STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

The following are minutes of the Council Meeting held on Oct., 1, 2007.

I. CALL TO ORDER – On Monday, October 1, 2007 at 7:00 p.m., a Council Meeting was held in the City Hall Auditorium.

II. ROOL CALL - Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslies Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Christopher Jacques.

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

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES: July 23, 2007; August 6, 2007; August 20, 2007
Minutes for July 23, August 6th and August 20, 2007 were approved as written.

V. AGENDA ITEMS:

D. (Public Hearing) Contract Zone Amendment – German Auto

The German Auto Services properties at 201 North Street became subject to a contract zone through Council action on March 3, 1997. The contract zone applies to two parcels, identified as Tax Map 53, Lot 170 and Map 40, Lot 21. The auto repair and sales take place on the latter. The proposed amendment focuses solely on Map 53, Lot 170, the request being that this parcel be removed from the 1997 contract zone. If approved, this parcel would revert to the underlying R-2 zone.

On June 26, 2007, the Planning Board review this item, and the Board voted to make a positive recommendation on the proposed amendment, with a single addition to the contract zone: that adequate screening be required for the business if the rezoned parcel becomes used for residential purposes as allowed in the R-2 zone.

Councilor Jacques moved, Councilor Tripp seconded, to open removed from the table the contract zone document entitled “Contract Zone Agreement By and Between German Auto Services and the City of Saco,” dated June 26, 2007 and resume the Public Hearing on said document. The motion passed with seven (7) yeas.

Bill Kany, Esq., who represents German Auto, addressed the Mayor and Council regarding the revised plan submitted by German Auto.
Councilor Jacques moved, Councilor Smith seconded, to close the Public Hearing and be it Ordered that the City Council schedule the Second and Final Reading on the ‘Contract Zone Agreement By and Between German Auto Services and the City of Saco,’ dated June 26, 2007 for October 22, 2007. Further move to approve the Order. The motion passed with seven (7) yeas.

Amendment One

Contract Zone Agreement By and Between German Auto Services and the City of Saco -- For Second and Final Reading on October 22, 2007

Contract Zone approved at First Reading:

1. German Auto will be allowed to sell vehicles from its site at 201 North Street, and to expand its existing repair facility by the addition of a building 60’ x 32’. German Auto will be allowed to sell cars to compliment its existing repair business;

Amend One:

1. German Auto will be allowed to sell vehicles from its site at 201 North Street, and to expand its existing repair facility by the addition of a building 60’ x 32’. German Auto will be allowed to sell cars to complement its existing repair business;

Contract Zone approved at First Reading:

4. As part of the site plan, the applicant shall install a 6’ high stockade fence around the area presently used to store “parts” cars. This is area is approximately bounded by the southerly property line, the easterly property line to the rear corner of the existing garage, then from the front of the garage back to the southerly property line;

Amend One:

4. As part of the site plan, the applicant shall install a 6’ high stockade fence around the area presently used to store “parts” cars. This is area is approximately bounded by the southerly property line, the easterly property line to the rear corner of the existing garage, then from the front of the garage back to the southerly property line;

Contract Zone approved at First Reading:

5. The amendments in this contract affect only the following parcel(s) of land:
   Map 40, lot 21
   Map 53, lot 170

Amend One:

5. The amendments in this contract affect only the parcel of land depicted on Exhibit “A” attached hereto and incorporated herein by reference, being parts of Map 40, Lot 21 and Map 53, Lot 170. The following parcel(s) of land:
Map 40, lot 21
Map 53, lot 170

Contract Zone approved at First Reading:

8. This contract is between the City of Saco and Larry Hancock, dba German Auto. At such time as Larry Hancock sells the property or the business, this contract is null and void.

Amend One:

8. This contract is between the City of Saco and Larry Hancock, Joseph Emmons or North Street Partners, LLC dba German Auto. At such time as none of the above continue to own Larry Hancock sells the property or the business, this contract will terminate without the express written approval of the City of Saco is null and void.

Contract Zone Agreement
By and Between
German Auto Services and the City of Saco
Dated June 26, 2007

THE CITY OF SACO HEREBY ORDAINS:
That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through January 2, 2007, is hereby amended by adopting the change in use as further described in the following contract by and between the City of Saco and German Auto Services. These amendments to the Saco Zoning Ordinance shall be subject to the following conditions and restrictions, as provided for in Section 1403 of the Zoning Ordinance:

2. German Auto will be allowed to sell vehicles from its site at 201 North Street, and to expand its existing repair facility by the addition of a building 60’ x 32’. German Auto will be allowed to sell cars to compliment its existing repair business;

3. German Auto will cause to be planted shade street trees every 50’ along its frontage with North Street. Specifically, Turkish Filbert (may be substituted with Dawn Redwood, or if not available, pin oaks) trees, of 2 ½” to 3” caliper shall be planted along the Right of Way line no later than six months following the completion of the current sewer project and the regarding the of the mobilization area;

4. All details as shown on the approved plans are hereby incorporated into this contract by reference, and the site shall be developed substantially in conformance with those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be “major” shall be submitted to the Planning Board for
review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes:

5. As part of the site plan, the applicant shall install a 6’ high stockade fence around the area presently used to store “parts” cars. This is area is approximately bounded the southerly property line, the easterly property line to the rear corner of the existing garage, then from the front of the garage back to the southerly property line;

6. The amendments in this contract affect only the following parcel(s) of land:
   Map 40, lot 21
   Map 53, lot 170

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

8. Cars for sale may only be displayed in the area shown on plan as “3 spaces for sale of used cars”.

9. This contract is between the City of Saco and Larry Hancock, dba German Auto. At such time as Larry Hancock sells the property or the business, this contract is null and void.

10. The existing business on the parcel identified as Map 40, Lot 21 is a non-residential use in a residential district. If a residential use is established on the abutting parcel identified as Map 53, Lot 170, a visual screen for buffering purposes as required in the Zoning Ordinance shall be established, and all vehicles currently stored on said parcel shall be removed, subject to review and approval by the Code Enforcement and Planning Offices.

By vote of the Saco Planning Board on January 14, 1997, and the Saco City Council on March 3, 1997, the following findings are hereby adopted.

A. The site covered by this contract is unusual in nature in that it is located adjacent to a railroad track, with and abandoned station, has been used in the past as a borrow source, as well as for industrial/commercial use, all the while being located in a residential area. It contains a pre-existing non-conforming use (auto repair).

B. The proposed use is consistent with the comprehensive plan’s Centralization Policy, which encourages infill development rather than development out of town: the Visual Impact policy, which encourages new development to maintain existing neighborhood characteristics; and the Arterial Roads Buffer Policy, which encourages large setbacks from road right of ways for disturbances.
C. The property is currently located in an R-2 zoning district, which does not allow retail sales. However, the zone currently contains several sandwich shop retail businesses, at least one automotive towing business, a catering business, and numerous small businesses. The site in question is directly across the street from a sandwich shop. The addition of retail sales of vehicles from this site, with the pre-existence of a repair facility, is consistent with uses presently existing in the district.

D. This approval is conditioned on the following items:

- Landscaping be completed as outlined above;
- Fencing installed as outlined above;
- No business material may be stored behind the building toward the Fortney or Hutcherson properties;
- No lighting may be installed or used that shines onto adjacent properties;
- No car parts, tires, scrap metal or other debris may be stored outside, unless inside a closed container;
- Any future uses for this site shall be reviewed as per the provisions of the Contract Zoning section of the Saco Zoning Ordinance.

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


Amended by the Saco City Council on ______________, 2007.

City of Saco

By_________________________  By_________________________

_________________________  ________________________

Date  Date
January 5, 2007

Robert Hamblen, City Planner
City of Saco
300 Main St.
Saco, ME 04072

Re: Property of North Street Partners, LLC ak/a German Auto Services
Located at 201 North Street, Saco, ME

Dear Bob:

I am working with German Auto Services and North Street Partners, LLC related to their property located at 201 North Street in Saco. I know that back in October James Nadeau communicated with Dick Lambert regarding that property and the desire of my clients to potentially develop a portion of the property. I am enclosing for your convenience a copy of Jim Nadeau’s October 5, 2006 letter as well as Dick’s October 3, 2006 letter related to the property.

It would be the present goal of German Auto Services and North Street Partners, LLC to amend the existing March 19, 1997 Contract Zone Agreement to restrict that agreement to the area which is occupied by German Auto Services as depicted on the attached survey plan. I have highlighted that area of the property. That property would also have the right to use the right of way which runs up the southeasterly side of the property along the Boston & Maine Railroad Corporation so that it would continue to have access off of North Street.

The idea of the amendment would be to restrict the Contract Zone Agreement to only the property that is being used by German Auto Services for its automobile repair service. The balance of the property would not be subject to the Contract Zone Agreement, and therefore, would be eligible to be developed in accordance with Saco’s Zoning Ordinance. While my clients do not have any specific plans in mind for the balance of the property at this time, they do
Robert Hamblen, City Planner
January 5, 2007
Page 2

know that the German Auto Services use will be restricted to the highlighted area. Quite frankly, it makes no sense to have the entire property tied up in the contract when a substantial portion of the property is not being used for the purposes for which the Contract Zone Agreement was entered into by the City and German Auto Services.

You and I have been over this issue of amending contract zone agreements before. I read Section 1403-8 as indicating that if a contract zone agreement, which is an amendment to the Zoning Ordinance, needs to be amended it is to be done so by the City Council. Where do you stand on that issue? I would prefer to have staff review it and make the recommendation to the Council but if the Council is going to want to have this reviewed by the Planning Board then I would like to know that. I think this is a rather simple change which does not alter the substance of the contract. Instead, it restricts the contract to the area that has been and will be used for the automotive service business and it will free up the rest of the land to be utilized for other purposes.

Once you have had a chance to review this issue, please give me a call.

Sincerely,

[Signature]

WSK/mke
enclosures
cc: Alan R. Atkins, Esq.
June 28, 2007

William S. Kany
Smith Elliott Smith and Garney, P.A.
P.O. Box 1179
Saco, Maine 04072

Re: German Auto Services Contract Zone

Dear Mr. Kany:

The Planning Board considered the request of your clients, North Street Partners, LLC, to remove the parcel identified as Tax Map 53, Lot 170 from the 1997 German Auto Services contract zone, at its meeting of June 26, 2007. As you know, both this parcel and an abutting lot, Map 40, Lot 21, were included in the 1997 contract zone. Your clients have decided to pursue other uses for the former parcel; in order to do that, it will be necessary to remove it from the contract zone agreement with the City.

The Board held a public hearing, and received no comments. You stated that M53L170 is currently being offered for lease. A shared right of way from North Street would remain, providing access for each parcel. The Board asked about setback issues that could result from the requested action, especially required setbacks or buffers between residential and non-residential uses. At the Board's direction, this Office will amend the current contract zone agreement to address this issue, making clear that screening as required in Section 807 of the Zoning Ordinance will be necessary if M53L170 is proposed for residential use.

The Board then voted to forward a positive recommendation to the City Council for the requested amendment, with the single revision regarding screening to be drafted for Council review.

If you have any questions, feel free to contact this Office.

Sincerely,

Bob Hambien
Robert Hamblen, City Planner  
City of Saco  
300 Main Street  
Saco, ME 04072  

Re:  German Auto Services / Amendment to Contract Zone Agreement  

Dear Bob:  

Enclosed please find a series of plans in which I have highlighted the area which will continue to be subject to the Contract Zone Agreement with the other portions of the two parcels that are now subject to the Contract Zone Agreement being removed. Please note that the copying company did copy plans on both sides but I have only highlighted the portion that is relevant.  

Once the Contract is amended, I will get a reduced copy of the plan up to the City to be attached to the Amended Contract.  

If you have any questions, please give me a call.  

Sincerely,  

[Signature]

William S. Kany  

WSK/mkc  
envelopes  

cc:  Joseph Emmons w/out envelopes  

22662.0001  
SMITH ELLIOTT SMITH & GARMEY 119 MAIN STREET, SACO, MAINE
A. GPCOG – Best Practices in Regional Collaboration: GIS Sharing

Memo

Date: October 1, 2007
From: Richard R. Michaud, City Administrator
To: Mayor Johnston and City Councilors

RE: Recognition Award for Best Practices in Regional Collaboration

On the Council Agenda for October 1, 2007 is the ReCOGnition award from Greater Portland Council of Governments (GPCOG). The purpose of the ReCOGnition Awards is to identify and promote success stories in local government and community-based groups and organizations with a parallel objective to encourage the replication of best practices elsewhere. The City of Saco and the Town of Scarborough were presented with a ReCOGnition Award for ‘Best Practices in Regional Collaboration’ for their exemplary effort in creating and sharing a GIS Coordinator position and further commends the leadership of each community’s public works director in the effective implementation of this shared position.

The City of Saco uses GIS (Geographical Information System) to create and distribute data and also to generate and maintain data layers. For example, parcels, streets, and fire hydrant locations. GIS is used to combine these data layers with database information to create intelligent maps. Since many decisions about the environment, planning, safety, land use, general planning, and population relate geographically, many agencies have had a long interest in the development and implementation of GIS. The City’s GIS program is centered in the Public Works Department and its key goals are to maintain and provide high-quality spatial data to all city departments and the public, to offer mapping services to citizens through our online mapping application (WebGIS), and to provide data to vendors for citywide projects.

Ms. Aimee Dubois is our GIS Coordinator; she has done an outstanding job training and supporting the City of Saco staff in using the GIS system and has created numerous issue specific maps in many different areas for the City of Saco.
Mr. Richard R. Michaud, City Administrator, accepted the award on behalf of the City of Saco. Mr. Michaud thanked Ms. Aimee Dubois dedication.

B. Proclamation – Mason’s

CITY OF SACO PROCLAMATION:

Masonic Lodge at Pepperrellborough

September 29, 2007

WHEREAS: In 1802 a group of citizens of the Town of Pepperrellborough, now known as the City of Saco, requested permission from the grand lodge of Massachusetts to establish a Masonic Lodge at Pepperrellborough;

WHEREAS: In 1827 a group of citizens of the City of Saco formerly Pepperrellborough, requested from the State of Maine, permission to establish the Saco & Biddeford Savings Institution and that it be chartered by the State;

WHEREAS: In 1855 both Saco Lodge No. 9 A.F & A.M. and Saco & Biddeford Savings Institution became tenants of the Josiah Calef Block at 112 Main Street until September 29, 1907;

WHEREAS: On September 29, 1907 Saco & Biddeford Savings Institute and Saco Masonic Lodge No. 9 A.F. & A.M. have occupied the present location at 252 Main Street in Saco;

WHEREAS: Saco Masonic Lodge No. 9 A.F. & A.M. and Saco & Biddeford Savings Institute celebrate the 100th anniversary of the building, we the citizens of Saco wish to recognize this achievement;

NOW, THEREFORE, I, Mark D. Johnston, Mayor of the City of Saco, do hereby proclaim September 29, 2007 as Saco & Biddeford Savings Bank and Saco Masonic Lodge No. 9 A.F.
& A.M. day in the City of Saco in honor of its 100th year anniversary, and ask that all join me in celebrating this great occasion.

Signed this 29th Day of September 2007

________________________________________
Mayor Mark D. Johnston

Councilor Jacques moved, Councilor Smith seconded, to approve the Proclamation. The motion passed with seven (7) yeas.

C. Southern Maine Beach Profile Monitoring Program – Presentation
   Mr. Peter Slovinsky presented a profile of the Monitoring Program for the Ferry Beach/Camp Ellis area of Saco.

VI. CONSENT AGENDA:

D. (Second & Final Reading) Code Amendment Chapter 118-6(C59 (a)) – Condition of Moorings

City Code requires that mooring buoys meet U. S. Coast Guard (USCG) Regulations. The current ordinance contains language requiring that mooring buoys be “a white ball with a blue stripe”. The USCG has revised the regulations and recommend, but do not require a blue stripe. The USCG revision ought to be reflected in the City Ordinance.

Additionally the Coastal Waters Commission and Harbor Master would like to have the mooring number and registration number of the assigned vessel displayed on the mooring buoy.

The Coastal Waters Commission met on June 6, 2007 and unanimously voted to support the following amendment to §118-6 (C5(a)) "All mooring floats shall meet US Coast Guard regulations: A white ball with a blue stripe (strike "a blue stripe") (add "mooring numbers and boat registration numbers. It is also recommended to carry a blue stripe")."

"The City of Saco hereby adopts the document titled, ‘Code Amendment Chapter 118 -6 Harbor Master; Duties C. Moorings, (5) Manner/Condition of Moorings, (a), Dated August 6, 2007’".

Code Amendment Chapter 118 -6 Harbor Master; Duties C. Moorings, (5) Manner/Condition of Moorings, (a), Dated August 6, 2007
§ 118-6 (C) Moorings
   (5) Manner/Condition of Moorings,
      (a) All mooring floats shall meet United States Coast Guard regulations: a white ball with 
          mooring number and boat registration numbers. It is also recommended to carry a blue 
          stripe.

Saco Coastal Waters Commission
Minutes of the June 6, 2007 Meeting
I. Call Meeting to Order – At 7:03 p.m. a Saco Coastal Waters Commission meeting was held at City 
   Hall.
II. Roll Call of Members – The members present constituted a quorum. The members present: Vice- 
   Chairman Robert Morowski Jr., Treasurer Robert Barris, Wayne Hutchins, Todd Stewart (7:08 p.m.), 
   Mike Gray and Thomas Casamassa. Also present: Council Liaison Roland Michaud, Asst. Harbormaster 
   Daniel Chadbourne, Deputy Director of Public Works Mark Lorello, and Public Works Supervisor Dale 
   Shannon. Chairman Joseph Stephenson (Notified), and Harbormaster Don Abbott were absent this 
   evening.

New Business
A. Moorings
2) Chapter 118 River and Harbor and Waterfront Ordinance – Amendment to §118-6(5) 
Manner/Condition of Moorings (White Ball w/Blue Stripe on Mooring Float’s) 
Mooring Buoy Requirement Ordinance Change: 
Previous Ordinance: 
Section 118 – 6 
#5 Manner / Condition of Moorings 
(a) All mooring floats shall meet US Coast Guard regulations: a white ball with a blue stripe.
New Ordinance 
Section 118 – 6 
#5 Manner / Condition of Moorings 
(a) All mooring floats shall meet US Coast Guard regulations: A white ball with mooring number and 
   boat registration numbers. It is also recommended to carry a blue stripe.

Todd Stewart moved, Robert Barris seconded to amend §118-6 (C5(a)) "All mooring floats shall meet US 
   Coast Guard regulations: A white ball with a blue stripe (strike "a blue stripe") (add "mooring numbers 
   and boat registration numbers. It is also recommended to carry a blue stripe")." The motion passed with six 
   (6) yeas.

E. Appointments to the Economic Development Commission

Confirm the appointment of Robert Quentin, 21 Scrimshaw Lane to the Economic Development 
   Commission to a term expiring on April 4, 2011.

F. Reappointment to the Economic Development Commission
Confirm the re-appointment of Mike Eon, 59 Boom Road, and Jim Breyley, 15 Isabella Lane, to the Economic Development Commission, with terms to expire on April 4, 2012.

Councilor Morton moved, Councilor Michaud seconded, to approve items D, E and F of the Consent Agenda. The motion passed with seven (7) yeas.

A. Application for License to Operate Game of Chance – Notre Dame de Lourdes

Notre Dame de Lourdes, PFTA has applied for a license to operate a Game of Chance called Wheel of Fortune to be held on October 20 and 21, 2007.

The applicant has submitted their application in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Grant the Game of Chance application submitted by Notre Dame de Lourdes PFTA.

B. Application for License to Operate Game of Chance – Eagles 3792

The Fraternal Order of Eagles 3792 applied for a license to operate a Game of Chance called Sealed Tickets from October 1, 2007 to October 1, 2008.

The applicant has submitted their application in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Grant the Game of Chance application submitted by the Fraternal Order of Eagle 3792.

C. Application for License to Operate Game of Chance – AHEPA 252

Order of AHEPA 252 applied for a license to operate a Game of Chance called Beano/Bingo for October, November, and December 2007, January, February and March 2008.

The applicant has submitted their application in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Grant the Game of Chance application submitted by the Order of AHAPA 252.

Councilor Smith moved, Councilor Michaud seconded, to approve items A, B and C of the Consent Agenda The motion passed with seven (7) yeas.
VII. ADJOURNMENT

Councilor Tripp moved, Councilor Morton seconded to adjourn. The motion passed with seven yeas. TIME: 8:40 p.m.

ATTEST: ______________________
Lucette S. Pellerin, City Clerk