

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, November 13, 2017 at 6:00 p.m. a Special 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

SANDY SHAW – PLANTING OF A TREE AND A SIGN TO ACKNOWLEDGE COMMUNITY SERVICE

There was the planting of an American Chestnut Tree on Sandy Shaw's behalf a few weeks ago out on Front Street. A sign will be put up in the very near future which will read: Sandy Shaw devoted many years to our community serving on Saco's Conservation, Planning and School boards. To commemorate her service which inspires us to make a difference in our community, we planted an American Chestnut tree. Whereas, in the 19th century the American Chestnut was a key stone species in the East US forest and accidentally imported fungal blight killed 4 billion trees in the 20th century. This chestnut is a hybrid breed by the American Chestnut Foundation in an effort to resist the blight. Just as Sandy's community service is unrelenting and devoted to ecological health so too is the effort to return the chestnut tree to its proper place in our region for generations.

V. PUBLIC COMMENT

There were no public comments this evening.

VI. CONSENT AGENDA

VII. AGENDA

A. CONTRACT ZONE: 15 OCEANSIDE DRIVE – (PUBLIC HEARING)

Applicants George and Nancy Driscoll propose to clarify through the contract zoning process that their property at 15 Oceanside Drive is regarded as two lots: one developed, and one eligible for a building permit. Two lots were established as part of the Kinney Shores subdivision in 1914, and were acquired by the Driscolls in 1980, but were combined as a result of a 1985 amendment to the Zoning Ordinance. Today the City regards and taxes the property as a single parcel.

This item was reviewed by the Planning Board during its Oct. 17th meeting. The Board arrived at a negative finding on the four standards found in Sec. 230-1405.F, and voted to forward a negative recommendation to the Council. The City Council discussed during Workshop on September 11, 2017 and was read into the record on October 30, 2017.

Councilor Roche moved, Councilor Gay seconded to open the Public Hearing on the document titled, 'Contract Zone Agreement By and Between J. George and Nancy S. Driscoll and the City of Saco' dated October 17, 2017'. The motion passed with seven (7) yeas.

Nancy Driscoll, 15 Oceanside Drive – My husband George and I are asking for a Contract Zone at 15 Oceanside Drive in order to sell our undeveloped land parcel as a buildable lot. We believe this request is in keeping with the community family values embraced by Saco. I would like to first address the four requirements for contract zones. 1) We believe this parcel of land is unique. There is no doubt about it. It has ocean front and an existing sea wall with beach grass planted by us in the early 1990's and it has an existing sewer stub; 2) This request is consistent with Saco 2011 Comprehensive Plan; 3) This request for proposed use is consistent with the existing uses and permitted uses within the original zone. Specifically, by allowing a small scale single family dwelling to be built on the lot would be consistent with the established residential neighborhood. The conditions proposed are also sufficient to meet the intent of section #14. In addition, I feel that it is worth mentioning that additional revenues

would be generated for the city by granting this contract zone which would I believe have a potentially limited usage of services against that income especially in the categories of education and public works. There by creating a financial net gain for the city. We understand that traditionally recipients of contract zoning have a commercial entity having been able to benefit the public in consideration of the contract zone approval. We on the other hand have given of ourselves to the community at large without asking or expecting anything in return. As longtime citizens of the City of Saco my husband George and I have contributed to the Saco community in many ways over the past 35 years. In the past 6 months for example: We have supported and been volunteers at the Dyer Library's fund raising activities, volunteer at Ester House, and contributing to the newly dedicated Saco Dog Park. I have also donated hand-made quilted blankets to project Linus. That is a national program locally administered by Police and Fire Fighters to children in crisis situations offering comfort to our youngest citizens. In addition, I'm a Eucharistic Minister in the Catholic Church in Saco. I recently created and donated a banner to be used by the United Methodist, Advent Christian and the Catholic Church for a Ecumenical Thanksgiving service. Also there is a quilt shop in Pepperell Square. I have been in it many times and I'm going to teach a class in the Spring. I want that little business to succeed. We value the sense of community very highly and believe that all citizens can and should contribute their time and talents to keep our city special. We have contacted over 20 property owners in Kinney Shores and we asked if they had any objections to us developing our lot? We got no negative response. I have a list of names and their addresses which I would be happy to supply if you would like. One neighbor has submitted a report against us. We have met with Dick Lambert and as far as we know there are no violations. We have never intentionally tried to deceive anybody. We ask your support in granting this request to myself and my husband George a US Navy Veteran. Our request for Contract Zone approval in no way contradicts the Maine Supreme Court's prior ruling. Rather it provides a means for us to honor the previous decision using the cities authority in the present circumstances. Thank you all from the bottom of my heart.

Carl Walker, 22 Cottage Ave – I'm a 15 year member of the Kinney Shores Association. I want to go on record as supporting the Driscoll's and their endeavors.

Barbara Colman, 45B Stockman Ave – Many a contract zone agreements have come before us. After attending the Planning Board meeting I listened to an individual who previously attended the Planning Board and who not have agreed to all 4 standards. This time he did access all 4 standards. We have a contract zone agreement out there that a developer has yet to fulfill the requirements going back 10-15 years, my guess without calculating. Here is a couple of long time residents who are willing to meet the standards in all of that to take care of the city and make it whole. It is a buildable lot if you allow it to be. If not, there is still the possibility that somebody could put a tent out there and camp out every day of the week if they so want to purchase the property. There are no restrictions to that. The other issue at hand is this. The lot got combined back in 1986 and it wasn't until 2016 that I believe a tax bill went jointly out into their name. I understand the original notice was though a newspaper publication. Back in 1986 I cannot imagine an attorney or an attorney today not saying to the City of Saco, all of the unbuildable lands got combined like the Driscoll's in 2016 which really occurred in 1986, would not have sent out a letter with a return receipt request so that every individual in Saco with a similar situation was notified and we would retain those records. There is actually no complete list of records of all the combined lots that did occur, back in 1986. If they do exist it would have to be said in a meeting for the minutes. It is not in the Registry of Deeds. None of this legal work has taken place. Even today working in a law firm and I believe that Councilor Cote would agree that when you send out certain legal documents you send them out return receipt requested to the last known address. They never received a notice at their last known address. There is no record of anything. So to tell somebody some 20 years later that we can't do something because of a 1986 publication here in the State of Maine and not in their home state where they lived is not fair. If this was a probate case and they were living in Massachusetts as well as in Maine it would be published in both notifications. That should have been what occurred back in 1986 or at least a letter saying return receipt requested. It didn't occur. The city didn't fulfill its requirements to its citizens. We need to do that. If we don't do it today and we didn't do it back then at some point processes and procedures need to be corrected. If, it was done correct and properly you would not be facing a contract zone agreement issue and having to render a decision. So is it fair to allow a developer to continue to develop his properties and not put a stop order in place and not allow the Driscoll's to have their contract zone? I would highly recommend that the Council vote for this approval so they can move on in their later life and not have to worry about this any longer.

Lynn Copeland, 546 Ferry Road – Spoke in favor of allowing the Driscoll’s to sell that parcel. The courts have spoken and they made their decision on all of the technicalities so we don’t need to go there. But, I do think that you should all decide on the behalf of these residents. I called and I spoke with the City Manager and I found out there were 40 contract zones in Saco. In our neighboring community there are only 13 and of those 13 only 7 are active. So, we clearly have allot of these and I know that Councilor Johnston had talked about some of them at the last meeting and I think that we should care about the people in the city and these are long term residents and I believe that we should favor them in this decision.

Chuck Driscoll, Son of George and Nancy Driscoll, 33 Cove Ave. - It seems to me this contract zone issue we have going on is in place for a reason. It is in place for somebody like my parents to be able to have a buildable lot which was taken away from them. We can sit here and argue was it illegal for them to take it. It was not in common name when it was done. But still be it as it may it is where we are. So I’m asking you to vote for them. Let them have it. Let them do what they want to with it. Income for the city. Better, for the community. Fits right in with everything else going on down in Kinney Shores. I’m going to ask you to recommend the vote on their side.

Diane Sparrow, 96 Oceanside Dr. – Been there for 22 years. I’m in support of George and Nancy. I would love to have more residents in the winter time down near the beach. It would be nice to have people around.

Ed Radin, Seaside Ave – I’ve been here a long time. I have been before various boards many times. I have been opposed to changing lot structure in Kinney Shores. I bought there with my wife Carol and we were aware of the size of the lots and the number of lots. I’m not opposed to them being built on, any of them. There are other empty lots that should be built on. I was recently made aware of some people up in town that had their lots also combined for what appeared to be really no reason to me. Just because they were adjacent their lots were combined. I’m opposed to that from the beginning.

Mayor Michaud read a statement that was made for the record – The city in 1986 may have made an error and I believe this issue was litigated through the Maine Law Court and had the city made an error I’m sure that would have been noted. So I believe the process has been adjudicated and the city followed the proper procedure. Whether it was the procedure that the public wanted it is a procedure that was in place.

Councilor Roche moved, Councilor Minthorn seconded to close the Public Hearing and further move to set the Second and Final Reading for November 20, 2017. The motion passed with seven (7) yeas.

VIII. COUNCIL DISCUSSION AND COMMENT

- Councilor Gay – Asked for an update on the RT #112 Bypass. City Administrator Kevin Sutherland noted that we are in agreement with MTA and MDOT to do a engineering study and that process is moving forward. As have not selected an engineering firm to do the work as of yet. Councilor Gay inquired how the Ecology School was doing up on the Simpson Road? City Administrator Kevin Sutherland noted that they are a private entity. He believed they were dealing with some litigation that has been resolved and they are moving forward with the plans.
- Councilor Minthorn – Last week in the Executive Session we have a discussion concerning some of our folks over at the Saco Island and I was hoping for an update at some point on that. City Administrator Kevin Sutherland stated he would put something together.

IX. ADJOURNMENT

Councilor Minthorn moved, Councilor Roche seconded to adjourn the meeting at 6:23 p.m. The motion passed with seven (7) yeas.

Attest: _____

Michele L. Hughes, City Clerk