said this was a strategic move to increase parking near some of the highest parking generators in the downtown. He also said that purchasing the church and adjacent rectory would allow the city to preserve and important downtown public parking lot and to strategically increase downtown parking. In addition, his memo said that in recent years, several City Councilors, downtown merchants and landlords as well as Saco Spirit have stated there is a great need for additional parking in downtown Saco. In a recent analysis of downtown parking along with the 1998 analysis indicated that the greatest need for additional parking is in Pepperell Square and Middle Street. Cutts Avenue is only a block or two from both of these high use areas. This is a 15 year old study. Pepperell Square from Cutts Avenue is probably more like 3-4 blocks away. I don’t believe that the Council has gotten all of the information or data that is available to them. Do the Councilors know there are properties in Pepperell Square for sale? If this article is correct, then your need is in Pepperell Square. Buy the two properties for sale in Pepperell Square and tear those buildings down.
instead of the church. Why is there such a hurry to by this (church)? No one is going to park over here and walk way down the street to get to Pepperell Square, if that is where the need is. Don’t waste our tax payer money on this (church), that will not benefit any of us.

John Hardy, 7 Buckthorn Circle – Mr. Hardy stated that his understanding from what he has read, is that currently we have 40% capacity available for parking in Saco right now. So you are talking about $80,000-$82,000 for the parking lot and an additional $420,000 to buy the rectory and the church for an additional $12,0000. So basically is will cost $320,000 to move our open capacity from 40% to about 52%. I just don’t get the math.

Joan Gilbert, Cumberland Avenue – Ms. Gilbert stated that this is not a good use of tax payers money. I have lived most of my life in Saco and never had a hard time finding parking available in downtown Saco. I was really surprised that the city is looking to buy this property when in last Novembers City Newsletterit was stated that at any given time 50% of the parking in downtown Saco available. That is over 250 parking spaces. It is about the size of the Hannaford Parking lot. We don’t have a parking shortage in Saco. We have a dying Main Street. I would like to see that money go to revitalize Main Street. It is an improper use of tax payers money to spend on a building just to tear it down to make 20 parking spaces. When I worked in Portland, I use to walk 5 blocks to get to work. I don’t think the city should be buying parking for business employees.

Cathleen Strkyer, Goosefare Lane – Ms. Stryker was against buying the parking lot. But, if you were to buy it, I had some questions that weren’t addressed in the letters that are on the internet. Such as, “Are we going to recoup any money from the sale of the stained glass, bells and everything else, or is the Church going to be able to resell the stuff?” Mayor Johnston responded that the church kept the personal property. So in addition to paying them $400,000, they are going to be able to make money off what is there. Would you be renting out parking spots to the businesses that need the parking spaces, or is this going to be free parking for all the businesses that would be using it? How much is it going to cost to replace the back of the rectory that the city will need to rebuild in order to sell it? The comparisons on the internet for properties that have sold recently in the area for a property 4,000 s.q. sold for $295,000. The place hasn’t sold because it would cost too much to repurpose it and bring it up to code. The majority of the citizens are not going to come downtown to use the parking lot whether you make it or don’t make it. The downtown will not be what the downtown was 20-30 years ago, because of all the stores around and internet sales. Please don’t have the time to hang out downtown.

Francis A’Hearn, 33 Landing Road - Mr. A’Hearn stated that he has not heard one positive support of the measure we are discussing at this time. Thanks to Peter Morelli for providing a solid outline of the initial plan. I recommend going very slow. Focus on use of our sparse public funds. There are many critical matters that are coming before our Saco community this November. There is significant money that could be tied to the relative separation of Saco from the current RSU and elections coming up for Mayor and City Council. Take serious consideration in tabling this church purchase proposal. Possibly delay matters and set up a citizen committee to review broader fact. Place the issue on a ballot. Give serious and slow consideration and Table it.

Mary Pelkey , Member of Saco Citizens for Sensible Taxes – Ms. Pelkey is strongly feeling the ciy should not be in the real estate business. All we need to do is lot at the empty lots in the Industrial Park. When we are looking at economic development, we need to look at bringing business in town and not parking lots. Why would you purchase two building together when you only needed the church for the parking lot. The idea of selling the rectory later as a multiuse building didn’t make allot of sense to me. I say leave that to landlords, developers and not the city. Did anyone consider negotiating the price of these properties? Why offer an appraise value when the property has been sitting there on the market for awhile. Also, allot of people have been talking about this proposed parking lot. It is allot of money to pay for a building and tear it down, not to mention what it is going to cost to build a parking lot. Why would we consider this venture after looking at the huge cost that is going to be involved? I can tell you that most of the taxpayers and citizens are not in favor of this venture. Our taxes are too high already. We haven’t had a problem with parking yet, so why build a parking lot? We should be looking at enticing business’s to
move to Saco to fill the empty store fronts instead of purchasing more real estate.

Ron Zehner, Vice Chair of Saco Citizens for Sensible Taxes – Mr. Zehner stated that in tomorrow Journal Tribune, Courier and the Sun Chronicle. You will see a report on a meeting that Chris Denton, Bette Brunswick and myself had with City Administrator Rick Michaud. I want to apologize to the citizens of Saco, Council and everybody else, because our group spent about 1,000 hours going through the budget, and we sure did not find $350,000 plus in the economic development account, because if we did, we would have done something else with it. In our discussion, someone said that if they did buy that and tore down the church, you have an apartment building and there would be an off-street parking problem there. Now I have been told from a source in City Hall that you may have to guarantee whoever buys that 6 parking spots. So that brings the 18 parking spots down to 12. Otherwise, no off-street parking. Then you open yourself up to section 8. I’m sorry, but in this economic development direction that we want to go, section 8 does not support what we are trying to propose. I would like to take $100,000 and put 10 people into store fronts downtown. That will bring people back downtown, then we may have a problem with parking like Biddeford does. They have too many people downtown and need a place to park. Even the Mayor we hope to work with jointly after January 1st, wants to help develop downtown and the island to give you a tax base that will take it off the backs of us. I don’t want to see the Mayor leave this community, is that clear. Let’s build the store fronts first. Give the 10 people some money to try to revitalize the downtown instead of buying a parking lot.

David Dunn, Wild Briar Drive – The church has been for sale for 3 years, and I don’t really see a use for it. We have a bridge on the Simpson Road that needs to be repaired. We have high taxes and Industrial Park lots that still haven’t been sold. Thirty year TIFF’s are ridiculous, we should have given them 5 year TIFF’s and re-evaluated at 5 years. I live within my budget. The other thing we can do is ask the church, that if they get a legitimate buyer, to please give us first refusal. We will tell you whether we are interested or not, and this may be 10 years down the road. The minute we tear into that parking lot, we will have all kinds of problems. We will have to redesign the parking lot, do the drainage over etc. We have plenty of parking here. We have 3 businesses that are leaving town. We need to concentrate on smaller unique type of businesses. I don’t think we should approach this buy, buy, buy, spend, spend, spend just because it is there.

Cynthia Chadwick – Granger, 3 Sean Place – Councilors you are here on behalf of the public and you all represent the Wards. We are telling you that we are sick of spending money. Please take this into consideration and please listen the public. We are the ones paying the taxes, and we can’t afford it anymore.

Margarita Zavala, Saco Citizens for Sensible Taxes – I hope that the take away tonight for the Council is to think of creative ways to use the church. One suggestion is there is a lovely church in Portland that has been turned into a restaurant. I don’t know if you could work with the Catholic Church to bring something like this in. I wish you luck.

Christopher Labonte, 21 Cherryfield Ave – Stop spending, we just can’t afford it anymore. I don’t really believe there is a need here. Again, we are spending money for something that is not necessary. This smells like a back door deal to me. I don’t think I’m getting the full information from the paper.

Beth Johnston, 62 Pleasant Street – I’m a downtown resident and merchant for about 41 years. It seems like every 8-12 months lately, you see me in front of this group of people saying “You know, someone had a brilliant idea that we needed another parking lot”. So about a year ago the old Fire Station, a beautiful historic building is now on the National Register, was threatened because we needed more parking for the downtown. A few of us did some investigation on our own and discovered that on Main Street alone, we don’t need more parking, there are empty spaces most of the time. The area where we supposedly needed more parking was not for businesses or residents, but for the office buildings that have employees that need places to park. Well, I’ve heard of something called car pooling, which is probably good for your carbon footprint too. But, when you knock down buildings, especially
historic ones, for parking lots, it is not about people, not about community, it is about the almighty automobile which I dodge on a daily basis in downtown Saco. The automobile and dollar determines what stands and what goes down apparently. When you want people to invest in their downtown (time & money) you knock down buildings, left, right and center, you change their streetscape all the time. After awhile they say, it is not so pleasant living in this urban area anymore. If we decide not to take care of the beautiful old structures that are downtown, then what you are going to have left behind is basically a decaying area, and I don't think that you want that. So, I'm good with the City of Saco buying these two properties. I would like to think that you can come up with a creative reuse of them and I wouldn't object to the City turning them over with some protective covenants on them or in some way determining how their futures may go. You are going to spend my money not matter what. If you spend it in a way that is productive, useful and community orientated, I have way less of an issue with that, then the next parking lot.

Councilor Lovell moved, Councilor Blood seconded to close the public hearing. The motion passed with unanimous consent.

TABLE – Councilor Blood moved, Councilor Tripp seconded that we table this item for two reasons: the price if we were to but it is much to high and we shouldn't consider that and we do not have a comprehensive study or plan to look at the parking issues. The motion passed with six (6) yeas.

C. CONTRACT ZONE 6 & 8 NEW COUNTY ROAD – (PUBLIC HEARING)

Applicants Robert and Jeanne Labonte propose a contract zone for their two parcels at 6 and 8 New Country Road. In order to make the project feasible – costs include extending the public sewer across the Turnpike – they ask that the minimum lot size requirement be reduced from 15,000 s.f. to 10,000 s.f. 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 held a First Reading on August 5, 2013.

Councilor Cote moved, Councilor Tripp seconded to open the Public Hearing on the Contract Zone document titled, 'Contract Zone Agreement By and between Robert and Jeanne Labonte and the City of Saco, dated March 5, 2013'. The motion passed with unanimous consent.

Bill Thompson, Project Engineer – Mr. Thompson noted that this is a parcel on Route 5, West of the Turnpike. The proposal is a contract zone in the R-1D zone to reduce the minimum lot size down for single-family development down from 15,000 s.f. to 10,000 s.f. with all the same se- backs and frontage along the road. Public sewer and water. One curb cut along Route 5 to avoid any issues instead of two curb cuts. The concept we have submitted in for 49 lots. It could change once we get into the detail theory.

Councilor Cote moved, Councilor Tripp seconded to close the public hearing on the referenced document and be it ordered that the City Council set the second and final reading for September 16, 2013. Further move to approve the order.”

Councilor Smith – Would there be a pump station on the site? Mr. Thompson stated yes, the city has a letter stating that there would be. Councilor Smith asked Mr. Thompson if they have the blessing of the Turnpike to bore under the road. Mr. Thompson stated that they did. Mayor Johnston followed up on the first question that the pipes on Bradley Street are al adequately sized for additional sewerage? Mr. Thompson stated that was correct. Councilor Smith inquired as to the cost? Mr. Thompson stated he didn't have any idea yet. We are not really deep into the
deep engineering yet. Councilor Smith asked if they have addressed the State DOT to have a light there? Mr. Thompson stated that right now there were 49 homes proposed, single family residence would create 10 round trips, so 5 in and 5 out per day, over 495 trips over a 24 hours period. This volume of traffic would need to meet the zoning board regulations on traffic. We don’t anticipate with that volume of traffic, any issues on Route 5. Councilor Smith stated that he was concerned that property owners may complain about hearing the turnpike noise someone may request that the city pay to put up a fence. Mr. Thompson noted that the area along the turnpike is wooded and that the design of the project is to put the houses as far away from the turnpike as possible.

Councilor Lovell – Councilor Lovell asked is Mr. Thompson was familiar with that area, the farms that are along the other side of the street where Route 5 heads to the West. Mr. Thompson stated he was. Councilor Lovell asked in his opinion” What is unique about this that it should be in its own zone, as opposed to the zone that all of the other properties in that area are in”? Mr. Thompson stated that everyone thinks that West of the Turnpike is taboo for residential development. There are other developments in Saco with a school west of the turnpike. We don’t believe that it is anything too unique. It is a parcel available for development to jump over the turnpike and we will have the utilities, houses will be set back and it sets down lower than Route 5. I think that it will fit in there nicely. Just beyond there is a golf course. Once you get to Deep Brook, it becomes undevelopable part of Saco, so we felt that crossing the turnpike that we should not see as a barrier to go one more property and develop this. Development west of the turnpike has been done for residential homes in the past and it seems to work real well.

Mayor Johnston polled the Council – The motion passed with six (6) yeas.

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 10,000 s.f. minimum lot area.

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 10,000 square feet for individual building lots on the Subject Property.

2. 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. The letter submitted by the Applicant dated June 19, 2013, and the memorandum from Howard Carter, Director of the Saco Water Resources Recovery Division dated June 12, 2013 shall be incorporated into this Agreement, and shall be regarded as binding upon the Applicant.

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**

3. 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.

4. 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 sewered and unsewered 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.
D. CODE AMENDMENT §34-31(G) SICK LEAVE USAGE PRIOR TO DISABILITY –
(PUBLIC HEARING)
The City Code in Personnel Section 34-31 (G) Sick Leave refers to an employee’s use of sick and vacation time due to a non work related injury prior to receiving any payments under the long-term disability plan. That reference should be updated, as employees are now covered by a short-term disability program with the optional long term disability program.

The Council discussed this item at Workshop on July 1, 2013 at which time the Council voted to table for discussion on August 5, 2013. The First Reading was held on August 5, 2013.

Councilor Doucette moved, Councilor Lovell seconded to open the Public Hearing on the amendments to the Personnel Code document titled, Code Amendment Chapter 34, Personnel - §34-31 Sick Leave (G), Dated July 1, 2013. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Doucette moved, Councilor Lovell seconded to close the Public Hearing and “Be it Ordered that the City Council set the Second and Final Reading for September 16, 2013.” Further move to approve the order. The motion passed with six (6) yeas.

“Code Amendment Chapter 34, Personnel - §34-31 Sick Leave (G),
Dated July 1, 2013”

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

Chapter 34, Personnel §34-31 Sick Leave
(G)
When an employee is absent due to any injury not compensable under the Workers Compensation Act, the employee is entitled to use accumulated sick days and vacation time prior to receiving payments under the long-term disability plan. While receiving payments from the disability plan, the employee shall continue to earn and accumulate sick leave and other leave benefits until that employee is separated from employment with the City.

E. CODE AMENDMENT §34-6.1 DEFINITION OF TYPES OF EMPLOYMENT –
AFFORDABLE CARE ACT 2014 – (PUBLIC HEARING)
In order to comply with the Affordable Care Act (ACA) the Council needs to address either the definition of Full Time and Part Time employee and/or the health insurance contributions of employees. There are several options that would address this issue, which are briefly described in Exhibit A.

The Council discussed this item at Workshop on July 1 and tabled for discussion on August 5, 2013. The First Reading was held on August 5, 2013.

Councilor Blood moved, Councilor Lovell seconded to open the Public Hearing on the amendments to the Personnel Code document titled, ‘Code Amendment §34-6.1 Definition of Types of Employment (A) (B) dated July
1, 2013’. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Blood moved, Councilor Lovell seconded to close the Public Hearing and “Be it Ordered that the City Council set the Second and Final Reading for September 16, 2013. Further move to approve the order. The motion passed with six (6) yeas.

“Code Amendment §34-6.1. Definition of Types of Employment (A) (B) dated July 1, 2013”

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

§34-6.1.
A. Full-time employment is the appointment of an employee to work 30 hours or more per week on average annually in appointment to a annually budgeted position to work a standard workweek of not less than 37.5 hours on a continuing and indefinite basis, i.e., with no present termination date. Such employees receive all benefits provided herein upon completion of said probation, unless otherwise noted.

B. Part-time employment is the appointment of an employee to work less than 30 hours per week on average annually in a single annually budgeted position to work less than 37.5 hours on average, but on a continuing and indefinite basis. Such employees are not eligible for all benefits. Such employees are eligible for the following benefits on a pro rata schedule: holidays, bereavement, optical and dental, vacation, sick leave and health insurance.

EXHIBIT A: PROPOSED SOLUTIONS

(1) Use a sliding scale based on wages to determine employee contributions to health insurance. This would allow lower paid employees’ healthcare contributions to be adjusted to meet the affordability requirement of ACA. However, this would be in direct contradiction to the Council objective to have all employees equitably contribute 20% to their health insurance cost. As well, it would have to be negotiated across all contracts, with some employees advantaged over others.

(2) Set a standard employee contribution amount. This would mean all employees would pay a lesser amount in health care contributions so that lower paid employees’ healthcare contributions meet the affordability requirement of ACA. However, this would be in direct contradiction to the Council objective to have all employees equitably contribute 20% to their health insurance costs. As well, it would have to be negotiated across all contracts (but as highly favorable to employees, it likely would be well received).

(3) Provide prorated benefits for Part Time employees at a higher level. This would mean Part Time employees would pay a lesser amount in their health care contributions to meet the affordability requirement of ACA. However, this would be in effect a contradiction to the Council objective to have all employees equitably contribute 20% to their health insurance cost. It would have to be negotiated in one contract, and it would result in these employees being advantaged over Full Time employees.

(4) Provide prorated benefits for Part Time employees based on actual hours worked. This would mean Part Time employees would pay a prorated amount in their health care contributions based on the actual hours worked, measured in a given period, instead of using the current practice for calculating pro rate benefits, in order to meet the affordability requirement of ACA. The measurement period would likely be the prior twelve months to align with other provisions of ACA, and the contribution rate would be fixed for the year per ACA provisions. Using actual hours worked to calculate the employee contribution would comply with the Code provision’s current wording, however it contradicts the current practice, which has been to provide the benefit at 75% to an employee.
who works over 30 but less than 40 hours. This scenario might have to be negotiated in one contract. The outcome of implementing this approach would mean as any one of the three factors involved in the calculation changed: insurance premiums, wage rates, and/or hours worked, the contribution rate would have to be recalculated annually to ensure the affordability requirement of ACA was being met. If the affordability requirement was not being met, then one of those three factors would have to be adjusted, or the city would face potential penalties.

(5) Change the Code definition of Full Time employment to match the federal definition of full time: an employee working 30 hours or more per week on average annually, and change the City Code definition of Part Time employment accordingly to an employee working less than 30 hours per week on average in a single position.

This would mean that the two currently Part Time employees who work over 30 hours per week would become Full time employees and so qualify for all benefits. As the two already must be provided with health insurance that meets the affordability requirement per ACA, the major impact on the city is from providing other benefits; the additional cost would be approximately $1500/year per person (for dental, retirement, and disability). No other employees would be impacted by this definition change; as noted earlier, there are very few Part time benefit eligible employees currently, and they would not be impacted by this change because of their weekly average hours worked is less than 30. No other employees would qualify as Full Time in FY14; as well, departments are on notice about the weekly hours maximum, so there should be no further employees qualifying by default in the coming years.

G. ZONING ORDINANCE AMENDMENT §707-INCREASED SIGNAGE FOR PROPERTIES WITH FRONTAGE ON THE MAINE TURNPIKE – (SECOND & FINAL READING)

The Code Officer recently suggested that greater signage be made available for properties visible from the Turnpike. Further discussion resulted in the recommendation that added signage should be limited to buildings with total floor area of 40,000 s.f. and greater. It would also be limited to commercial or industrial properties in the I-1, I-2 or B-8 zones. There are 16 properties within the I-1, I-2 and B-8 zones that abut the Turnpike right of way. Of the 16, 3 lots include a building that has 40,000 s.f. of floor space or greater: XL Sports, Ramada Inn and FedEx. The two former properties are the ones that have most often expressed interest in greater signage over the years.

The Planning Board considered this in workshop on four occasions and held a public hearing on both March 19 and June 11. The Board recommends that the amendments proposed be adopted.

The City Council discussed this item at Workshop and held the First Reading on July 1, 2013. The Public Hearing was on August 5, 2013.

Councilor Cote moved, Councilor Blood seconded “The City Council hereby ordains and approves the Second and Final Reading of the document titled, “Amendments to Table 707 – Signs in Business and Industrial Zones, Amended June 11, 2013”. The motion passed with five (5) yeas and one (1) nay – Councilor Doucette,
Table 707 - Signs in Business and Industrial Zones (Amended June 11, 2013)

(Shaded column is new, draft language. Underlined language suggests new size or number that departs from what is currently allowed in other zones.)

<table>
<thead>
<tr>
<th>Zone Description</th>
<th>B-3/B-5, B-4 if no planned development under 410-8</th>
<th>B-1/B-2c/I-1/I-2 and B-2D</th>
<th>B-2b/B-6</th>
<th>B-2a</th>
<th>B-7</th>
<th>I-1, I-2, B-8 abutting Turnpike ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Size Allowance per premise per foot of width of principal structure</td>
<td>2 sf to maximum of 100 sf</td>
<td>2 sf to maximum of 150 sf</td>
<td>2 sf to maximum of 200 sf</td>
<td>2 sf to a maximum of 48 sf</td>
<td>2 sf to maximum of 350 sf</td>
<td></td>
</tr>
<tr>
<td>Number of signs per single occupancy premise</td>
<td>2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf</td>
<td>2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf</td>
<td>2 signs, plus 1 additional wall sign not exceeding 12 sf</td>
<td>2 signs only one of which may be freestanding</td>
<td>3 signs, only one of which may be freestanding</td>
<td></td>
</tr>
</tbody>
</table>

Multiple occupancy premises, number and type of signs:

For entire complex:
- 1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance
- 1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance
- 1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance
- 1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance
- 2 signs only one of which may be freestanding
- 1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance

For each first floor occupancy:
- 2 wall, projecting or awning signs per occupancy
- 2 wall, projecting or awning signs per occupancy
- 2 wall, projecting or awning signs per occupancy
- N/A
- 2 wall, projecting or awning signs per occupancy

Upper floor and basement occupancies:
- 1 wall or projecting sign not exceeding 12 square feet
- 1 wall or projecting sign not exceeding 12 square feet
- 1 wall or projecting sign not exceeding 12 square feet
- N/A
- 1 wall or projecting sign not exceeding 12 square feet

Size limits, individual sign types for all zones:

- Wall and awning signs maximum size: 100 sf, 100 sf, 150 sf, 150 sf, 16 sf
  - If facing Turnpike within 50 ft of Turnpike ROW, 150 sf. Greater than 50 ft from Turnpike ROW, 200 sf.
- Freestanding and projecting signs maximum size per side: 50 sf, 75 sf, 100 sf, 100 sf, 16 sf
- Minimum size allowance per premise: 48 s.f.

¹ Commercial and industrial structures with total floor area 40,000 s.f. and greater, on parcels with 200 feet or greater frontage along Turnpike ROW. Also subject to M.R.S.A. 23 §1913-A and 1914.
H. AMENDMENT TO PARK NORTH CONTRACT ZONE – (SECOND & FINAL READING)

Applicant Elliott Chamberlain dba Park North Development LLC and Preston Properties LLC requests the Council’s consideration of several amendments to the Park North contract zone, approved by the City Council on May 1, 2006. Mr. Chamberlain proposed the mixed-use development on 236 acres off Route One hoping to include retail and residential uses, not otherwise allowed in the BP zone, which does allow a variety of commercial uses such as offices, hotels, eating establishments and business services. At build-out, the project was estimated to include from 350,000 to 450,000 square feet of commercial uses, 90 units of senior housing and 200 units of single and multi-unit condominiums. Seven years and a different economy have prompted Mr. Chamberlain to fine tune the 2006 agreement. He requests that street frontage requirements be revised and that “Self-Serve Storage Facilities” be allowed on Parcel 2; that the number of residential units on Parcel 3 be increased from 90 to 120, and that greater density be allowed; and that the number of residential units on Parcel 4 be increased from 201 to 300, with a corresponding increase in density. Also, he asks that the 2006 limitation of 55 and older for buyers of residential units be removed from the agreement.

The Planning Board reviewed this item at public hearing on June 11, 2013, and forwards a positive recommendation for the changes reflected in the amended Agreement.
The Council discussed this at Workshop and held the First Reading on July 1, 2013. The Public Hearing was on August 5, 2013.

Councilor Smith moved, Councilor Tripp seconded “The City Council hereby ordains and approves the Second and Final Reading of the document, ‘Contract Zone Agreement By and Between Park North Development, LLC and Preston Properties, LLC as Applicants and the City of Saco,’ dated December 20, 2005 and amended through June 11, 2013, for the properties at 991 Portland Road and 3 Eastview Parkway.” The motion passed with four (4) yeas and two (2) nays – Councilors Doucette and Smith.

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

Contract Zone Agreement

By and Between

Park North Development, LLC and Preston Properties, LLC as Applicants
and the City of Saco

December 20, 2005
Amended __________, 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 November 7, 2005, is hereby amended as further described in this Agreement by and between Park North Development, LLC and Preston Properties, LLC (collectively referred to as the “Applicants”) and the City of Saco.

1. The Applicants propose a mixed-use development on the parcels at 1031 Portland Road and Eastview Parkway (the “Subject Property”). The Subject Property consists of two parcels identified on City of Saco tax maps as Tax Map 63, Lot 6 (currently owned by Park North Development, LLC) and Tax Map 64, Lot 6-1 (currently owned by Preston Properties, LLC) excepting only the portions of such parcels that are located within the Resource Protection District. The “Subject Property” for purposes of this Contract Zone Agreement shall not include these areas located within the Resource Protection District.

2. The Subject Property is an approximately 236 acre contiguous tract of largely undeveloped land with the exception of a multi-tenant commercial building on the parcel identified as Map 64, Lot 6-1 at the corner of Eastview Parkway and Portland Road.

3. Map 63, Lot 6 is owned by Park North Development, LLC by virtue of a Quitclaim Deed with Covenant dated April 14, 2005, a copy of which has been submitted by the Applicant. Said deed is recorded in Book 14436, Page 83 at the York County Registry of Deeds.

4. Map 64, Lot 6-1 is owned by Preston Properties, LLC by virtue of three deeds each dated December 24, 2003, copies of which have been submitted by the Applicant. Said deeds are recorded in Book 13817, Page 172, Book 13817, Page 174 and Book 13817, Page 176 at the York County Registry of Deeds.

5. Evidence of right, title and interest is established by virtue of the above referenced deeds.
6. The Subject Property is in the Business Park (BP) zoning district.

7. The Applicant has submitted a copy of Articles of Organization of Limited Liability Company filed with the Office of the Secretary of State, dated June 5, 2000, (for Preston Properties, LLC) and January 28, 2004 (for Park North Development, LLC) as both being authorized to do business or carry on activities in the State of Maine. Timothy H. Norton, 53 Exchange Street, Portland, Maine 04101 is named as Registered Agent for both Preston Properties, LLC and Park North Development, LLC.

8. The Subject Property has an area of 236 +/- acres. The Subject Property is proposed to be divided into four (4) Parcels with each Parcel to be further divided into multiple Lots as shown on a Plan dated November 7, 2005, prepared by Sebago Trenches, One Chabot Street, Westbrook, Maine 04098 (the “Plan”) (as the same may be revised with the approval of the Council), for the purpose of constructing a multi-use development. In order to facilitate the multi use nature of the project, each Parcel shall have distinct space and bulk and use restrictions as set forth below.

9. The Applicant proposes certain uses that are allowed and consistent with the current zoning of the Subject Property. The Applicant further proposes certain additional uses, such as residential and multi-family housing and retail uses that are not allowed uses given the current zoning of the Subject Property. The Applicant has therefore made application for a Contract Zone under the provisions of Article 14 of the Saco Zoning Ordinance.

10. The Applicant recognizes that no public sewer system is readily available within the Portland Road right of way to service the Subject Parcel but the Applicant is aware that the City of Saco anticipates that Village Works, LLC, developer of a parcel of property on Cascade Road near the Subject Property may be extending the public sewer system across that property. The Applicant proposes to make provision for the extension of the City of Saco sewer system from its anticipated terminus at the southwesterly boundary of the Subject Property. If the Village Works, LLC development does not materialize than the Park North Development, LLC will pursue the extensions independently in order to accommodate this development.

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

1. This Agreement supersedes Article 4, District Regulations of the Saco Zoning Ordinance. District Regulations applicable to the Subject Property shall instead be governed by the terms of this Agreement.

2. Notwithstanding any contrary provision of Section 10.12 or Section 11.14 of the Subdivision Regulations of the City of Saco, the Applicant shall be authorized to implement a Low Impact Design stormwater management system for the Subject property. This system shall comply with existing City and State water quality and quantity standards.

3. The minimum lot area, minimum lot area/dwelling unit, minimum street frontage; minimum depth of front yard, minimum width of side yard and rear yard, minimum setback from normal high water marks, density, maximum lot coverage and maximum height requirements (collectively the “Space and Bulk Requirements”) that would otherwise be applicable to the Subject Property pursuant to Section 412 of the Saco Zoning Ordinance are hereby superseded and rendered inapplicable to the Subject Property. The definitions of Front, Side and Rear Yards shall remain the same as in the Saco Zoning Ordinance.

The following shall apply as the exclusive Space and Bulk Requirements applicable to the Subject Property Section and 412 shall be deemed amended accordingly but only as to the Subject Property:

| PARCEL 1 | Minimum Lot Size: 7,500 Square Feet |
| Minimum Street Frontage: 50 feet |
| Minimum Front Yard: 50 feet for the front yard facing Route 1 if any, 20 feet for all other front yards |
| Minimum Side Yard: 20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district |
| Minimum Rear Yard: 20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district |
| Maximum Building Height: 60 feet |
| Maximum Lot Coverage: 460% |
| Density: N/A |
**PARCEL 2:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>2100 feet except for lots fronting on a cul-de-sac as to which the Minimum Street Frontage shall be 100 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>75 feet for the front yard facing Route 1 if any, 30 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45 feet</td>
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<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
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<tr>
<td>Density</td>
<td>N/A</td>
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**PARCEL 3:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Information</th>
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<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>20 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
</tr>
<tr>
<td>Density</td>
<td>Not more than 9120 units</td>
</tr>
<tr>
<td>Gross Minimum Lot Area/Dwelling Unit * 53,000 Square feet</td>
<td>total acreage of parcel divided by the number of units proposed</td>
</tr>
<tr>
<td>Minimum Net Residential Density for multi-family dwellings</td>
<td>4,500- 1,250 s.f. per unit</td>
</tr>
</tbody>
</table>

**PARCEL 4:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>210 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>210 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)</td>
</tr>
</tbody>
</table>
4. The permitted and conditional uses otherwise applicable to the Subject Property pursuant to Section 410 of the Saco Zoning Ordinance (including Sections 410-1 through 410-18) (the “Use Restrictions”) are hereby superceded and rendered inapplicable to the Subject Property and in their place, the following shall apply as the exclusive Use Restrictions applicable to the Subject Property and Section 410 shall be deemed amended accordingly but only as to the Subject Property:

PARCEL 1:

PERMITTED USES:

1. Dwelling units above the first floor as part of a mixed use building
2. One caretaker’s apartment within a non-residential use
3. Hotels and Motels
4. Retail Businesses and Uses with no more than 80,000 s.f. of floor area manufactured on the premises
5. Accessory retail sales of goods
6. Artist and crafts person studios
7. Eating establishments
8. Eating and Drinking establishments
9. Health and Fitness Clubs
10. Private Clubs
11. Financial Institutions with drive through
12. Professional Offices
13. Business Offices
14. Personal Services
15. Business Services
16. Reserved
17. Health care clinics for humans
18. Hospitals
19. Essential Services
20. Animal hospitals and veterinarian offices
21. Any use permitted in the Resource Protection District
22. Accessory Uses
23. Municipal Uses
24. Public Utility Building
25. Quasi-public Uses
26. Public parks and playgrounds
27. Public Schools
28. Private Schools
29. Commercial Schools
30. Nursery Schools
31. Day care center
| 16. | Repair Services |
|     |                |

**CONDITIONAL USES:**

1. Car washes
2. Indoor recreation/amusement centers
3. Enclosed sports facilities
4. Reserved
5. Commercial recreation
6. Radio and TV antennas

**PARCEL 2:**

**PERMITTED USES:**

1. Hotels and Motels
2. Accessory retail sales of goods manufactured on the premises
3. Eating establishments
4. Eating and Drinking establishments
5. Accessory food service facilities
6. Artist and crafts person studios
7. Health and Fitness Clubs
8. Financial Institutions with drive through
9. Professional Offices
10. Business Offices
11. Business Services
12. Private Clubs
13. Health care clinics for humans
14. Research and testing laboratories
15. Any use permitted in the Resource Protection District
16. Accessory uses
17. Essential services
18. Municipal uses
19. Public Utility Building
20. Quasi-public uses
21. Public parks and playgrounds
22. Commercial Schools
23. Nursery Schools
24. Day care center
25. Adult day care centers, Types 1 and 2
26. Retail uses with less than 15,000 square feet of gross floor area
27. Funeral Homes
28. Personal Services
29. Reserved
30. Indoor Recreation/Amusement Center
31. Reserved
32. Agriculture
33. Self-Service Storage Facilities
34. Outdoor Recreation

**CONDITIONAL USES:**

1. Fully enclosed light industry with no exterior storage
2. Wireless Telecommunication Facilities
3. Wholesale Trade and Warehouses

**PARCEL 3:**

**PERMITTED USES:**

1. Multi family dwellings
2. Professional Offices
3. Businesses Offices and Services
4. Reserved
5. Day care center
6. Adult day care center
7. Accessory Uses
8. Eldercare congregate living
9. Community living use
10. Assisted living facility
11. Nursing Home
12. Hospitals
13. Any use permitted in the Resource Protection District
14. Home occupations
15. Accessory recreational uses
16. Congregate Housing, including multiple individual rooms or dwelling units to be occupied as a shared living environment, which may include small individual apartments with kitchens or individual rooms, any of which may be combined with shared community space, shared dining facilities, housekeeping services, personal care services and other similar.

**PARCEL 4:**

**PERMITTED USES:**

1. Any use permitted of right in the R-2 District
2. Manufactured housing units
3. Multi family dwellings in structures containing no more than 8 units each
4. Elderly congregate housing
5. Home Occupations
6. Any use permitted in the Resource Protection District
7. Boarding homes
8. Home baby sitting service
9. Adult day care center, Type 1
10. Community Center for the use of the residents of land in Parcels 3 & 4
CONDITIONAL USES:

1. Any use permitted as a conditional use in the R-2 District and not otherwise listed herein as a use permitted as a matter of right.

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

1. Development of the mixed-use development described herein as proposed by the Applicant is allowed on the Subject Property. The residential portion of the development is restricted to purchasers and owners fifty-five (55) years of age and older, a provision that shall be incorporated into individual property deeds and all homeowners agreements and covenants.

2. All structures constructed, located, renovated or reconstructed on the Subject Property shall be connected to and serviced by the Biddeford Saco Water Company and to the municipal sanitary sewer system.

3. The portion of the Applicants’ land shown on the Project Plan as “Land to be Conveyed” shall be conveyed to the City of Saco or its designee at no cost to the City no later than three (3) years after the first Certificate of Occupancy is issued for any dwelling unit or commercial structure on the Subject Property.

4. Development on Parcels 1, 2, 3, and 4 shall be subject to either Subdivision or Site Plan review by the Planning Board as dictated by the Saco Zoning Ordinance or the Saco Subdivision Regulations.

5. City and Applicant recognize that the ‘Sketch Plan’ submitted for purposes of Contract Zone consideration is limited in scope and detail. The project is subject to site plan and subdivision review by the Planning Board, and to any and all permits, licenses or approvals which the project may be subject to by the Maine Department of Environmental Protection, the Maine Department of Transportation, the U.S. Army Corps of Engineers and all other regional, state and federal agencies.

6. No site plan or subdivision approvals shall be granted by the Planning Board prior to an executed agreement being reached between the City and the Applicant for the design, financing and construction of a functional sanitary sewer collection and conveyance system serving the subject property, the property south to Cascade Road, and non-serve property south along U.S. Route One, all connected to the existing City of Saco sanitary sewer system.

7. The street proposed to provide access to Parcels 1, 3 and 4 shall not be constructed as to cross the brook as shown on the Project Plan prior to agreement being reached between the Applicant, City and abutters as necessary for said street to be constructed as a through street to Cascade Road.

8. Applicant is responsible for the design and construction, in consultation with the City or entity designated by the City, of an off-road trail system. Said trail system may be deed as with use restrictions but in no circumstance shall any such restrictions bar free access or prohibit passive recreation by the public. Passive recreation may include activities such as walking, hiking, birdwatching, picnicking, cross-country skiing, or nature photography. Passive recreation shall
not include activities that may result in degradation of the trail system, including but not limited to motor vehicle use, removal of vegetation beyond that necessary for trail construction, disturbance of soil beyond that necessary for trail construction, and hunting. Said system shall include sewer stubs to abutting properties deemed appropriate by the Planning Board.

9. Failure of the Applicant to submit an application for subdivision review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zone shall render this Agreement null and void. This deadline may be extended for successive six (6) month periods at the discretion of the City Administrator upon written request submitted to the City Planning Office by the Applicant. In the event that this Contract Zone Agreement becomes null and void, the zoning applicable to the Subject Property shall revert to the Zoning in effect prior to the approval of the Contract Zone.

10. 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.

11. All details shown on the plans and application materials submitted to date and during the course of site plan and subdivision review by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. Minor changes may be approved by the Planning Office of the City of Saco. Revisions to the Lot designations, lines or layouts within any Parcel may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be minor may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be significant to the Contract Zoning Agreement shall require prior approval of the City Council.

12. This Document and Contract Zone affects only the Subject Property identified herein.

13. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant.

14. This Document and the Contract Zone it creates shall not be transferable without approval by the City Council, provided however that upon receipt of final subdivision and/or Site Plan approval (as required), Lots and Units within the Subject Property shall be saleable to third parties.

15. 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 and shall be subject to enforcement action under the terms and procedures of 30-A M.R.S.A. Section 4452.

16. The Council notes that the decision to approve this Contract Zone is significantly impacted by the agreement of the Applicant to extend the public sewer from Cascade Road to and across the Subject Property, (thereby making public sewer available to the northern segment of Route 1) as well as to make possible the potential for interconnecting public streets between the Subject Property and Cascade Road, each of which are significant public benefits to 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
December 20, 2005, and the Saco City Council on May 1, 2006, the following findings are hereby adopted:

A. The Subject Property is a parcel of an unusual nature and location, for the following reasons:

1. The Subject Property consists of 236 +/- acres of contiguous land with over 1650 feet of frontage on Route 1. Route 1 is a major transportation route in southern Maine and has the ability to carry a large capacity of vehicles on a daily basis. Route 1 is also the commercial corridor in this area which also makes it conducive to commercial, retail and mixed use residential development.

2. The Subject Property is located at the Scarborough/Saco town line and therefore will serve as a gateway to the City of Saco. Such a large parcel of land with such significant frontage in this location provides a rare opportunity to master plan a mixed use development in this critical location. In addition, because of its proximity to Scarborough and Portland, the mixed use nature of this project will be attractive to a wider region rather than servicing just the City of Saco. This will assist in achieving the goal cited in the Local Economy section of the Comprehensive Plan which identifies the desire to “Maintain Saco’s role as a retail and service center for the region”

3. The Subject Property is located just east of the Maine Turnpike and North of the I-195 spur which the Saco Comprehensive Plan indicates is strategic in working with the Turnpike Authority to locate a new interchange in the Flag road/Cascade Road area of the community. This development will serve to enhance those discussions.

4. The Applicant is agreeable to conveying the portions of Tax Map 63, Lot 6 and Tax Map 64, Lot 6-1 which are within the Resource Protection District (approximately 12 acres), identified as “Land to be Conveyed” on the Plan, to the City of Saco to be permanently preserved for the benefit of the public.

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

Chapter 17, Section F. Land Use, Local Goals

- “To guide development to identified growth areas that are compatible with the existing settlement pattern and that enhances the desired pattern of land use.” – The proposed uses promote a transition and mitigation of land use between residential development and commercial use.

- “To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.” – The proposed project provides significant commercial growth potential and proposes to extend public sewer to the Subject Property and across the Subject Property to Eastview Parkway and portions of Route 1 north of Cascade Road that are currently not served by public sewer.

- “To permanently protect environmentally and ecologically sensitive and scenic areas through outright purchase or conservation easements.” – The Applicant proposes to convey land within the Resource Protection district to the City, thereby protecting that land from future development
F. NEW BOTTLE CLUB REGISTRATION APPLICATION – SACO RIVER CIGARS – (PUBLIC HEARING)

Daniel Vela d/b/a Saco River Cigars LLC has applied for a new Bottle Club Registration Application for a term of one year. Bottle clubs are defined as persons operating on a regular profit or nonprofit basis, facilities for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintain suitable facilities for the use of members on a regular basis or charge an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor.

The applicant has paid all applicable application fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 161-B

The Planning Board met on August 20, 2013 and approved a “conditional use” permit for the Saco River Cigars, LLC Club.
The Council discussed this item at Workshop on August 5, 2013.

Councilor Smith moved, Councilor Blood seconded to open the Public Hearing on the application for a new Bottle Club Registration Application for Saco River Cigars LLC for a term of one year. The motion passed with unanimous consent.

Daniel Vela, Applicant – Saco River Cigars LLC – This is a cigar lounge and not a bar. Members will be able to bring in their beverage to enjoy with their cigar. This is not a bar, we are not selling liquor. The Planning Board set some restrictions on such as the time I need to close, windows have to be closed during operating hours and I can’t use the patio. I don’t agree with these conditions. I received a call from City Hall saying he didn’t have a tobacco license. I do have a tobacco license, distributor license, retail license, resale license, license from the City of Saco, license from the alcoholic department and I don’t know what other license I need. I have them all. I would like to know where this is coming from. It is not right and it is all false. I responded to a letter that someone sent to the city council. Someone took a picture off my face book where I had a wall decoration (guitar made out of a cigar box) and someone is saying that I need a entertainment license, because someone took it off the wall and sat and played it. Someone made a joke and it said “Andy’s Entertainment” Saco River Cigar. This is a decoration and it was a joke, it is not true. I have no state violations and I don’t know where all this is coming from. All of a sudden I’m getting attacked by a person and I don’t like it and it is false. The lounge is located at 16 Middle Street which is zoned for business and is residential. At the Planning Board, one of the members stated that I could close the cigar shop and open a bar. It doesn’t make sense, I don’t want to be a bar, I want to be a cigar lounge. My cliental is older people, it is not younger kids. Not everyone can come in there and drink. You have to be a member and buy a cigar to come in there.

Colleen Sargent, 13 Middle Street – I’m the lady who sent the letter to the City Councilors through the e-mail. The reason I did that was because I wanted you to see firsthand that we have been accused from one side and what I sent to you folks is the direct words from Mr. Vela himself and taken off his face book and also the pictures. Anyway, the thing we are concerned about is how it is affecting the neighborhood and the fact that we have seen liquor go in and a couple of people who have gone in hold it right out so you can see that it is there. I prefer to see no liquor at all. But, if you are so inclined to give this type of a permit, just keep in mind that it could show up in your neighborhood too. It is not something you want in your neighborhood. As you will see in the document I handed out, it is his own words and pictures. I don’t need to add anything to it. Use the common sense that the god lord above gave all our us, and I hope and pray that you don’t need to go through a situation like this in your neighborhood. Ms. Sargent acknowledged that she did understand it was a dual zone in her neighborhood. She noted that there are also some things that need to be considered in that zone such as: we have recovering alcoholics, drug addicts and people getting up early to go to work, just in that little block area. Then the next block over next to the Police Dept. we have a bar, so liquor is going to be very permeated in that area.

Craig Durkee, Resident of Biddeford – I travel all over the country and I’m a senior vice president of sales at a corporation. I frequent these cigar lounges that are being considered disruptive. They are all BYOB. They are higher demographic and income and bring in all of revenue. They are good for the city. They do not bring in teenagers and riff raff. They are high upscale clientele, where you are going to bring in business from Old Orchard Beach and Kennebunk. This is a high end location. I listen to the scanner for Saco and not once have I heard a call to this business. I’ve never seen the owner let anyone in that is not allowed to smoke a cigar. If you are not smoking a cigar, you do not belong there. I hope you allow this gentleman to pursue this business, so that a good business can be put in this city that needs it badly.

Michael Dell’Olio, Owner of building at 16 Middle St – We looked at finding an enticing business to rent space. If you would like, I could probably tear down the building and make a parking lot out of it which would probably reduce my taxes by about $4,000 a year. The building itself is a beautiful building. I take pride in the way we keep the upkeep of the building. I have known and worked with Dan, and my experience with him has been fantastic.
The people that come into the lounge are the type of individuals that you want in this community. He is also attracting people from outside the community.

Lindsey Minor, 8 Middle Street – In the packet that the Council has, it states BYOB 18+, which means that 18 year olds can be around and in the building. I don’t agree with that. If alcohol has been coming in without a permit, I don’t understand why you would allow him to have a permit if he is already breaking a law by having alcohol in there. In this pamphlet there are pictures of alcohol in the club. I don’t mind it being a cigar lounge, but no alcohol. There is no need to smoke and drink.

Christopher Hill, Resident of Scarborough – I’ve never been to a hearing before and found myself taking notes about things being said. There were phrases like “In these economic times”; “tax bases”; “downtown being vacant”; “Industrial Park having vacant lots” and what I find curious is that if you look at the City of Saco’s website, it is very clear that Saco wants to develop as a city in a positive fashion. That requires revenue. I am a frequenter of the cigar lounge but I’m not a drinker. I don’t see a problem with a bottle license for a number of reasons not the least of which is young people like me go there all the time to smoke cigars. The cigars sold by Dan are not the cigars you buy in a gas station. They are hand rolled cigars and a quality product. These are business men and professionals who go there. It seems to me that Saco wants that disposable income. Limiting a bottle license and putting restrictions such as not being able to use the patio and keeping the windows closed at all times is just nonsense. It is odd that he can actually close his cigar lounge and open a bar. I see no reason to deny reasonable use and BYOB seems to me to be a pretty reasonable use. I think you should consider that putting any restrictions and granting the license.

Andy Audie, Lives in Biddeford – Just sort of want to defeat any of the innuendos and false allegations that have been thrown out. The guitar was on the wall, I took it down. I’m not a performer and I don’t get paid, I don’t play well. It was a joke. I’ve also heard unbelievable rumors that prostitution and drugs being sold there, and it is not. Anyone who makes an accusation without going into the facility and seeing what a great establishment it is would know that now of the behavior goes on. I have frequented your store Mr. Mayor when the cigar shop was on Main St. This is called cross businesses. Mr. Vela keeps strict rules and doesn’t allow anyone under 21 years old in.

Grady Sexton, Lives in Biddeford, has a home at 12 Lawn Ave in Saco – Has been going into the cigar lounge since it has opened. The biggest problem is the perception. There are nights that I go there and no one is drinking in the place, it is all cigar smoke. We have some police officers and a person from the jail who goes there and I doubt that they would let anyone leave that place and drive if they thought they were drunk. The prior owner stated that he had a bottle club license, and Mr. Vela decided to check into it and found out that this was not true. Mr. Vela has put allot of work into this and he is the type of person who wants to make sure everything is all right. It is a place that we can go to, to take it easy and watch tv. If Mr. Vela messes up, then you can come down on him, and close the place if that is what needs to happen. To tie his hands behind his back is not doing him justice. Mr. Vela should be given a chance, to prove that it can be a good neighbor.

Colleen Sargent – Knowing that he was going to be applying for a permit, he still in the last few weeks and months has been bringing in the alcohol, staying late hours after the hours he claims to be closed. He goes out and takes the flag out of the ground and the patrons are there until 12 -1 a.m. This is no exaggeration and goes on continuously. For someone who says he is so responsible, and wants to run a nice family business, I have to rebut and say “sorry, you have already broken the law” by doing what you are going under cover with no permit, and now you are asking for a permit.

Councilor Smith – Councilor Smith had some questions for Chief Brad Paul. Councilor Smith stated, he has all kinds of tobacco permits, so I guess he can sell tobacco. So, if someone enters his establishment and brings their own alcohol with them, is that against the law? Chief Paul stated not to his knowledge. Councilor Smith asked if they engage in a card game like you or I might do across the living room table, is that against the law? Chief Paul
responded “no”. Councilor Smith inquired whether there was an ordinance in town that says we need to close a business at any given time? Chief Paul responded “there is not”. Councilor Smith asked then why is this gentleman pursuing a bottle club license? From a Police Departments perspective, we have had very few complaints about this business at this point: We have not had complaints from the neighborhood, but we have had some concerns.

Councilor Lovell –Councilor Lovell noted that there are some Planning Board restrictions and that the approval of this permit wouldn’t remove the Planning Board restrictions. Mayor Johnston stated that was correct. Mayor Johnston stated that it would be Code Enforcement Officer Dick Lambert that would enforce the restrictions, but that it didn’t prevent the applicant from going back to amend those restrictions. Mr. Lambert noted that this is more around the land use regulations than the State Statutes regarding liquor consumption. – When we received the application, we reviewed the zoning and saw that it was a conditional use. So Mr. Vela went to the Planning Board very willingly and got his conditional use permit and the Planning Board added some restrictions onto the Bottle Club application. It doesn’t mean that you can’t smoke outside, just the aspect of the bottle club can’t be outside. Smoking is a permitted use in that zone.

Councilor Smith was curious as to what a bottle club license entails. You can come into this place, smoke cigars, bring your own bottle and drink, than why do you need a license? Mr. Lambert stated that the State of Maine requires it. Mr. Lambert noted that there were no other bottle clubs in Saco that he was aware of.

Councilor Tripp stated that his understanding of this is that the State does not regulate alcohol on the premises? Chief Paul noted that tobacco regulations are governed by the Attorney General’s Office, food regulations are regulated by the Dept. of Health and Human Services, and liquor issues are regulated by the Dept. of Liquor Enforcement. So sometime is trying to maneuver your way through the potential mind field of licenses, permits and conditions you have to meet, it really isn’t difficult to run afoul of one or another. Councilor Tripp asked that if anyone in the past consumed alcohol in that location and this gentleman didn’t make any money off of it and that individual had a friend sharing it with him and was smoking a cigar and then decided to play poker and the owner didn’t derive any revenues from the poker game why is he applying for this permit? Councilor Cote responded that bottle clubs have been regulated by the State of Maine for a long time (Title 21-A sec. 621). A bottle club shall register annually with the State after receiving local approval.

Councilor Doucette inquired as to what the legal drinking age was. Chief Paul responded it was 21 years old. Councilor Doucette questioned why a facebook ad was posted that said “as always BYOB 18+”. Mr. Vela stated that he was not an owner at that time. He bought into the business months after that was posted. I think it was an error on the part of the previous owners. I had nothing to do with that.

Councilor Smith moved, Councilor Lovell seconded to close the Public Hearing and “Be it Ordered that the City Council grant the application for a new Bottle Club Registration Application for Saco River Cigars LLC, for a term of one year.” Further move to approve the order. The motion passed with five (5) yeas and one (1) nay – Councilor Doucette.

VII. ADJOURNMENT

Councilor Tripp moved, Councilor Smith seconded to adjourn the meeting at 9:15 p.m.

Attest: ________________________________
Michele L. Hughes, City Clerk