

Memo

To: Board of Assessors
From: Craig H. Skelton, Assessing Agent
Date: 07/27/2009
Re: FY 2010 Commitment Workshop

Development of the valuation through field inspections and deed changes for the FY 2009 Commitment resulted in adjustments to 136 property values. These adjustments were made for deed changes, new construction and alterations including additions, decks sheds and garages. There were 3 new lots created, 5 new homes and 7 new condominiums under construction since April 1, 2008. The net increase to the valuation totaled \$ 902,867.

There are 103 personal property accounts with a net increase since April 1, 2008 of \$1,266,100.

An unexpected amount of Homestead Exemption applications were received in response to a mailing sent out by the finance department. The additional 298 Homestead Exemptions contributed to a total increase in exemptions over last year of \$2,631,801.

These changes are all summarized on the attached "Tax Rate Calculation Form" indicating a proposed tax rate of \$15.20 for the FY 2010 Commitment.

TOTAL VALUATION BASE:	634,561,161	VALUATION:	645,522,171	HOMESTEAD EX BETE EXEMPT	10,354,500 606,510
APPROPRIATIONS:		DEDUCTIONS:			
COUNTY TAX:	353,553.48	STATE REV SHARING:			541,265.00
SCHOOL:	6,165,839.26	OTHER:			1,695,152.00
MUNICIPAL:	5,140,887.00	HOMESTEAD:			115,000.00 est
TOTAL:	11,660,279.74	TOTAL:			2,351,417.00
NET TO BE RAISED BY TAX:	9,423,862.74	MAXIMUM ALLOWABLE TAX:			9,895,055.88
MINIMUM RATE:	14.599	MAXIMUM TAX RATE:			15.3288

SCHEDULE 1: OVERLAY

	TAX RATE	TAX	OVERLAY	% OVERLAY	
minimum	14.60	9,424,623.70	760.96	0.01%	
	14.70	9,489,175.91	65,313.17	0.69%	
	14.80	9,553,728.13	129,865.39	1.38%	
	14.90	9,618,280.35	194,417.61	2.06%	
	15.00	9,682,832.57	258,969.83	2.75%	
	15.05	9,715,108.67	291,245.93	3.09%	
	15.10	9,747,384.78	323,522.04	3.43%	
	15.15	9,779,660.89	355,798.15	3.78%	
	SUGGESTED	15.20	9,811,937.00	388,074.26	4.12%
		15.25	9,844,213.11	420,350.37	4.46%
15.30		9,876,489.22	452,626.48	4.80%	
maximum	15.32	9,889,399.66	465,536.92	4.94%	

SCHEDULE 2: COMPARISON

	ACTUAL 2008/09	2009/10	% CHANGE
REAL ESTATE:	641,740,712.00	640,796,861.00	-0.15%
PERSONAL PROPERTY:	2,918,400.00	4,725,310.00	61.91%
TOTAL:	640,625,366.00	645,522,171.00	0.76%
COUNTY TAX:	348,606.40	353,553.48	1.42%
SAD 35:	6,034,213.76	6,165,839.26	2.18%
MUNICIPAL:	5,143,299.00	5,140,887.00	-0.05%
TOTAL:	11,145,960.05	11,660,279.74	4.61%

SCHEDULE 3: RATE BREAKDOWN

TOWN:	3,125,936.91	4.93	32.4%
SCHOOL:	6,165,839.26	9.72	63.9%
COUNTY:	353,553.48	0.56	3.7%
TOTAL	9,645,329.65	15.20	100.00%

ASSESSOR'S CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from RE 1
PP 1 to _____
inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the
Municipality of South Berwick for State, County, District, and
Municipal Taxes for the fiscal year 07/01/09 to 06/30/10 as they existed on the first
day of April 2009.

IN WITNESS THEREOF, we have hereunto set our hands at South Berwick, this
10th day of August, 2009

_____ Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality South Berwick County York
To John B. Schempf, Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list
herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax.....	\$	<u>353,553.48</u>
2. Municipal Appropriation.....	\$	<u>3,445,735.00</u>
3. TIF Financing Plan Amount.....	\$	<u>0.00</u>
4. Local Educational Appropriation.....	\$	<u>6,165,839.26</u>
5. Overlay Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation # 16)	\$	<u>388,074.26</u>
6. Total Assessments	\$	<u>\$10,353,202.00</u>

Deductions:

7. State Municipal Revenue Sharing.....	\$	<u>541,265.00</u>
8. Homestead Reimbursement.....	\$	<u>157,388.40</u>
9. BETE Reimbursement.....	\$	<u>9,218.95</u>
10. Other Revenue.....	\$	<u>0.00</u>
11. Total Deductions	\$	<u>\$707,872.35</u>
12. <u>Net Assessment for Commitment</u>	\$	<u>\$9,645,329.65</u>

You are to pay to John B. Schempf, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 8/9/2011

In case of the neglect of any person to pay the sum required by said list until after 9/30/09 & 3/31/10 ;

you will add interest to so much thereof as remains unpaid at the rate of 9 percent per annum, commencing 10/1/09 & 4/1/10 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 8/10/2009

_____ Assessor(s) of South Berwick

CERTIFICATE OF COMMITMENT

To John B. Schempf, the Collector of the Municipality of South Berwick, aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$ 9,645,329.65 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 8/10/2009

_____ Assessor(s) of South Berwick

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

CHARTER AMENDMENT ORDINANCE

Be it hereby ordained by the Town Council of the Town of South Berwick, Maine, in Town Council assembled, that the Council-Manager Charter of the Town of South Berwick be amended as shown below (language in underscored type is added and language in strikeover type is deleted):

Article II, Sec. 4.

Sec. 4. Compensation. ~~Councilmen~~ Council members shall receive \$10 for each council meeting upon attendance not to exceed in the aggregate \$200 per year in full for their services. such compensation as may be ~~changed by voted on~~ by an article contained in the warrant for said purpose at the annual town meeting. The town council by order shall fix the salaries of officials appointed by the town council, including the salary of the town manager for his services as such and for all other services rendered by him. Salaries of the appointees of the town manager shall be fixed by the town manager, subject to approval of the council.

Article II, Sec. 5.

Sec. 5. Induction of council into office. The town council shall meet at the usual place for holding meetings within ~~5-7~~ 7 days following the regular town election, and at said meeting ~~councilmen~~ council members-elect shall be sworn to the faithful discharge of their duties by a justice of the peace or by the town clerk.

Article II, Sec. 9.

Sec. 9. Chairman. At its first meeting, or as soon thereafter as practicable, the council shall elect, by majority vote of the entire council, one of its members as ~~chairman~~ for the ensuing year and the council may fill, for an unexpired term, any vacancy in the office of ~~chairman~~ that may occur. The ~~chairman~~ shall preside at the meetings of the council, and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, but he shall have no regular administrative duties. He shall be entitled to vote, and his vote shall be counted upon all matters and things as a vote of other members of the council. ~~In the temporary absence or disability of the chairman,~~ At its first meeting, the town council may shall elect a vice chair, man pro tempore, from among its members, and ~~he who~~ shall exercise the powers of ~~chairman~~ serve as necessary during the temporary absence or disability of the ~~chairman~~ and shall exercise the powers of the chair during such times.

Article III, Sec. 2.

Sec. 2. Removal. The town manager may be removed for cause by the council ~~in accordance with the provisions of the statutes of the State of Maine relating to the removal of a town manager.~~

Article IV, Sec. 7.

Sec. 7. ~~Work program~~ Proposed budget; allotments. Before the beginning of the budget year, the head of each office, department or agency shall submit to the town manager a ~~work program~~ proposed budget for the year, which ~~program~~ shall show the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments of appropriations for such office, department or agency, by stated periods, for the entire budget year. The town manager shall review the requested allotments in the light of the ~~work program~~ functions and duties of the office, department or agency concerned as described in the Administrative Code and the job descriptions of the employees within the office, department or agency, and may revise, alter or change such allotments before approving same. The aggregate of such allotments shall not exceed the total of appropriations available to said office, department or agency for the budget year.

Article IV, Sec. 8.

Sec. 8. Transfer of appropriations. At the request of the manager and within the last 3 months of the budget year, the council may, by resolution, transfer any unencumbered appropriation balance or portion thereof between general classification of expenditures within a ~~department~~ budget warrant article, and such transfer shall not require town meeting approval under Article VII, section 2.

Article V, Sec. 2.

Sec. 2. Board of Assessment Review: appointments and vacancies. There shall be a board of assessment review to consist of 5 members and 2 alternates who shall be appointed by the town council for a term of 3 years, ~~except that of those first appointed, two shall be for a term of 3 years, two shall be for a term of 2 years and one shall be for a term of 1 year~~ staggered terms of the members having been established initially. Compensation, if any, to such members shall be determined by the town council. Vacancies in the membership of such board shall be filled by appointment by the town council for the unexpired term. ~~Upon the effective date of this section, the terms of the office of all the then current members of the board of assessment review shall terminate, and new appointments shall be made in accordance with this section.~~ Members of the town council shall not serve on the board of assessment review. Alternates may attend all meetings and participate in proceedings of the board of assessment review, but may vote only when designated by the chair of the board to act for a member who is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chair.

Article VI, Sec. 5.

Sec. 5. Election officials. The town ~~council~~ clerk shall, 10 days before any election, appoint a warden and clerk, in addition to the regular ballot clerks, for each voting place.

Article IX, Sec. 4.

~~Sec. 4. Removal of officers and employees. With the exception of the town manager, whose removal is provided for in accordance with the statutes of the State of Maine, any statutory officer, department head or employee may be removed by the appropriate appointing body or officer at any time. [Deleted November 3, 2009.]~~

Throughout the Charter

The word “chairman” is replaced with the word “chair” and the word “councilmen” is replaced with the words “council members.”

**SOUTH BERWICK TOWN COUNCIL
JULY 27, 2009**

Chairman Jean Demetracopoulos called the meeting to order at 6:00pm. Those present included Councilors Michelle Kareckas, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance. David Burke was not present.

EXECUTIVE SESSION

1. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to enter executive session at 6:01pm pursuant to 1MRSA §405.6A to discuss the appointment of a Planning Board member.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to end the executive session.

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to recess the meeting to accommodate a joint public hearing with the Planning Board at 6:30pm.

The meeting reconvened at 7:10pm.

APPROVAL OF MINUTES

1. Town Council 7-13-09: On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.

2. Special Town Council 7-20-09: On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to adopt the minutes as written.

SIGNING OF TREASURER'S WARRANT – July 27, 2009

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to sign the warrant.

COUNCIL MEMBER COMMENTS

1. Mrs. Kareckas:

- Asked that no additional public comment be taken after the last agenda item.
- Asked that shoreland zoning be on the next agenda for discussion.
- Stated there will be a celebration of South Berwick's oldest citizen at the Community Center on September 16th.

2. Mrs. Demetracopoulos:

- Thanked the seniors for paying for the stripping/waxing of the floor and painting.
- Would like to add the September 9th Food Pantry open house to the council calendar.
- Attended a meeting with the Manager in Augusta to discuss traffic issues with the DOT.

TOWN MANAGER'S REPORT

-Announced that Eric Pelchat is recording the meetings and making the recordings available on a new website, southberwickupdate.com.

-Complimented the Old Berwick Historical Society for a great Living History Presentation at the Counting House Park.

-Stated that the Pine Tree Zone has been expanded by the legislature to include most of the state.

-Stated that the Great Works Regional Land Trust is making progress on the balancing rock issue. We should hear something in the next month.

-The deadline for submissions to the newsletter was today, but new submissions may still make it in.

-The Maine Biz Fact Book for 2009 has South Berwick listed:

4th largest private school	43rd in state for population
19th largest public school district	13th most affluent town
32nd in home sale prices	

-Will be out of the office next week.

PUBLIC COMMENT

1. Cliff Cleary, Spillane's Hill, read his letter of resignation from the EDC.
2. Virginia Jennings, Earls Rd, stated that there are too many things being done on various levels effecting private property.
3. Audrey Fortier, asked if public input at meetings will be part of the charter changes. Mrs. Demetracopoulos stated that it is not a charter issue, but a council rules issue.
4. Suzanne Roberge, Berwick Rd, asked where South Berwick was listed in the Maine Biz for economic development. Mr. Schempf explained that there was no economic development category listed. Ms. Roberge went on to thank Eric Pelchat for setting up his website.

NEW BUSINESS

1A. On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to accept the Byrne/Recovery Grant in the amount of \$3666 for the purchase of police equipment.

2A. The Council discussed the proposal to build a connector road from the Young Street parking lot to the back of Central School. The goal is to mitigate or eliminate the traffic congestion in front of the school during drop off and pick up times. Parents that drive their children to school would be required to use the Young Street lot. School buses (about 5) would still use the school's entrance on Main Street. Discussion ensued regarding the cost of the project and why it is not put out to bid. Mr. Schempf explained that the proposal would not impact the current budget; if put out to bid, it is unlikely that anyone would be able to do the work as cheaply as the PWD. The Town would be using about \$20,000 in manpower/equipment and \$20,000 from Capital Improvements. The remainder would be from the school district.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to approve the construction of a connector road between Young Street and Central School pending the school board decision on August 5th.

2B. The Council discussed the proposal to begin the process of managing the Town Forest. The proposal includes an inventory costing \$735.50 and timber harvest services billed at 14% of the gross stumpage paid. Discussion ensued as to whether the funds should come from the undesignated surplus or highway.

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to authorize the Manager to execute a contract with Parker Forestry Associates, LLC, with the funds for the inventory to come from the proceeds of the timber harvest.

Mrs. Demetracopoulos stated that Thad Webster had built a loop trail and bridge. She added that the area could be enhanced by logging. She also commented that public access/use should be considered.

3A. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to accept David E. Webster's verbal resignation from the Council.

3B. On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to set the nomination period for the 2 year term seat (vacated by Mr. Webster) to Monday, August 10, 2009 to Friday, September 18, 2009.

4A. The Council discussed the numerous Charter amendments proposed by the Manager. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to hold a public hearing on Monday, August 10th at 6:30pm to receive comment on the proposed changes to the Town's Charter.

4B. The Council discussed the maintenance of cemeteries and the requirement to take care of veteran's graves. There are currently about 109 cemeteries with over 400 identified veteran's graves in South Berwick.

Mary Vaughn and Gillian Cusack of the Old Berwick Historical Society offered the Society's help. Ms. Cusack has been working on GPS coordinates for graves.

Suzanne Roberge, SB Cemetery Committee, stated that they currently oversee 4 cemeteries and are not looking for help from the Town at this time.

Brad Christo, Oldfields Rd, stated that more residents may be willing to take care of the old cemeteries on their property if they knew that the Town would help. He added that the PWD has been very helpful in his endeavors.

Mr. MacPherson, also a member of the SB Cemetery Committee, stated that anyone can establish a family burial ground. He added that after a burial ground is established and the owner of the property 'moves on' the Town becomes responsible for the care of that cemetery.

Consensus of the Council was to hold a workshop in September with the Cemetery Committee and Historical Society.

4C. MMA Election for Vice-President & Executive Committee: On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to cast South Berwick's vote for MMA Vice President in favor of Mark Green of Sanford. A copy of the ballot is attached.

5A. On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to appoint Joel Moulton to the Planning Board as an alternate with a term to expire June 30, 2012.

5B. The Council discussed the makeup of the existing boards & committees. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to change the membership of the following committees:

Board of Assessment Review – change to 5 members with 2 alternates (requires Charter change)
 Zoning Board of Appeals – change to 5 members with 2 alternates (requires Zoning Ordinance change)
 Conservation Committee – change to 5 members
 Historic District Commission – 5 members (requires Historic District Ordinance change)
 Library Advisory Board – change to 5 members

5C. The Council discussed the Economic Development Committee and the difference between economic development and community development.

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to sunset the EDC effective September 1, 2009.

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to create a 5 member Community Development Committee with a charge to be developed.

5D. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to create a 5 member Recreation Committee with a charge to create a long term Recreation Facilities Capital Plan. Mrs. Demetracopoulos suggested including a broad range of members.

5E. The Council briefly discussed the establishment of a Master Plan Committee that would include the tasks associated with a Comprehensive Plan Vision Committee and a Master Plan for the Town. Tasks for the committee would include working on a plan for the Young Street property. Mr. Schempf recommended that the committee consist of a large number of members with Councilor MacPherson as the Chairman.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to establish a Master Plan Vision Committee.

ADJOURNMENT

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adjourn the meeting at 8:56pm.

Attest:

Barbara Bennett, CCM

**SOUTH BERWICK TOWN COUNCIL
AND PLANNING BOARD
PUBLIC HEARING
SHORELAND ZONING
JULY 27, 2009**

Chairman Jean Demetracopoulos opened the hearing at 6:30pm. Councilors present included Michelle Kareckas, and Gerald W. MacPherson, Sr. Planning Board members present included Cheryl Dionne, Marian Demers, Brad Christo, and John Stirling. Town Manager John B. Schempf and Planner Jim Fisk were also in attendance. Councilor David Burke was not present.

The purpose of the hearing was to receive public comment on the proposed Shoreland Zoning Ordinance and associated changes to the Zoning and Subdivision Ordinances.

Mr. Fisk gave an overview of the changes. The mandatory Shoreland Zoning Act, 38 MRSA §435-449 and the Board of Environmental Protection require municipalities to adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines set forth in the Act and by the Board. The amendments to the code incorporate the most current State Shoreland Zoning into the South Berwick Code, Chapter 110, Shoreland Zoning. Sections of the existing Zoning and Subdivision Ordinances are also included and will be repealed or modified.

-Mr. Fisk stated that the only substantial changes involve the inclusion of two new inland wading/waterfowl habitats and the reinstatement of some exemptions that were erroneously removed from the shoreland standards.

-Eric Pelchat, Front St, asked if these changes were initiated by the town. Mrs. Demetracopoulos explained that the changes are being made to conform to new state laws. Most of the ordinance is not new; it has simply been reformatted as a stand alone ordinance.

-Virginia Jennings, Earls Rd, expressed her concerns with the effect on her property and her setbacks. Mrs. Dionne explained that the areas requiring an increase to a 250' setback is state mandated. Any resident can contact the state had have the area in question reviewed and remapped. Note was made that Mrs. Jennings property is not effected and her setback remains 100'. Mrs. Demetracopoulos added that if someone can prove an actual market value decrease, they can apply for abatement.

-Audrey Fortier, Rodier Rd, questioned why the town is being more restrictive than the state. Mrs. Demetracopoulos stated that the 100' setback has been in place since 1991. The only areas increasing to 250' are required by the state for the wading bird/water fowl habitats.

-Mr. Fisk stated that existing structures will be allowed a 1 time expansion of up to 1/3 of the building size in a direction away from the water body. He also explained that a 1 time special exemption may be granted for a structure up to 1500 square feet if the planning board finds that the property is unusable otherwise. He added that he is not aware of any existing houses or lots of record that would fit that category.

-Paul Roberts, owner of property on Fife's Ln, stated that he and more certainly his son will be adversely affected by this change. It will make it unfeasible and uneconomical for them to develop their property. It was clarified that cutting trees to build the road would not be considered part of his timber harvesting. Mrs. Demetracopoulos stated that he could ask the state to review the area.

The hearing was closed at 7:08pm.

Attest:

Barbara Bennett, CCM

7.27.2009

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00050045	133050 TREAS, STATE OF MAINE/IV-D	08/10/2009	31.07
00050046	132500 SECRETARY OF STATE M/V	08/10/2009	10,109.52
00050047	133050 TREAS, STATE OF MAINE/IV-D	08/10/2009	31.07
00050048	132500 SECRETARY OF STATE M/V	08/10/2009	14,172.03
00050049	189999 REFUNDS	08/10/2009	15.00
00050050	189999 REFUNDS	08/10/2009	50.00
00050051	010300 AETNA	08/10/2009	14,322.00
00050052	010335 AGGIES FARMSTAND	08/10/2009	44.51
00050053	010336 AGGREGATE RECYCLING CORP	08/10/2009	2,862.08
00050054	010340 AGRI DRAIN CORP	08/10/2009	284.12
00050055	010740 AMERIFLEX CLAIMS ACCOUNT	08/10/2009	2,475.50
00050056	011100 LOUISE ANDERSON	08/10/2009	13.05
00050057	011250 TREASURER, STATE OF MAINE	08/10/2009	31.00
00050058	020790 APPLIED INDUSTRIAL TECH	08/10/2009	121.25
00050059	030420 AT&T MOBILITY	08/10/2009	69.80
00050060	011495 ATLANTIC RECYCLING EQUIP LLC	08/10/2009	87.70
00050061	020225 BAKER & TAYLOR	08/10/2009	120.04
00050062	022850 BUSINESS EQUIPMENT UNLIMITED	08/10/2009	9,111.00
00050063	021654 BLIER FLOORING	08/10/2009	78.00
00050064	021668 BLOW BROS	08/10/2009	52.53
00050065	021800 BOB'S TROPHIES & AWARDS	08/10/2009	523.50
00050066	022350 GERRY BOYLE	08/10/2009	200.00
00050067	022503 SHARON BRASSARD	08/10/2009	54.67
00050068	022710 BROX INDUSTRIES INC	08/10/2009	64.48
00050069	022640 BURKE'S TREE SERVICE	08/10/2009	800.00
00050070	030530 CENTRAL TIRE CO INC	08/10/2009	75.00
00050071	030510 CENTRAL MAINE POWER	08/10/2009	3,477.10
00050072	030552 CHASE & HAMLYN INC.	08/10/2009	400.00
00050073	030725 CITIZENS BANK (CHG)	08/10/2009	2,496.00
00050074	030920 CLEAN-O-RAMA	08/10/2009	552.82
00050075	031425 COLONIAL LIFE & ACCIDENT INS.	08/10/2009	1,464.84
00050076	031430 COMCAST	08/10/2009	95.00
00050077	031520 COMPUCHILD	08/10/2009	215.00
00050078	031998 CRT PROCESSING	08/10/2009	517.26
00050079	032030 CUMMINS NORTHEAST INC	08/10/2009	499.00
00050080	050200 EASTERN BEARINGS INC	08/10/2009	378.20
00050081	050785 ELIMINATOR INC	08/10/2009	3,104.60
00050082	050815 EMPLOYEE HEALTH & BENEFITS	08/10/2009	718.40
00050083	060100 HOWARD P FAIRFIELD INC	08/10/2009	3,638.05
00050084	060190 KEVIN FARLEY	08/10/2009	100.00
00050085	060260 FASTENAL COMPANY	08/10/2009	150.87
00050086	060300 FAVORITE FOODS INC	08/10/2009	318.44
00050087	061380 KRISTINE FONTAINE	08/10/2009	30.00
00050088	061500 FOSTER'S DAILY DEMOCRAT	08/10/2009	185.00
00050089	061675 FUNTOWN/SPLASHTOWN	08/10/2009	1,503.00
00050090	070274 GC/AAA FENCE COMPANY	08/10/2009	312.00
00050091	180478 RICHARD GENEST INC	08/10/2009	424.00
00050092	071307 GULF/FLEET FUNDING	08/10/2009	106.78
00050093	073100 GWI	08/10/2009	25.00
00050094	191330 HANNAFORD'S	08/10/2009	464.41
00050095	080248 HANSCOM'S TRUCK STOP INC	08/10/2009	2,080.47
00050096	080330 A H HARRIS & SONS	08/10/2009	172.80
00050097	080998 HOME DEPOT	08/10/2009	168.02
00050098	081305 HSE GOULD	08/10/2009	114.50
00050099	090120 INLAND FISHERIES & WILDLIFE	08/10/2009	356.00
00050100	100150 JANETOS MARKET	08/10/2009	137.40

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00050101	100200 JEWETT/EASTMAN MEMORIAL COM	08/10/2009	239.00
00050102	100380 JOHN DEERE LANDSCAPES	08/10/2009	577.17
00050103	100648 ARIEL KAPLAN	08/10/2009	12.78
00050104	120350 NORMAND LAUZE	08/10/2009	338.00
00050105	120510 LAWSON PRODUCTS INC.	08/10/2009	539.43
00050106	120970 LIBBY SCOTT INC.	08/10/2009	15,215.53
00050107	121300 LINCOLN PRESS	08/10/2009	339.00
00050108	127000 CORRINE J MAHONY	08/10/2009	600.00
00050109	132400 MAINE SAD #35	08/10/2009	513,819.94
00050110	133375 MAINE ENERGY RECOVERY CO.	08/10/2009	4,443.42
00050111	133358 W.B.MASON	08/10/2009	129.97
00050112	134200 MAINE MUNICIPAL ASSO (INS)	08/10/2009	2,091.25
00050113	134601 EXXON/MOBIL	08/10/2009	64.08
00050114	134665 MONTROSE-SANFORD HYDRAULICS	08/10/2009	33.66
00050115	135010 MPH INDUSTRIES INC	08/10/2009	152.72
00050116	140090 N.A.D.A. APPRAISAL GUIDES	08/10/2009	90.00
00050117	140105 NAPA OF SOMERSWORTH	08/10/2009	17.37
00050118	141060 NEW PIG CORP	08/10/2009	425.69
00050119	141080 NEXTEL	08/10/2009	133.08
00050120	141127 NH E-Z PASS	08/10/2009	116.00
00050121	141300 NO.BERWICK LUMBER & HARDWARE	08/10/2009	42.21
00050122	141367 NORTHEAST ELEVATOR SERVICES	08/10/2009	1,708.00
00050123	200700 PIKE INDUSTRIES INC	08/10/2009	1,333.77
00050124	161265 PORTSMOUTH FORD	08/10/2009	45.06
00050125	170000 QUILL CORPORATION	08/10/2009	392.93
00050126	180125 RANSOM ENVIRONMENTAL INC	08/10/2009	63.75
00050127	190094 SANEL AUTO PARTS CO	08/10/2009	1,033.06
00050128	190528 JOHN SCHEMPF	08/10/2009	339.50
00050129	192400 SO BERWICK PETTY CASH ACCOUNT	08/10/2009	33.94
00050130	191950 SO BERWICK HOUSE OF PIZZA	08/10/2009	75.00
00050131	193605 SOUTHWORTH-MILTON, INC	08/10/2009	85,188.07
00050132	193640 STAPLES	08/10/2009	115.39
00050133	193660 STARKEY FORD INC	08/10/2009	90.72
00050134	194300 SUNOCO/FLEET SERVICES	08/10/2009	97.85
00050135	194310 SUNOCO CREDIT CARD	08/10/2009	336.84
00050136	200545 TERMINIX INTERNATIONAL	08/10/2009	68.00
00050137	040495 TREAS, STATE OF ME/BIS	08/10/2009	85.01
00050138	133030 TREAS/STATE OF MAINE/DHS	08/10/2009	40.00
00050139	133105 TREASURER OF STATE/C.WPNS	08/10/2009	160.00
00050140	133113 TREASURER OF STATE/ATV	08/10/2009	1,224.00
00050141	201236 TRI-CITY MASONRY	08/10/2009	48.12
00050142	201300 TWO-WAY COMMUNICATION SERV INC	08/10/2009	796.75
00050143	210595 URBAN TREE SERVICE	08/10/2009	600.00
00050144	193670 US BANK	08/10/2009	53,662.50
00050145	230300 WALMART COMMUNITY BRC	08/10/2009	161.87
00050146	230675 WEIR'S MOTOR SALES	08/10/2009	232.88
00050147	230915 WHITED TRUCK CENTERS	08/10/2009	1,330.43
00050148	230950 BRUCE WHITNEY	08/10/2009	563.50
00050149	231200 WILDLIFE ENCOUNTERS LLC	08/10/2009	977.50
00050150	230500 WM RECYCLE AMERICA, LLC	08/10/2009	291.98
00050151	241102 YORK HOSPITAL	08/10/2009	200.00
00050152	241280 ZEP MANUFACTURING CO	08/10/2009	625.76
Total Not Prepaid			746,937.67
Total Prepaid			24,408.69
Grand Total			771,346.36

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number -----Account----- Date Paid Amount

WARRANT NUMBER ----- \$ 771,346.36 DATE 08/06/2009

* * * TREASURER'S WARRANT * * *

THIS IS TO CERTIFY THAT THERE IS DUE AND CHARGEABLE TO THE APPROPRIATIONS LISTED
ABOVE THE SUM SET AGAINST EACH NAME AND YOU ARE DIRECTED TO PAY UNTO THE PARTIES
NAMED IN THIS SCHEDULE.

TOWN COUNCIL:

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: August 10, 2009	Item # NB 1A
Agenda Item: DBPD Strawberry Festival Committee 2009 Grant to purchase 4 Crosswalk signs	
Department Head Recommendation: Chief Dana P. Lajoie	
Approval to accept the Strawberry Festival Committee 2009 Grant to purchase 4 State Law Crosswalk signs Purchase of Crosswalk signs	
Town Manager's Recommendation	
The Police Department has applied for and been awarded a grant from Strawberry Festival to purchase 4 crosswalk signs. These signs will be a valuable tool for the Police Department and a bonus to the community, especially during special events. I request the Council accept this grant.	
Requested Action	
Motion to accept the Strawberry Festival Grant for crosswalk signs in the amount of \$932.00.	
Vote	

Keep this copy

Strawberry Festival Committee

2009

Terms of Award

July 20, 2009

South Berwick Police Department

Description of Project:

4 State Law Crosswalk signs

Amount of Award: \$932

Grant awards are made only for the purpose(s) specified in the enclosed award letter. Deposit of the grant award check signifies your intent to comply with the terms and conditions of the award as outlined below, and serves as our receipt for the enclosed grant award payment.

1. Expenditure of Grant Funds-The grant award is made only for the purpose(s) specified above and in the award letter, and subject to any conditions included therein.
2. Return of Grant funds to Strawberry Festival Committee:
 - a) Awards which have not been qualified and paid within 6 months of the award date revert back to the Strawberry Festival Committee;
 - b) Grant funds should be expended within 6 months after payment is issued. At the end of this period, any unexpended grant funds should be returned to the Strawberry Festival Committee, or a written request for an extension of time should be submitted to the Committee. Copies of the expenditure receipts must be forwarded by the end of the 6-month period (by February 28, 2010) to The Strawberry Festival Committee at P.O. Box 371, South Berwick, ME 03908.
 - c) Grants will be returned if the Strawberry Festival Committee determines that the grant recipient has not performed in accordance with the Terms of Award, or met the conditions described in the award letter.

Publicity for your project must make reference to the support provided by the Strawberry Festival Committee.

I agree to the above Terms of Award.

Signature

(South Berwick Police Department)

Printed Name & Phone #

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: August 10, 2009	Item # NB 1B
Agenda Item: Accept Board/Committee resignations	
Town Manager's Recommendation	
Cliff Cleary and Mimi Demers have resigned from the EDC. Brad Christo has resigned from the Planning Board.	
Requested Action	
Motion to accept the resignations from the HDC and the Planning Board as listed above.	
Vote	

July 27, 2009

TO: South Berwick Town Council

FROM: Clifford B. Cleary

I feel it is a sad day in South Berwick to “sunset” the Economic Development Committee in September. Numerous surveys, including the Comprehensive Plan have supported economic development in South Berwick.

Effective immediately, it is with deep regret that I resign as a member of the Economic Development Committee.

Clifford B. Cleary

Roberta Orsini

From: Mimi Demers [mimiandray@gwi.net]
Sent: Wednesday, July 29, 2009 6:47 AM
To: Roberta Orsini
Subject: Re: edc

Hi Roberta,
Please forward this to the council; thank you.
Mimi

To the South Berwick Town Council:

Please accept my resignation from the South Berwick Economic Development Committee. I appreciate having had the opportunity to serve. Thank you.

Best,
Marian (Mimi) Demers

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: August 10, 2009	Item # NB 1C
Agenda Item: Set Public Hearing date for Historic District Ordinance amendments	
Board Recommendation:	
The Historic District Commission has reviewed the Historic District Ordinance and suggests the amendments attached.	
Town Manager's Recommendation	
On May 11 th the Council requested the HDC update this ordinance to reflect the new BR zone and to make other recommendations as necessary. I suggest the Council review and discuss the proposed amendments and if the Council so wishes schedule a Public Hearing for this Ordinance.	
Requested Action	
Motion to schedule a public hearing to hear comments on the proposed amendments to the Historic District Ordinance. Suggest: August 24, 2009 at 6:30 pm.	
Vote	

HISTORIC DISTRICTS

Chapter 84

Article I

General Provisions

- 84-1. Purpose.
- 84-2. Definitions.

Article II

Historic District Commission

- 84-3. Establishment; membership; terms; bylaws; expenditures.
- 84-4. Duties.

Article III

Establishment of Districts

- 84-5. Qualifications.
- 84-6. Effect on other regulations; applicability.
- 84-7. Designation of districts, sites or landmarks; expansion of districts.

Article IV

Certificates of Appropriateness

- 84-8. When required; majority vote; building permit.
- 84-9. Application procedure.
- 84-10. Administrative procedure.
- 84-11. Standards of evaluation.
- 84-12. Maintenance.

Article V

Administration

- 84-13. Conflict with other provisions.
- 84-14. Violations and penalties; enforcement.

HISTORY: 3-13-1989 Adopted by the Town Council of South Berwick.
Sections 84-1, 84-2, 84-4A, and 84-7 amended at time of adoption
of code; see Ch.1, General Provisions, Article 1. Other amendments
noted where applicable.
11-22-1999 Section 84-7 & appendices A, A-1, B, B-1, C, & C1 amended.

General References: Building Construction - See Chapter 60.
Zoning - See Chapter 140.
Historic District Bylaws - See Chapter A145.

Article I
General Provisions

84-1. Purpose.

This chapter is adopted in accordance with the Charter of the Town of South Berwick and pursuant to the legislative authority vested in the Town by virtue of 30-A M.R.S.A. Sections 3001 through 3007, 4301, and 4351 through 4359, and the acts amendatory thereto, for the purpose of preserving, protecting, and enhancing buildings and places or areas within the town which possess particular historical, cultural and economic welfare of the residents and visitors to the town. To achieve these purposes, it is intended that historic districts and related regulations shall be used:

- A. To prevent inappropriate alterations of buildings of historic or architectural value.
- B. To prevent the demolition or removal of designated sites or landmarks and significant historic structures within designated districts whenever a reasonable alternative exists or can be identified.
- C. To preserve the essential character of designated districts by protecting relationships of groups of buildings and structures **and archeological sites.**

84-2. Definitions.

As used in this chapter, the following words and terms shall have the following meanings:

ALTERED - Includes the words "rebuilt", "reconstructed", "rehabilitated", "restored", "repainted", and "demolished" or any other change to the exterior facade of a structure.

BUILDING - A combination of materials forming a shelter that may be used for persons, animals, or property.

CODE ENFORCEMENT OFFICER - A person appointed by the Town Manager to administer and enforce this chapter.

COMMISSION - The Commission acting as the Historic District Commission established in Section 84-3.

CONFLICT OF INTEREST - Direct or indirect pecuniary benefit to any person or member of the person's immediate family (i.e., grandfather, father, wife, son, grandson) or to his employer or the employer of any member of the person's immediate family, or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorizes and requires him to act. "Conflict of interest" shall also be defined in accordance to 30-A M.R.S.A. Section 2605, as amended.

CONSTRUCTED - Includes the words "built", "erected", "enlarged", "installed", "moved", "reconstructed", "rehabilitated", "restored", and "altered".

DEMOLITION - The razing of any structure or any exterior architectural feature, **or the permanent removal of architectural trim elements.**

DISTRICT - See "historic district".

ERECTED - See "constructed".

EXTERIOR ARCHITECTURAL FEATURE - The architectural style and general arrangement of the exterior of a building or structure, including but not limited to the kind, roof color and texture of the building materials; the type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc.; and the location and treatment of any vehicular access or parking space.

HISTORIC (adjective) - Important in or contributes to history.

HISTORIC DISTRICT - A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objectives united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this chapter as appropriate for historic preservation. Such "historic districts" may also comprise individual elements separated geographically but linked by association.

HISTORIC LANDMARK - Any improvement, building or structure of unique historic architectural significance to the Town of South Berwick, relating to its heritage, cultural, social, economic or political history or which exemplifies important events in local, state, or national history as may be designated in accordance with this chapter.

HISTORIC SITE - Any parcel of land of special significance in the history of the Town of South Berwick and its inhabitants or upon which a historic event has occurred and which has been designated as such in accordance with this chapter.

HISTORY (noun) - A record of events, as of the life or development of a people, country, institution, etc.

IMPROVEMENT - Any place, structure, building, fixture, object, landscape, or topographical feature, which in whole or part constitutes an exterior betterment, adornment or enhancement or any real property.

LANDMARK - See "historic landmark".

MATERIAL - A substance or substances out of which a building or structure is constructed.

PERSON - Includes an individual, a corporate or unincorporated organization or association and the Town of South Berwick.

SITE - See "historic site".

STRUCTURE - A combination of materials other than a building, including but not limited to walls, fences, walks, parking lots or driveways.

Article II Historic District Commission

84-3. Establishment; membership; terms; bylaws; expenditures.

A. An Historic District Commission, whose members shall be appointed by the Town Council, is hereby established.

B. The Commission shall consist of **five (5)** members, who shall be residents of South Berwick. Appointments shall be made on the basis of demonstrated interest, ability, experience and desire to promote historic preservation in the town within the meaning of Section 84-1 of this chapter. As far as possible, the membership should include professionals in the disciplines of architecture, history, architectural history, planning archaeology, urban design or other related fields; a builder and at least two (2) owners of historic landmarks, sites or of property within the historic district.

C. Three (3) members of the Commission shall be initially appointed to serve terms of three (3) years; ~~three (3) shall initially be appointed to serve two~~ **One shall be appointed to serve the term of two(2) years;** and the remaining member of the Commission shall be appointed to serve terms of one (1) year. All appointments thereafter made shall be for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy in an unexpired term, in which case the appointment shall be for the remainder of the unexpired term.

D. Advisory members. The Town Council may appoint persons to serve in an advisory or consulting capacity on a temporary basis at the Council's pleasure.

E. The Commission shall elect a Chairman, Vice Chairman, and Secretary annually from among its membership.

F. The Commission shall adopt bylaws or additional operating procedures consistent with the intent of this chapter and of the state enabling legislation and the Charter of the Town of South Berwick. Said bylaws shall be submitted to the Town Council for review.

G. The Commission may expend funds for the purposes of historic preservation in the Town of South Berwick, in accordance with the annual town budget. Such expenditures may include salaries or other compensation for clerical and technical assistance or consultants if approved in the town budget. The Commission may, with the approval of the Town Council, accept grants, donations or gifts of services and may hold or expend the same as approved by the Town Council.

84-4. Duties.

The Commission shall have the following duties which shall be exercised in accordance with the South Berwick Charter and applicable provisions of the Maine Revised Statutes Annotated.

A. Make recommendations to the Town Council for establishing historic districts, historic sites or historic landmarks, according to procedures listed in Sections 84-6 and 84-7 of this chapter.

B. Review all proposed additions, reconstruction, alteration, or construction of any property designated as a historic site or landmark or located within a designated historic district, and issue a certificate of appropriateness in accordance with the procedures outlined in Sections 84-8 and 84-9. Review all proposed demolitions or removals of any property located within the B1, **B2 and (BR) zone** districts and any designated historic district, and issue a certificate of appropriateness in accordance with the procedures outlined in sections 84-8 and 84-9. *amended 8-14-2000

C. Review all proposed National Register nominations for properties within the town's borders.

D. Serve in an advisory role to local government officials regarding local historical and cultural resources and act as a liaison between local government and those persons and organizations concerned with historic preservation.

E. Conduct or initiate a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.

F. Work to provide continuing education on historic preservation issues to local citizens.

Article III Establishment of Districts

84-5. Qualifications.

To be eligible for designation as an historic district, historic site or historic landmark, an area or property shall possess one (1) or more of the following characteristics:

A. Buildings, structures, or sites importantly associated with significant historic personages and/or historic events.

B. Buildings, structures, structural remains and sites which illustrate examples of historical architectural styles valuable for study of a period or method of construction or a single notable structure representing the work of a master builder, designer or architect.

C. Structures, buildings and sites which contribute to the visual continuity of the historic district.

D. Those sites, buildings, structures or areas on or eligible for inclusion on the National Register of Historic Places.

84-6. Effect on other regulations; applicability.

A. Uses permitted; no changes required. This chapter does not alter the existing land use regulations in the South Berwick Zoning Ordinance, which continues to apply to the land and buildings located within the historic district. However, exterior alterations to the buildings and structures, including walls, fences, steps and paint color, and any new buildings or structures within the district shall require a certificate of appropriateness as described in Section 84-9.

B. Passage of this chapter shall not require any existing or future owner or renter of property to make any exterior changes to his building(s). The provisions of this chapter shall apply only to new exterior alterations proposed by the owner or renter of property with the exception for basic maintenance. The basic maintenance requirement as stated in Section 84-12B of this chapter shall apply to owners of structures, sites and landmarks within the historic district.

Designation of historic districts, historic sites and historic landmarks may be accomplished by amending Subsection A of this section according to the procedure outlined in section 84-10F and in accordance with this section.

A. The following are designated as historic districts, historic sites and historic landmarks:

(1) Village Center Historic District. The location and boundaries of the South Berwick Village Center Historic District are shown on an Official Historic District Map, dated June 15, 1999, attached to this chapter as Appendix A and further identified on a list of included properties in accordance with the 1999 South Berwick Property Tax Maps, attached to this chapter as Appendix A-1.

(2) Liberty Street Historic District. The location and boundaries of the South Berwick Liberty Street Historic District are shown on an Official Historic District Map, dated June 15, 1999, attached to this chapter as Appendix B and further identified on a list of included properties in accordance with the 1999 South Berwick Property Tax Maps, attached to this chapter as Appendix B-1.

(3) Conway Railroad Turntable. The location and boundaries of the Conway Railroad Turntable site are shown on an Official Historic District Map attached to this chapter as Appendix C.

B. Designation of historic districts, historic sites and historic landmarks may be initiated as follows:

(1) By the Town Council, provided that a majority of the Council has voted.

(2) By the Planning Board, provided that a majority of the Board has voted.

(3) By the Historic District Commission, provided that a majority of the Commission has voted.

(4) By the written petition of a number of voters equal to at least ten percent (10%) of the registered voters of the town and following the provisions of the Town Charter, Article VII, Section 2.

(5) By an application to the Historic District Commission by an individual who owns property which he or she considers to be an historic site or landmark.

C. Consent. Property may be designated an historic site or landmark only with the written consent of the property owner(s). A new or expanded historic district may be designated only with written consent of the majority of the property owners within the proposed district or expansion.

D. Recommendation. The Historic District Commission will formulate recommendations after researching proposed historic districts, landmarks, or sites to determine if the district, landmark or site meets the criteria in this chapter and if consent has been obtained in accordance with Subsection C. The Historic District Commission shall make written recommendations regarding designation to the Town Council. The Town Council shall also seek written recommendations from the Planning Board and Town Planner.

E. Application. To initiate the designation of an historic district, landmark or site, a written application containing the information required by these following Subsections shall be completed and directed to the chair of the Historic District Commission. A copy shall also be filed with the Town Clerk.

(1) Designation and establishment of structures, buildings and sites. Applications for the designation of historic structures, buildings and sites shall include the following:

- (a) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the structure or site, including consideration of scale, materials, workmanship and spatial qualities, as relevant;
- (b) A concise statement of how the building, structure or site meets the review criteria of Section 84-5 above; and
- (c) Interior and exterior photographs of the structure or a site map illustrating significant details described in this section.

(2) Designation of districts. Applications for the designation of historic districts shall include the following:

- (a) A concise statement of the remaining physical elements which make this area an historic district and a description of building types and architectural styles;
- (b) A concise statement of how the district meets the review criteria of Section 84-5;
- (c) A justification of the boundaries of the proposed district;
- (d) A definition of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures; and,
- (e) A map showing all structures in the district with the identification of contributing structures.

(3) Expansion of an existing district. Applications for the expansion of existing historic districts shall include the following:

- (a) A concise statement of the physical elements that justify expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district and a description of building types and architectural styles and periods represented;

(b) A concise statement of how the expansion of an existing district meets the review criteria of Section 84-5;

(c) A justification of the expanded boundaries of the district;

(d) A definition of the types of structures, buildings, and sites that do not contribute to the significance of the district and an estimate of the percentage of noncontributing ones in the historic district's proposed expansion area; and

(e) A map showing all structures in the proposed expansion area with the identification of contributing structures.

Article IV Certificates of Appropriateness

84-8. When required; majority vote; building permit.

A. A certificate of appropriateness issued by the Commission shall be required for any of the following:

(1) Any change in exterior appearance of any building, structure, site or landmark in the historic district by addition, reconstruction, or alteration.

(2) New construction of a principal or accessory building or structure visible from a public street where such building or structure will be located in an historic district. This also includes signs, walls and fences.

(3) Any demolitions or removals of buildings or structures in the historic district, or the B1, B2, **BR**. *Added by amendment 8-14-2000

(4) Any alteration to an archeological site.

B. A majority vote of at least ~~four~~ ~~(4)~~ **(3)** regular members of the Commission shall be required to issue a certificate of appropriateness.

C. In the historic district, B1, B2, or **BR**, the Code Enforcement Officer shall not issue a building permit for any construction, alteration, demolition or removal until a certificate of appropriateness has been issued by the Historic District Commission. *Amended 8-14-2000

84-9. Application procedure.

A. Applications for a certificate of appropriateness may be obtained from the Code Enforcement Officer. Completed applications shall be submitted to the Code Enforcement Officer, who shall promptly transmit them to the Commission for consideration. When the Commission acts on the application, it shall be returned to the Code Enforcement Officer.

B. The application shall state the location, use and the nature of the matter for which such certificate is sought and shall contain at least the following information or documentation unless any items are waived by the Commission.

(1) The applicant's name, address and interest in the property, such as owner or lessor.

The application and all exhibits shall be dated at the time of submission to the Code Enforcement Officer.

- (2) The owner's name and address, if different from the applicant's.
- (3) The address or location of the property.
- (4) The present use and zoning classification of the property.
- (5) A brief description of the construction, reconstruction, remodeling, alteration, Maintenance, demolition or moving, requiring the issuance of a certificate of appropriateness.
- (6) A drawing or drawings indicating the design, texture, color (example: shingles) and the location of any proposed alteration or new construction for which the certificate is required. As used herein, "drawings" shall mean plans and exterior elevations drawn to scale, with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the buildings, including materials and textures, including samples of any brick, shingles or siding proposed to be used. Drawings shall be clear and drawn to scale.
- (7) Photographs (snapshots) of the buildings involved and of immediately adjacent buildings.
- (8) A site plan indicating any proposed changes involving walls, walks, accessory buildings, signs and outdoor light fixtures, including all exterior equipment and accessories located on the roof, in the walls and on the ground.
- (9) A description of the project which shall include a statement as to why the structure or building to be demolished does not contribute to the district, site or landmark.

84-10. Administrative procedure.

A. Notice to owner. Within fifteen (15) days after the filing of an application for a certificate of appropriateness, the Commission shall inform the following persons by mail of the application and meeting date: the applicant, owners of abutting property, the Old Berwick Historical Society and the Commission's consultants and professional advisors, if any. For purposes of this notice, the owners of property shall be considered to be those against whom taxes were assessed on the prior April 1. Failure of any person to receive notices shall not necessitate another hearing or invalidate any action by the Commission. **The placement or replacement of business signs is exempt from this requirement**

B. The South Berwick Code Enforcement Officer will promptly advise the Historic District Commission of all activities which he/she is or becomes aware of that come within the areas of responsibility assigned to the Commission by the chapter.

C. Hearing. At the request of the applicant or any other person receiving notice under Section 84-10A above or where the Commission deems it necessary, a public hearing or hearings on the application shall be conducted by the Commission. Written comments from interested persons shall be accepted in the event that a hearing is not held.

D. Action. The Commission shall determine whether the proposed construction, reconstruction, alteration, moving or demolition is appropriate or inappropriate within thirty (30) days of the public hearing or within forty-five (45) days of the receipt of the completed application, whichever comes first. If the Commission determines the proposal is appropriate, it shall immediately approve a certificate of appropriateness and return it to the Code Enforcement Officer for issuing of the necessary permits. If the Commission determines that a certificate of appropriateness should not be issued, it shall advise the applicant, in writing, through the Code Enforcement Officer, of any changes which would secure the approval of the Commission and withhold denial for thirty (30) days, in order that the applicant may adopt such proposed changes. The Code Enforcement Officer shall notify the applicant of the decision and furnish him a copy of the reasons and the recommendations, if any, as appearing in the records of the Commission.

E. Appeals jurisdiction. The Zoning Board of Appeals established in accordance with Title 30-A M.R.S.A., Sections 2691 and 4353 may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Historic District Commission or from the Code Enforcement Officer in the administration of this chapter. [Amended 12-18-1989]

F. Amendment. An amendment to this chapter may be adopted by:

(1) The Town Council following the provisions of the Town Charter, Article II, Section 3, VI, if the amendment is initiated by the Town Council, Planning Board or Historic District Commission or property owner as provided in Section 84-7B(1), (2), (3) and (5) as provided in this ordinance.

(2) A special town meeting following the provisions of the Town Charter, Article VIII, Section 2, if the amendment was initiated by a written petition in accordance with Section 84-7B(4) above.

(3) In either case, the Town Council shall hold a public hearing on the proposed amendment as required by Article VIII, Section 2, or by Article II, Section 11, of the Town Charter. The Planning Board and the Historic District Commission shall report it's recommendation regarding the proposed amendment at the public hearing.

84-11. Standards of evaluation.

A. The standards and requirements contained in this section and in the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings, 1983 1992 Revision, shall be used in review of applications for certificates of appropriateness and specifically as to procedures before demolition can take place. Design considerations and structural factors related to maintaining historic structures in good condition shall be the Commission's primary areas of focus. (A copy of the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings is available in the Town Clerk's office.)

B. Visual compatibility factors. Within the Historic District, new construction and existing buildings and structures, including additions, which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related, generally in terms of the factors below. Although a new building may be different in its shape or style, its relative proportions should match those of its neighbors.

(1) Height. The height of proposed buildings shall be compatible with adjacent buildings within twenty percent (20%) of the existing average height (see Figure 11-1). This section is an additional restriction on building heights to those of the South Berwick Zoning Ordinance.

Figure 11-1

(2) Width. The width of proposed buildings shall be compatible with adjacent buildings and reflect the characteristic rhythm of facades along the street. If the site is large, the mass of the facade can be broken into a number of smaller bays (see Figure 11-2).

Figure 11-2

(3) Window proportions. The window proportions (height versus width) shall be visually compatible with those of other windows in the same building and in other adjacent historic buildings of the same period. In the case of large plate glass display windows on a ground floor, the large surface of glass can be divided into a number of smaller panes consistent with shop front windows of the historical period which the building represents or, in the case of new buildings, compatible with the window size of adjacent historic buildings, where appropriate. Also, the ratio of window area to solid wall shall be similar to those on surrounding facades. Rhythms which carry throughout the block should be incorporated into new facades. Window pane sizes and proportions should be contemporary with the building (see Figure 11-3).

Figure 11-3

(4) Roof forms. The roof pitch employed on new buildings shall be similar to those found on adjacent buildings. If a gable-type roof, its orientation to the street shall be the same as in neighboring buildings. Roofing materials shall be consistent with that of adjacent structures in color, type, material or a compatible substitute which is historically accurate.

(5) Directional expression or mood. Alterations shall respect the directional expression of the original building and new construction shall be related harmoniously to its immediate neighbors. "Directional expression" refers to the basic vertical or horizontal design emphasis, while most colonial buildings of the late 1700's and early 1800's are nondirectional (see Figure 11-4).

Figure 11-4

(6) Materials and textures. New construction shall utilize materials and textures which are visually compatible with adjacent facades. If there is a predominant material in the immediate area, it shall be used. Many different materials on a single structure or closely related group of structures can lead to visual confusion and a chaotic appearance. Alterations and new buildings should not stand out against the others, if the harmony of a traditional New England village streetscape is to be maintained. Matching materials and strength and continuity to street facades. Alterations to an existing building shall simulate as closely as possible the color and texture of that building. This is especially important in brickwork. (So-called "used brick" shall generally be avoided if it includes any painted bricks.) Mortar color and thickness of joint shall match those of the original building.

(7) Details. All existing architectural details shall be maintained to the fullest extent practicable. When removal is unavoidable, replacement with similar features shall be ~~encouraged~~ required. Although exact replication is often not possible or economically feasible, a simpler feature made of traditional materials can be appropriate. Poor or cheap imitations made of synthetic material shall be avoided, especially when not in scale or in the same architectural tradition. Details may include cornices; frames and moldings around windows, doors and building corners; lintels; arches; wrought iron work; chimneys, etc. **Any substitutions must be approved by the Historic District Commission.**

(8) Signs. In addition to the dimensional requirements for signs contained in the Zoning Ordinance, all new or replacement signs located within the historic district shall be made from wood or metal, and all new sign illumination shall be from shielded external sources directed onto the sign to avoid glare. Signs which are attached to or parallel with the facade shall be located only between the top of the ground floor windows and the bottom of the second floor windows to maintain an orderly appearance, adding strength to the appearance of the district as a whole.

(9) Demolition approval criteria. The criteria for approving proposals to demolish any building, historic site or landmark within the historic district or to demolish or remove any building within the B1, B2, or **BR** districts are that a sixty day public notice period be declared by the Historic District Commission immediately after receiving a demolition proposal from any property owner, at any regular or specially scheduled meeting of the Commission. At the end of this sixty day period, demolition criteria shall be deemed met, and the Commission shall then issue a certificate of appropriateness to demolish the building(s) or landmark(s) or to relocate the building(s) or landmark(s) if a willing buyer who is able to finance the costs of purchase and removal has been found. In addition to providing an opportunity for buildings or landmarks to be relocated rather than demolished, the sixty day period also allows time for the Commission to make a photographic survey of the building(s) **interior and exterior** or landmark(s) and to examine alternative ways to meet the owner's needs, (such as by replacing interior walls and floors or demolishing everything except the street-front facade).

The owner or applicant for a demolition proposal shall be required to meet with the Commission to discuss any such alterations. *Amended 8-14-2000

84-12. Maintenance.

A. Ordinary maintenance permitted. Nothing in this chapter shall be interpreted to prevent the ordinary maintenance or repair of any exterior feature of any structure, site or landmark in the

district which does not involve a change in the design, material or appearance.

B. Essential maintenance required. Owners of buildings within the historic district shall not permit their properties to fall into a serious state of disrepair which may result in deterioration of any exterior architectural feature so as to produce, in the judgment of the Commission, a detrimental effect upon the character of the historic district or the structure in question or which could lead to a claim that demolition is necessary for public safety. This basic maintenance requirement applies to exterior walls and other vertical supports, roof and other horizontal members, exterior chimneys and waterproofing of exterior walls, roofs and foundations, including broken windows and doors.

ARTICLE V Administration

84-13. Conflict with other provisions.

This chapter shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this chapter imposes a higher and/or stricter standard, the provisions of this chapter shall prevail.

84-14. Violations and penalties; enforcement.

A. Violations. A person violating any provision of this chapter shall be guilty of a civil violation and shall be punished by a fine of not less than one hundred dollars (\$100). Each day that a violation continues shall be deemed a separate offense. All penalties collected hereto shall inure to the Town of South Berwick.

B. Additional remedies. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. If the Code Enforcement Officer finds that any provision of this chapter is being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

Appendix A-1

List of properties included in the South Berwick Village Center Historic District

Map and Lot designations refer to the 1999 South Berwick Assessors Maps

Map 28	Lot 5
Map 28	Lot 6
Map 28	Lot 7
Map 28	Lot 9
Map 28	Lot 10
Map 28	Lot 10A
Map 28	Lot 11
Map 28	Lot 12
Map 28	Lot 13
Map 28	Lot 14
Map 28	Lot 15
Map 28	Lot 78
Map 28	Lot 78A
Map 28	Lot 141
Map 28	Lot 142
Map 28	Lot 165
Map 28	Lot 166
Map 28	Lot 167
Map 28	Lot 168
Map 28	Lot 169

Appendix B-1

List of properties included in the Liberty Street Historic District

Map and Lot designations refer to the 1999 South Berwick Assessors Maps

Map 23	Lot 7A
Map 23	Lot 7B-1
Map 23	Lot 7B-2
Map 23	Lot 7B-3
Map 23	Lot 7B-4
Map 23	Lot 7B-5
Map 23	Lot 8
Map 23	Lot 9
Map 23	Lot 10
Map 25	Lot 1
Map 25	Lot 4
Map 25	Lot 30
Map 25	Lot 31
Map 25	Lot 44
Map 25	Lot 45
Map 25	Lot 46
Map 25	Lot 47
Map 25	Lot 48

Appendix C-1

Property included in the Conway Railroad Turntable Historic District is described in the Lease Agreement by the Maine Department of Transportation and the Town of South Berwick, dated April 12, 1988. Designated as Parcel No. V4.1-1A and a portion of Parcel No. 4.1.1 as indicated on the boundary survey.