

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Council Minutes held on September 5, 2006.

- I. CALL TO ORDER** – On Tuesday, September 05, 2006 at 7:00 p.m., a Council Meeting was held in the City Hall Auditorium.
- II. ROLL CALL OF MEMBERS** – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr., Arthur Tardif, Eric Cote and. Councilors Ronald Morton and Jesse McDougal were excused this evening. Councilor Roland Michaud was absent.

Mr. Richard R. Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also in attendance this evening.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES:

Minutes were not submitted this evening.

V. GENERAL:

VII. CONSENT AGENDA:

A. Appointment to the Assessing Board of Appeals

Confirm the Mayor's Appointment as a full member to the Board of Assessment Review, Rotha K. Chan, with a term to expire in September of 2011;

B. Vantage Retirement Health Savings Program

Approves the 'Resolution of the Vantage Retirement Health Savings (RHS) Program, dated September 5, 2006; the 'City of Saco Retiree Medical and Dental Expense Reimbursement Plan, dated September 5, 2006'; and further moves to authorize the City Administrator to sign the 'VantageCare Retirement Health Savings Plan Implementation Data Form' and the 'Employer VantageCare Retirement Health Savings Plan Adoption Agreement';

C. (Second & Final Reading) Code Amendment Group Insurance Plan

Approves the Second and Final Reading of the code amendment described in the document entitled 'Personnel Ordinance, Chapter IV Fringe Benefits sub-section 34-25. Group Insurance Plan dated June 26, 2006;

D. (Second & Final Reading) Zoning Ordinance, §707: Amendment to Sign Regulation

Approves the Second and Final Reading of the document entitled, 'Amendment to Zoning Ordinance sub-section 707. Signs, dated June 13, 2006;

E. Application Licenses to Operate Game of Chance - Saco Eagles #3792

Grant the Game of Chance application submitted by the Fraternal Order of Eagles 3792 for Sealed Tickets from September 2006 to September 2007.

Councilor Smith moved, Councilor Tripp seconded, to approve the Consent Agenda. The motion passed with four (4) yeas.

Councilor Roland Michaud arrived at 7:03 p.m.

VI. AGENDA ITEMS:

A. (Second & Final Reading) Contract Zone Cascade Inn Property

Park North Development, LLC requests consideration of a contract zone in order to develop a mixed-use project on the Cascade Inn property at 941 Portland Road. The applicant, represented by Elliott Chamberlain, proposes commercial uses along the parcel's Route One frontage and at the corner of Route One and Cascade Road, a 30-unit condominium further east on the parcel, and two single-family lots at the rear of the parcel. As part of the contract zone, Cascade Falls along with 17.26 acres of open space would be conveyed to the City. The City defines a condominium as a Multi-Family Dwelling, which is not a use allowed in the B-6 zone, therefore the need for a contract zone.

A critical element of this proposal is the extension of the public sewer system along Route One approximately 0.7 miles in order to service the site. This would occur under a separate agreement with the City.

The Planning Board reviewed this item at its June 13 meeting. The Board voted to make a positive finding on each of the four standards required for a contract zone, and thereby has forwarded a positive recommendation to the Council. If the Council approves the contract zone, the project would be subject to site plan and subdivision review by the Planning Board prior to any development occurring on the site.

Councilor Cote moved, Councilor Smith seconded, that the City of Saco hereby approves the second and Final Reading of the contract zone document entitled, 'Contract Zone Agreement by and Between Park North Development LLC and the City of Saco, dated June 6, 2006', and further move to authorize the City Administrator to execute the proposed contract with applicants. The motion passed, as amended, with three (3) yeas and two (2) nays. Councilor Tardif and Michaud voted in the negative.

AMENDMENT TO MAIN MOTION: Councilor Cote moved, Councilor Smith seconded, to hereby approve the following amendments to the document entitled ‘Contract Zone Agreement by and Between Park North Development LLC and the City of Saco,’ dated June 6, 2006’, with the following amendment:

II Permit and Conditional Uses for each Parcel – Parcel 2:

9. Hotels/Inns with no more that 100 units.

III. 3 The parking lot capacity shall be no more than ten (10) vehicles, have a graveled surface and no lighting, subject to agreement between Applicant and City. Said parking lot shall be constructed no later than one (1) year after final subdivision and site plan approval of the project by the Planning Board.

III.15. The parcel identified as Tax Map 48, Lot 4 is a portion of the Subject Property and part of a larger parcel located in both Saco and Old Orchard Beach. Said parcel is crossed by the former Eastern rail line, and as such is a portion of the Eastern Trail, a multi-community off-road trail between Kittery and South Portland. The Applicant and/or Seller shall convey via either warranty or quitclaim deed, or easement, for the portion of said parcel occupied by the Eastern Trail as no less than a fifty (50) foot wide corridor to the Eastern Trail Management District for development of a paved or unpaved public recreational trail. Further, a portion of Tax Map 48, Lot 4 or of the larger parcel located in both Saco and Old Orchard Beach adequate for users of said trail to park no fewer than six (6) motor vehicles shall be conveyed to the Eastern Trail Management District by either the Applicant or the Seller. Article III.15 is subject to ownership at the time of transfer. The motion passed with four (4) yeas and one (1) nay. Councilor Tardif voted in the negative. Michaud voted in the negative.

Councilor Michaud moved, Councilor Cote seconded, to reconsider the matter in order to have discussion. The motion passed with five (5) yeas.

Councilor Michaud moved, Councilor Smith seconded, to approved the previous motion as amended. The motion passed with four (4) yeas and one (1) nay. Councilor Tardif voted in the negative.

B. (Second & Final Reading) Contract Zone Riverbank, LLC

Applicant R. Brewster Harding d/b/a Riverbank LLC requests consideration of a contract zone for the property at 44 Lincoln Street, a .88-acre parcel that includes a 6,000 s.f. commercial building. The parcel is in the R-3 residential zone, and has housed nonconforming uses in the past, including the manufacture and distribution of metal products, and the production of screen-printed clothing.

A contract zone is requested due to the existing zoning of the parcel, R-3, which does not allow retail or office uses. The property is adjacent to a mix of uses: at the corner of Lincoln and Spring Streets is a woodworking shop. Several two-family and multi-family

dwellings exist on Lincoln Street, and just to the east at the corner of Elm and Lincoln Streets are a service station and an auto repair garage. The property is just to the west of the Elm Street B-1 zone, which would allow the uses Mr. Harding proposes.

The Planning Board reviewed this item at the meeting on June 20, 2006, and the Board voted to make a positive finding on each of the four standards required for a contract zone, and has forwarded a positive recommendation to the Council. If the contract zone is approved, the project would be subject to site plan review by the Planning Board prior to the building being occupied.

Councilor Tardif moved, Councilor Michaud, seconded, that the City of Saco hereby approves the Second and Final Reading of the contract zone document entitled, 'Contract Zone Agreement By and Between Riverbank LLC and the City of Saco, dated June 20, 2006', which authorizes the City Administrator to enter into the proposed contract with applicants. The motion passed with five (5) yeas.

VIII. ADJOURNMENT

Councilor Tripp moved, Councilor Smith seconded, to adjourns. The motion passed with five (5) yeas. TIME 7:17 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk