

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, October 24, 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, Alan Minthorn, Eric Cote and Nathan Johnston. Councilor Roche was excused this evening. City Administrator Kevin Sutherland was also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

- Harvest Festival– Mayor Michaud thanked Saco Main Street put on a very successful Harvest Festival for the community this past Saturday.
- Saturday October 22nd Declared as Rosey Day – Rosey McManus has spent 28 years working with Troop #310 as an advancement chair and other positions. I had the opportunity to recognize her this past Saturday afternoon. This folks are what make a good community volunteering their time and effort.

V. PUBLIC COMMENT

There were no public comments this evening.

VI. CONSENT AGENDA

VII. AGENDA

- A. PROPOSED ZONING ORDINANCE AMENDMENTS PERTAINING TO SHORELAND ZONING INCLUDING SECTION 504, NONCONFORMING STRUCTURES SECTION 7-1 NATURAL RESOURCE DISTRICTS/SHORELAND PERFORMANCE STANDARDS – (SECOND & FINAL READING)**

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 Minthorn moved, Councilor Doyle seconded “The City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, ‘Amendments to Zoning Ordinance Sections 504-2 and 7-1, dated ~~September 12, 2016~~ October 24, 2016’. The motion passed with six (6) yeas.

‘Amendments to Zoning Ordinance Sections 504-2 and 7-1, and Articles 3 and 12 dated October 24 ~~September 12, 2016~~’

(New language is underlined; language proposed for deletion is ~~struck through~~.)
(New language per DEP comments is both underlined and highlighted.)

Section 7-1

Natural Resource Districts/Shoreland Performance Standards

7.1-2.

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 ~~October ??, 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

1. All new principal and accessory structures shall be set back from the normal high-water line of freshwater bodies, the Maximum Spring High Tide Level (MHHW) of tidal waters, and the upland edge of a wetland, depending upon the district in which they are located as shown in Table 412-1.
2. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least ~~one foot~~ ~~three feet~~ one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with City Code Chapter 106. Floodplain Management, and need not meet the elevation requirements of this paragraph.
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.
- ee) 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.
 - (ai) 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.
 - (bii) Revegetation must occur in accordance with Section 7.1-13.
 - (eiii) 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.
 - b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees" adjacent to water bodies, tributary streams, and wetlands, is defined as maintaining a minimum rating score of 16 or more per 25-foot by 50-foot rectangular area (1250 square feet) as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - <4 in.	1
4 - <8 in.	2
8 - <12 in.	4
12 in. or greater	8

- c. For the purposes of Section 7.1-13.2.b “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less then two (2) inches in diameter at four and one-half (4 ½) feet above ground level for each 25-foot by 50-foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, 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 may be removed in any ten (10) year period.
 - d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
 - 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.
 - f. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described above.

g. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 7.1-13.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

3. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision **applies to the portion of a lot within the shoreland zone, including the buffer area, but** shall not apply **to** industrial or business districts including the Marine Business and Residential District **(B-5)**.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Section.
5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

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 **7.1-13** ~~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 **7.1-13** ~~15(P)~~ apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Table 412-1 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 **7.1-11** ~~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 7.1-13 ~~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

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and re-vegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of a proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap. (Amended 4/3/02)

7.1-~~18.5~~ Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

- a) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extension, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high water line of a water body or the upland edge of a wetland;
- b) A holding tank is not allowed for a first-time residential use in the shoreland zone.

7.1-~~196~~ Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposes uses requiring subsurface wastewater disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soils Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

7.1-~~2017~~ Water Quality

No activity shall deposit on or into the ground or discharge to the water of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses of the water classification of the water body, tributary stream or wetland.

7.1-~~2148~~ Archaeological Site

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Authority prior to rendering a decision on the application.

(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:

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~~ floor area and volume ~~footprint~~ of the reconstructed or replaced structure at its new location. If the total ~~floor area and volume~~ 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.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

Article 3. Definitions

Functionally water-dependent uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to coastal or inland marine or tidal waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use. (Amended 4/21/92; 10/24/16)

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a

serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Structure in the Shoreland Zone - anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Article 12. Enforcement

1203-3. SHORELAND PERMITS AND APPROVALS

A. PERMITS REQUIRED

No person shall, without first obtaining a Shoreland Zoning permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

B. SUPPLEMENTAL INFORMATION

All required information in Section 1104 of this Ordinance, Site Plan Review, shall be submitted with all shoreland zone applications.

C. SHORELAND STANDARDS

Prior to approving an application for a Shoreland Zoning Permit or approving it with conditions, the Code Enforcement Officer shall make a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as in accordance with the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Business and Residential District;
8. Will avoid problems associated with flood plain development and use; and
9. Is in conformance with the provisions of Section 7.1-3 Land Use Standards;
10. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any State law which Saco is responsible for enforcing.

D. LIMITS ON SHORELAND APPROVALS

If substantial construction is not commenced within twelve (12) months of the Planning Board's or Code Enforcement Officer's written approval of a shoreland permit, the shoreland permit shall be null and void. Substantial construction shall mean completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost. The deadline may be extended for one additional six (6) month period by the Code Enforcement Officer upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the shoreland permit. After the shoreland permit has expired or an

extension denied by the Code Enforcement Officer, the applicant may reapply for a shoreland zone approval at any time without prejudice.

The Code Enforcement Officer shall approve the request for an extension unless he/she has become aware of one of the following:

1. additional information that indicates that the plan does not meet the standards of the shoreland zoning provisions;
2. failure to meet a condition of approval;
3. an amendment in the Zoning Ordinance that prohibits or alters the proposed plan.

E. CONTRACTOR CERTIFICATION

When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

B. SCHOOL REVOLVING RENOVATION FUND LOAN FORGIVENESS GRANT FINANCING – (FIRST READING)

On January 29, 2016, Saco Public Schools obtained approval from the Maine Department of Education for a School Revolving Renovation Fund project for health, safety and compliance repairs to the Saco Middle School. That approval offered the City a 0% interest, 5-year loan in the principal amount of up to \$20,294 to finance the project, but of which \$8,572 of principal has been forgiven (the “Grant Financing”).

To obtain the Grant Financing, the City must enter into a loan agreement with the Bond Bank for the unforgiven \$11,722 portion of the loan and must evidence that borrowed principal with general obligation securities (bonds). *However*, because Saco Public Schools has already prepaid the \$11,722 portion of the loan, the Bond Bank agrees that the bonds are paid and satisfied, and will so indicate on the bonds.

Please refer to the attached exhibits, including the order to authorize the School Revolving Renovation Fund loan forgiveness grant financing, for further details.

Councilor Doyle moved, Councilor Johnston seconded “The City of Saco hereby approves the First Reading of the document titled, ‘Order to authorize School Revolving Renovation Fund loan forgiveness grant financing for health, safety and compliance repairs to Saco Middle School’ dated October 24, 2016’ and further moves to schedule a Public Hearing and final vote for November 7, 2016.” The motion passed with six (6) yeas.

ORDER TO AUTHORIZE SCHOOL REVOLVING RENOVATION FUND LOAN FORGIVENESS GRANT FINANCING FOR HEALTH, SAFETY AND COMPLIANCE REPAIRS TO SACO MIDDLE SCHOOL

BE IT ORDERED by the City Council as follows:

1. That, under and pursuant to a Maine Department of Education School Revolving Renovation Fund Project Eligibility Certificate dated January 29, 2016, issued to assist the City of Saco (the “Governmental Unit”) in the financing of health, safety and compliance repairs to Saco Middle School (the “Project”), and all other applicable law, the Mayor and the Treasurer of the Governmental Unit be authorized in the name and

on behalf of the Governmental Unit to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the "Bond Bank") and the Governmental Unit to effect a loan from the Bond Bank to finance the Project in the principal amount of up to \$20,294.00, but of which amount \$8,572.00 of principal is forgiven by the Bond Bank (the "Loan Agreement"); and that the Loan Agreement be substantially in the form presented at this meeting, with such changes therein not contrary to the general tenor thereof as the Mayor and the Treasurer may approve, the execution and delivery thereof to be conclusive evidence of such approval; **provided, however**, that the Loan Agreement shall provide that, if the Governmental Unit has prepaid all of the borrowed principal which has not been forgiven and which has been evidenced by bonds, the Bond Bank agrees that the bonds are paid and satisfied.

2. That under and pursuant to sections 5953-E and 6006(F) of the Maine Municipal Bond Bank Act and all other applicable law, the Mayor and the Treasurer be authorized to borrow in the name and on behalf of the Governmental Unit the sum of up to \$11,722.00 from the Bond Bank to finance the Project; that in connection therewith, the Mayor and the Treasurer be authorized to issue general obligation securities (bonds or notes) of the Governmental Unit in an original principal amount of up to \$11,722.00, payable WITH NO INTEREST in five equal annual installments of principal, and to execute and deliver such general obligation bonds or notes (as so executed and delivered, the "Bond") in registered form under the seal of the Governmental Unit and attested by the City Clerk of the Governmental Unit; and that the Bond be in substantially the form presented to this meeting, with such changes therein not contrary to the general tenor thereof as the Mayor and the Treasurer may approve, the execution and delivery thereof to be conclusive evidence of such approval; **provided, however**, that the Treasurer shall have prepaid the Bond on or before delivery thereof, and that such payment and satisfaction shall be indicated on the Bond by the Bond Bank.

3. That the Mayor, Treasurer, City Clerk, and other proper officials of the Governmental Unit, acting singly, be authorized in the name and on behalf of the Governmental Unit to execute and deliver an Assignment of monies transferred by the State of Maine to pay for Project costs and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the Governmental Unit, as may be necessary, convenient or appropriate to effect the transactions contemplated by this Order and the documents referenced therein, and that the City Clerk be authorized to attest to the foregoing and attach the City's seal to any of the foregoing.

4. That the City Clerk file an attested copy of this Order with the minutes of this meeting.

Dated: October 24, 2016

Being a majority of the members of the City Council

A true copy, attest: _____
Michele L. Hughes, City Clerk

CITY OF SACO
TREASURER'S CERTIFICATE AS TO INDEBTEDNESS

The undersigned, being the Treasurer of the City of Saco (the "Governmental Unit"), in connection with the issuance and sale of a 2016 School Revolving Renovation Fund (SRRF) Bond of near or even date (the "Bond"), hereby certifies that the following is a true and complete statement of all debt of the Governmental Unit as of November 14, 2016, excluding interest accrued to that date, and the same has not since been increased save by the accrual of interest:

1. The last full state valuation of the Governmental Unit as certified to the Secretary of State was the 2016 State Valuation, which valuation was \$2,122,650,000 (hereinafter, the "Last Full State Valuation").
2. The summary attached hereto as **Exhibit A** is a true and accurate summary of the Governmental Unit's outstanding principal indebtedness as of November 14, 2016, including the Bond. The Governmental Unit has no other indebtedness that is authorized but not yet issued.
3. The amount of the Governmental Unit's total debt outstanding, including the Bond, does not exceed 15% of its Last Full State Valuation.
4. The amount of the Governmental Unit's total debt outstanding, including the Bond but excluding debt incurred for school purposes, for storm or sanitary sewer purposes, for energy facility purposes or for municipal airport purposes, does not exceed 7.5% of its Last Full State Valuation.
5. The amount of the Governmental Unit's total debt outstanding incurred for school purposes does not exceed 10% of its Last Full State Valuation.
6. The amount of the Governmental Unit's total debt outstanding incurred for storm or sanitary sewer purposes does not exceed 7.5% of its Last Full State Valuation.
7. The amount of the Governmental Unit's total debt outstanding incurred for municipal airport and special district purposes does not exceed 3% of its Last Full State Valuation.
8. For purposes of this certificate, the limitations on municipal debt set forth above shall not be construed as applying to any funds received in trust by the Governmental Unit, any loan which has been funded or refunded, notes issued in anticipation of federal or state aid or revenue sharing money, tax anticipation loans, notes maturing in the current municipal year, indebtedness of entities other than the Governmental Unit, indebtedness of the Governmental Unit to the Maine School Building Authority, debt issued under Title 30-A, chapter 213 and Title 10, chapter 110, subchapter IV, obligations payable from revenue of the current municipal year or from other revenues previously appropriated by or committed to the Governmental Unit, and as defined below, the state reimbursable portion of school debt. For purposes of this certificate, the limitations on municipal debt set forth above do not apply to obligations incurred pursuant to Title 38, section 1304-B, with respect to solid waste facilities, which obligations are regulated in the manner set forth in Title 38, section 1304-B.
9. For purposes of this certificate, the state reimbursable portion of school debt shall be the sum of the amounts determined by multiplying: The outstanding amount of each issue of debt incurred for school purposes by the municipality in connection with a project which qualifies for state school construction subsidy under Title 20-A; and the state share percentage of operating costs for that municipality as defined in Title 20-A, section 15609, subsection 1, paragraph A, subparagraph (1), for the year in which the project received concept approval from the State Board of Education.
10. The Governmental Unit has not adopted any lower percentage or amount as a limitation on its debt, or any other restriction on limitation on its debt, pursuant to 30-A M.R.S. § 5702 or other applicable authority.

Dated: November 14, 2016

 Cheryl Fournier, Treasurer
 City of Saco

CITY OF SACO
 TREASURER'S CERTIFICATE AS TO INDEBTEDNESS

EXHIBIT A

BOND AND NOTE
 INDEBTEDNESS AS OF
 NOVEMBER 14, 2016

DATE OF ISSUE	PURPOSE	PRINCIPAL AMOUNT OUTSTANDING

TOTAL DEBT OF THE ISSUER: \$ _____

Maximum Legal Debt: \$212,265,000 (10% of State Valuation).

C. AUTHORIZE THE CREATION OF AN AD HOC COMPREHENSIVE PLAN UPDATE COMMITTEE AND CONFIRM THE MAYOR’S APPOINTMENTS

One of the goals adopted by the Saco City Council this calendar year is to: “Review the comprehensive plan and zoning ordinance for discrepancies, assimilate the Bridge 2025 document, and make recommendations for changes to the document for the next calendar year”. The City has contracted with Southern Maine Planning and Development Commission (SMPDC) to facilitate a Saco Comprehensive Plan Review/Update Committee.

The committee, appointed by the Mayor will consist of 11 voting members:

- City Council: Nathan Johnston and David Precourt
- Planning Board: Neil Schuster and Don Girouard
- Economic Development Commission: Bette Brunswick and Andrew Goldberg
- Five members of the public: Alyssa Bouthot, Peg Poulin, Rick Milliard, Tim Leary, and Sandra Guay

Two staff members will also be present to assist, but will not be voting members:

- Bob Hamblen, City Planner
- Bill Mann, Economic Development Director

Councilor Minthorn moved, Councilor Doyle seconded “Be it ordered that the City Council authorize the creation of an Ad Hoc Comprehensive Plan Update Committee; and confirm the Mayor’s appointments to the Ad Hoc Comprehensive Plan Committee.” Further move to approve the order. The motion passed with six (6) yeas.

VIII. COUNCIL DISCUSSION AND COMMENT

- Mayor Michaud - Reminded residents that they can still vote by absentee ballot for the Nov. 8, 2016 election.
- Councilor Cote - Noted that there were 2,500 people who have voted by absentee ballot so far.
- Councilor Gay – Inquired what the status was on the Ecology School on the Simpson Road? Councilor Minthorn noted that he spoke to the director of the school about 2 weeks ago and they are continuing to move forward with their fund raising, working of curriculum development things, expanding their programs to encompass the new property.
- Councilor Cote – Instead of having a budget every year we should look into having a budget every 2 years like the State of Maine does. The federal level is also looking into doing this. City Administrator Kevin Sutherland noted that it would require a Charter change, but it can be looked into.
- Councilor Johnston – Is there an update on forming a Finance Committee as was discussed previously? City Administrator Kevin Sutherland noted that this hadn’t been discussed. Councilor Minthorn noted that the city should be looking at nationwide best practices.

XI. ADJOURNMENT

Councilor Minthorn moved, Councilor Doyle seconded to adjourn the meeting. The motion passed with six (6) yeas. Time: 6:54 p.m.

Attest: _____
Michele L. Hughes, City Clerk