STATE OF MAINE

COUNTY OF YORK                                              CITY OF SACO

I. CALL TO ORDER – On Tuesday, September 4, 2012 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith Jr., Marie Doucette, Philip Blood, Arthur Tardif, and Marston Lovell. City Administrator Rick Michaud was also present. Councilor Cote was absent this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. AGENDA
A. LABOR UNION CONTRACTS


Negotiations are complete and tentative contracts are ready for approval. The significant changes in the contracts are:

Health Insurance: Health Insurance: Agree to new insurance plan: PPO 500 with a 75% Health Reimbursement Arrangement effective first of the month following contract being signed. Employees’ share of the premium: July 1, 2012- 15% (current); July 1, 2013 -16%; July 1, 2014- 18% and Last pay period June 2015 – 20%.

And

The Teamsters Union represents the Clerical Unit, Wastewater Treatment Plant Unit and Public Safety Support (Dispatchers) Unit. Wages: July 1, 2012 – 3%; July 1, 2013 – 0%-3% based upon CPI; July 1, 2014 – 0%- 3% based upon CPI.

Councilor Lovell moved, Councilor Blood seconded “Be it Ordered that the City Council approve the following labor union contracts and authorize the City Administrator to execute the proposed contracts: ‘Teamsters Local No. 340 International Brotherhood of Teamsters Clerical Unit’, ‘Teamsters Local No. 340, International Brotherhood of Teamsters for Wastewater Treatment Plant’; and ‘Teamsters Local No. 340 Saco Public Safety Support Unit’, effective July 1, 2012.” Further move to approve the order. The motion passed with six (6) yeas.

B. CODE AMENDMENT - CHAPTER 64 ARTICLE II, §64-8 DOGS ON CITY BEACHES – (2ND & FINAL READING)

City Code Chapter 64 – Animals, Article II, §64-8 – Running at Large, August 6, 2012

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

64-8 Running At Large

A. A dog, while on any public way or place, shall be under restraint, within the meaning of this article, if it is controlled by leash or at heel voice control beside a competent person and obedient to that person's commands or on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

B. The following restrictions apply to dogs on beaches:

1. No dog shall be present on any beach at any time unless the dog is accompanied by its owner or keeper who has voice control over the dog and who is carrying a leash in the hand of the owner or keeper which can be used to restrain the dog.

2. Any owner or keeper of a dog using the beach must have with them a means of cleaning up and
disposing of any dog feces left on the beach.

3. No dog shall be present on any beach between the hours of 9:00 a.m. and 5:00 p.m. from June 15th through September 15th.

4. When otherwise allowed to be present on a beach pursuant to this section, all dogs must be leashed at the following times:

   At all times from June 15th through September 15th, except that a dog under the voice control of its owner or keeper shall be permitted to be unleashed between sunrise and 9:00 a.m. (The purpose of this exception is to allow individuals to walk, jog, run or engage in other physical exercise with their dogs in the early hours of the morning.)

Whenever the owner or keeper has been directed by a law enforcement officer to leash the dog.

------------------------------------------------End of Code Amendment---------------------------------

Mayor Johnston stated that there would be a 15 minute Public Hearing session this evening.

Councilor Blood moved, Councilor Tripp seconded “The City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, ‘City Code Chapter 64 – Animals, Article II, §64-8 – Running at Large, August 6, 2012’ and further moved to open the Public Hearing. The motion passed with unanimous consent.

Unidentified lady – She handed out an article on “Solution to seagull poop on beaches: Release the hounds”. This article stated that seagull droppings can carry disease-causing microbes like Escherichia coli and Enterococcus, which can contaminate beaches and water. Scientists have found a way to fight back, by releasing the hounds. In a new study, researchers show that unleashing dogs keeps the seagulls away and the water at the beach free of microbes. She noted that maybe Saco has a low bacteria count, because we do allow dogs on the beach. She also noted that if the present Ordinance is enforced, it will make a big difference.

Unidentified lady – She noted that the complaint about dogs is being made by one person and not an association as he would have us believe, and he is not even a full-time resident of Saco. She stated that she was disappointed that the Council and the majority of people who have been affected by this have gone through this unpleasantness because of one person. This one person also has at his disposal a private entrance to the beach and if he walks in a southerly direction the beach is nearly deserted. She noted that she was tired of people moving to this area because they apparently like the lifestyle and then try to change our lifestyle to fit their wishes. When will someone stand up and say “If you don’t like it here, go elsewhere”. As has been pointed out, there are many beaches that do have lots of rules, surely, one could settle near one of those and leave us alone. The alternative is for the majority to give up their freedom to meet the wishes of one man. Also, neither lifeguards or the animal control officer has had any complaints.

Chloe Stearns, 411 Seaside Ave. – Ms. Stearns states that her friends called the other surrounding communities (Biddeford, Scarborough, & Old Orchard), and found that they only have a few ocean front homes, so these communities are able to make laws restricting dogs, but they can’t enforce it according to them for the houses that have beach front property. Ms. Stears inquired as to whether this was going to restrict beach front property owners and are they going to be allowed to have their dogs on the beach?

Jena Kerns, 21 Cottage Ave. – Ms. Kerns has 2 dogs, Frankie and Chloe who are more than just dogs to her, they are part of her family. She noted that the reason people are having such a problem with these proposed amendment, is because it is not a compromise. The new laws will restrict dogs the best 92 days out of the year. She wants to be able to go to the beach year around between 9-5 p.m. when it is 80 degrees out and nice, but when there is a foot of snow out, you don’t care if she is on the beach with her dogs. She feels that limiting hours is not a compromise. If you ban dogs during the summer months, will the city be building a dog park where she can bring her dogs some place to exercise, because Biddeford and Old Orchard Beach have a dog park where people can take their dogs to play. Will you put in a sidewalk on Seaside Ave, so that she can walk her dogs safely to exercise them? Re-write the current proposal and make it fair for all.

Jean Labonte – Ms. Labonte noted that the bags of dog waste that were in the pictures presented last time were maybe being left there just temporarily. She stated that she has picked up after the dog, and put the dog waste bag
on the side of the beach, and gone and exercised her dogs and gone back to pick the bag up and the take to the end of the beach where the trash can is located. She asked that the Council give the people of Saco a chance to prove themselves. Please consider not restricting the dogs.

Jane Kerns, Shore Ave. – Ms. Kerns stated that the city should enforce the Ordinance we already have on the books. Try enforcing and monitoring this Ordinance for a year, and see how that works, before restricting dogs from the beaches.

Ann Saunders, 420 Boom Road – Ms. Saunders noted that the city should keep the Ordinance the way it is. She also stated that Saco Residents should have a specific place to park so that they can take their dogs to the beach.

Jonathan Gagnon, 21 Cottage Ave – Mr. Gagnon noted that changing the times that dogs are allowed on the beach will not stop the irresponsible dog owners who do not pick up after their dogs.

Major Johnston moved to close the Public Hearing, with the unanimous consent of the Council.

AMENDMENT - Councilor Lovell moved, Councilor Smith seconded “Be it ordered that the City Council adopt the following Amendments to the document titled ‘City Code Chapter 64 – Animals, Article II, §64-8 – Running at Large, August 6, 2012’ as follows:

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

B. The following restrictions apply to dogs on beaches:

1. No dog shall be present on any beach at any time unless the dog is accompanied by its owner or keeper who has voice control over the dog and who is carrying a leash in the hand of the owner or keeper which can be used to restrain the dog.

2. Any owner or keeper of a dog using the beach must have with them a means of cleaning up and disposing of any dog feces left on the beach.

3. During the months of July and August, no dog shall be present on any beach between the hours of 9:00 a.m. and 5:00 p.m. from June 15th through September 15th, unless it is leashed by its owner.

4. When otherwise allowed to be present on a beach pursuant to this section, all dogs must be leashed at the following times:

   — At all times from June 15th through September 15th, except that a dog under the voice control of its owner or keeper shall be permitted to be unleashed between sunrise and 9:00 a.m. (The purpose of this exception is to allow individuals to walk, jog, run or engage in other physical exercise with their dogs in the early hours of the morning.)

   — Whenever the owner or keeper has been directed by a law enforcement officer to leash the dog.

The motion passed with six (6) yeas.

Mayor Johnston called for a vote on the Main motion. The motion passed with six (6) yeas.

C. CODE AMENDMENT - CHAPTER 82 CONSUMER FIREWORKS – (2ND & FINAL READING)

“The Code Amendment Chapter 82 Consumer Fireworks, August 6, 2012”

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

Chapter 82 Consumer Fireworks

82.1 Purpose.
The purpose of this Chapter is to assure the comfort, convenience, safety, health and welfare of the inhabitants of the City of Saco, to protect and conserve its environment and resources by regulating the use and sale of consumer fireworks.

82.2 Definitions.

As used in this Chapter, the following term shall have the meaning ascribed to it in this section:

Consumer Fireworks has the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, but includes only products that are tested and certified by a third party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

“Consumer fireworks” does not include the following products:

(a) Missile-type rockets, as defined by the State Fire Marshal by rule;

(b) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

(c) Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

82.3 Prohibition.

No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City of Saco; provided, however, that this Chapter does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.

82.4 Penalties.

(a) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use them in the City shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than four hundred dollars ($400.00) per violation plus attorney fees and costs. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation plus attorney’s fees and costs shall be imposed.

(b) Any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell them in the City shall be punished by a fine of not less than five hundred dollars ($500.00) plus attorney’s fees and costs. For second and subsequent offenses, a fine of not less than one thousand dollars ($1,000.00) per violation plus attorney’s fees and costs shall be imposed.

82.5 Seizure and Disposal.

The City may seize consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this Chapter or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.

----------------------------------End of Code Amendment----------------------------------

POTENTIAL AMENDMENT TO THE ABOVE DOCUMENT:

Chapter 82 Consumer Fireworks:
82.3 Prohibition.

No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City of Saco; provided, however, that this Chapter does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.

82.4 Penalties

82.4 Exemptions

(a) In the area west of Interstate 95 any person may use consumer fireworks pursuant to M.R.S. Title 8, §223-A (Sale of Consumer Fireworks), provided a consumer fireworks permit is first obtained from the Fire Department.

(1) The Fire Department shall use the same criteria for consumer fireworks as is established for determining whether to issue a burn permit.

(2) Any consumer fireworks permit may be revoked or terminated by the fire department upon a determination by a fire safety officer that fireworks use endangers the public safety.

(3) No person, permittee or property owner shall cause or permit debris from the use of consumer fireworks to come to rest or remain upon the property of another.

82.4 Penalties.

(c) Any person who permits consumer fireworks debris to come to rest upon or remain upon the property of another shall be punished by a fine of not less than two hundred dollars ($200.00) and not more than four hundred dollars ($400.00) per violation plus attorney fees and costs. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation plus attorney’s fees and costs shall be imposed.

82.5 Seizure and Disposal.

The City may seize consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this Chapter or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.

D. 14 GOOCH STREET – OPTION AGREEMENT

OPTION AGREEMENT

AGREEMENT made as of this ____ day of September, 2012 by and between the CITY OF SACO, a Maine municipal corporation with a place of business and mailing address at 300 Main Street, Saco, ME 04072 (“City”) and BUILDING 108 ASSOCIATES, LP, a Maine limited partnership with a place of business in Portland, Maine and a mailing address at PO Box 3572, Portland, ME 04104 (“Tenant”).

RECITALS:
1. Tenant proposes to acquire the real estate commonly known as “Saco Island Mill Building 108” in Saco, ME as generally depicted on an initial Site Plan (“Site Plan”) by DeLuca-Hoffman dated August 9, 2012 (“Subject Premises”).

2. As part of the rehabilitation of the Subject Premises, Tenant has requested certain access and parking rights from the City as appurtenances to the Subject Premises, also generally depicted on the Site Plan.

3. As part of the proposed rehabilitation, City has requested permanent access for a walking trail across the Subject Premises, to be depicted on the final Site Plan.

AGREEMENTS:

IN CONSIDERATION of One Dollar ($1.00) and the mutual agreements set forth herein, the sufficiency of which is hereby acknowledged, City and Tenant hereby agree as follows:

1. Tenant shall have the Option to acquire from City its access and parking rights upon the terms herein stated by written notice received by City on or before December 31, 2013 (“Expiration Date”).

2. City shall convey the agreed access and parking rights to Tenant in the form of a mutually acceptable Ground Lease, which shall provide for, inter alia:
   a. A term of ninety-nine (99) years; and
   b. Rent payments of Five Hundred Dollars ($500) per year, escalating on each tenth (10th) anniversary date at a rate equivalent to the average rate of increase in the Consumer Price Index (All Urban Consumers - Boston) for the preceding ten year period; and
   c. All obligations of the parties under the Ground Lease shall commence upon execution of the lease; and
   d. At any time during the term of the Ground Lease, Tenant shall have the Option to purchase the fee interest in the Subject Premises for $250,000, or the then market value thereof at the time of election of the Option, whichever is higher; and
   e. The Ground Lease shall provide for and require that Tenant insure the premises at all times the Ground Lease is in effect with general commercial liability coverage of not less than $1,000,000.00 per claim and an umbrella policy of not less than $5,000,000.00; and
   f. The Ground Lease shall require and provide for an indemnification from the Tenant of the City for any and all claims related to or arising from Tenant’s use and occupancy of the premises.

3. Tenant shall deliver to City an Access and Trail Easement in materially the form attached hereto as Schedule A, when City shall have delivered the Ground Lease to Tenant.

4. If Tenant shall not have notified City of its election on or before the Expiration Date, all agreements and obligations hereunder shall become void and of no further force or effect, unless Tenant and City mutually agree in writing to extend their agreements and obligations.

Dated at Saco, Maine on the date herein first above written.

WITNESS:      CITY OF SACO
STATE OF MAINE
COUNTY OF ____________, ss. ____________________, 2012

Then personally appeared the above-named David H. Bateman, Manager Member of Bateman Investments, LLC, General Partner of Building 108 Associates, LP and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Building 108 Associates, LP.

Before me,

____________________________
Notary Public/Attorney at Law

____________________________
Print name

My Commission expires: ____________

STATE OF MAINE
COUNTY OF ____________, ss. ____________________, 2012

Then personally appeared the above-named _____________________, __________________ of the City of Saco and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Saco.

Before me,

____________________________
Notary Public/Attorney at Law

____________________________
Print name

My Commission expires: ____________
Councilor Lovell moved, Councilor Blood seconded “Be it Ordered that the City Council authorize the City Administrator to execute the ‘Option Agreement by and between the City of Saco and Building 108 Associates, LP’, for the real property located nearby to its Train Station on Saco Island which property permits direct access to Mill Building 108, and further described in the said Option Agreement.” Further move to approve the Order.” The motion passed with six (6) yeas.

VI. CONSENT AGENDA

Councilor Lovell requested that item #2 be pulled from the agenda for discussion and a separate vote.

Councilor Blood moved, Councilor Smith seconded to approve consent agenda items #1, 3, 4 and 5. The City of Saco hereby:

1. Approves the minutes of August 20, 2012;
3. Ordains and approves the Second and Final Reading of the document titled, ‘Proposed Amendments to the Zoning Ordinance to Create a New B-8 Office Park District and Related Amendments Recommended by the Planning Board, November 21, 2011, Revised July 10, 2012’, and the map titled, ‘Proposed Saco Zoning Map Amendments To Create a B-8 Office Park District, July 10, 2012’;
5. Grant Melissa Roope a Massage Therapist License in accordance to the Codes of the City of Saco, Chapter 138.”

The motion passed with six (6) yeas.

The complete item commentaries for the above consent agenda are located below.

#2 – ZONING ORDINANCE AND MAP AMENDMENTS TO CREATE A B-2D DISTRICT ON NORTH STREET – (2ND & FINAL READING)

Proposed Amendments to the B-2c and B-2d Districts to Accommodate Their Use on a Portion of North Street and Related Amendments
July 10, 2012

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

1. Amend Section 410-6 to read:

410-6C. B-2c and B-2d HIGHWAY BUSINESS DISTRICTS

PERMITTED USES
1. Single family dwellings
2. Two family dwellings
3. Tourist homes – Dwellings above the first floor in a mixed-use building
4. Home occupations
5. Retail businesses
6. Eating establishments (Amended 4/7/03)
7. Eating and drinking establishments (Amended 4/7/03)
8. Hotels and motels
9. Places of worship
10. Financial institutions
11. Personal services
12. Business services
13. Offices
14. Research and testing laboratories
15. Wholesale trade and warehouses
16. Hospitals and clinics for humans
17. Animal hospitals and veterinarian offices
18. Quasi-municipal or public uses
19. Private and commercial schools
20. Private clubs
21. Municipal uses
22. Essential services
23. Public utility buildings
24. Nursing homes
26. Bed and breakfast establishments (Amended 9/5/85)
27. Accessory Uses (Amended 9/5/85)
28. Repair services (Reserved) (Amended 6/4/87)
29. Funeral homes (Amended 6/4/87)
30. Home babysitting service (Amended 8/1/88)
31. Day care home (Amended 8/1/88)
32. Day care center (Amended 8/1/88)
33. Adult day services care center, Type 1 and 2 (Amended 7/1/91)
34. Nursery School (Amended 7/6/93; 1/3/95)
35. One accessory apartment in a single family dwelling (Amended 10/20/08)
36. Offices of contractors or tradesmen

**CONDITIONAL USES**

1. Multifamily dwellings
2. Health club (Reserved)
3. Boarding houses
4. Amusement centers
5. Commercial recreation
6. Masonry supply yards
7. Indoor recreation (Reserved)
8. Gas stations in B-2c only
9. Auto repair garages in B-2c only
10. Car washes in B-2c only
11. Small engine repair (Amended 4/7/03)
12. High Voltage Transmission Lines (Amended 12/15/08)
13. Registered dispensary (Amended 7/19/10)
14. Registered dispensary, grow-only (Amended 7/19/10)
15. Registered dispensary, non-growing (Amended 7/19/10)

3. Revise Table 412-1 Minimum Lot and Yard Requirements as follows:
   
   - Add footnote 22 to the Minimum Depth Front Yard in the B-2c and B-2d column to read:
     22. In the B-2d, the minimum front yard may be reduced to 25' for buildings that front on North Street west of the Industrial Park Road.
   
4. Amend Section 729. Design Standards by amending Subsection B. Applicability to read:
B. Applicability. These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1, and MU-2, and B-2d Districts shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

5. Amend Section 729. Design Standards by adding a new subsection J. Additional Standards for the B-2d District to read:

J. Additional Standards in the B-2d District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Location of the Building with Respect to the Front Lot Line. The front facing wall shall be designed so that it features enough windows and other architectural features such as porches, variation in the facade, varied roof lines, and other variation so that the front of the building addresses the public way as an important façade of the building.

b. Location of Parking and Service Areas. Parking and service areas should be located to the side or rear of buildings where feasible.

Proposed Saco Zoning Map Amendments to Create a B-2D district on North Street
July 10, 2012
Existing Zoning on North Street
July 10, 2012

The language below and the map that follows show the impact of the Amended motion on page 13:

3. Revise Table 412-1 Minimum Lot and Yard Requirements as follows:

   • Add footnote 22 to the Minimum Depth Front Yard in the B-2c and B-2d column to read:
     22. In the B-2c, B-2d, the minimum front yard may be reduced to 25’ for buildings that front on North Street west of the Industrial Park Road.

4. Amend Section 729. Design Standards by amending Subsection B. Applicability to read:

   B. Applicability. These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1, and MU-2, and B-2c B-2d Districts shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

5. Amend Section 729. Design Standards by adding a new subsection J. Additional Standards for the B-2d District to read:
J. **Additional Standards in the B-2c B-2d District.** All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. **Location of the Building with Respect to the Front Lot Line.** The front facing wall shall be designed so that it features enough windows and other architectural features such as porches, variation in the facade, varied roof lines, and other variation so that the front of the building addresses the public way as an important façade of the building.

b. **Location of Parking and Service Areas.** Parking and service areas should be located to the side or rear of buildings where feasible.

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**Proposed Saco Zoning Map Amendments To Create a B-2d District on North Street**

**July 10, 2012**

**Potential Amendment to the Proposed Amendments**

**August 20, 2012**

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Councilor Tripp moved, Councilor Smith seconded “The City of Saco hereby ordains and approves the Second and Final Reading of the document and map titled ‘Proposed Amendments to the B-2c and B-2d Districts to Accommodate Their Use on a Portion of North Street and Related Amendments July 10, 2012’, and ‘Proposed Saco Zoning Map Amendments To Create a B-2d District on North Street, July 10, 2012’.”

**AMENDMENT -** Councilor Lovell moved, Councilor Tripp seconded Proposed Saco Zoning Map Amendments to Create a B-2d District on North Street, July 10, 2012,” and replacing it with “Proposed Saco Zoning Map Amendments To Create a B-2d District on North Street, July 10, 2012, Potential Amendment to the Proposed Amendments, August 20, 2012,” and further move to strike the references to B-2d in the proposed footnote 22, and replace it with a reference to B-2c, and to strike the references to B-2d in the proposed Section 729 in two instances, and replace them with references to B-2c. The motion passed with four (4) yeas and two (2) nays – Councilors Smith and Tardif.
Development Director Peter Morelli asked that the Clerk note that the intention of the prepared amendment is to create a B-2c District along this section of North St.

Mayor Johnston called for a vote on the Main motion. The motion passed with six (6) yeas.

#3 ZONING ORDINANCE AMENDMENT: CREATION OF B-8 DISTRICT – (2ND & FINAL READING)

Proposed Amendments to the Zoning Ordinance to Create a New B-8 Office Park District and Related Amendments Recommended by the Planning Board, November 21, 2011 Revised July 10, 2012

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

1. Amend Section 403 in Article 4 District Regulations to read:

Section 403. Zoning Districts
The city is divided into the districts stated and described in this Ordinance and as shown by the district boundary lines on the Official Zoning Map. The district classifications are:

RESIDENTIAL DISTRICTS:
R-1 Low Density District
R-2 Medium Density District
R-3 High Density District
R-4 General Residential District

MHP Mobile Home Park Overlay District

MIXED-USE DISTRICTS
MU-1 Downtown Residential Mixed-Use District
MU-2 Elm Street Gateway District

BUSINESS DISTRICTS:
B-1 General Business District
B-2 Highway Business District
B-3 Downtown Business District
B-4 Planned Development District
B-5 Marine Business and Residential
B-6 Highway Business and Commercial District
B-7 Limited Business/Residential District

BP Business Park District
B-8 Front Street Waterfront District

INDUSTRIAL DISTRICTS:
I-1 Industrial Park District
I-2 Industrial Business District

I-3 Light Industrial-Business Park District

CONSERVATION DISTRICT:
C-1 Conservation District
NATURAL RESOURCE DISTRICTS:
RP Resource Protection District
SR Saco River Overlay District
SO Shoreland Overlay District

2. Amend Article 4 District Regulations by adding a new section 406-10 to create a purpose statement for the new office park district to read as follows:

406-10. B-8 OFFICE PARK DISTRICT
The B-8 classification is intended to provide attractive locations for high-quality economic growth in close proximity to the Maine Turnpike. These areas develop as attractive office parks that attract a range of business and professional offices, hotels and related services, and indoor recreation/entertainment uses. A limited amount of residential development is accommodated as part of mixed-use developments. The areas have attractive visual environments with well-designed buildings and attractive site design. The natural environment is protected and green space is provided as part of the development.

3. Amend Article 4 District Regulations by adding a new section 410 - 10B. B-8 OFFICE PARK DISTRICT to read:

410 - 10B. B-8 OFFICE PARK DISTRICT

PERMITTED USES

1. Dwelling units only as part of a mixed-use building or mixed-use development
2. Multifamily housing only as part of a mixed-use building or mixed-use development
3. Elderly congregate housing
4. Nursing homes
5. Home occupations
6. Eating establishments
7. Eating and drinking establishments
8. Hotels
9. Business offices
10. Professional offices
11. Financial institutions
12. Business services
13. Research and testing laboratories fully enclosed within a building
14. Personal services
15. Health clubs
16. Health care clinics for humans
17. Hospitals
18. Day care center
19. Adult care services
20. Places of worship
21. Municipal uses
22. Quasi-municipal or public uses
23. Private schools
24. Public utility buildings
25. Essential services
26. Accessory uses
27. Any use permitted in the Resource Protection District

Note 1: The total floor area devoted to all residential uses shall not exceed thirty (30) percent of the total floor area of the mixed-use building or mixed-use development in which the residential use is located.
CONDITIONAL USES

1. Commercial schools
2. Light industry in which all activities occur within a fully enclosed building
3. Places of public assembly or entertainment as part of a mixed-use building or mixed-use development
4. Indoor Recreation
5. High voltage transmission lines
6. Convenience retail uses only within a mixed-use building and limited to a maximum of 1,000 square feet of floor area

4. Amend Table 412.1: Minimum Lot and Yard Requirements by adding a column for the B-8 District to read:

B-8

A. MINIMUM LOT AREA (Sq. Ft.)
   (1) sewered 10,000
   (2) unsewered N/A

B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)
   (1) Single Family
       sewered N/A
       unsewered N/A
   (2) Two Family
       sewered N/A
       unsewered N/A
   (3) Multi-family
       sewered See Note 16
       unsewered N/A

C. MINIMUM STREET FRONTAGE (Feet)
   (1) sewered 50
   (2) unsewered N/A

D. MINIMUM DEPTH FRONT YARD (Feet)
   20

E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)
   15

F. MINIMUM WIDTH SIDEYARD AND REARYARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet)
   (1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes 25
   (2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools 50

G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet)
   (Amended 11/7/05)
   75

H. MAXIMUM LOT COVERAGE (%)
   50

I. MAXIMUM HEIGHT (Feet)
   60

16. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 SF of total floor area, the requirement is 1,400 SF of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 SF of total floor area regardless of the number of bedrooms, the requirement is 2,000 SF of lot area per unit.

5. Amend Section 729. Design Standards by amending Subsection B. Applicability to read:

B. Applicability. These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1,
MU-2, B-2c, and B-8 Districts shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional use review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

6. Amend Section 729. Design Standards by adding a new subsection K. Additional Standards for the B-8 District to read:

K. Additional Standards in the B-8 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from the one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Campus Environment. An objective of the B-8 District is to create a high quality visual environment in which the individual buildings are harmonious elements in a cohesive office park environment. Therefore it is desirable that buildings and sites have consistent design features such as signs, exterior lighting, and sidewalk furniture that create a common image throughout the district.

b. Open Space. An objective of the B-8 District is to create an attractive, green environment. At least 25% of the total area of the development shall be devoted to green space. This requirement can be met by green space provided as part of an overall development plan for the office park or by green space provided as part of the development of individual lots, or by a combination thereof. The subdivision plan for the overall development shall demonstrate how this requirement will be met. The application for subdivision approval must address the ownership and maintenance of the open space and include a plan addressing these issues together with appropriate legal documents. If some or all of the open space will be provided as part of a subdivision that includes a mix of business and residential lots, the requirements of this provision shall be coordinated with the requirements of Section 10.2 of the Subdivision Regulations pertaining to residential subdivisions and the open space shall be designed and used to meet both open space requirements. If the project involves the development of a lot that is not part of a subdivision that has provided for the set aside of open space, at least 25% of the lot shall be devoted to green space. The open space in a subdivision or on an individual lot shall protect areas that are identified as having significant natural resource value, provide for continuous networks of green space, create recreational opportunities for residents and users of the office park, and enhance the overall office park environment.

c. Storage and Service Areas. All storage and service areas (including dumpsters) that are not fully enclosed within a building shall be located to minimize their impact on the visual environment of the individual site and the overall park and shall be located within landscaped and fenced enclosures that are visually compatible with the overall park environment.

7. Amend Section 302. Meaning of Words by adding, in proper alphabetical order, definitions of “convenience retail use” and “place of public assembly or entertainment” to read as follows:

Convenience retail use: A business that sells pre-packaged food and beverages and/or food and beverages prepared on the premises for consumption on the premises or for take-out together with sundries, household goods, and other convenience goods primarily to residents or occupants of a specific area such as an employment center or residential neighborhood. All activity shall occur within a fully enclosed building with no provisions for drive-thru service and/or the sale of motor fuels.

Place of public assembly or entertainment: A commercial, non-profit, or governmental use that is fully enclosed within a building that provides a place for public gatherings and events such as theaters, concert halls, auditoriums, function halls, clubs, and similar venues. A place of public assembly or entertainment may include facilities for the provision or sale of food and beverages to people attending activities or events or the sale of related merchandise such as souvenirs, specialty apparel, or items related to the activities occurring at the site.
#4 APPLICATIONS FOR A LICENSE TO OPERATE GAMES OF CHANCE: DAILY ATTENDANCE, PULL TICKETS AND QUEEN OF HEARTS


The applicant has submitted their applications 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.

#5 MASSAGE THERAPIST LICENSE APPLICATION: MELISSA ROOPE

Melissa Roope, located at the Saco Healing Arts Center, 209 Main St., has applied for a Massage Therapist License.

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

VII. ADJOURN THE MEETING.

Councilor Tripp moved, Councilor Blood seconded to adjourn the meeting at 8:14 p.m. The motion passed with six (6) yeas.

ATTEST: ________________________________
  Michele L. Hughes, City Clerk