

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, October 3, 2016 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT –Mayor Roland Michaud recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

Mayor Michaud noted that the RiverJam Festival held in September and was very successful this year. The night before the festival there was also “The Mayor’s Ball”. Mayor Michaud thanked the following sponsors: Huot’s Seafood Restaurant, Mr. & Mrs. Fletcher Kittredge, Attorney Firm of Woodman Edmands Danylik Austin Smith and Jacques and Ocean Communities Federal Credit Union. Food vendors: Jimmy the Greek, The Cowbell, Fernleaf Bakery, Sweet Cream Ice Cream, Banded Horn, Dirigo Brewing, Barreled Souls , Roundturn Distilling and The Edge Bar. Music was provided by “Girls Just Want to Have Fun” and “Treble G”. Thank you to the Pepperell Center and Doug Sanford for making the space available to the city, Jim Emerson who put on the slide show and most of all thank you to all those who attended the event to raise money for the food pantry’s.

V. PUBLIC COMMENT

Brian Chabot, Wells, Maine – Mr. Chabot stated he is running for the York County Judge of Probate because he believes it is time to restore integrity to the Probate Court. Today marks the beginning of a 30 day suspension period for York County’s elected Probate Judge Robert Nadeau who was suspended from court due to ethical violations and this is his 3rd violation of ethical standards and 2nd suspension as a judge. Maine’s highest court determined that he committed a serious violation of ethical standards because his conduct consisted of leveraging judicial prestige for personal benefit and attempting to induce others to acting inappropriately by invoking judicial authority. That is not the end. Two Superior Court Justices had decided that Mr. Nadeau retaliated against the York County Commissioner’s for not granting him a pay increase. The Justices found that he made scheduling changes that resulted in delays which harmed litigants. This issue and others are awaiting a hearing before the Law Court which could lead to further suspension. Despite all of this he is running for re-election. Probate Court deals with our most vulnerable citizens, elderly, disabled, grieving families and children. We need a judge that is willing to serve and to look out for the interest of York County residents and not his own. Mr. Chabot is a life-long resident of York County and grew up in wells and lives there now with his wife and 2 children and is a U.A. Army veteran. He believes in the army values of loyalty, duty, respect, selfless service, honor, integrity and personal courage. I will apply these values as a judge and make sure and make sure the job gets job fairly and efficiently.

VI. CONSENT AGENDA

VII. AGENDA

A. CONTRACT ZONE AMENDMENT – PARK NORTH – (SECOND & FINAL READING)

Applicant Elliott Chamberlain dba Park North Development LLC requests the Council’s consideration of an amendment to the Park North contract zone, approved by the City Council on May 1, 2006. Mr. Chamberlain proposes that residential uses be allowed on the easterly most portions of Parcel 1, which was limited to commercial uses by the 2006 approval.

The conceptual plan for Lot 18, one of two separate lots in Parcel 1, shows a mix of office, retail, and commercial space nearest Rte. One, with multi-family residential restricted to the third of the lot furthest from Rte. One. The proposed amendment would apply to the entirety of Parcel 1: both Lots 18 and 19.

The Planning Board reviewed this item at public hearing on June 21, 2016, and forwards a positive recommendation for the amended Agreement. The City Council discussed this item during Workshop on July 11,

2016.

Councilor Doyle moved, Councilor Minthorn seconded “Be it Ordered that the City Council hereby approve the Second and Final Reading of “Contract Zone Agreement By and Between Park North Development, LLC and Preston Properties, LLC as Applicants and the City of Saco,” dated December 20, 2005 and amended through June 21, 2016, for the properties at 991 Portland Road and 3 Eastview Parkway”. Further move to approve the order.

Mayor Michaud noted that there were a couple of items that he was put on notice about that are still overdue from the existing contract agreement that we have, as follows: The trail system that would connect park North to the Cascades and there are some fees from the Cascade Falls improvements in about \$35,000 as of August 30th it was still slightly overdue.

Elliot Chamberlain – Mr. Chamberlain noted that there were multiple items that when both the donation of some land, 17 acres where the falls currently exists we donated that after a few months after getting approved. Building a new gravel parking lot for the general public that was turned over to the city and we did that. There were two \$50,000 payments and one was an open space fee and the other that was supposed to be paid over a period of 5 years and also a \$50,000 DOT permit that was supposed to be paid over a period of 5 years. The DOT permit is about at \$40,000 right now paid out of the \$50,000 the open space fee is around \$25,000-\$30,000 paid right now. We have paid on a per permit basis and we can provide that data. The Planning Dept. has a record of each permit pulled and paid. There was also a \$100,000 sidewalk fee that was always designed to be designed to be paid on a per permit basis which we have been doing every time a permit gets taken out a certain fee gets paid. I believe that account stands right now at \$26,000-\$27,000 which is separate from, that is designed to be used for properties along Route #1 that we do not own. The city can take that money and spend on other properties. On Route #1. Properties that we do own or control if those get built along Route #1 like the one Chris Wagner or Ocean Communities built, they are responsible for building the section of sidewalk in front of their properties which has happened. So out of all those things it is the open space fee of \$50,000 which the Mayor is right is behind and the DOT Traffic Impact fee which both of those are being paid on a per permit basis and looking now at the way things are going and continue to be going I would expect both of those to be 100% paid sometime in 2017. We fully intend to get the trail system going next year. We are finally starting to show activity down there, so we have a trail plan. There is a cross country road that does get used as a trail both by people within the subdivision and people within the city that some down there and park their car on Waterfall Drive and take their dog for a walk, so it does get used quite a bit. But the actual trail system has not been started and we would expect to implement that starting next year and it would be installed in sections as the development occurs.

Mayor Michaud inquired if the original agreement of the fees to be paid on a per sales basis or was it just to be paid in a number of years?

Mr. Chamberlain replied that the sidewalk fee of \$100,000 was a per permit fee. The two \$50,000 payments were just payments they were not tied to anything. They are now being tied to permit anywhere on the property.

Mayor Michaud inquired where in the contract that was noted? Right now the city is about to modify the existing contract and you are telling me that the fees that are still due are not tied to any permitting process, just going to be paid.

Mr. Chamberlain clarified that they were tied to dates that have gone by.

Mayor Michaud stated that now you want to modify the contract so the remaining \$35,000 for the Park North and Cascade Falls contributions, you want to tie that to permitting.

Mr. Chamberlain stated that they have been doing it on a per permit basis and theoretically that should be modified in the contract so that what we are doing is actually what is written in here. It was 20% a year for 5 years.

Mayor Michaud noted that was something the Council should consider amending to clarify.

Mayor Michaud called for a vote on the motion. The motion failed with three (3) yeas and four (4) nays – Councilors Precourt, Gay, Roche and Johnston.

Mayor Michaud asked for some direction from the Councilors who voted no.

Council Concerns were as follows: We are changing from a mixed use to residential, but we are not going to residential standards. There are 45' height limits in the lots and multiple units on square footage and this would not pass without a zoning change for the zone and it is still falling under a mixed zone use. The densities are higher than if it was a strictly residential zone. Would like to see the suggestion that the Mayor suggested to modify the contract about the payment amount. Settle up with what is in the contract right now as far as the trails and fees. If staff makes the adjustments to the contract and get what was supposed to be paid by 2010 then you could come back before the Council. Would like to see more of the commercial growth before amending the contract again.

Contract Zone Agreement

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

December 20, 2005
Amended September 3, 2013
Amended September , 2016 (proposed)

THE CITY OF SACO HEREBY ORDAINS:

- I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through March 4, 2013 is hereby amended as further described in this Agreement by and between Park North Development, LLC and Preston Properties, LLC (collectively referred to as the “Applicants”) and the City of Saco.**
1. The Applicants propose a mixed-use development on the parcels at 1031 Portland Road and Eastview Parkway (the “Subject Property”). The Subject Property consists of two parcels identified on City of Saco tax maps as Tax Map 63, Lot 6 (currently owned by Park North Development, LLC) and Tax Map 64, Lot 6-1 (currently owned by Preston Properties, LLC) excepting only the portions of such parcels that are located within the Resource Protection District. The “Subject Property” for purposes of this Contract Zone Agreement shall not include these areas located within the Resource Protection District.
 2. The Subject Property is an approximately 236 acre contiguous tract of largely undeveloped land with the exception of a multi-tenanted commercial building on the parcel identified as Map 64, Lot 6-1 at the corner of Eastview Parkway and Portland Road.
 3. Map 63, Lot 6 is owned by Park North Development, LLC by virtue of a Quitclaim Deed with Covenant dated April 14, 2005, a copy of which has been submitted by the Applicant. Said deed is recorded in Book 14436, Page 83 at the York County Registry of Deeds.
 4. Map 64, Lot 6-1 is owned by Preston Properties, LLC by virtue of three deeds each dated December 24, 2003, copies of which have been submitted by the Applicant. Said deeds are recorded in Book 13817, Page 172, Book 13817, Page 174 and Book 13817, Page 176 at the York County Registry of Deeds.
 5. Evidence of right, title and interest is established by virtue of the above referenced deeds.
 6. The Subject Property is in the Business Park (BP) zoning district.
 7. The Applicant has submitted a copy of Articles of Organization of Limited Liability Company filed with the Office of the Secretary of State, dated June 5, 2000, (for Preston Properties, LLC) and January 28, 2004 (for Park North Development, LLC) as both being authorized to do business or carry on activities in the State of Maine. Timothy H. Norton, 53 Exchange Street, Portland, Maine 04101 is named as Registered Agent for both Preston Properties, LLC and Park North Development, LLC.

8. The Subject Property has an area of 236 +/- acres. The Subject Property is proposed to be divided into four (4) Parcels with each Parcel to be further divided into multiple Lots as shown on a Plan dated November 7, 2005, prepared by Sebago Technics, One Chabot Street, Westbrook, Maine 04098 (the "Plan")(as the same may be revised with the approval of the Council), for the purpose of constructing a multi-use development. In order to facilitate the multi use nature of the project, each Parcel shall have distinct space and bulk and use restrictions as set forth below.
9. The Applicant proposes certain uses that are allowed and consistent with the current zoning of the Subject Property. The Applicant further proposes certain additional uses, such as residential and multi-family housing and retail uses that are not allowed uses given the current zoning of the Subject Property. The Applicant has therefore made application for a Contract Zone under the provisions of Article 14 of the Saco Zoning Ordinance.
10. The Applicant recognizes that no public sewer system is readily available within the Portland Road right of way to service the Subject Parcel but the Applicant is aware that the City of Saco anticipates that Village Works, LLC, developer of a parcel of property on Cascade Road near the Subject Property may be extending the public sewer system across that property. The Applicant proposes to make provision for the extension of the City of Saco sewer system from its anticipated terminus at the southwesterly boundary of the Subject Property. If the Village Works, LLC development does not materialize than the Park North Development, LLC will pursue the extensions independently in order to accommodate this development.

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

1. This Agreement supersedes Article 4. District Regulations of the Saco Zoning Ordinance. District Regulations applicable to the Subject Property shall instead be governed by the terms of this Agreement.
2. Notwithstanding any contrary provision of Section 10.12 or Section 11.14 of the Subdivision Regulations of the City of Saco, the Applicant shall be authorized to implement a Low Impact Design stormwater management system for the Subject property. This system shall comply with existing City and State water quality and quantity standards.
3. The definitions of Front, Side and Rear Yards shall remain the same as in the Saco Zoning Ordinance. The following shall apply as the exclusive Space and Bulk Requirements applicable to the Subject Property Section and 412 shall be deemed amended accordingly but only as to the Subject Property:

PARCEL 1:

Minimum Lot Size:	7,500 Square Feet
Minimum Street Frontage:	50 feet
Minimum Front Yard:	50 feet for the front yard facing Route 1 if any, 20 feet for all other front yards
Minimum Side Yard:	20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district
Minimum Rear Yard:	20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district
Maximum Building Height:	60 feet
Maximum Lot Coverage:	40%
Density:	N/A

PARCEL 2:

Minimum Lot Size:	20,000 Square Feet
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Minimum Street Frontage:	100 feet
Minimum Front Yard:	75 feet for the front yard facing Route 1 if any, 30 feet for all other front yards
Minimum Side Yard:	20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district
Minimum Rear Yard:	20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district
Maximum Building Height:	45 feet
Maximum Lot Coverage:	40%
Density:	N/A

PARCEL 3:

Minimum Lot Size:	7,500 Square Feet
Minimum Street Frontage:	50 feet
Minimum Front Yard:	20 feet (0 feet between units in a multi unit building)
Minimum Side Yard:	20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)
Minimum Rear Yard:	20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)
Maximum Building Height:	45 feet
Maximum Lot Coverage:	40%
Density:	Not more than 120 units
Minimum Lot Area/Dwelling Unit	3,000 Square feet * total acreage of parcel divided by the number of units proposed
Minimum Net Residential Density for multi-family dwellings	1,250_s.f. per unit

PARCEL 4:

Minimum Lot Size:	7,500 Square Feet
Minimum Street Frontage:	50 feet
Minimum Front Yard:	10 feet (0 feet between units in a multi unit building)
Minimum Side Yard:	10 feet (0 feet between units in a multi unit building)
Minimum Rear Yard:	10 feet (0 feet between units in a multi unit building)
Maximum Building Height:	35 feet
Maximum Lot Coverage:	40%
Density:	Not more than 300 units
Minimum Lot Area/Dwelling Unit	12,500 s.f. *total lot acreage divided by the total number of units proposed
Minimum Net Residential Density	1 lot or unit per 7,500 s.f.

4. The permitted and conditional uses otherwise applicable to the Subject Property pursuant to Section 410 of the Saco Zoning Ordinance (including Sections 410-1 through 410-18) (the “Use Restrictions”) are hereby superceded and rendered inapplicable to the Subject Property and in their place, the following shall apply as the exclusive Use Restrictions applicable to the Subject Property and Section 410 shall be deemed amended accordingly but only as to the Subject Property:

PARCEL 1:

PERMITTED USES:

- | | |
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| <ol style="list-style-type: none"> 1. Dwelling units above the first floor as part of a mixed use building 2. One caretaker’s apartment within a non-residential use 3. Hotels and Motels 4. Retail Businesses and Uses with no more than 80,000 s.f. of floor area 5. Accessory retail sales of goods manufactured on the premises 6. Artist and crafts person studios 7. Eating establishments 8. Eating and Drinking establishments 9. Health and Fitness Clubs 10. Private Clubs 11. Financial Institutions with drive through 12. Professional Offices 13. Business Offices 14. Personal Services 15. Business Services 16. Repair Services | <ol style="list-style-type: none"> 17. Reserved—Multi-family housing, no units within 600 feet of Rte. One right of way. 18. Health care clinics for humans 19. Hospitals 20. Essential Services 21. Animal hospitals and veterinarian offices 22. Any use permitted in the Resource Protection District 23. Accessory Uses 24. Municipal Uses 25. Public Utility Building 26. Quasi-public Uses 27. Public parks and playgrounds 28. Public Schools 29. Private Schools 30. Commercial Schools 31. Nursery Schools 32. Day care center 33. Adult day care centers, Types 1 and 2 |
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CONDITIONAL USES:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Car washes 2. Indoor recreation/amusement centers 3. Enclosed sports facilities | <ol style="list-style-type: none"> 4. Reserved 5. Commercial recreation 6. Radio and TV antennas |
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PARCEL 2:

PERMITTED USES:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Hotels and Motels 2. Accessory retail sales of goods manufactured on the premises 3. Eating establishments 4. Eating and Drinking establishments 5. Accessory food service facilities 6. Artist and crafts person studios 7. Health and Fitness Clubs 8. Financial Institutions with drive through 9. Professional Offices 10. Business Offices | <ol style="list-style-type: none"> 16. Accessory uses 17. Essential services 18. Municipal uses 19. Public Utility Building 20. Quasi-public uses 21. Public parks and playgrounds 22. Commercial Schools 23. Nursery Schools 24. Day care center 25. Adult day care centers, Types 1 and 2 26. Retail uses with less than 15,000 square feet of gross floor area |
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|---|--|
| 11. Business Services | 27. Funeral Homes |
| 12. Private Clubs | 28. Personal Services |
| 13. Health care clinics for humans | 29. Reserved |
| 14. Research and testing laboratories | 30. Indoor Recreation/Amusement Center |
| 15. Any use permitted in the Resource Protection District | 31. Reserved |
| | 32. Agriculture |
| | 33. Self-Service Storage Facilities |
| | 34. Outdoor Recreation |

CONDITIONAL USES:

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

PARCEL 3:

PERMITTED USES:

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

PARCEL 4:

PERMITTED USES:

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

CONDITIONAL USES:

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

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

- Development of the mixed-use development described herein as proposed by the Applicant is

allowed on the Subject Property.

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

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

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

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

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

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

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

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

10. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance and Subdivision Regulations.

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

the Planning Board to be significant to the Contract Zoning Agreement shall require prior approval of the City Council.

12. This Document and Contract Zone affects only the Subject Property identified herein.
13. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant.
14. This Document and the Contract Zone it creates shall not be transferable without approval by the City Council, provided however that upon receipt of final subdivision and/or Site Plan approval (as required), Lots and Units within the Subject Property shall be saleable to third parties.
15. Breach of these conditions, restrictions and/or Agreement by the developer shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation and shall be subject to enforcement action under the terms and procedures of 30-A M.R.S.A. Section 4452.
16. The Council notes that the decision to approve this Contract Zone is significantly impacted by the agreement of the Applicant to extend the public sewer from Cascade Road to and across the Subject Property, (thereby making public sewer available to the northern segment of Route 1) as well as to make possible the potential for interconnecting public streets between the Subject Property and Cascade Road, each of which are significant public benefits to the City of Saco.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on December 20, 2005, and the Saco City Council on May 1, 2006, the following findings are hereby adopted:

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

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

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

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

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

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

Chapter 17, Section F. Land Use, Local Goals

- “To guide development to identified growth areas that are compatible with the existing settlement pattern and that enhances the desired pattern of land use.” – The proposed uses promote a transition and mitigation of land use between residential development and commercial use.
 - “To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.” – The proposed project provides significant commercial growth potential and proposes to extend public sewer to the Subject Property and across the Subject Property to Eastview Parkway and portions of Route 1 north of Cascade Road that are currently not served by public sewer.
 - “To permanently protect environmentally and ecologically sensitive and scenic areas through outright purchase or conservation easements.” – The Applicant proposes to convey land within the Resource Protection district to the City, thereby protecting that land from future development.
 - “To encourage a pattern of land use that can be served efficiently and that does not impose undue burden on the City’s financial resources.” – The Applicants’ development encourages commercial development with ease of access and at a scale that will provide significant commercial expansion with substantial fiscal benefit to the City.
- C. The proposed use is consistent with, but not limited to, the existing uses and permitted uses within the original zone. The proposed contract continues the permitted uses currently allowed in the underlying zoning district, while adding additional compatible uses which are anticipated to enhance the development and appearance of the project.
- D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zone agreement into the Saco Zoning Ordinance by reference.

By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on May 1, 2006, and Adopted as Amended on September 3, 2013, and further Amended on September , 2016.

CITY OF SACO

By: _____
 Kevin L. Sutherland
 City Administrator

PRESTON PROPERTIES, LLC

By: _____
 R. Elliott Chamberlain
 Authorized Member

PARK NORTH DEVELOPMENT, LLC

By: _____
 R. Elliott Chamberlain
 Authorized Member

B. AMENDMENT TO THE SACO CODE, CHAPTER 112-GENERAL ASSISTANCE PROGRAM APPENDIXES FOR OVERALL MAXIMUMS, THRIFTY FOOD PLAN & HOUSING MAXIMUMS – (PUBLIC HEARING)

Each year Maine Municipal Association presents municipalities with new Appendixes for their City Ordinance, which need to be reviewed and adopted. This year, the Over-All Maximums on Appendix A have increased slightly. The food maximums on Appendix B have remained the same since last year. On Appendix C, we used an average between the York County HMFA and the York/Kittery/ S. Berwick HMFA. Those amounts are up in all categories this year. The amounts in Appendix D have not changed.

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

There were no public comments.

Councilor Cote moved, Councilor Minthorn seconded to close the public hearing, and further move to set the second and final reading of the amendment to the Saco Code, Chapter 112, General Assistance Program, Appendix A- Overall Maximum, Appendix B – Food Maximums, Appendix C – GA Housing Maximums, and Appendix D – Utilities, for October 17, 2016. The motion passed with seven (7) yeas.

**Proposed Figures dated October 1, 2016
Appendix A - GA Overall Maximums**

# IN HOUSEHOLD	MAXIMUMS	
	Current	Proposed
1	\$695.00	\$734.00
2	\$796.00	\$860.00
3	\$1009.00	\$1065.00
4	\$1370.00	\$1439.00
5	\$1418.00	\$1460.00
EACH ADDITIONAL	\$75.00	\$75.00

Appendix B - Food Maximums

# IN HOUSEHOLD	WEEKLY MAX.	WEEKLY MAX	MONTHLY MAX	MONTHLY MAX
	Current	Proposed	Current	Proposed
1	\$45.12	\$45.12	\$194.00	\$194.00
2	\$83.02	\$83.02	\$357.00	\$357.00
3	\$118.84	\$118.84	\$511.00	\$511.00
4	\$150.93	\$150.93	\$649.00	\$649.00
5	\$179.30	\$179.30	\$771.00	\$771.00
6	\$215.12	\$215.12	\$925.00	\$925.00
7	\$237.67	\$237.67	\$1022.00	\$1022.00
8	\$271.86	\$271.86	\$1169.00	\$1169.00
EACH ADDITIONAL	-----		\$146.00	\$146.00

Appendix C – GA Housing Maximums

Unheated Units

Heated

# BDRMS	MONTHLY	
	Current	Proposed
0	\$669.50	\$686.50
1	\$697.50	\$741.50
2	\$885.00	\$953.50
3	\$1236.00	\$1283.00
4	\$1282.00	\$1443.00

# BDRMS.	MONTHLY	
	Current	Proposed
0	\$769.50	\$787.50
1	\$814.00	\$865.50
2	\$1045.00	\$1107.50
3	\$1432.00	\$1471.00
4	\$1515.50	\$1654.00

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water:*** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water:*** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

C. PROPOSED ZONING ORDINANCE AMENDMENTS PERTAINING TO SHORELAND ZONING, INCLUDING SECTION 504. NONCONFORMINT STRUCTURE; SECTION 7-1. NATURAL RESOURCE DISTRICTS/SHORELAND PERFORMANCE STANDARDS – (PUBLIC HEARING)

These proposed Zoning Ordinance amendments would update Shoreland Zoning guidelines found in Articles 5 and 7.1, consistent with recent amendments approved by the Maine DEP. DEP staff has been asked to review the proposed changes, and should have comments by later this month. Formal acceptance of the changes by the DEP Commissioner will occur after Council action. The changes are best described as “housekeeping,” and are fairly minor in nature.

The Planning Board considered the proposed Ordinance amendments at its August 2 meeting, held a public hearing and received no comments, then made a positive recommendation for passage.

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

There were no public comments.

Councilor Roche moved, Councilor Doyle seconded to close the public hearing, and further move to set the Second and Final reading of the document titled, ‘Amendments to Zoning Ordinance Sections 504-2 and 7-1, dated September 12, 2016’ for October 17, 2016. The motion passed with seven (7) yeas.

Amendments to Zoning Ordinance Sections 504-2 and 7-1, dated September 12, 2016’

(New language is underlined; language proposed for deletion is ~~struck through~~.)

504-2. RECONSTRUCTION IN SHORELAND ZONES

Any non-conforming building or structure which is removed, damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with all dimensional requirements of this Ordinance to the greatest extent practical as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 504-1(3) above, as determined by the non-conforming ~~floor area and volume~~ footprint of the reconstructed or replaced structure at its new location. If the total ~~amount of floor area and volume~~ footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 504-4.

Section 7-1

Natural Resource Districts/Shoreland Performance Standards

b. Official Shoreland Zoning Map

The areas to which this Article is applicable are divided into the following districts as shown on the Zoning Map of the City of Saco, which is a part of this Ordinance:

- a. Resource Protection
- b. Saco River Overlay District
- c. Shoreland Overlay District
- d. Coastal Development Overlay District

c. Effective Date

1. Effective Date of Ordinance and Ordinance Amendments. This Article, which was amended by the municipal legislative body on November ??, 2016 ~~June 29, 2009~~, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Article as amended, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Article amendment within forty-five (45) days of his/her receipt of the amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Article as amended if the amendment is approved by the Commissioner.

~~**B. Repeal of Municipal Timber Harvesting Regulation.** The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438 B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438 B(5), the following provisions of this Ordinance are repealed:~~

- ~~• Section 7.1 12. Timber Harvesting;~~
- ~~• Section 410 15.13. RP Resource Protection District Selective timber harvesting according to a plan approved by a forester registered in the State of Maine on a non-commercial basis; and~~
- ~~• Section 3. Definitions, the definition of "forest management activities".~~

~~NOTE: The statutory date established under 38 M.R.S.A. section 438 B(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the~~

~~Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state wide standards or have adopted an ordinance identical to the state wide standards.” 38 M.R.S.A. section 438-A(5) further provides that “the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.”~~

7.1-3.4 Maximum Height

Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Saco River Overlay, Shoreland Overlay, and Coastal Development Overlay Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Cupolas, domes, widow’s walks or similar features shall be exempt.

7.1-4 Principal and Accessory Structures

~~4. The total footprint area of all structures, parking lots and other non-vegetated surfaces within a resource protection district, shoreland overlay district, conservation district, or residential district shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including areas previously developed. In a business or industrial district including the B-5 Marine Business and Residential District, the total area of all structures, parking lots and other non-vegetated surfaces shall not exceed seventy (70) percent.~~

~~The total footprint area of all buildings shall not exceed twenty (20) percent of a lot, or a portion thereof located within the Coastal Development Overlay District.~~

With the exception of the B-4 and B-5 districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

In the B-4 and B-5 districts located adjacent to coastal wetlands, or rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone. The total ~~developed area~~ non-vegetated surface shall not exceed forty (40) percent of a lot or a portion thereof located within the Coastal Development Overlay District.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

For the purposes of this Article, a building is a structure designed for habitation, shelter, storage, or as a gathering place that has a roof. For the purposes of this rule, the foundation is considered to be a part of the building. A porch with a roof, attached to the exterior walls of a building, is considered part of the building.

~~The total developed area non-vegetated surface shall not exceed forty (40) percent of a lot, or a portion thereof located within the Coastal Development Overlay District. For the purposes of this Article, development is the alteration of property for human-related use including, but not limited to buildings, decks, driveways, parking areas, lawns, landscaped areas, and areas of non-native vegetation, and any other appurtenant facilities, but excluding temporary structures.~~

Piers, Docks, Wharves, And Other Marine Structures Extending Over Or Below The Normal High-Water Line Of A Water Body, Or Within A Wetland

1. PERFORMANCE STANDARDS

All applications for temporary piers, docks, wharves and other marine structures shall be reviewed by the Code Enforcement Officer, and all applications for permanent piers, docks, wharves and other marine structures shall be reviewed by the Planning Board. All such applications shall be reviewed for conformance with the following standards listed below.

If the reviewing authority is unable to reach a decision using the criteria below due to either inconclusive or conflicting information, the reviewing authority will require the applicant to submit an environmental impact analysis assessing the proposal's impact on natural areas, including impacts of the proposed structure in conjunction with other adjacent or abutting structures.

The reviewing authority may also require that the proposal be modified to ensure conformance with the standards set forth below. Mitigation measures may include, but are not limited to, changes in the design and construction of the marine structure, or changes in magnitude, duration, and location of activities carried out at the marine structure.

An application shall be approved by the reviewing authority if there is a finding that:

- a) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 7.1-3.2, a second structure may be allowed and may remain as long as the lot is not further divided.
- ab) Access from the shore shall be developed on soils appropriate for such use, as determined through consultation with the local Soil and Water Conservation District Office. Whenever possible, access from the shore to the marine structure shall be placed on bedrock. Measures shall be taken to minimize soil erosion both during and after construction.
- bc) The proposed location of the marine structure shall not unreasonably interfere with access to existing marine structures or points of public access, nor shall it unreasonably interfere with existing developed or natural beach areas.
- ed) The marine structure shall be designed, sited, and constructed to mitigate unreasonable adverse impacts on significant wildlife habitats or unique natural areas including, but not limited to: fin fish and shellfish fisheries, salt marshes, eel grass beds, shorebird feeding and nesting habitats, critical fish spawning and nursery areas, etc.
- de) Unreasonable interference with the natural flow of any surface or subsurface waters, or impedance of the flow of the current of any river or channel shall be minimized during the construction and subsequent use of the marine structure.
- ef) The marine structure shall be designed, sited, and constructed so as not to encroach upon Federally designated navigation channels or mooring areas or otherwise obstruct by any means whatsoever the free use of piers, docks, and other common landing places.
- fg) The marine structure shall be no larger than necessary to accomplish the purposes for which it is designed, notwithstanding the dimensional limits listed below. Its size and construction shall not change the intensity of the adjoining land use, and by no means shall exceed a total distance of more than 1/3 the width of the water body, when proposed for coastal or inland waterways. The applicant may request a variance from the dimensional requirements due to the additional requirement of handicap access or unusual wind or wave conditions.

	Max. Width	Max. Length
Private Piers	Six (6) ft.	100 ft.*
Commercial Piers	Twelve (12) ft.	100 ft.*

Ramps	Four (4) ft.	As appropriate
Docks, Floats	200 sq. ft	

* landward of the mean low water line

- gh) New subdivisions that propose docks as part of the subdivision, shall provide a community dock in lieu of the development of docks on individual lots. The applicant may request a variance for additional community docks provided a demonstrated need can be shown for the additional facilities.
- hi) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- ij) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- jk) Except in business districts including the Marine Business and Residential District, structures built on, over or abutting a pier, wharf, dock or other structures extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- kl) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- m) Vegetation may be removed in excess of the standards in Section 7.1-13 of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
 - (b) Revegetation must occur in accordance with Section 7.1-13.
 - (c) A permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection for Shoreline Stabilization activities.
- n) A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
 - (a) The total deck area attached to the structure does not exceed 700 square feet;
 - (b) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
 - (c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
 - (d) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in Section 7.1-4; and

- (e) The construction of the deck complies with all other state and federal laws. New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

7.1-11. Agriculture

1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within three hundred (300) feet horizontal distance, of a water body, tributary stream, or wetland. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained, provided that such tilling is conducted in accordance with a Soil and Water Conservation Plan.
5. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies, nor within twenty-five (25) feet, horizontal distance of tributary streams, and wetlands. Livestock grazing associated with on-going farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.

7.1-12. ~~Timber Harvesting~~ Reserved.

1. ~~Timber harvesting shall conform with the following provisions:~~
 - a. ~~Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:~~
 - i. ~~Within seventy five (75) feet, horizontal distance, of the normal high water line of water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
 - ii. ~~At distances greater than seventy five (75) feet, horizontal distance, of the normal high water line of water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet, they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~
 - b. ~~No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.~~
 - e. ~~Timber harvesting equipment shall not use stream channels as travel routes except when:~~

- i. ~~Surface waters are frozen; and~~
- ii. ~~The activity will not result in any ground disturbance.~~
- d. ~~All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
- e. ~~Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.~~
- f. ~~Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soils, shall be located such that an unscarified strip of vegetation of at least seventy five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each ten (10) percent increased slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25), horizontal distance, feet from the normal high water line of a water body or upland edge of a wetland.~~

7.1-13. Clearing or Removal of Vegetation For Activities Other Than Timber Harvesting

1. Within a Resource Protection District, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district and shall be demonstrated on a lot clearing plan to be presented to the CEO or Planning Board as appropriate.
2. In areas that are not in RP, ~~except to allow for the development of permitted uses,~~ within seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, ~~diseased, unsafe, or~~ dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

7.1-14. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above

ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

- (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 - (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

7.1-15. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this

section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply:

- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

7.1-16. Revegetation Requirements.

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable

to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed;

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:

(a) All trees and saplings removed must be replaced with native noninvasive species;

(b) Replacement vegetation must at a minimum consist of saplings;

(c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

(d) No one species shall make up 50% or more of the number of trees and saplings planted;

(e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

(a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

(b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

(a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

7.1-1714. Erosion and Sedimentation Control

7.1-18.5 Septic Waste Disposal

7.1-196 Soils

7.1-2017 Water Quality

7.1-2118 Archaeological Site

(Note: The Maine DEP issued Department Order #80-09 conditionally approving the Saco Zoning Ordinance as adopted on June 29, 2009, with a single condition: that the italicized text in the paragraph below be deleted. This condition is reflected in the text of Section 7.1).

Resource Protection

The RP District shall include the areas shown as RP on the Official Zoning Map and the following areas when they occur within the limits of the shoreland zone as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq., except that areas which are currently developed *or lots that appear on a recorded subdivision plan which has obtained municipal approval and Site Location of Development approval or an NRPA permit prior to the effective date of this amendment* need not be included within the Resource Protection District:

D. AMENDMENT TO COUNCIL RULES AND ORDER OF BUSINESS

At the regular workshop meeting on September 12, 2016, City Councilors recommended changing some language in the Council Rules and Order of Business document (also referred to as the Council Procedures Manual) to create a New Business component to future workshops. This time would be used to discuss specific longer term goals or ideas that were agreed upon by Council in the prior workshop giving staff time to prepare information for Council to consider. In addition, a request was made by the Mayor to include a second Workshop on the 4th Monday of the month.

Councilor Minthorn moved, Councilor Johnston seconded “Be it ordered that the City Council accept the revision to Section VIII. A.1. and in Appendix C to the Council Rules and Order of Business, which includes a new business agenda item to the workshop and adds a second workshop meeting each month.” Further move to approve the Order.

Amendment - Councilor Minthorn moved, Councilor Doyle seconded to amend the motion and delete the 4th meeting of the month. The motion passed with seven (7) yeas.

Amendment - Councilor Doyle moved, Councilor Johnston seconded to add a section “Comment & Discussion” in the City Hall City Council Meeting and Workshop Agendas. The motion passed with seven (7) yeas.

It was a consensus to have this new section as the last item before the end of the Workshop or Meeting, so just before the adjournment.

Mayor Michaud called for a vote on the main motion with amendments. The motion passed with seven (7) yeas.

Change to the language in VIII A. 2.

Language underlined in red represents the requested language change.

VIII. City Council Meetings & Workshops

A. Council Meeting Schedule: Meeting times and dates are established annually by the City Council. (Consistent with Charter section 2.08(a), the Council shall meet regularly at least once in every month).

- 1. Regular Council Meetings:** Regular meetings are held the 1st and 3rd Monday in the City Hall Auditorium, 300 Main Street, Saco, Maine. The public sessions of meetings begin at 6:30 p.m. with executive sessions generally being at the conclusion of public business. In the event that a regular meeting of the Council falls on a legal holiday or the day prior to a holiday, the meeting is usually held

the day following observance of the holiday. Council members should inform the Mayor or City Administrator as soon as possible if they intend to be out of town on a set meeting date. The Public will be allowed to speak for a maximum of three (3) minutes during the public comment item on the agenda established in Appendix C. Members of the public will sign up ahead of the start to the meeting and state their full name and address of residence. In addition, the public is allowed to speak at the Mayor's discretion.

2. **Workshop Meetings:** Formal items will be reviewed at a Workshop meeting scheduled for the 2nd and 4th Monday of each month. If needed, a workshop may be required before a regular council meeting. In either case, the meeting will take place in the City Hall Auditorium, 300 Main Street, Saco, Maine. It will begin at 6:00 p.m. and will be open to the public. No action may be taken during a workshop. The Public will be allowed to speak for a maximum of three (3) minutes during the public comment item on the agenda established in Appendix C. Members of the public will sign up ahead of the start to the meeting and state their full name and address of residence. In addition, the public is allowed to speak at the Mayor's discretion.

Workshop meeting agenda:

SACO CITY COUNCIL WORKSHOP
(DATE AND TIME)
CITY HALL AUDITORIUM

CALL TO ORDER
PUBLIC COMMENT
AGENDA ITEMS
NEW BUSINESS
ADJOURNMENT

VIII. ADJOURNMENT

Councilor Minthorn moved, Councilor Doyle seconded to adjourn the meeting at 7:23 p.m. The motion passed with unanimous consent.

Attest: _____
Michele L. Hughes, City Clerk