STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, November 4, 2019, at 6:31 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Alan Minthorn, Lynn Copeland, Micah Smart and Nathan Johnston. City Clerk Michele Hughes were also present this evening. City Administrator Kevin Sutherland was excused from the meeting.

III. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT
➢ Kathleen Dziadzio – 60 Bayview Road –

Good Evening Ladies & Gentlemen;

My name is Kathleen Dziadzio and I am here representing abutters and neighbors of the property at 60 Bayview Road. Historically this property was a two family year round home with several seasonal cottages built well before Saco had zoning laws. Prior to recent developments, it contained a two family house that may or may not have been rented as well as maybe a half a dozen rustic cottages in a pine grove with sand and gravel roads that may have attracted visitors in July and August. Today it is a nearly empty wasteland blasted, clear cut and bulldozed by a developer.

When zoning laws were put in place the intent was always to take these non conforming uses and make them conform as much as possible in the future. Over the years Mr. Lambert has denied several applications from would be developers to turn these into condominiums. You will find documentation from several of these prospective developers in the submitted package.

The most recent owner of the property was originally told the same thing by Mr. Lambert (CEO) (letter attached) on February 8, 2019. This letter was also sent to abutters and was the only communication directly with abutters by the City until the plans for the eight unit condominium complex was to be presented to the Planning Board. Please let us know, why Mr. Lambert made this change and how does it conform with the current zoning code when it didn’t so many times before?

The notice sent on February 8, 2019 stated that the abutters had thirty days to appeal the decision of Mr. Lambert, but since that decision was to only allow one single family home, the abutters did not object. Now Mr. Lambert is telling the Planning Board that his decision to allow this condominium complex can not be changed because no one filed an appeal to his decision even though he changed his decision. Please let us know how it is that Mr. Lambert is allowed to change his decision about the non-conforming use from a one family home to 6-8 condominiums without giving proper notice to the neighborhood abutters?

Why bother having a Planning Department, Zoning Laws and/or Planning Board if Mr. Lambert can circumvent all of these at a whim? Mr. Lambert also waived the fee for the initial project which means all of the work done by City employees on behalf of this developer are being paid for by the tax dollars of the neighbors and abutters who are objecting to this.

The new owner (Estates at Bayview) then arrived at the land with chainsaws, bulldozers, controlled burns of brush by the fire department and finally blasting crews. When the land had been razed and a huge hole created in one corner of the property, the developer then submits plans for approval for eight “residential homes; 1 and 2 story”. That is what the large sign said.

The CEO appears to be working with the developer to help him get this approval rather than working for the residents and taxpayers to make sure this does not negatively impact the neighborhood. When the neighbors and abutters heard this new plan, they were not impressed and organized to fight this development.

Reasons are many, first, it does not conform to either previous use of the property or fit with today’s zoning which is R1A and would allow no more than 2 homes to be built. Second, these units are slated to be condominiums which are commercial properties not allowed in R1A zone. Next add that these properties are going to allow weekly rentals which means it becomes one big Air BNB which will
Stephen Shiman, Liaison – On the 30th we had a presentation by Thornton Academy. They are doing a great job. IT was a detailed report and there were allot of questions that were asked. This is a very positive thing for our community. The thing that we know a little less about from the report is that a certain percent of their student body is from Saco. Mayor Lovell noted 64% are from Saco. They weren’t broken down in significantly impact the neighborhood and not it a good way. Finally, if this had been the intention of the new owner from day one which it was, nothing should have been done on this property until it had been discussed with the abutters and brought before the Planning Board.

During the course of this fight, we, the neighbors, discovered that the developer was overbuilding significantly even based on this new interpretation from our CEO that this new use does not increase the non conforming use of the property which the neighbors vehemently dispute.

When this was pointed out to the CEO, he did make the developer scale back the project but allowed him to keep “habitable living space” of two buildings that had been removed from the property in 2017 by a previous owner. I have included the CEO’s memo and calculations that allows this. If you remove units 9, 10, & 11 the “habitable living space” would decrease to 5,497 square feet and change the number of units allowed even based on what we feel is the CEO’s faulty logic. There is also discrepancies in how many buildings actually still were habitable when this property was purchased but since most of the structures have been removed and the remaining one is definitely not habitable (although considered in the CEO’s calculations) we believe this makes our argument stronger that the land has diverted to R1A zoning and must follow the rules of that designation.

We have also including a letter from the City Attorney dated January 22, 2019 warning the developer not to rip down the existing structures until permission has been granted to build his condominiums as once they cease to exist the law says he has forfeited the right to rebuild. We, the neighbors and abutters, argue that this is exactly what has occurred.

Our zoning laws on non conforming use states

503-3. DISCONTINUANCE; Article 5 — Nonconformance 5-3

A nonconforming use, which is discontinued for a period of 12 months, may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance. The nonconforming use ceased longer than 12 months ago. How is it that this can go forward in violation of our current zoning laws? The cottages and house have not been occupied since September 2018 so the land should now be zoned R1A and all rules should be conforming to those of R1A.

Mr. Lambert continues in our opinion to misrepresent facts to favor the developer. We have included an August 29, 2019 memo in which he claims that the property consists of 74,467 square feet when in fact it only contains 58,415 square feet. That is 16,052 square feet less which is more than a quarter of the total land mass. He then continues that the total square footage for buildings is 9,972 but the plans submitted state that the total proposed impervious square footage will be 25,642. Mr. Lambert stated that not all impervious surfaces are considered in his calculations. Why not?

At the site walk, we were unable to determine where the water lines were which made us question whether “dig safe” had ever been called for this demolition. We also noted that the paperwork submitted for the asbestos abatement was not current and stated the abatement was not for demolition. This concerned us and we asked for clarification. That was when we were told that City Hall was too busy to answer our questions and stop contacting them.

We were able to contact the State of Maine and received the answers from them but should not have had to do that. If your job is to make sure that rules are being followed, then answers to important questions like this should be at your fingertips because you have already verified any discrepancies.

We could continue with specific issues and concerns but I am here to ask you as our elected representatives to investigate this entire situation and find out why none of the rules are being followed.

Sincerely,

Kathleen & Robert Dziadzio
15 Plymouth Dr.

Jeanne & David Saunders
3 Plymouth Dr.

Ernestine & John Forbes
35 Plymouth Dr.

Louise & Roger Labbe
3 Cartier Circle

Petra & Glenn McDonald
33 Plymouth Drive

Cornelia & Richard Sawyer
1 Plymouth Dr.

Jennifer & Mark Strickland
14 Plymouth Dr.

Pamela L Lassak
7 Christopher Circle

Frank & Francie Ingerowski
25 Plymouth Dr.

Samantha & Thomas Sawyer
58 Plymouth Dr.

Susan & John Pecora
54 Plymouth Dr.

Mary & Thomas Lucas
2 Plymouth Dr.

Mary & Peter Nasse
2 Anthony Estates

Cathy Stackpole
7 Christopher Circle

Jodi Marie McCarthy
27 Plymouth Dr.
achievement levels. It is quite apparent that the achievement levels of Thornton Academy are allot higher than and compare favorably to other communities in the state. One of the things not in the report is that most communities do not have the facilities they have. One of the benefits of Saco students is they do meet and work together with students from other countries.

IV. GENERAL

Mayor Lovell noted the following:

➢ Census – The Census Bureau is looking for census takers. You can apply by going to the website 2020census.gov/job

A. SPIRIT OF AMERICA RECOGNITION – JEAN SAUNDERS AND ROB BIGGS – This coming Wednesday at the County Government Building the 2 people that we have nominated for the Spirit of America Award will be presented their award, Mr. Rob Biggs and Mrs. Jean Saunders. County Commissioner Al Sicard congratulated the award recipients. The event is open to the public. The Spirit of America Foundation is a 501-C3 public charity established in Augusta in 1992 to honor volunteerism. This tribute is given to local individuals, organizations, and projects of considerable community service. You folks will be recognized along with nominees from 28 of the 29 York County Towns and Cities on Wednesday at 3:30 p.m. Thank you, Saco, for participating and nominating these fine folks.

B. EXTRA MILE RECOGNITION – RICK MILLIARD, GARY MARSTON AND DON ROTH

Mayor Lovell recognized Rick Milliard for being a main stay on several committees and has taken over as Vice-Chair of the Shoreline Commission and is a solid member of the Coastal Waters Commission and is on the Energy Committee. Everyone loves to have an electrical engineer on their committee

Mayor Lovell recognized Gary Marston who served for a long time as chair of the Coastal Waters Commission and helped develop Coastal Waters Commission to the organization that it is today. In addition to the spin off organization under city code 4.39 which is Coastal Waters point 2 which is Shoreline Commission. Thank you, Gary, for that service.

Mayor Lovell also recognized Don Roth who is an employee of the city and I think it is fitting to recognize an employee of the city that just goes out and does so many things. Everybody of the council has benefited from Don coming by and most every single city department has. So, we are also adding Don Roth for the Extra Mile recognition.

VI. CONSENT AGENDA

A. CONFIRMATION OF WARDEN APPOINTMENT - Councilor Minthorn moved, Councilor Smart seconded “Be it Ordered that the City Council confirm the appointment of Cushing Samp as the Warden for Ward 7. Further move to approve the order. The motion passed with seven (7) yeas.

VII. AGENDA

A. SPECIAL ENTERTAINMENT PERMIT CELESTIAL SAUSAGE LLC D/B/A RICETTA’S SACO – (PUBLIC HEARING)

Celestial Sausage LLC d/b/a Ricetta’s Saco has applied for a new Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Minthorn moved, Councilor Gay seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no public comments.
Councilor Doyle moved, Councilor Copeland seconded to close the Public Hearing and be it ordered that the City Council grant the new application submitted by the Celestial Sausage LLC d/b/a Ricetta’s Saco for a Special Entertainment permit to be concurrent with the establishment’s current liquor license. Further move to approve the Order. The motion passed with seven (7) yeas.

**B. AMENDMENTS TO CHAPTER 4 – ADMINISTRATIVE CODE – (PUBLIC HEARING)**

At the June 10th workshop, members of the Coastal Waters Commission brought forward changes to Chapter 4, Article VII, Section 39 that would establish a time limit for an appeal of a decision by the Coastal Waters Commission.

Councilor Copeland moved, Councilor Doyle seconded to open the public hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Copeland moved, Councilor Minthorn seconded to close the public hearing and further move to schedule the final reading of, ‘Amendments to Chapter 4 – Administration Code, Article VII, Section 39’ for November 18, 2019. The motion passed with seven (7) yeas.

Amendments to:

**Chapter 4. ADMINISTRATIVE CODE**

**Article VII. Boards, Commissions and Committees**


A. Duties of the Coastal Waters Commission.

1. Establishing policy. The Saco Coastal Waters Commission exists for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the City of Saco, planning for its future use, advising the City Council on policy matters and proposing to the City Council regulations concerning the Saco River and the City’s coastal waters. The proposed regulations and policies shall be consistent with federal and state law.

2. Further duties. In addition, the Commission shall review and cooperate in maintenance and care of City-owned waterfront facilities with the Harbor Master and Public Works Department and plan harbor improvements in conjunction with the City, state and federal authorities. The Commission shall sit as a Board of Appeals to hear an appeal from any person aggrieved by any decision, act or failure to act of the Harbor Master. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the City, as is appropriate, of its activities.

B. Organization.

1. The Coastal Waters Commission shall consist of seven members, appointed by the Mayor and confirmed by the Council. Each Commissioner shall be a resident of the City and shall serve without compensation. [Amended 9-16-2002]

2. Neither a municipal officer nor his/her spouse may be a member of the Commission.

3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

4. Commissioners may be removed by the City Council for cause, after notice and hearing. A Commissioner shall forfeit his/her membership on the Commission if he/she fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Mayor of the forfeiture of office by a Commissioner.

5. The term of office of a member shall be three years. Members may be appointed for a maximum of two consecutive three-year terms but may be appointed again after one year off the Commission. Each Commissioner shall be a resident of the City, shall be persons
C. Procedure.

(1) A Chairman and a Secretary shall be elected by the Board in April of each year.

(2) The Chairman or City Administrator shall call meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. The Commission shall meet at least twice per year, semiannually, to conduct official business. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least four members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission. [Amended 5-15-2006]

(3) The Secretary shall maintain a permanent record of all Commission meetings and all correspondence of the Commission. The Secretary shall be responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Secretary are deemed public and shall be filed in the Municipal Clerk’s office and may be inspected at reasonable times. The City Administrator may assign secretarial help to do minutes and other clerical work of the Commission.

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

D. Procedure for appeals from decision of the Harbor Master.

(1) Jurisdiction. The Coastal Waters Commission shall hear any appeal by any person affected directly or indirectly by any decision, order, rule, act or failure to act of the Harbor Master. In deciding any appeal, the Commission shall hear and approve, approve with modifications or conditions or disapprove the decision, order, rule, act or failure to act of the Harbor Master from which the appeal is made. The Commission’s decision shall be made within 30 days of the filing of the appeal.

(2) Evidence. The Commission may receive any oral or documentary evidence and shall provide, as a matter of policy, for the exclusion of irrelevant, inmaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(3) Record of proceedings. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings and conclusions, as well as the reasons and/or basis therefor. Notice of any decision shall be mailed or hand-delivered to the petitioner, his/her representative or agent, agency or office, the City Administrator, City Clerk, Mayor and City Council within seven days of the Commission’s decision.

(4) Appeal. An appeal may be taken from any act or decision of the Coastal Waters Commission by notice to the City Council by the appealing party within 30 days of such act or decision. An appeal to the City Council must be noticed at any appeal within 30 days of notice of decision by the Coastal Waters Commission.

E. Interlocal cooperation. The municipal officers of the City of Saco recognize the aesthetic beauty and environmentally sensitive condition of the Saco River, its harbors and the coastal waters of Saco Bay and fully recognize the City’s obligation to the citizens of Saco and future generations to protect such a natural resource. The City Council further recognizes that the City of Biddeford also has an obligation to its citizens to protect these natural resources and, in the spirit of cooperation, hereby authorizes that the Coastal Waters Commission of Saco join with a similar Commission created by the City of Biddeford to address and incorporate community needs and wishes. The Commission shall have no police powers nor authority to create regulations or ordinances or to commit funds, but shall exist for the general purpose enumerated in Subsection A(1), Establishment of policy.

C. AMENDMENTS TO CHAPTER 118 – HARBOR, RIVER, AND WATERFRONT – (PUBLIC HEARING)

At the June 10th workshop, members of the Coastal Waters Commission brought forward changes to Chapter 118 that would strengthen the language in the ordinance and create a Harbor Master position that would be Maine Criminal Justice Academy (MCJA) certified.
Since that time, the Public Works Director, Police Chief, and Finance Director have reviewed and made additional recommended changes.

Councilor Copeland moved, Councilor Smart seconded to open the public hearing. The motion passed with seven (7) yeas.

James Katz, 3 Abby Lane, Chair of Coastal Waters Commission – There were 2 further clarifications that we are requesting to be looked at in the regulations. 1) 118-3 Definitions – That Harbor Master will be appointed by the Saco Chief of Police and not by the Director of Public Works. 2) 118-4 which had to do with governance and that the position of Dock Master would be handled by the Human Resource Dept. and the Facilities Manager and the Dock Stewards will answer to the Facilities Manager and receive direction from the Harbor Master. Those 2 would be in keeping with changes that were made by staff and by outside council to keep the regulations consistent throughout. Mayor Lovell noted that he believes the City Administrator has written them up and at the 2nd reading we will presumably find a 2nd for them and that will change the ordinance to match your request.

Councilor Copeland moved, Councilor Doyle seconded to close the public hearing and further move to schedule the final reading of the document titled "Amendments to Chapter 118 – Harbor, River, and Waterfront" for November 19, 2019. The motion passed with seven (7) yeas.

Amendments to:

Chapter 118 - Harbor, River, and Waterfront

[HISTORY: Adopted by the City Council of the City of Saco 5-16-2006; amended in its entirety 1-22-2013. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Animals on beaches — See Ch. 64, Art. I, and the Saco Beach Management Plan

Article I
General Regulation of Waters

§ 118-1 Title; purpose.

This chapter shall be known as the "Saco River, Harbor, River, and Waterfront Ordinance." This chapter is hereby adopted by the City of Saco to ensure the proper operation of recreational and commercial watercraft, and to promote the equitable recreational and commercial use and safe enjoyment and recreational use of the City's waters, which includes all waters adjacent to riverfronts and beaches within the City of Saco, as well as the Camp Ellis pier facilities.

§ 118-2 Scope and enforcement.

No provision of this chapter shall be interpreted as conflicting with federal and state laws applicable to the coastal waters, tidal rivers and harbors of this state, but shall be read as supplementing said laws where applicable. This chapter shall be enforced by the City through its designated Harbor Master, Harbor Patrol and other subordinates or designees.

§ 118-3 Definitions.

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates another meaning:

BEACH
Refer to that shoreline area directly adjacent to bodies of water, which is customarily comprised of sand, ledge, or loose rock.

BEACHING PILINGS
Pilings installed adjacent to the landing for purpose of pier user permit holders' boat maintenance.

BERTH
The place where a vessel lies when at anchor, on a mooring or at a wharf.

CAMP/CAMPING
The building of and/or occupation of any shelter, tent, lean-to, or other structure or vehicle intended to provide its occupants refuge from the weather.
CHANNELS
Areas of the harbor and river kept open for navigation or other purpose by rule or regulation of the City Council, the Department of the Army Corps of Engineers, the Harbor Master or other regulatory or legislative body.

CHARTER VESSEL
A vessel that carries passengers for hire to engage in sightseeing or fishing.

COASTAL WATERS
Those waters adjacent to all shorelines within the City of Saco, including beaches and riverfront.

COMMERCIAL VESSEL
A vessel engaged in commercial fishing for profit which generates taxable income from fishing.

DISORDERLY CONDUCT
(per 17-A M.R.S.A., § 501-A) In a public place, a person intentionally or recklessly causes annoyance to others by intentionally:
[Amended 2-3-2014]
A. Making loud and unreasonable noises; or
B. Activating a device, or exposing a substance, that releases noxious and offensive odors; or
C. Knowingly fighting, accosting, insulting, taunting or challenging any person with offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged; or
D. Obstructing or littering.

DOCK
The slip or waterway extending between two piers or projecting wharves or cut into land for the reception of vessels.

DOCK STEWARD
A City employee responsible for overseeing the day-to-day safe and effective operations at the Camp Ellis Pier.

FLOAT
A platform that floats and is anchored at or near shore or attached to a pier, used for landing or other purposes. _Floats may be designated as general purpose; commercial; charter boat; or, maintenance._

HARBOR
The tidal waters within the geographical limits of the City from the high tide watermark to the three-nautical-mile line shown on the most recently published federal government nautical chart. It shall specifically include Saco Bay and all portions of the Saco River.

HARBOR MASTER
The officer appointed by the Director of Public Works to enforce this chapter and oversee the jurisdiction area of the River and Harbor.

HARRASSMENT
(per 17-A M.R.S.A., § 506-A) A person is engaged in harassment if, without reasonable cause, the person engages in any course of conduct with the intent to harass, torment or threaten another person, after having been notified, in writing or otherwise, not to engage in such conduct by any sheriff, deputy sheriff, constable, police officer or justice of the peace or person of equivalent authority.

HEADWAY SPEED
Refers to the minimum amount of power necessary to allow a vessel to navigate safely through the water. Depending on the size, composition and design of the vessel, headway speed may vary.

INNER HARBOR
Refers to the area from green can buoy No. 7 to the area known as the Lower Narrows and encompasses all of Camp Ellis.

LANDING
A place for landing and discharging persons or things, as from a vessel.

MOORING
The means of securing a vessel to a particular location in City waters, other than temporarily by anchor. Dock, pier, wharf or float tie-ups are not moorings. A vessel is considered to be moored if at anchor for more than 48 consecutive hours.
OBSTRUCTING or LITTERING
The throwing of large rocks or debris as to impede the navigable river.
[Added 2-3-2014]

PIER
A structure extending into navigable water for use as a landing place or to protect or form a
harbor. This definition will include breakwaters, jetties and commercial locations used for the
loading and unloading of cargo.

PIER USE AGREEMENT
A contract between a pier user and the City of Saco that documents the proper care and allowed
uses of the Camp Ellis pier facilities which must be signed by the prospective user prior to issuance
of a pier use permit.

PIER USE PERMIT
A document detailing the level and location of pier use allowed for each permitted vessel, as
defined below:

A. COMMERCIAL VESSEL PIER USE. Allows commercial vessels paying the appropriate
fee the priority use of the designated floats, pier, and hoists for the unloading of perishable
product, as well as use of the fuel facility (if available).

B. CHARTER VESSEL PIER USE. Allows charter vessels paying the appropriate fee the use
of the pier, designated floats, pier, and hoists, as well as the fuel facility (if available).

C. RECREATIONAL VESSEL PIER USE. Allows recreational vessels paying the
appropriate fee use of the designated floats for loading and unloading. Limited occasional
use of the pier, hoists, and fuel facility (if available) is allowed at the discretion of the Harbor
Master.

PORT
Includes Saco Bay, the City wharves at Saco, together with all known landings and any other public
landings or wharves that might be acquired by the City of Saco.

RECREATIONAL VESSEL
A vessel used solely for personal recreation.

RENTAL AGENT
Any person, firm, proprietorship or corporation that rents canoes, kayaks, sailboats under 20 feet
in length, personal watercraft and/or motorized watercraft under 22 feet in length to the general
public for a fee.

SAFETY EQUIPMENT
Includes, but is not limited to, signals, flares, horn, fire extinguisher and personal flotation devices
as defined in federal law per the Federal Boat Safety Act of 1971, U.S. Code of Regulations, Maine
Revised Statute, Title 12, Chapter 308, Watercraft Registration and Safety, Public Law 92-75, as
amended.

VESSEL
Includes boats of all sizes, propelled by sail, machinery or hand, scows, dredges, shellfish cars and
craft of any kind.

WHarf
A structure of timber, masonry, cement, earth or other material, built on the shore of a harbor,
river, canal or the like, especially one extending parallel to the shoreline, so that vessels may lie
close alongside to receive and discharge passengers and cargo.

§ 118-4 Governance.
The safe use and enjoyment of Saco's coastal waters depends upon several parties including the Harbor
Master, the Harbor Patrol, Dock Stewards and the Coastal Waters Commission. Each of these parties
shall have and enjoy the responsibilities set forth below:

A. Coastal Waters Commission. In addition to those duties delineated in § 4-39 of this Code,
the Coastal Waters Commission shall review, evaluate and make a recommendation to the
Director of Public Works on the new appointment of the Harbor Master. The Commission
shall also handle all appeals of decisions made by the Harbor Master pursuant to § 4-39 of
this Code.

B. Harbor Master. There shall be a Harbor Master appointed by the Director of the
Department of Public Works (Public Works/Chief of Police). The Harbor Master will be
under the direction of the Director of Public Works who will be supervised by the
Police Department. He or she, the Harbor Master shall also have those duties and
liabilities of that office as prescribed by state law, municipal ordinances and regulations
adopted by the municipal officers, Coastal Waters Commission, or such other bodies
empowered to regulate municipal harbors and specifically assigned herein. The Harbor
Master may appoint deputies who, under the Harbor Master's direction, shall enforce and
carry out the rules and regulations of this section (38 MRSA Chapter 1 (2)). The Harbor Master's specific duties shall include:

(1) The proper designation of channels. Channels for the passage of boats shall be designated on the plans of the Saco River, dated November 5, 1963, and filed with the City Clerk, and as updated from time to time. Said plans are hereby incorporated by reference as part of this chapter. Said channel shall also remain consistent with the United States Army Corps of Engineers designation of the tidal portion of the Saco River as a navigational project.

(2) The assignment and location of anchorages. Vessels shall be anchored in the harbor in such places or areas as the Harbor Master shall designate. The Harbor Master may at any time order any vessel at anchor to change position when, in his or her opinion, such vessel is so anchored as to impede navigation or to endanger other vessels. Anchorages shall also remain consistent with the United States Army Corps of Engineers designation of anchorages within the Saco River Project.

(3) The assignment and monitoring of moorings and buoys. The placement of moorings is vital to safety in the coastal waters. The assignment, regulation and removal of all moorings and buoys shall rest with the Harbor Master as more fully detailed in § 118-5 below. The location of each mooring shall be identified by GPS coordinates, and is subject to change at any time at the discretion of the Harbor Master as conditions dictate.

(4) Implementation of this chapter. The Harbor Master shall be the party primarily responsible for assuring the goals and purposes of this section are met except where otherwise specifically noted. The Harbor Master shall enforce all provisions related to moorings, as well as §§ 118-13 through 118-20 of this chapter.

C. Harbor Patrol. There shall be a Harbor Patrol which shall be comprised of law enforcement officers under the direct direction and supervision of the Saco Chief of Police. The duties of the Harbor Patrol shall include:

(1) The Harbor Patrol will be responsible for ensuring that safe boating practices are used within the coastal waters and for the enforcement of City ordinances and state law.

(2) The Harbor Patrol shall have specific authority to enforce §§ 118-6 through 118-14 of this chapter.

(3) The Harbor Patrol will typically operate from Memorial Day weekend to Labor Day weekend or longer, as determined by available resources and the Chief of Police.

Dock Steward. There shall be Dock Stewards from time to time. The Director of the Public Works, will hire one or more seasonal employees to serve as Dock Steward at the Camp Ellis Pier. The Dock Stewards will be responsible for the safe and orderly execution of daily operations at the pier. The stewards are a conduit between the Harbor Master and Public Works, and the users and visitors to the Camp Ellis Pier. The Dock Steward(s) will typically serve Tuesday through Sunday from Memorial Day weekend through Labor Day weekend, and on selected weekends prior to Memorial Day or after Labor Day, at the discretion of the Director of Public Works. Specifically, the Dock Steward(s) will:

- Collect and record boat launch, dock use and daily pier use fees and deposit fees collected at City Hall daily.
- Welcome vessel captains and greet passengers, inform visitors of docking rules and fees. Courteously answer questions regarding local services available (i.e., restaurants, taxi-supplies, etc).
- Record vessels using the docks to include vessel registration numbers, arrival and departure times.
- Assist boaters with sewage tank pump-out operations (when the service is available).
- Assist visitors with proper parking meter use.
- Approve overnight parking waivers, if appropriate, and notify Public Works and the Police Department.
- Perform other duties as directed by the Director of Public Works or the Harbor Master to ensure safe and effective operations at Camp Ellis Pier.
§ 118-5 Moorings and buoys.

A. Assignment of mooring locations.

1. The available locations for moorings within the coastal waters of the City of Saco are limited. Therefore, moorings are considered a limited resource which must be managed in an equitable manner, allowing maximum benefit of the resource. Accordingly, underutilized or abandoned moorings, as further defined below, will be re-assigned. No mooring permit may be issued unless a mooring location has been assigned by the Harbor Master.

2. No mooring shall be set within City waters except by permission of the Harbor Master. Any person wishing to place a mooring in City waters or to relocate an existing mooring shall request such permission in advance from the Harbor Master. Annually, the Harbor Master shall prepare an updated list of approved mooring holders and provide it to the City Clerk by January 1. Only applicants appearing on the current approved mooring holders list may submit a mooring permit application to the City Clerk. Following acceptance of the application by the City Clerk and the payment of the appropriate fee, and provided the conditions in Subsection B(7) are met, the Harbor Master shall then assign a location for such mooring and shall advise the applicant concerning the requirements of these rules and regulations. Moorings set without authorization may be removed at the owner’s expense by the Harbor Master.

3. In the assignment of mooring locations, the Harbor Master shall, insofar as the same may be done consistently with these rules and regulations and with due regard for the safety of other vessels and of navigation, give consideration to the choice of the applicant. However, where mooring rights of individuals are claimed to be invaded and protection is sought of the Harbor Master, the Harbor Master shall assign and indicate to the masters or owners of the vessels the location which they may occupy for said mooring, and the Harbor Master shall assign mooring privileges in all cases where individuals who own or have an interest in the shore rights are complainants and shall locate suitable mooring privileges temporarily or permanently, fronting their lands if so requested, but not so as to encroach upon the natural channel or channels established by this chapter. Moorings shall be set by July 30 of each year. The location of each mooring is subject to change at any time at the discretion of the Harbor Master as conditions dictate.

4. The City Clerk shall maintain a waiting list, with a registration fee established by the City Council, after a public hearing.

5. The Harbor Master, based upon the waiting list, shall authorize moorings on a first-come-first-served basis, except that commercial harbor users may be given priority for facilities developed for commercial users with federal funds. The Harbor Master will provide the updated lists to the City Clerk on May 1, July 1 and October 1 each year and at other times when requested. The lists shall be provided to any member of the public who requests them. If there is a dispute about mooring assignments, the Saco Coastal Waters Commission shall hear appeals from the decisions of the Harbor Master.

6. Any permit issued hereunder may be revoked if the Harbor Master determines that any portion of a permit holder’s application contains false or misleading information. Any revocation may be appealed as set forth herein. [Added 2-3-2014]

B. Application for mooring permits.

1. Applications for mooring permits for any one-year period must be filed with the City Clerk by March 15 of the current year on forms prescribed by the Saco Coastal Waters Commission. Applications and payment for renewal of a mooring permit which have not been received within 60 days of the permit application filing date will cause that mooring location to be deemed vacant, and the mooring location reassigned. Applications received during the sixty-day period are subject to a late fee. [Amended 2-3-2014]
(2) The City of Saco mooring permit application form contains additional rules and regulations regarding use and placement of moorings, which are adopted herein by reference. The address of the applicant supplied with the permit application shall serve as the address of record for all purposes of notice where notice is required in this chapter.

(3) Permits shall be good effective for one calendar year (January 1 to December 31). They are at all times a revocable license issued subject to the terms herein, and under no circumstances will they be treated as, or deemed, a property right. [Amended 2-3-2014]

(4) Any mooring location not occupied by the vessel or float registered to it, or a vessel of equal or lesser gross tonnage owned by the mooring permit holder, for at least one day in each of three out of the five months during the period May 1 through September 30 during the permit year may be considered to be abandoned. The location may be reassigned by the discretion of the Harbor Master, after the Harbor Master has first given the registrant 30-14 days' advance written notice at his/her last known address of the mooring application address (certified mail, return receipt). The cost of removing moorings or dropping mooring chains shall be assessed to the owner if not removed by him within 30 days of receipt of said notice, in accordance with state law. The Harbor Master shall have the authority to waive the monthly occupancy requirement in extenuating circumstances such as a commercial fishing vessel's need to be off the mooring or other unforeseen absence from the area. Waivers granted shall not be effective for more than one (1) year. Notwithstanding the above, this subsection will not apply to a mooring whose owner has notified the Harbor Master that such mooring will not be occupied due to prolonged absence from the area, illness, or other extenuating circumstances. Provided the permit is timely renewed annually as required by this chapter. [Amended 2-3-2014]

(5) The annual application fee for the waiting list shall be established by the City Council after a public hearing.

(6) Moorings are not transferable except as provided by 38 M.R.S.A. Chapter 1 § 3-A, which provides for the transfer of commercial moorings only, under certain specific circumstances.

(7) A person may be denied a mooring permit if they are found to have previously violated this chapter without good cause; or if they are in arrears of any City tax or fee.

C. Adequacy of moorings. All existing moorings hereinafter to be set shall be of sufficient size to hold the vessel for which they are used. All moorings shall have approved buoys and must be visible at all times. All mooring requirements will be determined by the Harbor Master. Guidelines on mooring block weight, attachment requirements and chain link size are listed below and on the mooring permit application.

<table>
<thead>
<tr>
<th>Maximum Boat Length (feet)</th>
<th>Maximum Boat Weight (gross pounds)</th>
<th>Minimum Mooring Weight (pounds)</th>
<th>Minimum Chain Link Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>500</td>
<td>350</td>
<td>3/8</td>
</tr>
<tr>
<td>20</td>
<td>1,500</td>
<td>750</td>
<td>3/8</td>
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<tr>
<td>25</td>
<td>5,000</td>
<td>1,500</td>
<td>1/2</td>
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<tr>
<td>30</td>
<td>8,000</td>
<td>1,800</td>
<td>1/2</td>
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<tr>
<td>35</td>
<td>12,000</td>
<td>2,500</td>
<td>1/2</td>
</tr>
<tr>
<td>40</td>
<td>3,500</td>
<td>3,500</td>
<td>5/8</td>
</tr>
</tbody>
</table>

D. Inspection of moorings. The Harbor Master or his/her designee shall inspect moorings biannually. It is the permit holder's responsibility to contact the Harbor Master to arrange for inspections. Two visits by the Harbor Master are included in the mooring application fee; any additional visits required to complete an inspection shall be at the applicant's expense.

E. Manner/condition of moorings:

(1) All mooring floats shall meet United States Coast Guard regulations.

(2) The float attached to the mooring line shall be of sufficient size to remain afloat.
(3) The Harbor Master may at any time examine any mooring or mooring line to determine compliance with this section. Except in the case of an emergency, the Harbor Master shall notify the owner of his or her intention to examine the mooring, either in writing or verbally, and request the presence of the owner during such examination. Any cost of examination shall be borne by the owner of the mooring.

(4) If a party fails to properly maintain his/its mooring, float or cable, the Harbor Master will, in writing (by certified, return receipt mail), issue a seven-day-notice-to-cure letter effective seven days from the date of mailing. If the offending party fails to correct the deficiency identified by the Harbor Master within seven days, the party’s mooring permit shall thereafter be revoked upon the filing of a written decision from the Harbor Master to the City Clerk with copies provided to the offending party and the Coastal Waters Commission.

(5) Vessels on moorings must be properly maintained to minimize hazards to other vessels, including: [Added 2-3-2014]
   (a) The vessel must be capable of moving under its own mechanical means.
   (b) Sail, lines, halvards and sheets must be secured at all times when the vessel is not occupied.
   (c) All accessories, anchors, lines, poles, etc., must be secured and within the gunwales of the vessel.
   (d) Nothing may be trailing behind a moored vessel or protruding from the vessel that can damage another vessel.
   (e) Failure to properly maintain a moored vessel may result in revocation of the mooring permit.

(6) All moorings, whether now existing or hereinafter set, shall be so located or relocated that the vessels secured thereby will not impede navigation within City waters nor endanger other vessels moored therein. If the Harbor Master shall find that any vessel is so moored as to impede navigation or to endanger other vessels, the Harbor Master may require that the owner of the mooring or the vessel secured thereby take such steps, whether by shortening the scope of the mooring lines or by the use of additional mooring or mooring lines, as will prevent such impeding of navigation or endangering of other vessels; or, in the alternative, the Harbor Master may order that the mooring be removed and relocated. In requiring the removal of a mooring because of its danger to others, the mooring last set shall be the first ordered to be removed. Any person so ordered by the Harbor Master acting under this subsection shall remove a vessel within 48 hours after order, whether written or verbal; provided, however, that if the mooring owner fails to do so, then the Harbor Master shall thereupon cause the mooring to be removed or relocated. Any expense incurred by the City to move or remove a mooring shall be borne by the owner of the mooring or vessel. [Amended 2-3-2014]

(7) If, in the sole opinion of the Harbor Master, a mooring creates an emergency or imminently dangerous condition, or if immediate action is required to ensure proper navigation and safety, the Harbor Master may temporarily, without notice to the permit holder, take possession of the mooring and temporarily remove and/or secure it until such time as the permit holder can be notified. The parties shall thereafter determine together the appropriate terms and conditions for resetting and re-installing the mooring.

F. The Harbor Master shall hold all moorings and tackle removed from coastal waters as a lien against all funds, fines and costs incurred as a result of the acts, actions or inactions of any mooring permit holder. No such equipment shall be returned until all such charges are fully paid.

G. Interference with moorings. Except by direction of the Harbor Master acting in an emergency or with permission of the owner, no person shall move or interfere with any mooring or vessel in the harbor.

H. Removal. [Amended 2-3-2014]

(1) A mooring shall be removed after September 30, unless it is still in use by its owner. If not removed by its owner, the Harbor Master shall see to its removal at the expense of the mooring owner. The mooring and ground tackle shall not be returned to its owner until such bill is paid.

(2) All noncommercial vessels shall be removed from the river by December 1. The mooring shall be relocated to tidal flats for the winter season must be maintained by the mooring owner and moved to the assigned mooring location by July 30. Moorings that will not be used must be removed to the storage area.
I. Waiver procedures.

(1) A mooring permit holder may request a temporary waiver to the mooring requirements stated in this chapter by submitting a written request to the Harbor Master. A waiver will not be granted for a violation that impacts safe navigation on the Saco River. The waiver request must clearly state:

(a) Mooring number;
(b) Name and current address and phone number of the permit holder;
(c) The nature of the waiver (e.g., inability to position or remove an authorized mooring, inability to attach a boat to an authorized mooring, inability to pay for a mooring in a timely manner);
(d) The reason the waiver is needed; and
(e) Expected date for compliance (date the permit holder will make corrections or come into compliance with mooring requirements).

(2) The Harbor Master will notify the permit holder of his/her decision to approve or disapprove the waiver in writing and provide a copy of the written decision to the City Clerk, the Director of Public Works, Police Chief, and the Coastal Waters Commission. If the Harbor Master must disapprove the waiver request, the Harbor Master will send the decision via certified mail return receipt requested to the address of record. The permit holder can appeal the Harbor Master's decision to the Coastal Waters Commission.

(3) Waivers for medical conditions may be granted for a maximum of one permit year. [Added 2-3-2014]

(4) Waivers for mechanical conditions may only be granted for moorings which have been in use during the permit year. [Added 2-3-2014]

(5) Waivers and associated mooring privileges may be revoked if the Harbor Master determines that the waiver request misrepresented the facts and/or conditions that form the basis for the waiver request. [Amended 11-4-2014]

J. Buoys other than for mooring vessels. No buoy of this type shall be placed in channels leading to wharves, nor shall such buoys be placed less than 150 feet from a mooring buoy for that vessel. The Harbor Master is empowered, in the interest of public safety, to require the removal of any buoys.

Article II

Prohibited or Restricted Actions

I. Enforcement by Harbor Patrol.Harbor Master. The following provisions of this Subarticle I. Article shall be enforced by the Harbor Patrol as part of law enforcement activities.

§ 118-6 Waterskiing and aircraft.

A. Vessels towing water-skiers and aquaplanes. There shall be no waterskiing in congested mooring areas, anchorage areas or in speed-bump areas or wake zones. No person shall operate a vessel while towing water-skiers, aquaplanes or similar devices unless there is present in said vessel, in addition to the vessel operator, another person in a position to observe and assist the person or appurtenance being towed. The operator of such a vessel will be held responsible for compliance with the navigating rules for both the vessel and the person or appurtenance being towed. Except in connection with water carnivals and exhibitions authorized by the City Council, no such activity may be conducted during the period between 1/2 hour after sunset and 1/2 hour before sunrise. Special waterskiing areas will be designated by the City Council.

B. Water-ski jumps. No person shall locate or use on the public waters under the jurisdiction of this Council a water-ski jump without first obtaining the approval of the City Council or its duly authorized representative.

C. Aircraft. Aircraft shall be governed by the appropriate rules and regulations of the Maine Aeronautics Commission, excepting that they shall observe the same mooring and anchorage rules and regulations that apply to vessels.

§ 118-7 Imprudent operation of vessel.

A person may not intentionally, knowingly or recklessly operate a vessel in violation of state law (38 MRSA Chapter 1, Subchapter 2, Title 1-A).

§ 118-8 Failing to report collision or accident.

A. The owner, captain or operator of a vessel involved in a collision with another vessel, a
wharf, pier, landing, dock or other fixed object within the harbor; a fire on-board; or an accident as defined by the United States Coast Guard, must report such collision to local law enforcement. Harbor Master, or the Harbor Master Maine Marine Patrol by the quickest means available.

B. Failing to report such collision, fire or accident, regardless of visible damage or injury, constitutes a violation of this section.

§ 118-9 Endangerment of life or property.

A. A person is guilty of endangerment of life or property if that person:

1. Operates a vessel and fails to have a proper lookout while towing a water-skier; or

2. Operates a vessel and fails to require a water-skier to wear a personal flotation device (PFD); or

3. Operates a vessel and permits a passenger to ride on the swim platform or bow while underway; or

4. Operates a vessel and engages in "teak surfing," "drag surfing" or otherwise allows someone to physically hang onto the stern, transom, swim platform or gunnels of a vessel; or

5. Waterskis without wearing a personal flotation device (PFD) designed and approved for water skiing; or

6. Rides or physically hangs onto the stern, bow, transom, swim platform or gunnels of a vessel while underway.

B. The provisions of this section do not apply to emergency personnel in the performance of their duties; emergency situations in which this activity could not be avoided; or the use of approved recreational equipment designed to be towed behind a vessel as long as the distance behind the vessel is adequate to prevent injury from moving parts, fuels and/or carbon monoxide gases.

§ 118-10 Beach restrictions.

A. Alcoholic beverages. The consumption or possession of alcoholic beverages is prohibited on any beach. For the purposes of this section, any person found within reasonable reach of an alcoholic beverage is deemed to be in possession.

B. Vehicles are prohibited on any beach. No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and those City vehicles designated for public works purposes.

C. Overnight camping on beaches is prohibited. No person or group may camp or otherwise set up temporary, overnight shelter on a beach for any purpose. "Overnight" is defined as any time following sunset and before sunrise.

D. Camp fires or burning on beaches is prohibited. No person or group may have a camp fire or otherwise burn on a beach for any purpose.

D-E. See the City’s Beach Management Plan for further information on these restrictions and other expectations and rules.

§ 118-11 Headway speed only zones.

A. Headway speed only zones shall be established by the Coastal Waters Commission for the tidal areas of the Saco River and Saco Bay.

B. Designated headway speed only zones will be marked appropriately with buoys, signs or other reasonable markers likely to come to the attention of boaters. All types and locations of markers or buoys placed into the river or harbor will be approved by the authority having jurisdiction over navigable waters.

C. Once approved, buoys will be placed in the designated areas by the Harbor Master or by an independent contractor hired by the City with the recommendation of the Harbor Master and Coastal Waters Commission. Placement of buoys or markers within the areas shall be at the discretion of the Harbor Master.
D. These zones will be reviewed periodically to ensure that they do not conflict with state or City law and reflect the needs of the citizens of Saco.

E. Pursuant to 38 M.R.S.A. § 281, whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of Saco or upon the offshore waters within the jurisdiction of the State of Maine at a speed greater than is reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings or shores, and for any other conditions then existing shall be guilty of a Class E crime. Further pursuant to 38 M.R.S.A. § 285, every law enforcement officer in the State of Maine, including harbor masters and their deputies, shall have the authority to enforce these laws, and in the exercise thereof shall have the authority to stop and board any such watercraft, vessel, or motorboat found in violation. It shall be unlawful for the operator of any such watercraft, vessel or motorboat to fail to stop upon hail from any such officer, and a violation of the same shall be punished as a Class E crime. [Added 2-3-2014; amended 3-17-2014]

§ 118-12 Use of dune area.

A. No traffic of any kind, vehicular or pedestrian, may enter or use any area of the beach wherein so-called dune grass is growing. It shall also be a violation of this section to burn, crush, uproot, poison or in any other manner kill, injure or remove any dune grass or any other vegetation growing on the beach.

B. For the purposes of this section, subsequent violations will have been committed for each square foot of dune grass damaged, injured or destroyed.

II. Enforcement by Harbor Patrol or the Harbor Master.

§ 118-13 Waste and refuse.

No person or vessel shall discharge, deposit, throw, sweep or cause to be deposited or swept into or upon the waters of Saco or into waters adjacent thereto any gas, fuel, coolant, oil, bilge water, human waste, ashes, dirt, stone, gravel, mud, logs, planks or any object or substance tending to pollute or obstruct the harbor or waters adjacent thereto or to shoal the depth of said waters. No person or vessel shall discharge, dump or dispose of any refuse, garbage, offal, gas, oil, fuel, coolant, waste, fish waste, or any other object or substance tending to pollute upon any shore of the City of Saco.

§ 118-14 Disorderly conduct.

No person shall conduct him or herself for utilize the facilities in such a manner that disrupts the use or enjoyment of the pier and its facilities by other pier users. Such conduct may result in the forfeiture of pier use permission after:

A. First instance, a verbal warning by the Harbor Master;

B. Second instance, a written warning by the Harbor Master; and

C. Third instance, revocation of pier use permit.

III. Enforcement by the Harbor Master.

§ 118-15 Derelict vessels.

An owner, captain or operator of a vessel allows that vessel to become derelict if:

A. The vessel lacks any license or registration, the prerequisite of which is required by state or local authority to allow operation of such vessel in the harbor;

B. The vessel is submerged to a level substantially above its normal water line and remains so for a period greater than 48 hours;

C. The vessel is damaged to the extent that it cannot be moved under its own power; or
D. The owner, captain or operator of the vessel has failed or refused to comply with the lawful orders of the Harbor Master, Assistant Harbor Master or a law enforcement officer. A violation of this section will have a mandatory minimum fine of $250 that may not be suspended;

E. The owner of the vessel has failed or refuses to pay any applicable license fee, excise tax, harbor usage fee, mooring fee, dock or landing fee or any other service fee imposed by the City or Harbor Master. A violation of this section will have a mandatory minimum fine of $250 that may not be suspended.

F. Disclosure of vessel ownership. This section Applications for pier use or mooring permits must disclose the requires the disclosure of ownership of any vessel operating within the statutory limits of the City of Saco and further requires disclosure of all corporate, partnerships, trusts and any other nonindividual, including those persons undisclosed, anonymous or otherwise unidentifiable principals, responsible for the maintenance of property and vessels and accountable with respect to violations of this chapter.

G. Order of disposal; abatement of violation by the City and recovery of costs.

(1) When the Harbor Master, after notice in writing to the owner of any derelict vessel by regular mail or by publication in a newspaper in the county three weeks successively, and after a hearing on such matter, adjudge that such vessel was or is derelict, dangerous or a nuisance, they may make and record an order prescribing what disposal shall be made thereof. The City Clerk shall deliver a copy of such order to a constable or deputy sheriff, who shall serve such order, if the owner is a resident of the state, with an attested copy thereof, and make return of his or her action thereon to the Clerk forthwith. If the owner or part owner is unknown or resides outside this state, such notice shall be given by publication in a paper published in the county for three successive weeks.

(2) If no application is made to the superior court, as is provided in this section, the City Council shall cause such vessel to be abated, removed or altered in compliance with its order, and all expenses thereof shall be paid to the City within 30 days after demand, or may be recovered of such person by an action for money paid.

(3) Any owner aggrieved by an order made pursuant to this section may, within 30 days after such order is so made and filed, apply to the superior court which shall forthwith, after notice and hearing, affirm, annul or alter such order.

(4) If the court affirms an order made pursuant to this section, costs shall be recovered by the City; if it wholly annuls such order, the applicant shall recover costs; and if it alters it in part, the court may render such judgment as to costs as justice requires.

§ 118-16 Obstruction of public wharf, dock, landing or pier.

No person shall obstruct a wharf, dock, landing or pier by intentionally or knowingly:

A. Obstructing, by any means whatsoever, the free use of any public wharf, dock, landing or pier and is not actively engaged in the loading or unloading of persons, product or cargo; or

B. Allowing a vessel under that person's control or ownership to remain tied, moored or affixed to a public wharf, dock, landing, float or pier without authorization from the Harbor Master and payment of appropriate docking fees.

Possession of a Pier Use Permit does not excuse the above prohibitions and provide unlimited docking privileges to permit holders. Violators of this section will be subject to a $150 fine per day. Allowing a vessel under that person's control or ownership to remain tied, moored or affixed to a public wharf, dock, landing or pier without legal authorization from the City or payment of docking fees.

§ 118-17 Diving, swimming, fishing on or near public wharves, docks, landings, piers or within channel prohibited.

A. No person shall dive from or swim within 50 feet of any public wharf, dock, landing or pier. This restriction does not govern or limit special events sanctioned by the City, nor commercial divers and emergency personnel or others who have been granted special permission by the Harbor Master. At no time, other than for emergency purposes, may anyone swim within the channel.
B. No person shall fish from City wharves.

§ 118-18 Obstruction of channel or inner harbor.

No person, firm, or organization may intentionally, knowingly or recklessly obstruct a channel or the inner harbor by:

A. Setting any commercial fishing gear within the inner harbor or a channel; or
B. Place or set any lobster traps, including buoys, within 100 feet of a mooring; or
C. Place, stop, or anchor any vessel within a channel without providing for adequate room for a vessel of any reasonable size to navigate safely around in both directions simultaneously.
D. Knowingly or willfully obstruct the free use of any channel or waterway within the harbor.

§ 118-19 Operation of vessel without proper safety equipment.

No person shall operate a vessel without meeting current state law. Operation of a vessel without proper safety equipment, a violation of this section, shall have a mandatory minimum fine of $150 that may not be suspended and a citation may be issued for each piece of equipment that is missing, not in proper working order or in poor condition.

§ 118-20 Storage.
[Amended 2-3-2014]

Personal property, such as lobster pots, automobiles, cradles, boats, etc., shall not be stored on City wharves or landings or within the Camp Ellis parking lot. Exemptions to this rule shall be considered on an individual basis when submitted, in writing, to the Harbor Master. The hauling-out area at Camp Ellis will be under the jurisdiction of the Harbor Master.

Article III
Rentals and Rental Agents

§ 118-21 Licensing; rental agreement.

A. Licensing—All rental agents are to acquire and maintain a current business license through the City of Saco, and secure all pertinent state and federal licenses as necessary. Furthermore, rental agents must abide by all requirements or provisions issued by the Code Enforcement Officer, Planning Board, Zoning Board or other City official.

B. All rental agents must verify, by way of demonstrated ability, the operator’s knowledge of the craft and equipment and ability to control and maneuver the craft safely. The rental agent may accept a watercraft license issued from another state or from the United States Coast Guard as proof of demonstrated ability. The rental agent may also waive the requirements of Subsection B(4) if the person renting has previously rented and demonstrated their ability with that type of equipment, within the last 30 days.

B.C. Rental agreement—A rental agent must provide, to any person whom they know to be operating a canoe, kayak, sailboat, personal watercraft (PWCs) or motorized watercraft:

(1) The occupant capacity and weight limits of the craft being rented and operated.

(2) Proper operational instruction and safety education for the craft being used. The rental agent may use an audio/visual presentation in lieu of personal instruction; however, the sole use of written instruction will not satisfy the requirements of this section.

(3) Personal flotation devices (PFDs) of adequate size and proper working order for all intended occupants of the craft.

(4) Verify, by way of demonstrated ability, the operator’s knowledge of the craft and equipment and ability to control and maneuver the craft safely. The rental agent may accept a watercraft license issued from another state or from the United States Coast Guard as proof of demonstrated ability. The rental agent may also waive the requirements of Subsection B(4) if the person renting has previously rented and demonstrated his/her ability with that type of equipment, within the last 30 days.

(5) Written information pertaining to local and state laws governing the body of water in which they will be operating and a brief description of the so-called rules of the road. For PWCs or motorized watercraft, the information will also include the laws pertaining to headway speed violations and a map indicating “headway speed only” areas.
§ 118-22 Prohibited acts.

A. The following violations, in addition to the fines outlined in § 118-28, will also result in the immediate suspension of all City business licenses and/or permits.

1. Failing to provide safety instruction. A rental agent is guilty of failing to provide safety instruction if it fails to comply with all the requirements of § 118-21, above.

2. Failing to maintain records. The rental agent must maintain written records showing that the requirements of § 118-21, above, were followed. If a waiver of § 118-21, Subsection B(4), above, is allowed, a photocopy of the watercraft license, USCG license or previous rental agreement and demonstrated ability must be included. Rental agents may not destroy these records in the event of a watercraft accident, drowning or other incident involving the rented equipment. Records may otherwise be destroyed six months following the date of rental.

B. No rental agent may continue to operate until the violations have been corrected and the City is satisfied with those corrections.

C. Failing to provide safety instruction. A rental agent is guilty of failing to provide safety instruction if it fails to comply with all the requirements of § 118-21, above.

D. Failing to maintain records. The rental agent must maintain written records showing that the requirements of § 118-21, above, were followed. If a waiver of § 118-21, Subsection B(4), above, is allowed, a photocopy of the watercraft license, USCG license or previous rental agreement and demonstrated ability must be included. Rental agents may not destroy these records in the event of a watercraft accident, drowning or other incident involving the rented equipment. Records may otherwise be destroyed six months following the date of rental.

E. No license/violation of licensing agreement. Any rental agent who fails to obtain or maintain a current City business license; or, who fails to abide by the requirements of § 118-21, is guilty of this violation.

§ 118-23 Agent negligence: City's right to recovery of costs.

A. When a rental agent fails to follow the provisions of this article and an accident or incident occurs that requires the use of City services or requires the City to hire or fund private businesses or other government agencies as a result of the accident or incident, the rental agent shall be responsible for reimbursement of all associated costs.

B. These services include, but are not limited to: police, fire, rescue, or other emergency services; divers; water recovery specialists; engineers; environmental or hazardous materials specialists or companies; product inspectors, investigators, private consultants, attorneys, and/or legal expenses.

Article IV

Camp Ellis Pier, Parking Lot and Public Landing Regulations

§ 118-24 Pier use regulations.

A. No person who owns, leases or operates a commercial or recreational boat or vessel shall use a public wharf, dock, pier or pier unless they shall first obtain a permit therefor, as is hereinafter provided. A pier use agreement must be signed prior to the issuance of a user permit.

B. No person who owns, leases or operates a commercial or recreational vessel shall store said boat or vessel on any public wharf, dock, pier or parking lot.

C. All said pier use and mooring permit fees shall be paid to the City of Saco through City Hall and a receipt for same presented to the Harbor Master.

D. User fees, mooring fees and parking fees are to be established annually by the City Council, by resolution, after a public hearing, as recommended by the Coastal Waters Commission.

E. Commercial pier use permit holders have priority use of the hoists for loading and unloading perishable products. No person or vessel shall impede access to the hoists unless actively loading or unloading. Obstruction access to the pier or hoists while waiting for shore support vehicles is strictly prohibited. Such conduct may result in the forfeiture of pier use permission after.
(1) First instance, a verbal warning by the Harbor Master;

(2) Second instance, a written warning by the Harbor Master; and

(4)(3) Third instance, revocation of pier use permit.

The use of the beaching piles located adjacent to the public landing will be available to pier use permit holders. The maximum size boat to use the piles shall not exceed twenty thousand-pound displacement. Proper support must be installed under a berthed boat prior to allowing people to go into the boat fall area. Boats may only be berthed on the north side of the piles to maintain access to the public landing at all times. Berthed boats may remain at beaching piles for one full tide cycle.

F.G. Exceptions. [Added 2-3-2014]

(1) Noncustomary, short-term exceptions to these regulations may be allowed at the discretion of the Harbor Master, and may include:

(a) Use of the pump-out station.
(b) Pick-up or discharge of passengers.
(c) Use of the restroom facility.

(2) Short-term exceptions may not exceed 15 minutes. Individuals who become customary pier users must obtain a pier use permit. For the purposes of this section, "customary" is defined as a short-term pier use that is repeated more than twice per month.

H. Any permit issued hereunder may be revoked if the Harbor Master determines that any portion of a permit holder’s application contains false or misleading information. Any revocation may be appealed as set forth herein. [Added 2-3-2014]

I. No trash, gear or bait barrels may be left unattended on the pier.

J. Use of the floats attached to the pier shall be prioritized to their designated status, for example:

(1) Charter vessels have priority use of the charter vessel floats.

(2) Maintenance of vessels shall occur on the maintenance floats, or on the downriver floats after 7:00pm.

K. Floats are intended for loading and unloading of crew, passengers, gear, cargo, or product. No vessel may be left unattended on any float without express permission of the Harbor Master. Failure to obtain permission will result in a $150 fine.

§ 118-25 Camp Ellis Pier and Parking Lot Fund.

A. Purpose. The City of Saco operates and maintains a parking and docking facility at Camp Ellis for the benefit of the general public. The purpose of this section is to create a special revenue fund into which all the proceeds derived from the pier and parking lot shall be deposited. A transfer of funds allocated to this account shall be budgeted each year by the City, in whatever amount is suitable for the maintenance and expansion of public facilities at the Camp Ellis pier, parking lot, and other marine related uses as deemed necessary by the Harbor Master or the Public Works Director, recommended by the Coastal Waters Commission and approved as part of the annual budget process by the City Council.

B. Source of revenues. All revenues derived from the pier and parking lot, including but not limited to fees for parking cars and fees for mooring and docking, shall be deposited into this account.

C. Use of revenues. Funds in the Camp Ellis Pier and Parking Lot account shall be used for the expansion and maintenance of the Camp Ellis parking lot, pier, boats, City-owned moorings, waterways and other marine-related uses, as recommended by the Saco Coastal Waters Commission and approved by the Director of DPW or the Saco City Council.

§ 118-26 Pier use permits.

A. There shall be three-four types of pier use permits.

(1) Commercial vessel pier use.
(2) Charter vessel pier use.

(3) Recreational vessel pier use.

(4) One day pier use (not to be used for unloading commercial catch).

B. Establishment of permit limitations. The Harbor Master will establish the maximum number of pier use permits to be granted within each type, described above. A waiting list will be established for persons desiring a pier use permit when the maximum number has been reached.

C. Pier use by mooring permit holders. A mooring permit holder who wishes to maintain a vessel at the pier shall obtain a pier use permit.

D. Charter vessel users shall provide at the time of execution application for of a pier use permit a current certificate of insurance showing a minimum liability coverage of $1,000,000, which policy must name the City of Saco as an additional insured. Said insurance must remain in effect prior to and during all commercial activity. [Added 2-3-2014]

E. Pier use permits may not be utilized by the permit holder to assist another vessel owner land their catch in order to avoid payment of the fee for a daily pier use permit. Such action may result in revocation of the pier use permit.

D-E. One day pier use permits must be obtained prior to pier use. Failure to pay the fee for a one day pier use permit may result in a fine equal to the fee for a commercial vessel pier use permit.

§ 118-27 Traffic and parking regulations.

A. The City of Saco has constructed a launching ramp and parking lot, for use by the public, on the shore of the Saco River at Bay Avenue in Camp Ellis, between the extension of North Avenue and East Avenue. There are no existing ordinances to control traffic and regulate parking for the public good and safety of the public which will be using these facilities. The following rules and regulations are hereby adopted, and the Chief of Police is hereby authorized and directed to the proper signs and controls to enforce these rules and regulations.

B. Public lot and public landing rules and regulations shall be; [Added 2-3-2014]

   (1) Diagonal parking within marked spaces only.

   (2) No parking after 1:00 a.m. until 5:00 a.m. from May 1 through September 30 and from 10:00 p.m. to 5:00 a.m. from September 30 through May 1, except for pier user permit holders who are aboard their vessels and have duly notified the Dock Steward or the Harbor Master of their intent to be at sea overnight. Crew members must obtain the proper receipt for overnight parking and notify the Dock Steward or the Harbor Master. Any other overnight parking constitutes storage, which is prohibited by § 118-20.

   (3) Five-miles-per-hour speed limit.

   (4) No parking in front of launching ramp.

   (4) No parking on the pier unless actively loading or unloading.

   (5) Boat trailers are to be parked only in designated areas.

   (6) Camping is not permissible permitted.

   (7) Parking violators shall be towed away at the owner's expense.

   (8) All cars and trucks parked in the parking lot shall prominently display a current pier user sticker or seasonal parking sticker issued by the City, unless they are paying the daily parking fee. A seasonal parking permit or the elderly residents permit is only transferrable to other vehicles registered in the City by the resident. A commercial vessel pier use permit stays with the permit holder and is transferrable to another vehicle.

Article V

Bay View Parking Lot


A. Purpose. The City of Saco operates and maintains a parking facility at Bayview Beach for the benefit of the general public. The purpose of this section is to create a special revenue fund.
D.  CHAPTER 230 – ZONING, SITE PLAN AND SUBDIVISION ORDINANCE – (PUBLIC HEARING)

On February 20, 2018, the City Council voted to adopt the 2018 update of Saco’s Comprehensive Plan. The 2018 Comp Plan update was the result of nearly two years of review and discussion by the ad-hoc committee and City Staff. The community’s next step was to update the Zoning Ordinances to align with the City’s land use vision: The most forward-thinking land use policies in the State of Maine that ensure financial stability, environmental sustainability, and provides opportunities and accessibility to all.

The City Council formed the Zoning Ordinance Revision Steering Committee on October 15, 2018. After a competitive RFP process in Fall 2018, the City contracted with planning consultants TZM Planning and EF | Design...
& Planning, LLC to update Saco’s Zoning Ordinance. In January 2019, the City and the consultants initiated an online survey of Saco’s residents and property owners, soliciting input on zoning-related topics that warrant further discussion by stakeholders. A total of 1,088 people participated in the survey. A public charrette was held on February 7 at the People’s Choice Credit Union, where over 70 people participated.

Based on the public input, feedback, and direction from the Steering Committee, City Council, Planning Board, Historic Preservation Commission, Conservation Commission, other City boards and committees, and City Staff from all departments, Draft 2 of the land use ordinances were completed late August 2019.

The ZOR Steering Committee and the Planning Board held individual work sessions and a joint work session, to review the Draft 2 documents. The City Council held a workshop on September 9, 2019. The City also hosted two public forums on September 10th and September 11th. About a dozen residents attended each open-house style meeting and provided valuable input. Feedback from these forums and City boards and committees was compiled and integrated into a final draft (draft 3) that went to a City Council workshop on October 7, 2019. The draft 3 of the Zoning Ordinances then went to a Planning Board Public Hearing on October 22, 2019, where over 50 people attended and provided valuable input, valid concerns and comments. The Historic Preservation Commission held a Public Hearing on October 22nd, where several people attended. The Planning Board continued the Zoning Ordinances discussion at their October 29th meeting, heard additional public comments, and approved a draft report to go to the City Council for acceptance, the same evening as the Public Hearing to be held at the City Council meeting on November 4, 2019. At that October 29th meeting, the Planning Board directed staff to review the new recommendations for revisions and report back to the Planning Board at their November 5, 2019 meeting.

Subsequent to the October 29th Planning Board meeting, city staff reviewed the recommendations for revisions and changes. Many of these recommendations and revisions will require further research and merit discussion at the Planning Board level. As a result, staff recommends extending the process through spring, being able to ensure that we have captured all the necessary revisions. This extension enables us to move forward with one cohesive document. The City Council will still hold a public hearing for the proposed revised Zoning Ordinances on November 4, 2019.

The Historic Preservation section of the Zoning Ordinance has received a positive recommendation from the Planning Board, with the second and final reading and vote of approval set for November 18, 2019.

Draft 3 of the Zoning Ordinance, Site Plan Review Ordinance, and Subdivision Ordinance is posted online here. Links to the specific Ordinances and proposed zoning map are following:

The third draft of the proposed land use ordinances are available:  Zoning Ordinance (Draft 3 updated with legal edits 10/18/19)  Zoning Map (Draft 3 - 10/2/19)  Site Plan Review Ordinance (Draft 3 updated with legal edits 10/18/19)  Subdivision Ordinance (Draft 3 updated with legal edits 10/18/19)

Councilor Johnston moved, Councilor Smart seconded to open the Public Hearing on the Zoning Site Plan, and Subdivision Ordinances and Zoning Map. The motion passed with seven (7) yeas.

Patrick Fennell, 745 Portland Rd. – Resident of Saco for 62 years and a resident of Portland Road for 61 years. I September I learned that the Zoning View Committee had a public forum and that single family homes would no longer be permitted on the Portland Road. In 1981 I was given a piece of land by my folks to build a home out in back of theirs on the Portland Road and I have lived there ever since. I no place than I would rather live than where I ‘am. Along with myself and my neighbors on one side the Bergeron’s and the other side the Lombard’s they have had ideas of giving their children a piece of land in order to build a home on. We have a daughter and we may want to do the same also. The committee has heard our concerns and it looks like they will be adding single family homes back to the Portland Road zone with conditions. I hope the city council would support that provided that the conditions are appropriate I present that idea to you. Mayor Lovell noted that would be heard but they are postponing it for a couple more months.

Linda Fenderson, 97 New County Road – My husband and I have a farm on New County Road and we are farmers. We have done farming for I don’t know how long, but forever. Now, it is going to be rural residential. I’m very concerned about our taxes going up and our ability to be able to stay on the farm as a farm. I think that is wrong and
I don’t know what we can do about it. I feel like I’m helpless and I need to be sort of grandfather clause or something so that we don’t get those higher taxes. Thank you. Mayor Lovell noted that as he understands it, they are looking at a name change from rural residential because it does give that connotation. Certainly, conservation zone which is what it is called currently is a nice name or perhaps agricultural zone. That will be coming up in a few months. I agree with you that farms are a very important part of Saco. Ms. Fenderson stated that they intend to keep it as a farm and try to stay a farm for ever and I don’t know what this is going to do to our taxes. People are going to be going down our throats trying to buy land now because it is residential.

Tony Armstrong – Real Estate Developer – I’m here tonight as I have been before representing 2 clients. One client is the O’Donnell Trust, which owns about 30 acres in both land on the south west corner of Cascade Road and Portland Road. They also own the Elegant Homes mobile park. But that 30 acres of land is more closer to 40 acres of land and is subject to development, opportunities, pressures etc. So, we got involved in this process a few weeks back I first want to compliment the staff of the city for the incredibly hard work they have done on this draft ordinance and it does get complicated. I have looked at allot of ordinances in my time and I must say this is quite a breakthrough in the way you approached it and simplified it for the residents and other developers etc. who approach that ordinance. At the same time there were some issues that were brought up in regard to the property that I’m involved in at that intersection. Namely, there are some issues with definitions of convenience store/gasoline station. Also, there were some new things I think in regard to the density of housing that could be developed in that area as the ordinance evolved and draft form. Thirdly, there was questions about the mobile home overlay district and where mobile homes parks could go in the Portland Road zone. So, staff has responded to our questions and we are working on those kinds of things and issues and that is great. So, we really appreciate that. I think the time has now been pushed out and will allow us time to deal with those issues. The other client that I have is on the Ocean Park Road. I issue that came up there really is a kind of broader issue for the town. Currently, the ordinance allows what I would call “double density” for 55 + or certain kinds of senior housing. This seems to be eliminated in these early drafts. I went back and looked more closely to the comprehensive plan and the updated comprehensive plan and I could see like most towns there is concern about affordable housing and affordable housing for senior citizens and it specifically mentions the opportunities that come with increasing the density for senior housing which is really less need for land area per unit and of course that provides opportunities for reducing the cost of the housing. So, that is an issue that comes up in the area that I’m working in and some other zones and I think the city (Planning staff & Planning Board) ought to think about ways to encourage affordable housing and affordable housing for seniors and one of the ways to do that to keep higher levels of density for that kind of housing. I’m glad that the city staff continue to work on that as well. Thank you.

Cornelius Sawyer, 1 Plymouth Dr – I would like just to relate again these planning changes, zoning changes back to the situation that we have at 60 Bayview. Because I noticed when I looked at the introduction to these planning changes that one of the goals of this zoning restatement was to reduce or eliminate the number of non-complying sites that exist in Saco. Clearly, 60 Bayview is a non-conforming site and we would really like to push the issue to make sure that is reverted to a R-1-A status. Thank you.

Denise Clavette, Economic Development and Planning Director – Ms. Clavette read 2 letters she received.
Dear Ms. Prescott,

As agent for the John Flatley Company Fieldstone Land Consultants, PLLC (Fieldstone) is hereby submitting this letter for consideration for tonight’s City Council hearing and the proposed Zoning Ordinance Revisions.

We are submitting this letter in support of the Planning Staff’s recommendation to delay the vote on the proposed zoning revisions. As you know we were just informed of the proposal to modify the zoning for the subject property at 321 Lincoln Street from the Mixed-Use-4 (MU-4) zone to the Medium Density Residential (MDR) zone at our meeting with Planning Staff on Monday October 28, 2019. This news was a surprise to our client as they had met with staff earlier this year prior to executing a purchase and sale agreement on the property and this zoning change was not shared at this meeting. The news of this proposed rezoning raised many questions and concerns that were shared with staff at our meeting. In our opinion there are many factors that that need to be considered in rezoning the subject property. This property is unlike any other property in the area as it consists of 57.5 +/- acres of land and spans between two roads. Given the unique nature of this property we believe serious consideration should be given to this property remaining in the MU-4 zone as it gives more flexibility to the planning and overall development potentials of the property. This flexibility would benefit all parties involved. The MDR district provides for the same residential density as the MU-4 district but it limits the style of structures and the height of the structure which ultimately would yield more buildings and more sprawling development. With the MU-4 zoning a proposed development of the same density could be consolidated thereby providing additional buffering, open space area, area for recreational use which ultimately leads to a better development for the owner and the community.

Mr. Kevin Walker — John J. Flatley Company
Zoning Change Letter
321 Lincoln Street Apartments
Lincoln & Bradley Streets — Saco, ME

Many of these concerns and questions were raised at our meeting with Planning Staff which is why we support Staff’s recommendation to delay the vote on these proposed zoning changes.
Everyone stands to benefit from delaying this vote so that more thought can be put into this proposed zoning change.

We appreciate your time and consideration. Please do not hesitate to contact me should you have any questions.

Very truly yours,

FIELDSTONE LAND CONSULTANTS, PLLC

Chad E. Branon, P.E.
Civil Engineer / Principal

bergen
parkinson
ATTORNEYS

Durward W. Parkinson
Danielle M. Quintan
Leah B. Ruchin
Eriel E. Sherman
Laura H. White
Of Counsel
Barbara L. Balik
Michael W. Macleod-Ball

October 29, 2019

VIA ELECTRONIC MAIL ONLY

City of Saco City Council and City of Saco Planning Board
Attn: Denise Clavette, Planning & Development Director
300 Main Street
Saco, ME 04072
e-mail: dclavette@sacomaine.org

RE:  Addendum to October 18, 2019 letter regarding the Proposed Zoning Ordinance and the Portland Road District.
Dear Denise:

This letter is intended as an addendum to the letter I sent on October 18, 2019 and contains suggested revisions to the Proposed Zoning Ordinance regarding certain uses in the Portland Road District: 1) gas stations and convenience stores; 2) mobile home parks; and 3) Master Planned Developments, as follows:

Convenience Stores and Gas Stations in Portland Road District

I propose adding Gas Stations and Convenience Stores as Conditional Uses in the Portland Road District (and other appropriate Districts), and defining them as follows:

CONVENIENCE STORE

A retail business selling convenience merchandise, including but not limited to items such as foodstuffs, non-prescription medical supplies, sanitary supplies, newspapers, emergency home repair articles, household cleaners, toiletries, other similar items and including motor vehicle fuels or electric charging stations on premises, and which may include a fast-food restaurant as an integrated part of the business operation.

GAS STATION

Buildings and premises where gasoline and other motor vehicle fuels may be dispensed, including retail sales of oil, grease, batteries, tires and automobile accessories, other retail sales consistent with a Convenience Store, and including but not limited to other related uses such as car washes, vehicle repairs, and electric charging stations.

Mobile Home Parks

The Proposed Zoning Ordinance allows Mobile Home Parks as a Conditional Use in the Portland Road District. Section 713 of the Proposed Zoning Ordinances sets forth the standards and requirements for Mobile Home Parks but does not establish minimum lot and yard requirements.

In order to clarify these requirements, I propose an amendment to the Proposed Zoning Ordinance which expressly incorporates the existing Mobile Home Park Overlay District and the Mobile Home Park Overlay District Minimum Lot and Yard Requirements, Table 412-2 to the Zoning Ordinance (enclosed with this letter for reference).

Master Planned Developments

The Master Planned Development Section, Article VIII of the Proposed Site Plan Review Ordinances ("MPD"), allows mixed-use planned developments in the Portland Road District upon approval by the Planning Board. The section encourages multifamily dwellings among the permitted uses within this type of development. However, the section does not specify whether the dimensional requirements included in Table 4-1 of the Proposed Zoning Ordinance apply to MPDs.

The approval criteria listed for MPDs indicates that the overall character of these developments should be urban in character and provide a highly-integrated development of diverse mixed-uses. Emily Cole-Prescott, Town Planner, has stated that the MPD Section gives the Planning Board flexibility in determining appropriate dimensional standards in these developments, but the ordinance is vague as currently written needs to be revised to expressly support and authorize such flexibility and provide parameters for determining the appropriate density.

We propose that that MDP section should be revised to authorize the Planning Board the express ability to waive or restate the dimensional standards in Master Planned Developments. We propose adding a Subsection B to Section VIII as follows:

§ VIII5 Tract Size

B. MPDs are intended to result in a highly integrated development of diverse residential and non-residential uses of an urban rather than suburban character.

1. The minimum lot area for residential and multi-family housing in MPDs is 5,000 square feet per dwelling unit.

2. The Planning Board may waive or permit adjustment to the minimum lot area and other dimensional standards set forth in Table 4-1 of the Zoning Ordinance in order to achieve the purposes of this Section.
Councilor Johnston moved, Councilor Smart seconded to close the Public Hearing and send the Zoning, Site Plan and Subdivision Ordinances and Zoning Map back to the Planning Board for further review. The motion passed with seven (7) yeas.

Councilor Johnston moved, Councilor Smart seconded to further move to accept the Planning Board and Historic
Preservation Report on the proposed Historic Preservation section, Article 19, and set the second and final reading for November 18, 2019. The motion passed with seven (7) yeas.

Councilor Johnston moved, Councilor Smart seconded to further move that the City Council send the Historic Preservation section, Article 19 of the proposed Zoning Ordinance to a second and final reading and vote on November 18, 2019. The motion passed with seven (7) yeas.

TO: City Council  
FROM: Historic Preservation Commission  
DATE: October 29, 2019

On October 22, 2019, the Historic Preservation Commission held a public hearing on Draft Three of the Zoning Ordinance’s Historic Preservation provisions (Article XIX), revised through October 18, 2019. Four members of the public spoke at the hearing with comments and questions about the proposal. Two members of the public also asked questions about other sections of the Zoning Ordinance relative to height requirements in the Downtown, and asked questions about timeline and process. The Commission addressed every question relative to the public hearing on the Zoning Ordinance’s Historic Preservation provisions (Article XIX), noting that the Commission has discussed ordinance revision for many months, and although dimensional height requirements are determined by other sections of the Zoning Ordinance, the Commission completes design review of proposals in the Historic District, and must make a finding on height compatibility within the District, per section 1914 (A) of Draft Three. After close of the hearing, the Commission discussed the proposal and considered public comment. The Commission also considered items to add to its list of subsequent amendments, which list will be forwarded to the City Council on a future date.

The Commission requested that City staff compile a draft report with the following amendments to proposed Article XIX of Draft Three:

- Section 1912 (B): revise to indicate that a complete application must be reviewed and decision rendered within ten working days, rather than the proposed fifteen.
  - This revision updates the section as follows: “Applications for minor alterations shall be reviewed by the City Planning and Development Department rather than the Commission. The City Planning and Development Department may review the application to the standards cited in this chapter, and approve the application, approve it with modifications, or deny it within fifteen (15) ten (10) working days of receiving a complete plan.”

- Section 1912 (E): revise to reflect ten working days instead of the proposed 25 working days.
  - This revision updates the section as follows: “If the City Planning and Development Department has not acted within fifteen (15) ten (10) working days, the applicant may seek approval from the Commission, rather than the Department. Inaction by the City Planning and Development Department does not constitute approval or disapproval of the application.”

On October 29, 2019, the Commission held a meeting to review the draft report compiled by City staff. After review and discussion, by a unanimous vote, the Commission approves and forwards this report regarding the Draft Three Zoning Ordinance’s Historic Preservation provisions (Article XIX) to City Council, and recommends enactment of the same with the above amendments.

E. BUDGET AMENDMENT 3 – INCREASE POLICE DEPARTMENT STAFFING – (SECOND & FINAL READING)

This amendment will increase the number of Saco Police Department sworn officers from 35 to 37. The police department has not added any patrol officer positions since 2000 and the city has grown approximately 16% over that
period. Approval of this budget amendment affords the police department the opportunity to adequately respond to community concerns, traffic complaints, and improve employee retention.

Councilor Johnston moved, Councilor Smart seconded “Be it ordered that the City Council approves the second and final reading of Budget Amendment #3 FY2020. Further move to approve the order. The motion passed with seven (7) yeas.

City of Saco
FY 2020 Budget Amendment Request Form
Revenue & Appropriation
Amendment # 3 - Increase PD Staffing by 2 Officers

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Notes: By making use of existing equipment, the PD is able to save taxpayers $51,960 on this budget amendment. This includes firearms, radios, and vehicles. Specifically, the PD has made changes to the fleet so that there is no need to purchase a new vehicle. Although paid out of fund balance in FY2020, this item will be added to the PD budget in FY2021 and funded out of the tax commitment.

Finance Director certifies that funds are available:

Denys Salas, Finance Director

Mayor Lovell called for a 10 minute recess at 7:29 p.m.
Mayor Lovell resumed the meeting at 7:45 p.m.

VIII. ADMINISTRATIVE UPDATE

Mayor Lovell read an update from City Administrator Kevin Sutherland as follows:

- Smell on Route 1 Expenditure - He did a contract without an RFP because of sole source. It is the only outfit that works on this. Councilor Johnston stated that Mr. Sutherland authorized an expenditure without an RFP to deal with the smell on Route 1. Urgency and sole source were my reasons. I just wanted the publicly share with council as required by policy. I will give further details next week.

IX. COUNCIL DISCUSSION AND COMMENT

- Councilor Archer – I just wanted to bring to the council’s attention and many people know that I shave all the time. It is no-shave November for cancer research so I will probably look like Joe at the end of this
month. So, I’ll shave on the first, but I will clean up the neck though.

➢ Councilor Gay – Everybody get out and vote tomorrow your single vote is very important.

➢ Councilor Copeland – Cascade Falls Park – I just want to let everybody know that the Cascade Falls Park has had a great work party there this past weekend on Saturday and it was amazing to see so many caring community members out there with chain saws and paint and rakes and cleaning up. You know there was kids there and people of all ages and it was a beautiful way to see the community come together and care about nature. The waterfalls are now accessible. You can go in there and there’s a blaze trail on down there and take the pink blaze and your eyes will be delighted. I want to thank Saco Bay Trails folks, Ryan Gorman and the Saco Conservation Commission and all the people who just showed up and were there. So, continue to support our parks and our trails and volunteer and we will have a beautiful community. I went to another event at the Community Center. The Saco Parks and Recreation put on in coordination with Age Friendly Saco there were several seminars, I think. Four different break-out groups of issues affecting seniors and they can learn from and they had a Wellness Fair and a raffle and even the guys from the car dealership came down and helped people who had a hands-free, because now we have the hands-free law on their phone to connect their phone with their car, so they are safe. There was a lunch as well and it was wonderful see everybody come together and learn and support seniors and this is just what community is all about and I’m really proud. Mayor Lovell noted this was the 8th Annual Wellness Fair. Councilor Copeland also noted they had hearing devices and a woman talk about them and all kinds of wonderful things. I actually got my flu shot there. It was a great way to support the community.

➢ Councilor Minthorn – I would just like to encourage everyone to be safe on Friday as we get our first snow of the season and don’t overdo in case it is a heavy wet snow.

X. EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Gay seconded “Be it Ordered that the City Council enter into executive session, pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6)]: (E) Consultation with Counsel regarding City Administrator Search.

Mayor Lovell noted that there are actually 2 matters, City Administrator Search and apparently something associated with the Department of Labor Regulations.

The motion passed with seven (7) yeas. Time: 7:51 p.m.

XI. REPORT FROM EXECUTIVE SESSION

Mayor Lovell, Councilors: Archer, Gay, Doyle, Copeland, Minthorn, Smart, and Johnston and the City Administrator were all present.

Councilor Minthorn moved, Councilor Smart seconded to come out of Executive Session pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6)]: (E) Consultation with Counsel regarding City Administrator Search. The motion passed with seven (7) yeas. Time: 9:36 p.m.

Councilor Minthorn stated there was no report this evening.

XII. ADJOURNMENT

Councilor Minthorn moved, Councilor Gay seconded to adjourn the meeting. The motion passed with seven (7) yeas. Time: 9:37 p.m.

Attest: ____________________________

Michele L. Hughes, City Clerk