

**SOUTH BERWICK TOWN COUNCIL
PUBLIC HEARING
HISTORIC DISTRICT ORDINANCE
AUGUST 24, 2009**

Chairman Jean Demetracopoulos opened the hearing at 6:30pm. Councilors present included Michelle Kareckas, David Burke, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance.

The purpose of the hearing was to receive public comment on the proposed amendments to the Historic District Ordinance. Sections of the ordinance to be changed are 84-1C, 84-3B, 84-3C, 84-4B, 84-8A3 & 4, 84-8B & 8C, 84-10A, 84-11A, 84-11B7 & B9. The significant changes include the decrease in commission members from 7 to 5 and adding the BR Zone to the appropriate sections.

Richard Clough, Academy St, questioned the definition of archeological sites. Dan Boyle, Chair of the Historic District Commission, stated that the Commission planned on deferring to the Maine Historic Preservation Council's definition. Mr. Clough also questioned if the change to section 84-11B7, Details, would affect other properties. It was explained that these changes only affect the properties already included in the designated historic district zones.

Ruth Boston, Emery's Bridge Rd, asked how the turntable off of Route 236 got added. It was explained that the state was going to use the stone/masonry for construction and Aimee Schramm was instrumental in saving the site.

Eric Pelchat, Front St, asked if the ordinance would apply to any Town owned properties. Mrs. Demetracopoulos said "Yes".

Wendy Pirsig, Wadleigh Ln, commended the Council and the HDC for their review and upgrade of the ordinance. She also added that a reference should be made to state recognized archeological sites.

Audrey Fortier, Rodier Rd, asked if the St. Michael's property was part of the district. No.

The hearing was closed at 6:44pm.

Attest:

Barbara Bennett, CCM

SOUTH BERWICK TOWN COUNCIL AUGUST 24, 2009

Chairman Jean Demetracopoulos called the meeting to order at 6:45pm. Those present included Councilors Michelle Kareckas, David Burke, and Gerald W. MacPherson, Sr. Town Manager John B. Schempf was also in attendance.

APPROVAL OF MINUTES

1. Board of Assessors 8-10-09: On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to adopt the minutes as written.
2. Public Hearing (Charter) 8-10-09: On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to adopt the minutes as written.
3. Town Council 8-10-09: On a motion by Mr. Burke, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.

SIGNING OF TREASURER'S WARRANT – July 13, 2009

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

REPORTS & CORRESPONDENCE

1. The Council discussed the Building Committee's recommendation to hire JCJ Architecture to continue with the project at the Young Street property. Tom Harmon, Fred Wildnauer, and David Stansfield were present and participated in the discussion. Mrs. Kareckas expressed her concern that the work already done by JCJ would not be utilized. Mr. Burke asked about funding. Mrs. Demetracopoulos expressed concern with the amount of input the public will have. It was explained that the feasibility study was the first step (to say yes we can use it for a library); the scope of services is the second step (to say how we can do it and how much it might cost).

Consensus of the Council was to move the unfinished business item 1C to the beginning of unfinished business.

COUNCIL MEMBER COMMENTS

1. Mrs. Demetracopoulos:
 - Stated there would be a special Council meeting on Tuesday for an executive session to discuss the Manager's review.
 - Announced the public meeting at Noble High School on Wednesday regarding LD 1495.
 - Announced the open house at the food pantry on September 9th.
2. Mrs. Kareckas:
 - Suggested that the public comment portion of the agenda be moved on the agenda to just after Signing of Treasurer's Warrant.
 - Asked when Shoreland Zoning would be on the agenda.

TOWN MANAGER'S REPORT

- Apologized to Eric Pelchat for comments made at the last meeting.
- Flags are at half-mast to honor a Maine Marine killed in Afghanistan.
- Attended the Maine Town & City Managers Conference. It was intensive and provided good networking.
- Met with school officials to set up a workshop regarding the Central School connector road.
- Met with a representative from the Portsmouth Herald. They are interested in extending service to South Berwick. Mr. Schempf thanked Jason Claffey from Foster's for the limited coverage he provides. He went on to say that the Town has to look at better ways to get information out to the public.
- Received a letter from Consolidated Hydro regarding the dock at the Counting House Park. They expressed their displeasure at the fact that the rules are not being complied with.
- Stated that he has received several calls from the shipyard in regard to South Berwick being a host community for a sub coming in September. The USS Helena out of San Diego would be here for about 1½ years. Consensus of the Council was to proceed with being a host

community.

Draft

PUBLIC COMMENT

1. Virginia Jennings, Earls Rd, stated that she is still collecting signatures on a petition to repeal LD 1495. She also stated that she is a member of the Rod & Gun Club. The Club is currently closed so they can reconstruct the berms.
2. Ruth Boston, Emery's Bridge Rd, asked for the status of the Balancing Rock. Mr. Schempf stated that the Land Trust has indicated that they should be ready to finalize the issue shortly.
3. Richard Clough, Academy St, asked if there had been any consideration given to establishing a charter commission. *No.*
4. Audrey Fortier, Rodier Rd, thanked the Chairman for the information on warrant articles. Thanked the Manager for the information on paving.
5. Norma Tutelian, Butler St, asked for the status on public properties. Mr. Schempf stated that the research is being done now.

UNFINISHED BUSINESS

Item 1C was taken up first, but is listed in numerical order here.

1A. The Council discussed the proposed Charter Amendment Ordinance. Richard Clough, Eric Pelchat, Audrey Fortier, and Suzanne Roberge all expressed concerns regarding the proposed changes. The general concerns included lack of public input, lack of transparency, and the associated costs.

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to adopt the Charter Amendment Ordinance.

1B. Richard Clough commented that a charter commission should be established. He added that this is being rushed and voters will be voting blind. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to include the questions from the Charter Amendment Ordinance on the ballot for the municipal election to be held November 3, 2009.

1C. Virginia Jennings asked for the cost. It was stated that there are funds in the Library Capital Improvement fund. Mr. Schempf stated the shortfall of \$575 would probably be covered by the Administration – Professional Services budget. Al Whitaker, Brookwood Dr, asked when the Council made an explicit decision to proceed with the converting St. Michael's into a library. Mrs. Demetracopoulos stated that the commitment was made through this process. Mr. Schempf stated that the Council has not actually taken a vote, but has agreed in principal to move forward.

Mr. Burke made a motion to expend \$40,000 toward the effort. Mrs. Kareckas seconded for discussion. Mr. Burke stated that the Friends of the Library have offered up to \$10,000 toward the effort. He added that the focus for the project had to be public & private. Motion failed with a vote 1-3 (Mr. Burke in favor). Mr. Burke stated that he is not opposed to the new library, just the way it is being funded.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was voted 3-1 (Mr. Burke opposed) to authorize the Manager to enter into a contract with JCJ Architecture for an amount not to exceed \$50,000 to carry out the services detailed in the scope of services dated August 13, 2009.

1D. The Council discussed the Regional Efficiency Grant effort. Mrs. Demetracopoulos stated that the group has been operating under a grant from the State Planning Office through Southern Maine Regional Planning. She added that it is time to "fish or cut bait"; discussions should focus on savings tax money or allow for better access to municipal services. Mr. Schempf stated that the group needs a goal. Items that could be a benefit include consolidation of services and job sharing. He added that we currently share an Assessing Agent with North Berwick and it has been working quite well.

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to authorize the Manager to enter into discussions with other managers for the consolidation of services, job sharing, and other tax saving measures.

1E. The Council discussed the Comcast report presented at the last meeting by Bryan Christiansen. The Council agreed that Comcast will not be able to meet their contractual obligation of completing the build-out. Mr. Schempf asked for authorization to send a letter of non-compliance on September 8th (the 1 yr anniversary of signing the contract). Mrs. Demetracopoulos stated that she doesn't believe they will meet the February 2010 date that Mr. Christiansen spoke off either. Mrs. Kareckas questioned whether we should call the performance bond. Mr. MacPherson stated that with no competition, the threat of penalties won't mean much and would take too long to collect on the bond. No action was taken.

NEW BUSINESS

1A. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to accept the 2009 ATV Enforcement Grant in the amount of \$1500.00.

2A. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to appoint Bill Straub to the full voting seat on the Planning Board with a term to expire June 30, 2011.

2B. The Council discussed the Day property (corner of Agamenticus Rd). The discussion included the possible disposition of the property. Note was made that a vote was taken in June 2006 to sell the property. The Public Works Director has obtained a quote for \$3000 for the asbestos removal. Mr. Schempf stated that the Fire Department is looking at using the building for training and the PWD would like the foundation stone.

Mr. MacPherson made a motion to have the asbestos removed. Mrs. Kareckas seconded the motion. Additional discussion ensued. Both the motion and second were withdrawn.

Council consensus was to hold a workshop to discuss the possibilities.

ADJOURNMENT

On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to adjourn the meeting at 9:03pm.

Attest:

Barbara Bennett, CCM

**SOUTH BERWICK TOWN COUNCIL
SPECIAL MEETING
AUGUST 25, 2009**

The following was reported to the Clerk by the Manager:

Chairman Jean Demetracopoulos called the meeting to order at 6:30pm with Councilors Michelle Kareckas, David Burke, and Gerald W. MacPherson, Sr. present. Town Manager John B. Schempf was also in attendance.

NEW BUSINESS

1. On a motion by Mr. Burke, seconded by Mr. MacPherson, it was unanimously voted to enter executive session at 6:35pm pursuant to 1MRSA §405.6A to discuss the Town Manager's review.

On a motion by Mr. Burke, seconded by Mr. MacPherson, it was unanimously voted to end the executive session at 8:27pm.

ADJOURNMENT

On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to adjourn the meeting at 8:28pm.

Attest:

Barbara Bennett, CCM

**SOUTH BERWICK TOWN COUNCIL
SPECIAL MEETING
SEPTEMBER 3, 2009**

The following was reported to the Clerk by the Assistant Town Manager:

Chairman Jean Demetracopoulos called the meeting to order at 3:00 pm with Councilors Michelle Kareckas and Gerald W. MacPherson, Sr. present. Councilor David Burke was not in attendance. Assistant Town Manager Roberta Orsini was present.

NEW BUSINESS

1. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to authorize the Assistant Town Manager to send a letter executed by the Town Manager to Comcast's Bonding Agent.

2. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to schedule a neighborhood meeting on Wednesday September 23rd, at 7 pm to be held at the Young Street property.

ADJOURNMENT

On a motion by Mr. MacPherson, seconded by Mrs. Kareckas, it was unanimously voted to adjourn the meeting at 3:05 pm.

Attest:

Barbara Bennett, CCM

**SOUTH BERWICK TOWN COUNCIL
SPECIAL MEETING
SEPTEMBER 8, 2009**

The following was reported to the Clerk by the Assistant Town Manager:

Chairman Jean Demetrapoulos called the meeting to order at 4:00pm. Councilors present included Michelle Kareckas, David Burke, and Gerald W. MacPherson, Sr. Town Manager John Schempf and Assistant Town Manager Roberta Orsini were also present.

NEW BUSINESS

1. On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to enter executive session at 4:01pm pursuant to 1MRSA §405.6E to hold a discussion with legal counsel. Attorney Kenneth Cole was present for the discussion.

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to end the executive session at 5:01pm.

On a motion by Mrs. Kareckas, seconded by Mr. Burke, it was unanimously voted to authorize the Manager to sign a notice of default regarding the Comcast franchise.

2. On a motion by Mr. MacPherson, seconded by Mr. Burke, it was unanimously voted to enter executive session at 5:12pm pursuant to 1MRSA §405.6A to discuss the Town Manager's evaluation.

On a motion by Mr. Burke, seconded by Mrs. Kareckas, it was unanimously voted to end the executive session at 6:17pm.

ADJOURNMENT

On a motion by Mrs. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to adjourn the meeting at 6:18pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00050238	133050 TREAS,STATE OF MAINE/IV-D	09/14/2009	31.06
00050239	132500 SECRETARY OF STATE M/V	09/14/2009	17,681.65
00050240	133050 TREAS,STATE OF MAINE/IV-D	09/14/2009	27.25
00050241	132500 SECRETARY OF STATE M/V	09/14/2009	12,006.20
00050242	132500 SECRETARY OF STATE M/V	09/14/2009	15,080.22
00050243	133050 TREAS,STATE OF MAINE/IV-D	09/14/2009	70.00
00050244	189999 REFUNDS	09/14/2009	304.00
00050245	010335 AGGIES FARMSTAND	09/14/2009	62.47
00050246	010336 AGGREGATE RECYCLING CORP	09/14/2009	2,712.26
00050247	010505 ALL WIRELESS	09/14/2009	54.95
00050248	010660 AMERICAN TEST CENTER	09/14/2009	970.00
00050249	010740 AMERIFLEX CLAIMS ACCOUNT	09/14/2009	1,980.40
00050250	011250 TREASURER,STATE OF MAINE	09/14/2009	8.00
00050251	030420 AT&T MOBILITY	09/14/2009	49.73
00050252	020220 CATALINA BAKAS	09/14/2009	33.52
00050253	020225 BAKER & TAYLOR	09/14/2009	255.24
00050254	021300 BERNSTEIN SHUR	09/14/2009	3,197.48
00050255	021668 BLOW BROS	09/14/2009	52.83
00050256	022148 ROBERT BOSTON	09/14/2009	34.99
00050257	030530 CENTRAL TIRE CO INC	09/14/2009	593.90
00050258	030500 CENTRAL MAINE POWER/CREDIT,COLL	09/14/2009	72.00
00050259	030510 CENTRAL MAINE POWER	09/14/2009	8,150.28
00050261	030552 CHASE & HAMLYN INC.	09/14/2009	1,888.00
00050262	030670 CHRISTY MACHINE CO	09/14/2009	350.00
00050263	193300 CITIZENS BANK	09/14/2009	25.00
00050264	030725 CITIZENS BANK (CHG)	09/14/2009	75.00
00050265	030920 CLEAN-O-RAMA	09/14/2009	687.51
00050266	031350 COLLINS SHEET METAL INC.	09/14/2009	90.00
00050267	031425 COLONIAL LIFE & ACCIDENT INS.	09/14/2009	1,464.84
00050268	031430 COMCAST	09/14/2009	95.00
00050269	031510 COMPLIANCE POSTER COMPANY	09/14/2009	81.62
00050270	032030 CUMMINS NORTHEAST INC	09/14/2009	423.89
00050271	040140 DEB & DUKE MONOGRAMMERS	09/14/2009	256.90
00050272	040500 VICTORIA DESILETS	09/14/2009	106.05
00050273	050785 ELIMINATOR INC	09/14/2009	1,417.40
00050274	050798 ELIOT SMALL ENGINE REPAIR INC	09/14/2009	44.98
00050275	050815 EMPLOYEE HEALTH & BENEFITS	09/14/2009	548.31
00050276	050970 KAREN ESTEE	09/14/2009	141.55
00050277	141000 FAIR POINT COMM	09/14/2009	129.54
00050278	060260 FASTENAL COMPANY	09/14/2009	134.94
00050279	060300 FAVORITE FOODS INC	09/14/2009	262.45
00050280	060765 FISHER-JAMES CO INC	09/14/2009	5.38
00050281	061203 FOGARTY'S RESTAURANT	09/14/2009	24.97
00050282	061500 FOSTER'S DAILY DEMOCRAT	09/14/2009	128.80
00050283	061523 FRANKLIN SQ FIRE DEPT	09/14/2009	135,000.00
00050284	070200 P GAGNON & SON INC	09/14/2009	307.19
00050285	070210 GALL'S INC	09/14/2009	632.45
00050286	180478 RICHARD GENEST INC	09/14/2009	2,453.00
00050287	070362 G L SPORTS	09/14/2009	219.90
00050288	071050 GREAT FALLS CLEANERS	09/14/2009	224.60
00050289	071307 GULF/FLEET FUNDING	09/14/2009	77.77
00050290	191330 HANNAFORD'S	09/14/2009	367.03
00050291	080248 HANSCOM'S TRUCK STOP INC	09/14/2009	3,590.95
00050292	080501 BRUCE HASTY'S PLUMB/HEATNG	09/14/2009	545.66
00050293	080500 BEVERLY HASTY	09/14/2009	22.55
00050294	080518 HAYDEE'S PEST FREE MGMT	09/14/2009	45.00

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00050295	080775 J R HILTON INC	09/14/2009	4,199.70
00050296	022665 C.E. HOLMES CONSTRUCTION	09/14/2009	1,020.00
00050297	080998 HOME DEPOT	09/14/2009	171.91
00050298	081055 FERN HOULIARES	09/14/2009	179.72
00050299	081305 HSE GOULD	09/14/2009	118.00
00050300	090120 INLAND FISHERIES & WILDLIFE	09/14/2009	838.00
00050301	100150 JANETOS MARKET	09/14/2009	266.52
00050302	100200 JEWETT/EASTMAN MEMORIAL COM	09/14/2009	239.00
00050303	100380 JOHN DEERE LANDSCAPES	09/14/2009	323.20
00050304	100317 REBECCA JOHNSON	09/14/2009	76.00
00050305	120700 DOLORES LEONARD	09/14/2009	659.90
00050306	120950 LHS ASSOCIATES INC	09/14/2009	74.00
00050307	127000 CORRINE J MAHONY	09/14/2009	900.00
00050308	132400 MAINE SAD #35	09/14/2009	514,863.16
00050309	131700 MAINE CHIEFS OF POLICE ASSOC.	09/14/2009	44.00
00050310	133375 MAINE ENERGY RECOVERY CO.	09/14/2009	3,164.20
00050311	130670 MAINE RESOURCE/RECOVERY	09/14/2009	35.00
00050312	131662 MALEM	09/14/2009	75.00
00050313	133300 MARSHALL CAVENDISH	09/14/2009	117.52
00050314	133358 W.B.MASON	09/14/2009	1,040.19
00050315	133378 MB HOUSING PARTNERSHIP	09/14/2009	869.00
00050316	133800 MICK CONSTRUCTION CORP	09/14/2009	3,272.12
00050317	134663 MONTAGE ENTERPRISES INC	09/14/2009	403.44
00050318	134665 MONTROSE-SANFORD HYDRAULICS	09/14/2009	166.15
00050319	140105 NAPA OF SOMERSWORTH	09/14/2009	244.45
00050320	140600 NEPTUNE INC	09/14/2009	123.90
00050321	141060 NEW PIG CORP	09/14/2009	595.19
00050322	141080 NEXTEL	09/14/2009	277.86
00050323	141300 NO.BERWICK LUMBER & HARDWARE	09/14/2009	54.73
00050324	141367 NORTHEAST ELEVATOR SERVICES	09/14/2009	168.00
00050325	141400 NORTHERN DATA SYSTEMS INC	09/14/2009	2,252.35
00050326	150025 OAKWOODS LUMBER INC	09/14/2009	135.00
00050327	150290 OVERHEAD DOOR COMPANY	09/14/2009	210.50
00050328	160230 PERMA-LINE CORP	09/14/2009	550.79
00050329	200700 PIKE INDUSTRIES INC	09/14/2009	429.64
00050330	160692 POLAND SPRING	09/14/2009	141.88
00050331	160900 PORTLAND NORTH TRUCK CENTER	09/14/2009	117.13
00050332	161280 THE PORTSMOUTH HERALD	09/14/2009	122.80
00050333	163500 PUTNAM LUMBER CO	09/14/2009	455.00
00050334	180400 RED'S SHOE BARN INC	09/14/2009	304.18
00050335	210420 RESERVE ACCOUNT	09/14/2009	500.00
00050336	180900 ROBBINS AUTO PARTS INC	09/14/2009	74.61
00050337	181536 JOSEPH ROUSSELLE	09/14/2009	15.00
00050338	181668 DAVID S RUGER	09/14/2009	109.50
00050339	190094 SANEL AUTO PARTS CO	09/14/2009	1,020.19
00050340	190528 JOHN SCHEMPF	09/14/2009	847.50
00050341	191320 SHERWIN-WILLIAMS	09/14/2009	30.90
00050342	191753 FOREST SMITH	09/14/2009	643.50
00050343	191916 SO BERWICK FIREFIGHTERS ASSOC	09/14/2009	50.00
00050344	193410 SO MAINE REGIONAL PLANNING CM	09/14/2009	3,504.30
00050345	193605 SOUTHWORTH-MILTON, INC	09/14/2009	1,045.77
00050346	193640 STAPLES	09/14/2009	44.74
00050347	194220 BRENDAN SULLIVAN	09/14/2009	60.00
00050348	194300 SUNOCO/FLEET SERVICES	09/14/2009	84.58
00050349	200125 TASER INTERNATIONAL	09/14/2009	3,828.22

Project Description:

The goal of this project is to improve approximately 1/4 mile of trail in the South Berwick Town Forest, which is located on the outskirts of South Berwick, Maine.

To improve the existing trail, fallen trees will be removed from the trail, fill will be used to raise a section of trail above the level of standing water, terrain will be contoured to improve drainage of a wet section, and two sawn wood structures, called puncheons, will be built to provide safe, sturdy crossings in the marsh area.

Work will be completed in three phases. Phase one will accomplish the planned trail improvements. Phase two will prepare the build site, and phase three will complete construction of the two crossing structures.

The puncheons will be held in place by four posts, one at each inside corner, that extend three feet into the ground. To prevent the structures from being lifted by severe flooding, each puncheon will be held down by four earth anchors. Each anchor can hold up to 500 lbs., resulting in a total hold of 2,000 lbs. on each unit.

Who Will Benefit:

This project will benefit the people of the town of South Berwick, Maine and anyone who visits the South Berwick Town Forest. The trail improvements and marsh crossing structures will make it safer and easier to use the trail. In it's current state, the trail is unusable for people with limited mobility. The people who will benefit most from the trail improvements are young children, people who have difficulty negotiating uneven terrain, and the elderly.

Contacts: South Berwick Town Offices: 180 Main St. So. Berwick, ME 03908

Town Council Members	Home Phone
Jean Demetracopoulos, Chairman	(207) 384-5030
Michelle Kareckas	(207) 384-2584
David Burke	(207) 384-4277
Gerald W. MacPherson, Sr.	(207) 384-2233

Town Manager John B. Schempf (207) 384-3300 x 115	Assist. Town Manager Roberta Orsini (207) 384-3300 x 115	Director of Public Works Terry Oliver (207) 384-3300
Code Enforcement Joseph E. Rousselle (207) 384-3300	Dir. Planning & Development James L. Fisk (207) 384-3300 x 118	Conservation Commission Patricia Robinson (207) 384-4243

Memo

To: Town Council
From: Joe Rousselle 
Date: September 1, 2009
Re: Town Forest

It is my understanding that John Spezia will be going before the Council with a presentation for an Eagle Scout project at the Town Forest. He is proposing to build 2 bridges on the property. I am requesting that it be put in the record that the building permit fees will be waived because it is Town owned property.

South Berwick Greenhouse Gas Emissions Inventory

August 2009



Report Created by

Jennifer Andrews and Anne Stephenson
Buttuned-Up Home

South Berwick Greenhouse Gas Inventory Report

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Introduction

Climate change is quickly becoming a bottom-line management issue for forward thinking communities. Energy costs are rising, carbon regulation is developing, climate impacts have begun posing long-term risks, and citizens are increasingly looking for climate leadership as one indicator of progressive community management.

What follows is a summation of the “carbon footprint” of South Berwick’s municipal operations, based on data gathered internally from fuel and electricity bills, real estate holding records, and human resources information. The goal of this report is to allow the town of South Berwick to move forward in both creating and implementing long-term carbon management policies, procedures and projects.

Reduction Standards

Although the town of South Berwick is not obligated to implement a carbon emissions cap or reduction plan, it is helpful to know what goals have been adopted by other towns, states and countries. Moving forward, the town should use the information supplied in this report to establish goals that are feasible and appropriate given the town’s technical and financial constraints. The following standards may provide guidance in South Berwick’s goal-setting process:

- The Kyoto Protocol mandates an average reduction goal of 5.2% over 1990 levels. Although the United States never signed the Kyoto Protocol, it was assigned a reduction goal of 7%.
- The New England Governors and Eastern Canadian Premiers (NEG/ECP) Climate Change Action Plan, announced in 2001, commits the region to reduce greenhouse gas emissions to 1990 levels by 2010, 10% below 1990 levels by 2020 and by 75-85% in the long term.
- In U.S. Conference of Mayors Climate Protection Agreement, participating cities commit to take following three actions:
 - Strive to meet or beat the Kyoto Protocol targets in their own communities, through actions ranging from anti-sprawl land-use policies to urban forest restoration projects to public information campaigns;
 - Urge their state governments, and the federal government, to enact policies and programs to meet or beat the greenhouse gas emission reduction target suggested for the United States in the Kyoto Protocol -- 7% reduction from 1990 levels by 2012; and
 - Urge the U.S. Congress to pass the bipartisan greenhouse gas reduction legislation, which would establish a national emission trading system

Greenhouse Gas Emissions Inventory Overview: 2004-2008

The results of South Berwick’s first-ever greenhouse gas inventory indicate the town’s greenhouse gas emissions have grown rapidly over the past five years: they’ve jumped by more than 12% since 2004. It also demonstrates that, though operations of buildings, and to a lesser degree streetlights, are a significant element of the town’s carbon footprint, South Berwick’s greatest arena of carbon reduction opportunity is its fleet.

Emissions by Activity:

The following table reports values for total greenhouse gas emissions over five years:

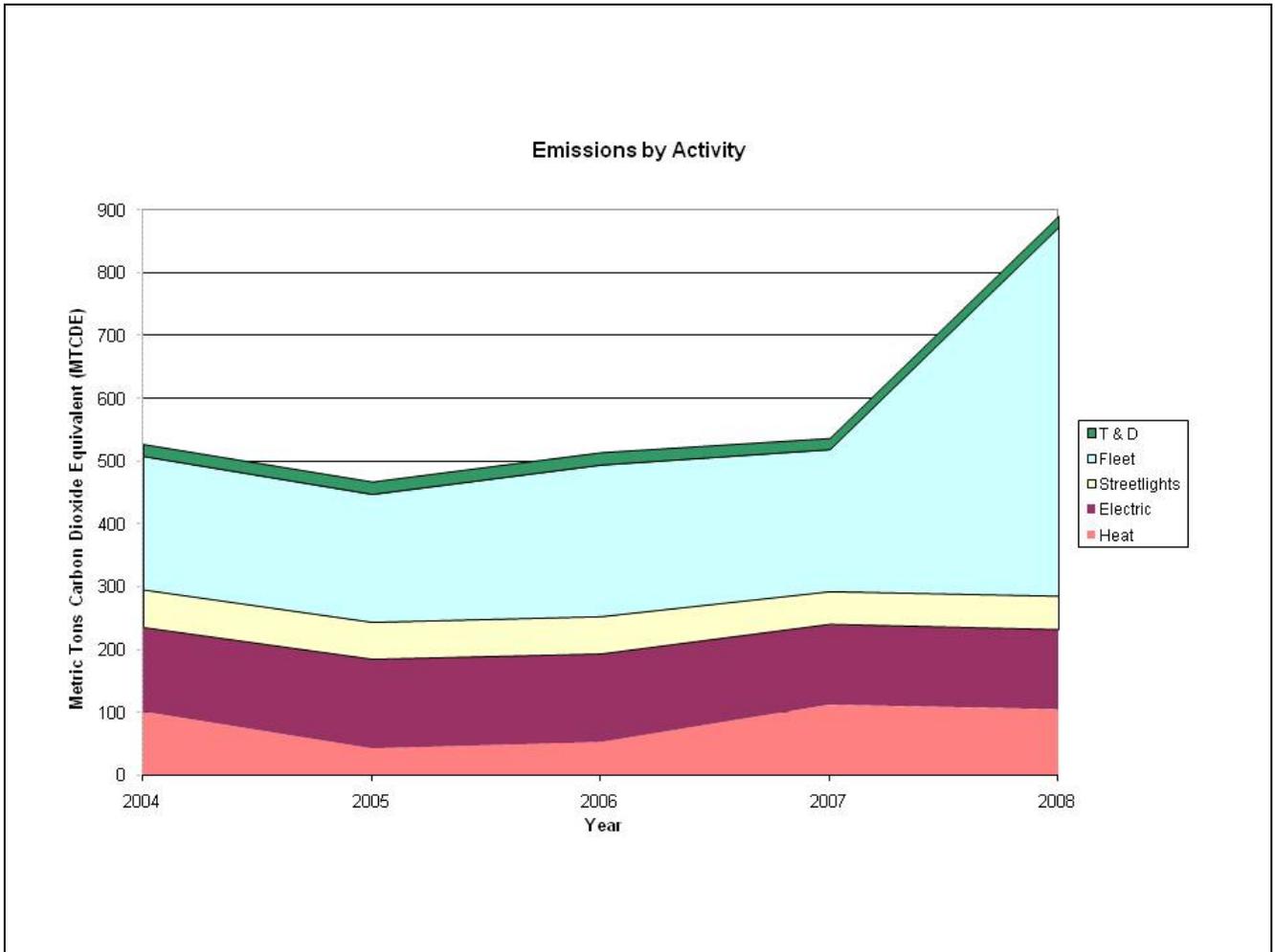
Table 2: Metric Tons Carbon Dioxide Equivalent (MTCDE)¹

Year	Buildings			Streetlights	Fleet	T & D Loss	Total
	Heat	Electric	TOTAL				
2008	105.3	127.0	232.3	53.7	287.8	17.9	591.6
2007	112.6	128.1	240.7	52.5	226.3	17.9	537.3
2006	52.9	140.9	193.8	59.6	241.6	19.8	514.9
2005	42.7	142.5	185.2	59.1	203.8	19.9	468.1
2004	101.5	134.0	235.5	60.4	212.7	19.2	527.9

South Berwick’s fleet is its single-largest source of emissions, producing 287.8 MTCDE in 2008. This is nearly half of the total; it is more than the 232.3 MTCDE generated in 2008 for electricity use and on-site fuel combustion in buildings combined. South Berwick’s streetlights, though not approaching the impact of its buildings or vehicles, contributed nearly 10% of the overall GHG footprint in 2008. Emissions from other direct sources (i.e. fertilizer application and refrigerant loss), and indirect emissions from electricity transmission and distribution losses, were minor contributions to South Berwick’s overall emissions profile.

¹ Metric Tons Carbon Dioxide Equivalent (MTCDE) is a standard measure of the combination the six internationally-reported greenhouse gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), sulphur hexafluoride (SF₆), perflouorocarbon (PFC), and hydroflouracarbon (HFC). This is the typical metric used to report entity level greenhouse gas emissions. One MTCDE is the equivalent of 113 gallons of gasoline, or to the carbon sequestered by 25 trees for 10 years.

Figure 1: Emissions by Activity



Emissions by Scope:

Typically in entity level GHG inventories, a distinction is made between different types of “direct” and “indirect” emissions sources. Some municipal emissions are “direct”—most notably, the fossil fuel combustion that happens in South Berwick-owned or operated buildings and vehicles. Such directly-produced emissions are categorized as “Scope 1” emissions. These emissions have risen nearly 25% over the past five years due to the rise in fleet-related emissions.

There are also emissions produced as a consequence of generating electricity for South Berwick’s consumption; even though the fossil fuel combustion or other activity used to generate South Berwick’s power do not happen on-site, such emissions could be said to be at-least-partially a consequence of South Berwick’s operations. Such indirectly-

produced emissions from power consumption are categorized as “Scope 2” emissions. South Berwick’s Scope 2 emissions have been reduced since 2004.

Finally, there are GHG emissions which happen more indirectly as a result of South Berwick’s operations—those from employee business travel or commuting, for example. All such indirectly-produced emissions types, reporting of which is considered completely discretionary, are catalogued as “Scope 3” emissions.

When doing any public reporting, it is customary to provide emissions totals for each of these categories. This inventory determined that South Berwick’s Scope 1 and 2 emissions are as indicated in Table 2 (below). While the initial hope had been to report certain Scope 3 emissions (such as directly-financed outsourced travel and commuting) for South Berwick’s first GHG inventory, there is currently not enough available data to include any reliable estimates of such Scope 3 sources at this time. Recommendations for data collection strategies that will enable the inclusion of such Scope 3 sources in subsequent South Berwick inventories follow in subsequent sections.

Table 2: Total Emissions by Scope

Year	Scope 1	Scope 2	Scope 3	Total
2008	393.1	180.6	17.9	591.6
2007	338.9	180.6	17.9	537.3
2006	294.5	200.5	19.8	514.9
2005	246.6	201.6	19.9	468.1
2004	314.2	194.5	19.2	527.9

Trends and Implications of Inventory Results:

Examination of the five-year emissions trajectory shows that the more-than-10% increase between 2004 and 2008 has not been entirely linear.

The main driver of this trend seems to be fleet-related emissions. While emissions from the fleet dropped from 2004 to 2005, they’ve risen precipitously since then. This is not typical for more densely populated communities; however, it is indicative of South Berwick’s physical size (35 square miles) and the demands that size makes in terms of road maintenance, services, etc. It also reflects significant fleet purchases over the past five years.

Emissions from the use of electricity for both buildings and streetlights dropped at a rate of 7% since 2004; however, it is important to note that both of these sources dropped, not because reduced electricity consumption (*it* continued to rise modestly) but rather due to updated information about the sources of electricity generation from the e-Grid database starting in 2007, reflecting a less carbon-intensive generation mix for this region.

Emissions from on-site stationary sources (propane, heating oil and waste oil, combined), which made up nearly 17% of South Berwick’s emissions in 2008, are at roughly the same level they were five years ago.

Inventory Methodology

As a rule, municipal greenhouse gas inventories represent an estimation (rather than an exact measurement) of greenhouse gas emissions. This estimate is obtained by cataloguing data about the extent of municipal activities resulting in GHG emissions, and applying coefficients that account for the volume of GHGs that each unit of those activities generates. For example, for every gallon of fuel oil or gasoline burned, or every kWh of electricity used, there is an “emissions factor” that captures the typical amount of GHGs emitted in each of these chemical interactions. A formula multiplying the number of gallons or kilowatts by the appropriate emissions factor is used to provide a chemical estimate of greenhouse gases emitted; these products are then summed to provide a complete picture of estimated emissions

This South Berwick inventory uses an adapted version of Clean Air-Cool Planet’s Campus Carbon Calculator™, to track the emissions of the six major types of internationally-tracked greenhouse gases (CO₂, N₂O, CH₄, PCF, HFC, CFC) resulting from the town’s operations.² Each gas is tracked separately in the inventory software, but in the final tally the impact of each gas is benchmarked against carbon dioxide (CO₂), the most numerous GHG—for example, methane (CH₄), often emitted from landfills, traps 23 times as much heat energy in the atmosphere as carbon dioxide—to provide one combined measure of climate impact: metric tons of carbon dioxide equivalent (MTCDE). For South Berwick, which does not do its own solid waste or wastewater treatment but rather exports them, the primary GHG is carbon dioxide (CO₂) emitted as a result of fossil fuel combustion, either directly in heating systems or vehicles, or indirectly (by a utility), for electricity.

Inventory Boundaries:

As in any accounting analysis, an important aspect of entity-level (e.g. community, corporate or campus) GHG accounting is determining what research parameters or boundaries will apply. There are three types of relevant boundaries to apply to the data collection process in the completion of a municipal GHG inventory: temporal, organizational, and operational. The boundary decisions made in regard to South Berwick’s inventory are as follows:

Temporal – The inventory comprises data from fiscal years 2004-2008; before 2004, good datasets are less available.

Organizational – The inventory looks at the town’s emissions from all of the facilities and equipment it controls.

Operational – Following the conventions of the GHG Protocol, the international standard for greenhouse gas accounting, South Berwick’s inventory accounts for all direct, on-site emissions-generating activities including combustion of fossil fuels in its building heating systems and its fleet vehicles (categorized as “Scope 1” emissions by The GHG Protocol), as well as the emissions associated with production of the electricity it

² For more about the Campus Carbon Calculator™ used to complete the inventory, see Appendix 2

consumes for lighting, power and heat (categorized as “Scope 2” emissions). In addition, this GHG inventory attempts to estimate the GHG impact of directly financed outsourced travel (categorized as “Scope 3” emissions).

Table 3: Activity Data Sources by Scope

Category	Operational Arena Data	Emissions Source Activity
Scope 1 (Direct)	Buildings – heat oil Fleet Equipment	Propane, #2 fuel oil, waste Gasoline, diesel fuel Refrigerant use
Scope 2 (Imported energy)	Buildings – heating and cooling Buildings – power Streetlights - power	Electricity generation Electricity generation Electricity generation
Scope 3 (Indirect)	Directly financed outsourced travel combustion Buildings – cooling and power generation	Vehicle fuel and jet fuel T&D losses from electric generation

Data Collection Strategies, Sources and Gaps

Stationary Sources (Buildings – Heat)

Total gallons of propane or fuel oil for each building were provided by P. Gagnon and Son, South Berwick’s fuel vendor. We only had access to direct fuel invoices for the year 2008, so cannot vouch for the accuracy of the fuel totals for the other years; nor did we have fuel costs for any years except 2008.

Aside from the lack of direct access to invoices for 2004-2007, we note one important omission in this data: records indicated that the town garage is heated using waste oil, but specific quantities of this fuel were not indicated. Even though this is likely to represent a relatively small amount of fuel, waste oil is particularly carbon intensive; it will be important to start tracking and reporting this data in order to get a truly accurate picture of South Berwick’s direct emissions from its facilities portfolio.

Electricity

There were two different sources for electricity consumption input data: invoices for streetlights, and spreadsheets logging kWh consumption by month for each town facility.

Fleet

Estimating emissions from transportation requires some information regarding the amount of fuel burned. Instead of relying on explicit records of fuel purchased, the inventory required extrapolation based on fuel purchases.

Outsourced Travel

Currently, the only data available related to outsourced travel were total dollar amounts spent by each department on all travel modes combined. This

information was not sufficiently detailed to allow for a reasonably defensible estimate of business travel by air, train, bus or personal vehicle. For this reason, this category was omitted from the inventory.

Recommendations for Improved and Expanded Data Collection

Data Management and Reporting:

South Berwick had a fairly high-quality, robust dataset from which to create its baseline greenhouse gas (GHG) inventory for Scope 1 and 2 emissions. That said, ongoing work will be necessary to maintain, update, and expand upon its GHG inventory in order to gain an increasingly sophisticated and actionable understanding of its true carbon impact or “footprint.” In addition, since South Berwick expressed interest in reporting with broader operational boundaries in the long run (i.e. include Scope 3 emissions from directly financed outsourced travel) the town will likely need to alter and improve data collection systems for these activities. Some basic recommendations follow:

- ◆ Maintain archive of (thoroughly annotated) input data for 2003-2007 GHG inventory and for every year thereafter; this should be housed with a central person/office who will be responsible for updating the inventory, and senior management should have this data archived as well.
- ◆ Expand initial inventory to include the impacts of employee commuting and business-related travel. This will require asking employees/ departments to submit more detailed records regarding their mode of transportation and distance traveled, in addition to the travel costs. Such information requests could be added to regular expense report forms and department budget/expense summaries. It will also require asking employees to take an annual survey of their commuting habits. This s
- ◆ Consider ways to automate data collection so it can be a shared responsibility and be logged in a way that lends itself to completing the annual GHG inventory easily and efficiently (e.g. different departments upload their figures quarterly to one shared file or Google doc that aggregates the data automatically)
- ◆ Begin using the Solutions Module in South Berwick’s Campus Carbon Calculator™ software to regularly analyze the cost/MTCDE reduced of any energy or transportation decision under consideration, including fleet or facility upgrades, in order to maximize value of energy and carbon management initiatives. Staff may benefit from training on how to use the Calculator.

Emissions Results by Municipal Function

Buildings – Activity, Cost and Emissions Analysis

South Berwick’s buildings are very diverse, both in terms of age and architecture and in terms of function and use. They make up between 35%-40% of the town’s emissions profile, and as such represent significant opportunities for carbon reduction. The graphs below provide different perspectives on each building’s relative efficiency and the opportunities relative to both emissions and cost reductions.

Figure 2: Total MMBTU per sq. ft

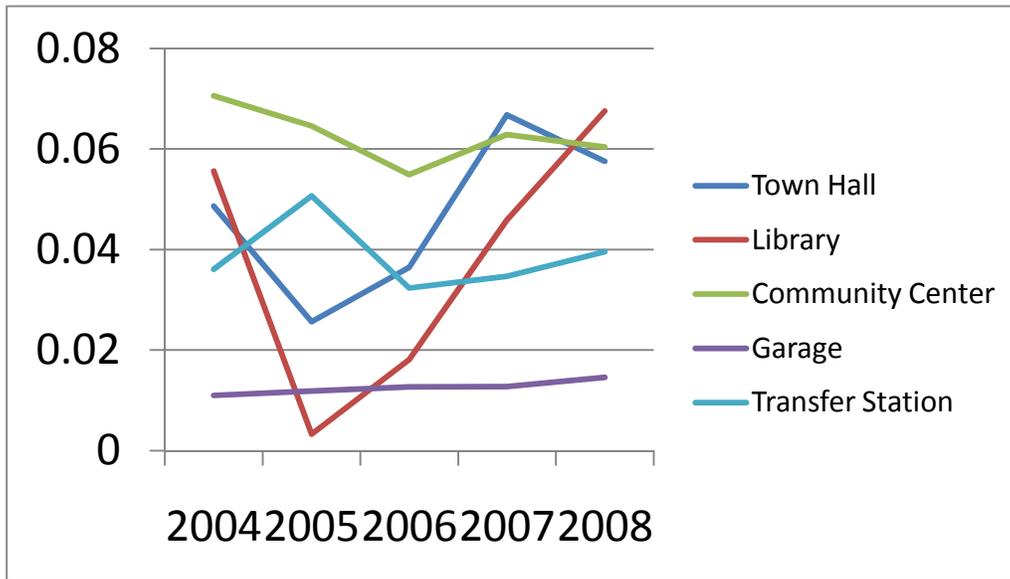
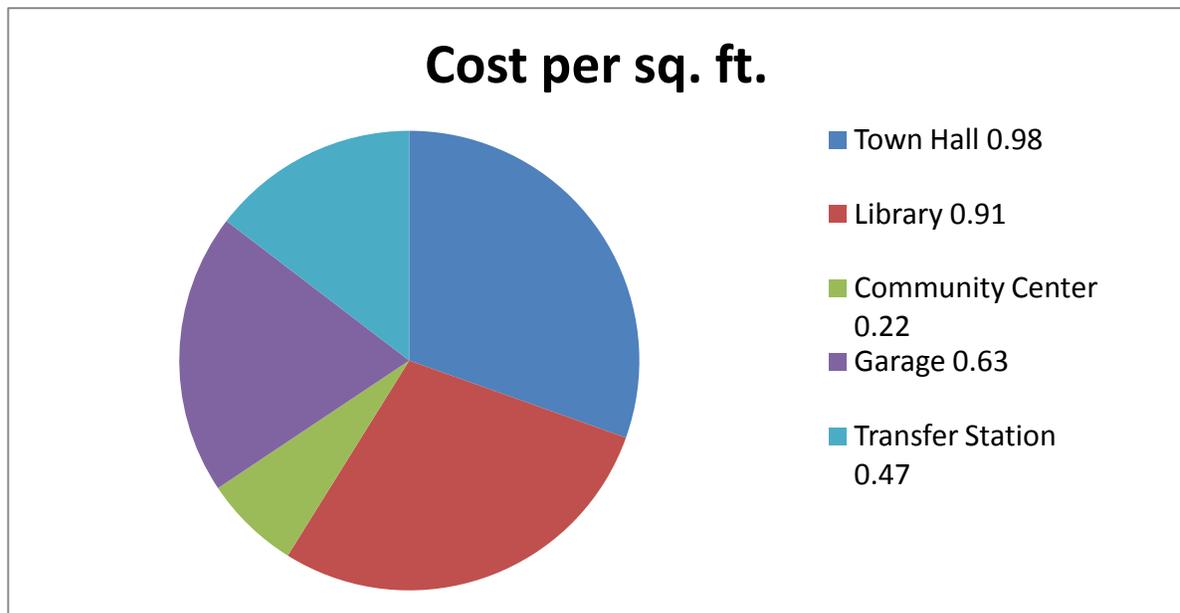


Figure 3: 2008 Building Costs per sq. ft



Streetlights - Activity, Cost and Emissions Analysis

South Berwick's streetlights represent 9% of its total emissions.

Table 4: Streetlight Energy and Costs

	Number Streetlights	Total KWh	Total Cost
2008	225	130,986	\$42,649.15
2007	221	129,089	\$41,835.05
2006	217	127,200	\$39,832.79
2005	214	126,020	\$37,266.94
2004	214	128,877	\$35,249.76

Fleet - Activity, Cost and Emissions Analysis

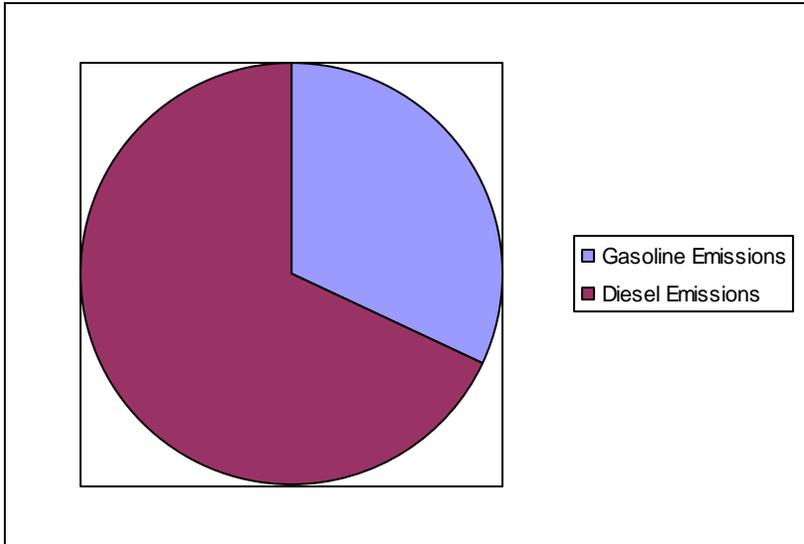
Table 5: Estimated Fleet Fuel Usage

	Gasoline Fleet	Diesel Fleet
	Gallons	Gallons
FY 2004	8,472	13,602
FY 2005	8,017	13,127
FY 2006	10,561	14,627
FY 2007	9,491	14,052
FY 2008	10,402	19,348



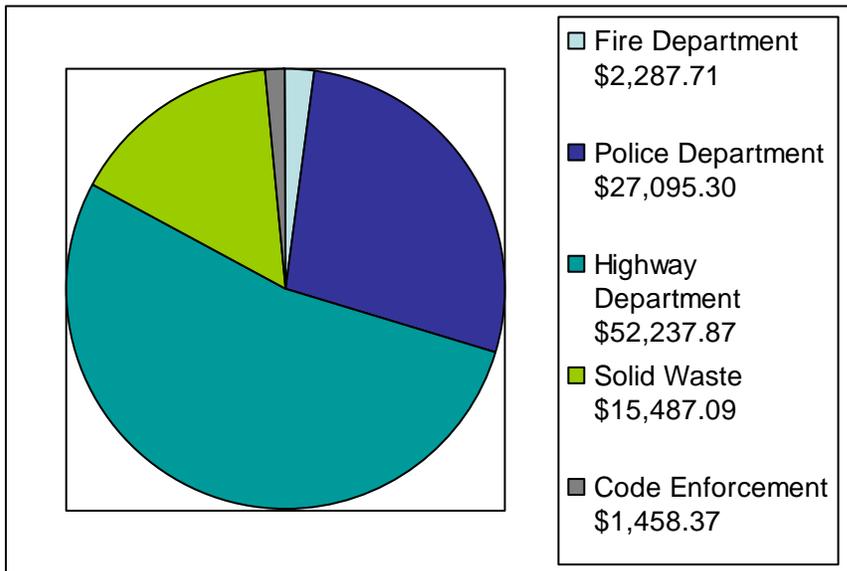
Figure 4: Total Emissions from Fleet

FY 2008 = 287.8 MT eCO₂



South Berwick's fleet is its single-biggest source of emissions; given South Berwick's large geographic area this is not surprising

Figure 5: FY 2008 Fleet Fuel Costs by Department



Preliminary Recommendations for Emissions Mitigation Strategies

Climate leadership hinges on two basic activities: An active, internal effort by management and staff to consistently reduce organizational emissions over the long-term; and, a willingness to proactively share successes and challenges related to these efforts with stakeholders, peers or community members, in order to contribute to encourage and empower others in similar efforts. While the most detailed analysis in this report focuses on the specific projects South Berwick can undertake in the short term to facilitate direct carbon reductions, the additional recommendations related to the long-term, educational nature of these efforts should also be carefully considered.

Direct Carbon Reduction Measures

There are four fundamental ways of reducing carbon emissions, as indicated in the schematic at right: conservation (avoidance), efficiency (reduction), fuel or process switching (replacement), and offsetting. The data collected while doing the inventory can help focus the arenas in which carbon management is undertaken, but within those arenas, it is important to pursue projects that represent all four management approaches.



Figure 6: Carbon Management Hierarchy
(From Getting to Zero: Defining Corporate Carbon Neutrality, 2008,
<http://www.cleanair-coolplanet.org/documents/zero.pdf>

Having completed South Berwick's greenhouse gas inventory, the next step is to identify short-term recommendations for carbon reductions. While the suggestions that follow do not include specifications regarding scale or precise costs, it will be important for South Berwick to conduct a life-cycle cost-benefit analysis of potential carbon reduction measures to ensure strategic mitigation strategies. The Solutions Module of the Campus Carbon Calculator™ v6 can be utilized to undertake such an analysis. In essence, this analysis provides model for how to introduce carbon management as another metric of organizational efficiency and success.

A preliminary scan of the energy use and energy cost numbers collected for the South Berwick inventory indicated that transportation represents not only a prime target area for emissions reductions, but also for cost savings, since the costs of transportation fuel have nearly doubled over five years while the demand has risen much more modestly. The same is true to a notable degree for electricity, and to a lesser degree for heating fuels.

Buildings

- As noted, there are likely unrealized opportunities to improve building efficiency in all of South Berwick's facilities. We recommend starting with discussing opportunities for free walk-through audits for town facilities from CMP. After realizing the energy savings from low-hanging fruit such as installing power strips, CFL light bulbs, automatic light switches, reducing hot water temperatures, and thermostat settings, we recommend investment-grade energy audits of the library and the town hall, since these facilities appear to be the most energy intensive to operate.
- Investment-grade energy audits of municipal facilities in the area have uncovered potential projects worth many thousand in energy savings including installing multiple heating zones, air leakage reduction measures, and combined heat-and-power generation.



South Berwick Library

- Building energy intensity is highly linked to occupant behavior: for this reason, we recommend undertaking a series of interviews with a sampling of staff in each facility to uncover potential behavioral adjustments or educational opportunities targeted at staff and other building users.

Streetlights

- South Berwick's sodium and metal halide fixtures are already more efficient than earlier technologies including incandescent and mercury vapor fixtures. However, recently a number of LED street light applications have been tested in other communities and have been found to be both more energy efficient and to have better light and color quality. Additionally, LED fixtures have a longer life span than sodium or metal halide fixtures, and therefore have reduced maintenance and operation costs.
- An Oakland California street lighting demonstration project, coordinated by the U.S. Department of Energy (DOE), Pacific Gas & Electric (PG&E), and the City of Oakland, replaced fourteen 121 Watt HPS (high pressure sodium) luminaires (100 nominal Watts) with fourteen 78 Watt LED luminaires. The new LED luminaires drew roughly 35% (43 Watts) less than the HPS luminaires. At about 4,100 annual hours of operation, annual electrical savings are estimated to be approximately 178 kWh per luminaire replaced. The LED luminaires yielded an annual combined energy and maintenance savings of \$42 per luminaire when compared to HPS luminaires.
- We suggest inviting the South Berwick Energy Efficiency Council to investigate the energy savings and possible payback timelines for switching the town's

streetlights to more efficient LED technologies. Although we can anticipate saving up to 35% of the electricity consumed by these lamps, a large portion of the streetlight electricity costs are dedicated to delivery charges, and are not solely based on electric consumption. With that in mind, an evaluation of the placement and effectiveness of town lights is recommended, in order to determine if any luminaires may be deaccessioned.

Fleet

- Begin running all diesel vehicles on Biodiesel for increased efficiency and reduced carbon emissions. We project that South Berwick will save 10 cents per gallon based on $\frac{1}{4}$ MPG increase in efficiency and based on \$2.50 diesel (a conservative price estimate). A conservative estimate of total dollar savings for FY 2009 with the bio blend would be \$1934.80 for the year, with an estimated 21,670 pounds CO₂ reduced.³
- There are no costs associated with the conversion of the engines to run on biodiesel fuel. All of Keene's 77 Public Works Department vehicles have run on B20 biodiesel fuel since 2002. Using biodiesel also helped Keene to lower the particulate emissions of their fleet vehicles. According to the Keene Department of Public Works, "Workers inside the fleet maintenance facility have also benefited by the reduction in fumes, reporting better air quality and subsequently fewer headaches!"⁴
- Explore the opportunities for on-site gasoline and diesel fueling from a vendor to reduce fueling man-hours and ease data collection for fleet fuel use.
- South Berwick should consider requiring that all new vehicles purchased by the town for municipal use are the most fuel-efficient vehicle allowable for the job. A number of area municipalities have successfully transitioned some of their fleet over to hybrid vehicles and have subsequently achieved significant fuel savings.
- Additionally, current vehicles in every department shall be evaluated to determine if the size and the fuel type of the vehicles are appropriate based on the frequency and the type of usage. Where feasible, South Berwick could purchase smaller vehicles for each department and explore the possibility of vehicle sharing across departments.
- South Berwick should explore the opportunities for bicycle and Segway for police department use on downtown patrols to reduce the fuel costs of the police department.

³ These carbon reduction figures are based on running a B7 blend (typically vehicles are started on a B5 blend and bumped-up to a B20 blend after a trial period).

⁴ Clean Air-Cool Planet Community Toolkit (http://www.cleanair-coolplanet.org/for_communities/biodiesel.php).

Administrative Policies:

In order to be ensure that this initiative is successful and creates maximum institutional benefit, goals, benchmarks and policies need to be put in place to sustain a carbon reduction initiative over time. We recommend that, to the extent it has not already done so, South Berwick implement the following strategies and structures between now and July 2010, to ensure long-term success in its goal of being a leader in the fight against climate change.

- ◆ Include updated annual carbon footprint data in annual report, annual sustainability report, or a stand-alone document published annually and made readily accessible on the South Berwick website. Ensure that town council is formally briefed, in a question-and-answer session, on the latest inventory results.
- ◆ Create a data collection policy for staff travel, staff commuting, and per-vehicle fuel use for more precise data for the next greenhouse gas inventory. Staff business travel was not included in this inventory because it was travel costs were not broken down by hotel, meal, and travel type and mileage. All staff reimbursement forms should include these categories moving forward.
- ◆ Fertilizer information was not available for this inventory. Please require the grounds vendor to document lbs of fertilizer used, quantity, and percentage nitrogen for FY 2009.
- ◆ Create a designated, long-term funding mechanism for carbon reductions. Consider creation of a revolving fund in which accrued savings from energy efficiency investments are targeted to additional energy/carbon initiatives.
- ◆ When considering capital improvement investments, integrate consideration of the total potential carbon reduction, and associated dollar/MTCDE cost, of a given measure into the cost-benefit analysis and executive decision-making rubric. (This cost/MTCDE figure can be arrived at using the adapted Campus Carbon Calculator South Berwick will have in-house.)
- ◆ Consider including energy/carbon management into job descriptions to a greater extent (e.g. managers are responsible for convening annual or bi-annual meetings for employees to consider/discuss opportunities for on-site carbon reductions; or expected to implement office policies that are mindful of carbon impacts.)
- ◆ Consider incentivizing employees to contribute actively and meaningfully to South Berwick's carbon reduction efforts; e.g. a small rebate toward a more fuel efficient vehicle, a small percentage of the energy savings for innovative conservation ideas.)
- ◆ Convene relevant staff and stakeholders (e.g. management, Select Board, or Energy Efficiency Committee) to brainstorm ways to share results of South Berwick inventory with key stakeholders, including employees, tax payers, and area towns (e.g. newsletter, website, article in local papers, annual report, etc.
- ◆ Consider urging employees to take the Carbon Challenge (<http://carbonchallenge.sr.unh.edu/>), and perhaps providing incentives for them to do so.

CONCLUSION: NEXT STEPS

The greenhouse gas inventory and climate action planning process is not a discrete enterprise, but rather, iterative. South Berwick should plan on updating its GHG inventory inputs in the Campus Carbon Calculator, v6, when information is available for FY 2009 and every year thereafter. Along with this report, we are providing South Berwick with a customized copy of the Campus Carbon Calculator, v6.3; it includes the new “solutions module” to help South Berwick quantify the carbon impact of various future business decisions. Designated staff or committee members may benefit from training on how to use this module. In this way, South Berwick is empowered to expand its carbon management efforts through 2009 and beyond, as it engages more and more of its relevant staff and community members in its efforts.

APPENDIX A: Data Sources

Fleet

Gallons of fuel used in the fleet were estimated based on costs and fuel needs of fleet vehicles using a methodology applied in other municipal inventories when no per-vehicle fuel use is available. In order to evaluate if all fleet vehicles are the most fuel efficient possible, and to determine the amount of fuel used per vehicle, a fuel log per vehicle must be started.

Fleet vehicle information was pulled from South Berwick Town Files, along with a percentage of fuel use divided between diesel and gas. Total fuel costs per department were gathered by Kim Perry from end-of-year department budget reports. Fuel use was then estimated using an average cost of fuel provided by the New Hampshire Department of Energy and Planning and the Maine Department of Energy Websites.

Information on Biofuel savings and Keene NH Biofuel program was taken from the Clean Air-Cool Planet Community Toolkit (http://www.cleanair-coolplanet.org/for_communities/biodiesel.php).

Buildings

FY 2004-2008 fuel and electricity data was provided by Kim Perry from archival billing data.

Streetlights

CMP Monthly Bills, Streetlight Account 449-026-5635-011, 2004-2009

“Outdoor Lighting with LEDs” Department of Energy (available at http://apps1.eere.energy.gov/buildings/publications/pdfs/ssl/oakland_demo_brief.pdf)

APPENDIX B: About the Campus Carbon Calculator™



The Campus Carbon Calculator™ is an Excel-based open-sourced greenhouse gas calculation tool designed for entity level GHG inventories. It is used by more than 2500 colleges and universities, communities and organizations worldwide, and is the tool of record for greenhouse gas (GHG) inventories in higher education, including those campuses pledging to become “carbon neutral” under the American College and University President’s Climate Commitment (ACUPCC).

For institutions embarking upon climate action, the first step is always the same: determine the campus’s greenhouse gas footprint so you can create the best plan for how to tackle it. The Campus Carbon Calculator’s results allow an organization to gauge its energy efficiency, identify opportunities and priorities for emissions reductions, note emissions trends and, if undertaken annually, mark progress. New modules available in Version 6 of the Calculator also assist campuses in evaluating and strategically bundling their emissions reduction options, based on quantitative analyses of the financial and emissions-related impact of potential policies and projects.

The Campus Carbon Calculator™ was created in partnership between Clean Air-Cool Planet and the University of New Hampshire, by a graduate-level CA-CP fellow working closely with UNH campus staff and faculty to complete that school’s first institutional greenhouse gas inventory. This template, adapted from a series of workbooks created by the Intergovernmental Panel on Climate Change (IPCC) for national inventories and based on UNH’s experience, was then made available for exclusive use by more than a dozen CA-CP campus partners in the Northeast, and through a process of stakeholder engagement and feedback, was refined continuously through three subsequent versions.

Version 4 of the Calculator was made publicly available on CA-CP’s website in March 2005. Recognizing the value in promoting standardized carbon accounting methods, CA-CP undertook a joint review with the World Resources Institute and ICLEI-Local Governments for Sustainability at that time, for the purpose of ensuring a basic level of compatibility between this campus tool and those that were already emerging as the standard tools for the business and municipal sectors. Since, then, CA-CP has made sure that the Campus Carbon Calculator™ is in fundamental accord with agreed-upon best practices for carbon accounting, including the guidance set forth by the Greenhouse Gas Protocol (www.ghgprotocol.org), upon which broad reporting programs like the Climate Registry are based.

For more information, visit www.cleanair-coolplanet.org/toolkit

APPENDIX C: FLEET INVENTORY BY DEPARTMENT

Fire Department Fleet

2004	2005	2006
1987 Pierce Arrow 1988 Pumper 2003 Ferrara Ladder Truck 1993 Freightliner Tanker 1997 Ford F250 Pickup 1980 Ford Pumper	1987 Pierce Arrow 1988 Pumper 2003 Ferrara Ladder Truck 1993 Freightliner Tanker 1997 Ford F250 Pickup 1980 Ford Pumper 1993 Utility Jeep 1992 Ford Crown Vic	1987 Pierce Arrow 1988 Pumper 2003 Ferrara Ladder Truck 1993 Freightliner Tanker 1997 Ford F250 Pickup 1980 Ford Pumper 1993 Utility Jeep 1992 Ford Crown Vic 2001 Chevrolet Suburban 1500

2007	2008
1987 Pierce Arrow 1988 Pumper 2003 Ferrara Ladder Truck 1993 Freightliner Tanker 1997 Ford F250 Pickup 1980 Ford Pumper 1993 Utility Jeep 1992 Ford Crown Vic 2001 Chevrolet Suburban 1500	1987 Pierce Arrow 1988 Pumper 2003 Ferrara Ladder Truck 1993 Freightliner Tanker 1997 Ford F250 Pickup 1980 Ford Pumper 1993 Utility Jeep 2001 Chevrolet Suburban 1500

Solid Waste Fleet

2004	2005	2006	2007	2008
None	2005 Sterling SLT9500— Roll Off	2005 Sterling SLT9500— Roll Off	2005 Sterling SLT9500— Roll Off	2005 Sterling SLT9500— Roll Off

Code Enforcement Fleet

2004	2005	2006	2007	2008
None	None	2000 Ford Crown Vic	2000 Ford Crown Vic	2000 Ford Crown Vic

Police Department Fleet

2004	2005
2000 Ford Crown Vic (2) 2001 Ford Crown Vic 1998 Ford Explorer 2003 Ford Expedition 1996 Ford Crown Vic 1992 Ford Crown Vic 1995 Ford Crown Vic 1997 Ford Crown Vic	2000 Ford Crown Vic (2) 2001 Ford Crown Vic 1998 Ford Explorer 2003 Ford Expedition 1996 Ford Crown Vic 2004 Ford Crown Vic 1997 Ford Crown Vic (Animal Control)



2006	2007	2008
2000 Ford Crown Vic 2001 Ford Crown Vic 1998 Ford Explorer 2003 Ford Expedition 1996 Ford Crown Vic 2004 Ford Crown Vic 2006 Ford Crown Vic 2005 ATV and Trailer 1997 Ford Crown Vic (Animal Control)	2000 Ford Crown Vic 2001 Ford Crown Vic 1998 Ford Explorer 2003 Ford Expedition 1996 Ford Crown Vic 2004 Ford Crown Vic 2006 Ford Crown Vic (2) 2005 ATV and Trailer 1997 Ford Crown Vic (Animal Control)	2000 Ford Crown Vic 2001 Ford Crown Vic 1998 Ford Explorer 2003 Ford Expedition 2004 Ford Crown Vic 2006 Ford Crown Vic (2) 2005 ATV and Trailer 2000 Ford Ranger Pickup 2006 Ford Explorer

Highway Department Fleet

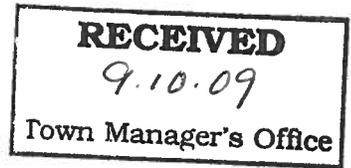


2004	2005
1995 Ford F350 XL 1Ton Dump Truck	1995 Ford F350 XL 1Ton Dump Truck
2000 Ford Ranger	2000 Ford Ranger
2000 Sterling L7500 Dump	2000 Sterling L7500 Dump
1989 Ford L9000 Dump Truck	1989 Ford L9000 Dump Truck
2001 Sterling L7500 Dump Truck	2001 Sterling L7500 Dump Truck
2001 Sterling L7500 Dump Truck	2003 Ford F550
2003 Ford F550	1997 Ford F450
1997 Ford F450	1991 Ford/Plow/Sander
1991 Ford/Plow/Sander	2002 Sterling L7500
2002 Sterling L7500	1996 Ford F150
1996 Ford F150	2005 Ford F350
	1989 Ford L9000 Retrofit

2006	2007	2008
1995 Ford F350 XL 1Ton Dump Truck	1995 Ford F350 XL 1Ton Dump Truck	1995 Ford F350 XL 1Ton Dump Truck
2000 Ford Ranger	2000 Ford Ranger	2000 Sterling L7500 Dump
2000 Sterling L7500 Dump	2000 Sterling L7500 Dump	Dump
1989 Ford L9000 Dump Truck	1989 Ford L9000 Dump Truck	1989 Ford L9000 Dump Truck
2001 Sterling L7500 Dump Truck	2001 Sterling L7500 Dump Truck	2001 Sterling L7500 Dump Truck
2003 Ford F550	2003 Ford F550	2003 Ford F550
1997 Ford F450	1997 Ford F450	2002 Sterling L7500
1991 Ford/Plow/Sander	1991 Ford/Plow/Sander	1996 Ford F150
2002 Sterling L7500	2002 Sterling L7500	2005 Ford F350
1996 Ford F150	1996 Ford F150	1989 Ford L9000 Retrofit
2005 Ford F350	2005 Ford F350	2006 Ford F250
1989 Ford L9000 Retrofit	1989 Ford L9000 Retrofit	2007 GMC
2006 Ford F250	2006 Ford F250	2008 Ford F350
	2007 GMC	

APPENDIX D: STREETLIGHT INVENTORY

Streetlight Type	Number of Units	Average Operating Cost per Month
Sodium Enclosed 70W	84	\$11.51
Sodium Enclosed 100W	26	\$13.71
Sodium Enclosed 150W	4	\$17.48
Sodium Enclosed 250W	12	\$25.17
Metal Halide Cut Off 400W	10	\$40.83
Sodium Post Top 100W	8	\$14.01
Sodium Cut Off 70W	42	\$12.07
Sodium Cut Off 100W	10	\$14.01
Sodium Flood 400W	4	\$35.39
Sodium Sp Mgse Close-In 250W	1	\$39.03
Metal Halide Cut Off 175W	14	\$23.55
Sodium Cut Off 250W	2	\$26.19
Sodm Spc Grnvl S 100W	1	\$25.81
Metal Halide Cut Off 250W	1	\$29.88
Sodium Cut Off 50W	4	\$11.00
Sodium Cut Off 150W	2	\$10.29



CC: TC

September 8, 2009

Dear Council Members,

I sure was surprised a couple years ago to see a parcel of land on Belle Marsh Road that backs up to Hooper's Swamp, get cut over and staked for development. One house lot is very close to the beaver dam area and I had been under the impression that it was part of a resource protection zone.

Upon investigation, we found out that the owners had the soil tested and it wasn't swamp soil at the location where the soil was lifted so that the Planning Board permitted building permits.

I understand that there is still some debate about the building permits and that the council members will be revisiting the issue.

I would like to observe that this area really is a swamp. When I first moved to Belle Marsh Road in 1986, there was a large wooded wet area that Hooper's Brook moved through above the little bridge. It wasn't too long after that though, that beavers began to plug up the brook at the bridge. Several times the beavers have been trapped, but the dams keep being restored. When the bridge was replaced years ago, was the last time the dam was removed and beavers rebuilt. The narrow area right behind the parcel of land in question, is still brook-like in width primarily because of the rise of the land on both sides at that spot and just above that narrow spot is the upper beaver dam. Trees that stood and grew are long gone now.

It would make sense to me to rescind a permit for a house that is so close to a permanent large wetland.



Karen Eger

56 Warren Pond Road
South Berwick Maine 03908

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 14, 2009	Item # UB 1
Agenda Item: Adopt Historic District Ordinance	
Town Manager's Recommendation	
The attached document has been updated by the Historic District Commission following the public hearing. Suggestions to incorporate the Maine Preservation Commission were included as applicable.	
Requested Action	
Motion to adopt the Historic District Ordinance as presented.	
Vote	

Editors Note: Illustrations do not appear in this document, however they will remain in the official Ordinance.

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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 as defined by the Maine Historic Preservation Commission.

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".

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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 it's 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 it's 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.

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C. Three (3) members of the Commission shall be initially appointed to serve terms of three (3) years; ~~one shall be appointed to serve the term of two (2) years~~; and the remaining members 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.

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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 it's 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

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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.~~

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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.

84-7. [Amended 11-22-1999] Designation of districts, sites, or landmarks; expansion of districts.

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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.

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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;

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(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

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(4) Any alteration to an archeological site as defined by the Maine Historic Preservation Commission.

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

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C. In the historic district, B1, B2, or ~~BR~~ zoning districts, 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

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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.~~

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(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

appurtenances 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.

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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, 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.)

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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 it's shape or style, it's relative proportions should match those of it's 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.

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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).

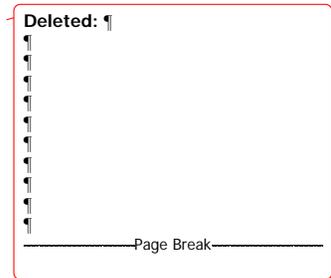


Figure 11-3

(4) Roof forms. The roof pitch employed on new buildings shall be similar to those found on adjacent buildings. If a gable-type roof, it's 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 it's 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. 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 zoning 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)

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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.

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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.

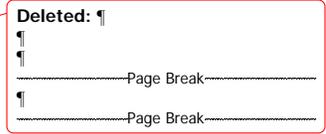
B. Additional remedies. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. If the Code Enforcement Officer finds that any provision of this chapter is being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature 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 it's 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



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

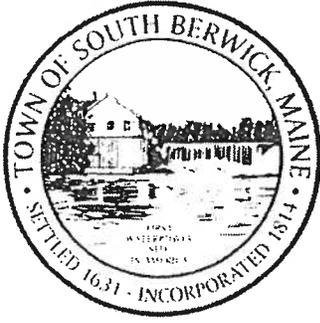
Appendix C-1

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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.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 14, 2009	Item # UB 1B
Agenda Item: Shoreland Zoning	
Town Manager's Recommendation	
<p>On July 27th the Town Council held a Joint Public Hearing with the Planning Board to hear comments on the new Shoreland Zoning Ordinance. The Planning Board held a subsequent discussion on August 18th and voted unanimously to forward Shoreland Zoning to the Council for adoption with the condition that the Town Council seek an advisory opinion from the Conservation Commission with regard to Hooper's Brook and Swamp (see transmittal letter). This request was forwarded to the Conservation Commission by the Town Planner on September 1st. The next Conservation Commission meeting will be held on September 17th.</p>	
Requested Action	
Council wishes.	
Vote	



Town of South Berwick

180 MAIN STREET
SOUTH BERWICK, MAINE 03908-1535
TEL. 207-384-3300
FAX: 207-384-3303

South Berwick Town Council
Jean Demetracopoulos, Chairperson
180 Main Street
South Berwick, ME 03908

August 21, 2009

Madame Chairman,

At their August 18, 2009 meeting, the Planning Board voted unanimously to forward a recommendation to the Town Council for further review and adoption of the proposed Shoreland Zoning Ordinance, Official Shoreland Zoning Map, and amendments to the existing Zoning Ordinance. The final version of the Official Shoreland Zoning Map will be prepared by an independent consultant and available for Town Council review prior to signing.

After review of shoreland zoning materials and input from the public at several meetings and workshops, the Planning Board agreed to forward the amendments as written to the Town Council. The Planning Board is aware of issues surrounding the designation of Hooper's Brook and Swamp as Resource Protection, and welcomes further review of the issue if the Town Council so chooses. The Board's decision not to consider this area Resource Protection is based on information provided by the DEP, MEGIS, MDIFW and the Albert Frick, August 2005 wetlands report.

The basis for the accepted Planning Board motion for the shoreland zoning amendments was made in consideration of the condition that the Town Council consider seeking an advisory opinion in regards to Hooper's Brook and Swamp from the Conservation Commission, and consider input prior to making a final determination. Concerns and comments provided by the public at Public Hearings conducted on April 21, 2009 and July 27, 2009 have been addressed.

If you have any further concerns or questions, please contact either me or the Planning Office at 384-3300.

Sincerely,

Cheryl H. Dionne /ss

Cheryl H. Dionne
Chairperson
South Berwick Planning Board

CC: John Schempf, Town Manager

From: Jim Fisk
Sent: Tuesday, September 01, 2009 12:26 PM
To: Dolores Leonard; John Stirling; Patricia J. Robinson
Cc: Roberta Orsini; Cheryl Dionne; Susie Scott
Subject: FW: Hooper's Brook Hooper's Swamp

Dear Conservation Commission~

The Planning Board forwarded Shoreland Zoning to the Council for adoption with a recommendation that the Hooper's Brook and Hooper's Swamp issue be researched by the Commission. The next Council meeting is 9/14/09. Attached please find a memo regarding issues discussed at a Planning Board workshop held with the Council. Also, I am finishing up the Shoreland Zoning Map. I will be glad to assist the Conservation Commission in compiling data, for example, there are IWWH areas associated with the Brook. This issue is raised by Paul Schumacher below.

I'll ask Susie to send the full SLZ Ordinance and transmittal letter. And, of course, we have files that are referenced below.

James L. Fisk, RLA
Director of Planning and Economic Development
Town of South Berwick
180 Main Street
South Berwick, Maine 03908
207-384-3300 ext. 118
207-384-3303 fax
jfisk@sbmaine.us
<http://www.southberwickmaine.org/>

TO: John B. Schempf, Town Manager.
FROM: Planning Board and Planning Department.
DATE: April 4, 2009, and updated April 14, 2009, April 17, 2009, April 27, 2009,
May 8, 2009, May 15, 2009, May 26, 2009, June 26, 2009, July 10, 2009 and
August 7, 2009.
RE: Shoreland Ordinance, proposed.

Code of Ordinances
Part II, General Legislation
Amendment to
Chapter 140. Zoning.

The Mandatory Shoreland Zoning Act, 38 M.R.S.A., sections 435-449 with guidelines and the Board of Environmental Protection (Board) 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. This amendment to the Code incorporates the most current State Shoreland Zoning into the South Berwick Chapter 110, Shoreland Zoning.

The changes through Chapter 140 and Chapter 121 of the Code are in the following Articles and Sections. These amendments are to repeal Section 140-48, Shoreland Standards and Section 140-48.1, Minor Freshwater Wetlands in order to adopt Chapter 110, Shoreland Zoning.

At their most recent meeting on August 4, 2009, the Planning Board made minor edits to the proposed Chapter 110, Shoreland Zoning.

A revised Shoreland Zoning Map has been provided to the Planning Board for their August 18, 2009 meeting.

Chapter 110

SHORELAND ZONING

ARTICLE I General Provisions

- § 110-1. Purpose.
- § 110-2. Authority.
- § 110-3. Applicability.
- § 110-4. Effective Date.
- § 110-5. Availability.
- § 110-6. Severability.
- § 110-7. Conflicts with Other Ordinances.
- § 110-8. Amendments.
- § 110-9. Official Shoreland Zoning Map.
- § 110-10. Basic Requirements.
- § 110-11. Definitions.

ARTICLE II Nonconformance

- § 110-12. Requirements.
- § 110-13. Nonconforming Structures Within Areas Regulated by Shoreland Zoning.
- § 110-14. Reconstruction of Nonconforming buildings.
- § 110-15. Nonconforming uses.
- § 110-16. Nonconforming lots of record.

ARTICLE III Establishment of Zoning

- § 110-17. Overlay Zones.
- § 110-18. District Boundaries.

ARTICLE IV Land Use Standards

- § 110-19. Performance Standards for Specific Uses.

ARTICLE V Shoreland Standards

- § 110-20. Agriculture.
- § 110-21. Beach Construction.
- § 110-22. Campgrounds.
- § 110-23. Individual Private Campsites.
- § 110-24. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.
- § 110-25. Erosion and Sedimentation Control
- § 110-26. Mineral Exploration and Extraction
- § 110-27. Additional Shoreland Structures.
- § 110-28. Roads and Driveways.
- § 110-29. Septic Waste Disposal.
- § 110-30. Signs.
- § 110-31. Principal and Accessory Structures.
- § 110-32. Parking Areas.
- § 110-33. Timber Harvesting.
- § 110-34. Essential Services.
- § 110-35. Storm Water Runoff.
- § 110-36. Archeological Site.
- § 110-37. Minor Freshwater Wetlands.

ARTICLE VI Administration

- § 110-38. Administration.
- § 110-39. Appeals and Zoning Board of Appeals.
- § 110-40. Allowed Uses.
Table C, Shoreland Dimensional Requirements.

ARTICLE I
General Provisions

§110-1. Purpose.

The purpose of this Ordinance is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

§110-2. Authority.

This Ordinance has been prepared in accordance with the provisions of Title 38, Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

All provisions in Chapter 110, Shoreland Ordinance are in addition to Zoning, Chapter 140.

§110-3. Applicability.

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland, and all land areas within 100 feet, horizontal distance, of the normal high-water line of a stream.
- Shoreland Zone within 100 feet.
- Recognized features as listed in Section 110-18.A.(4).

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

§110-4. Effective Date.

- A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on _____, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance

Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance 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 Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

- B. Sections 140-48 are repealed on the statutory date established under 38 M.R.S.A. section 438-A.(5), at which time Chapter 110 shall become effective. Until such time as Section 140-48 is repealed, Chapter 110 is not in effect.

§110-5 Availability.

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

§110-6. Severability.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

§110-7. Conflicts with Other Ordinances.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

§110-8. Amendments.

- A. An amendment to this chapter may be initiated by:
- (1) Written petition of a number of voters equal to at least 10% of the registered voters of the Town and following the provisions of the Town Charter, Article VIII, Section 2.
 - (2) The Town Council, provided that a majority of the Council so voted.
 - (3) The Planning Board, provided that a majority of the Board has so voted.
 - (4) An application by any individual to the Planning Board, as long as a majority of the Board so votes.

- B. An amendment to this chapter may be adopted by:

- (1) The Town Council following the provisions of the Town Charter, Article II, Section 3, Subsection VI, if the amendment is initiated by the Town Council, the Planning Board or an application approved by the Planning Board.
 - (2) A Special Town Meeting following the provisions of the Town Charter, Article VII, Section 2, if the amendment was initiated by a written petition in accordance with Subsection A.(1), above.
 - (3) In either case, the Town Council shall hold a public hearing on the proposed amendment as required by Article VII, Section 2, or by Article II, Section 11, of the Town Charter. The Planning Board shall report its recommendation regarding the proposed amendment at the public hearing.
- C. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is 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 the amendment, if such amendment is approved by the Commissioner.

§110-9. Official Shoreland Zoning Map.

- A. Said districts are located as shown on the Official Shoreland Zoning Map, entitled “Shoreland Zoning Map of South Berwick, Maine,” based upon the written descriptions contained in Article III, Section 110-18, District Boundaries of this chapter, dated and on file in the office of the Town Clerk. The Official Map shall be signed by the Town Clerk and Chairman of the Town Council at the time of adoption or amendment of this chapter, certifying the date of such adoption or amendment. Additional copies of the Shoreland Zoning Map may be seen in the municipal offices.
- B. In cases of disagreement between the Shoreland Zoning Map and the written descriptions in Article III, Section 110-18, District Boundaries, the written description shall prevail.
- C. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

§110-10. Basic Requirements.

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

§110-11. Definitions.

AGRICULTURE, LIVESTOCK

See Chapter 140-9. Definitions.

AGRICULTURE, NONLIVESTOCK

See Chapter 140-9. Definitions.

AQUACULTURE - The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain having a one-percent or greater chance of flood in any given year.

BASAL AREA - See Chapter 140-9. Definitions.

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year, alternately referred to as the "one-hundred-year flood."

BOATHOUSE - A nonresidential structure designed for the purpose of protecting or storing boats.

BOAT LANDING - A facility designed primarily for the launching and landing of watercraft and which may include an access ramp, docking area and parking spaces for vehicles and trailers.

BOAT LAUNCHING FACILITY - A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

BODY OF WATER - Any river, stream, brook, wetland, or pond as defined herein.

BUREAU – State of Maine Department of Conservation’s Bureau of Forestry.

CHANNEL – A natural or artificial watercourse with definite beds and banks to confine and

conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

COASTAL WETLANDS – All tidal and sub tidal lands, including all areas below any identifiable debris left by tidal action; all areas with vegetation that is tolerant of salt water and occurs primarily in a saltwater or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service.

CROSS-SECTIONAL AREA – The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

FLOOD - A temporary rise in stream flow or tidal surge that results in water overflowing its banks and inundating adjacent areas.

FLOOD INSURANCE MAP - The official map on which the Department of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk-premium zones applicable to the town.

FLOODPLAIN - The lands adjacent to a body of water, which have been or may be covered by the regional flood.

FLOOD PROOFING - A combination of structural provisions, changes or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings.

FLOOD, REGIONAL - The maximum known flood or a body of water; either the one-hundred-year-frequency flood, where calculated, or the flood of record or evidence of vegetative changes.

FLOODWAY - The channel of a natural stream or river and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

FRESHWATER WETLANDS, MAJOR - Freshwater swamps, marshes, bogs, and similar areas (other than forested wetlands) which are:

- A. Ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
- B. Inundated or saturated by surface or ground water at a frequency and for duration sufficient to support, and under which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FRESHWATER WETLANDS, MINOR - A wetland of two or more contiguous acres, excluding Major Freshwater Wetlands, as identified on the Federal National Wetlands Inventory.

FRONTAGE, SHORE – The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high-water elevation.

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 storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, 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 marine or tidal waters.

GREAT POND – Any inland body of water which, in a natural state, has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

LIMITED RESIDENTIAL SHORELAND DISTRICT – Any areas suitable for residential and recreational development which are used less intensively than those in the Business Districts and currently developed. This district shall include areas when they occur within the limits of the Resource Protection District.

LOT, SHOREFRONT - Any lot abutting a body of water.

MARINA - A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and

which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

NORMAL HIGH WATER LINE - That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high water line is the upland edge of the wetland, and not the edge of the open water.

PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND.

Temporary - Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent - Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

RECENT FLOOD PLAIN SOILS - The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial
Charles
Cornish
Fryeburg
Hadley
Limerick
Lovewell
Medomak
Ondawa
Podunk
Rumney
Saco
Suncook
Sunday
Winooski

RIVER, STREAM, OR BROOK – A channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.

- A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 minutes series topographic map or, if that is not available, a 15 minutes series topographic map.
- B. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
- C. The channel bed is primarily composed of mineral material such as sand and gravel, parent materials or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the streambed.
- E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

“River, Stream, or Brook” does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.

SETBACK FROM WATER - The horizontal distance from the normal high-water elevation to the nearest part of a structure, road parking space, or other regulated object or area.

SHORELAND ZONE - The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within two hundred and fifty (250) feet of the normal high-water line of a stream.

STREAM - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

TRIBUTARY STREAM - A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

WATER BODY - Any great pond, river, stream or tidal area or wetland.

WATER CROSSING - Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course, Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines and cables as well as maintenance work on these crossings.

WATER-ORIENTED BUSINESS - Commercial and industrial facilities which by the nature of their operations require a shorefront location, such as but not limited to boatyards, marinas, bathhouses and commercial fisheries facilities.

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS - Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river except as noted herein.

ARTICLE II Nonconformance

§110-12. Requirements.

Purpose. It is the intent of this Ordinance to promote land use conformities in addition to the provisions in §140-5.

§110-13. Nonconforming Structures Within Areas Regulated by Shoreland Zoning.

A. Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (1) and (2) below.

- (1) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 110-14 and is less than the required setback from a water body, tributary stream or wetland, the replacement

structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- (2) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 110-13.B, Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 110-13.A.(1), above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

- B.** Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the

requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required within one (1) year as follows:

- (1) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more

than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

- (2) Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
- (3) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation, which may consist of grasses, shrubs, trees, or a combination thereof.

§110-14. Reconstruction of nonconforming buildings.

- A. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or 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 the

water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee 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.

- B. 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 110-13.A, above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume 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 110-13.B, above.

- C. 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.
- D. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 110-13.B, above, the physical condition and type of foundation present, if any.
- E. Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

§110-15. Nonconforming uses.

- A. Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 110-13.A.(1) above.
- B. Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has

been used or maintained for residential purposes during the preceding five (5) year period.

- C. **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 110-14.E, above.

§110-16. Nonconforming lots of record.

- A. **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- B. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

- C. **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public

sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (2) Any lots that do not meet the frontage and lot size requirements of Section 110-16.C.(1) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

ARTICLE III Establishment of Shoreland Zoning

§110-17. Overlay Zones.

RP Resource Protection District.
SP Shoreland Slope District.
FEMA 100-yr. Floodplain Zone.
LRS Limited Residential Shoreland District.
MFW Minor Freshwater Wetland District.

The purposes of the land use districts are as follows:

- A. Resource Protection District. To control the use of shoreland and other areas to provide maximum protection to the land and water resources. Such areas include but are not limited to wetlands, swamps, marshes, bogs, poorly drained soils, one-hundred-year floodplains and significant wildlife habitats. [Amended 4-11-1988]
- B. Shoreland Slope District, and 100-yr. Floodplain Zone.
 - (1) To protect from activities or alterations that would unreasonably cause or increase flooding of areas or adjacent properties.
 - (2) To provide maximum protection to the land and water resources with controls of use and development of undeveloped shoreland areas.
 - (3) To minimize expenditures of public monies for flood-control projects.

 - (4) To minimize rescue and relief efforts undertaken at the expense of the general public.
 - (5) To minimize flood damage to public facilities, such as water mains, sewer lines, streets, roads and bridges.
 - (6) To protect the storage capacity of floodplains and assure retention of sufficient floodway area to convey flood flows which reasonably can be expected to occur.
 - (7) To encourage open space uses, such as agriculture and recreation.

- C. Limited Residential Shoreland District. To allow for those areas suitable for residential and recreational development which are used less intensively than those in the Business Districts and are currently developed. This district shall include areas when they occur within the limits of the Resource Protection District.
- D. Minor Freshwater Wetland District. To further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding; and accelerated erosion; to control building sites, placement of structures and land uses; and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in Shoreland and adjacent areas.

§110-18. District Boundaries.

A. Resource Protection District - RP.

- (1) All land within two hundred fifty (250) feet from the normal high-water line (as measured from the edge of the associated wetland) of the following water bodies:
 - (a) Round Pond.
 - (b) Warren Pond.
 - (c) Knights Pond and its outlet.
 - (d) Ogunquit Brook.
 - (e) Chicks Brook, upstream of Emery's Bridge Road.
 - (f) White Marsh Brook.

 - (g) Cox Pond and its outlet to White Marsh Brook.
 - (h) Hoopers Swamp. [Added 3-13-1989]
 - (i) Leighs Mill Pond. [Added 3-13-1989]
 - (j) Salmon Falls River/Piscataqua River to its tidal limits.

- (k) Freshwater wetlands, salt marshes, salt meadows, and wetlands associated with great ponds and rivers, which are rated "high" or "moderate" value by the Department of Inland Fisheries and Wildlife (IFW) based on their most recent mapping.
- (2) The Great Works River in the R3 and R4 Districts (as measured from the edge of the river channel).
- (3) The following resources to their boundary limits:
 - (a) Coastal wetlands. [Added 12-12-1988]
 - (b) All one-hundred-year floodplains. [Added 4-11-1988]
 - (c) Major Freshwater wetlands. [Added 12-12-1988]
 - (d) Minor Freshwater Wetlands.
 - (e) Areas of two or more contiguous acres with sustained slopes of twenty (20%) or greater when located within a Shoreland and Slope District (Section 110-18.B.)
 - (f) Land areas along rivers subject to severe erosion, undercutting, or riverbed movement and lands adjacent to tidal waters, which are subject to severe erosion or mass movement, such as a coastal bluff.
 - (g) For the purpose of this Section, the Resource Protection District shall be a (300) foot radius from the wellhead. However, the Protection District from the Junction Road wellhead shall be an area as described in the Caswell, Eichler, and Hill study "Hydro Geological Evaluation of Bedrock Well at Junction Road Site, South Berwick, Maine, and September, 1994." These zones will be established only after public notice and a public hearing in accordance with Section 140-6 of the Zoning Ordinance. For all new wellhead protection areas, Resource Protection Zones will be based on hydro geological studies/recommendations and will be established according to Zoning, Section 140-6. [Adopted 5-28-96]
 - (h) Vaughan Woods.
 - (i) All areas mapped as very poorly drained soils on the medium-intensity Soil Survey of York County, Maine. In the event that a soil classification boundary designating the limits of

the Resource Protection District is challenged by a landowner or abutters, the landowner or abutters shall present evidence that the land in question does not contain soils, which are classified as being very poorly drained by the United States Soil Conservation Service. A high intensity soil survey performed by a registered soil scientist, licensed in the state of Maine may constitute such evidence.

- (4) The following resources as identified in the Town's Comprehensive Plan and land within two hundred and fifty feet (250) of those resources as shown on the official Shoreland Zoning Map of South Berwick.
 - (a) The Balancing Rock.
 - (b) The Spring Hill Overlook.
 - (c) The Gorge.
- (5) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- (6) Limited Residential Shoreland District – LRS.

All land within two hundred fifty (250) feet from the normal high-water line (as measured from the edge of the associated wetland) of the following water bodies as mapped within the areas of:

 - (a) Fife's Lane and Old South Road.
 - (b) York Woods Road.

B. Shoreland and Slope District - SP [Amended 12-12-1988]

- (1) Unless previously classified as Resource Protection, all land within two hundred fifty (250) feet horizontally of the normal high-water line, as measured from the edge of the stream channel, of the following water bodies:
 - (a) Dennett Brook.
 - (b) Boyd Brook.
 - (c) Great Works River in the R1 and R2 Districts (the high water line shall be measured from the edge of any associated wetland.)
 - (d) Chicks Brook, downstream of Emery's Bridge Road.
 - (e) Lover's Brook.
 - (f) Shorey's Brook.
 - (g) Quamphegan Brook.
 - (h) Lord Brook.
 - (i) Hoopers Brook.
 - (j) Knights Brook.
 - (k) Warren Brook, south of Bickel Mountain.
 - (l) Hussey Brook, north of Great Hill.
 - (m) Bennett Brook.
 - (n) Hamilton Brook.
 - (o) Driscoll Brook.
 - (p) Salmon Falls River above Route 4 (high water line shall be measured from the edge of any associated wetland.)
 - (q) Unnamed Stream 1.
 - (r) Unnamed Stream 2.

 - (s) Hilton Brook.

- (2) Land within two hundred fifty (250) feet of a major freshwater wetland boundary. [Added 12- 12-1988]
 - (3) Land within two hundred fifty (250) feet of a coastal wetland boundary. [Added 12-12-1988]
 - (4) Any other free-flowing body of water, not listed above, which flows from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map, to the point where the body of water becomes a river.
- C. 100-yr. Floodplain Zone - FEMA. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- D. Minor Freshwater Wetland - MFW. A wetland of two or more contiguous acres, excluding Major Freshwater Wetlands, or forested wetlands as identified on the Federal National Wetlands Inventory.

ARTICLE IV
Land Use Standards

§110-19. Performance Standards for Specific Uses.

Two-Family and Multifamily Dwellings.

A. New construction. New two-family and multifamily dwellings shall meet the following minimum road and Shoreland frontage as indicated in Table C.

ARTICLE V
Shoreland Standards

The following standards shall apply to all land areas within two hundred fifty (250) feet of all water bodies protected by the Resource Protection District in Section 110-18.A.(1) and (2) and the Shoreland and Slope District in Section 110-18.B.(1), (2) and (3) except that if any of these standards conflict with a stricter provision of this chapter, the more restrictive provision shall apply:

§110-20. Agriculture.

- A.** All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- B.** Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. 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.
- C.** 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, as approved by the Natural Resources Conservation Service, 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.
- D.** There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within one hundred (100) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- E.** Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within one hundred (100) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing 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, as approved by the appropriate reviewing agency.

§110-21. Beach Construction. Beach construction on any great pond or coastal wetland or on any river, stream or brook shall require a permit from the Department of Environmental Protection.

§110-22. Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- A.** Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- B.** The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

§110-23. Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- A.** One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland Zone, whichever is less, may be permitted.
- B.** Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- C.** Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- D.** The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- E.** A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

- F.** When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

§110-24. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

- A.** In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 100 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- B.** Except in areas as described in Section 110-24.A, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
- (1) There shall be no cleared opening greater than 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 footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
 - (2) 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 a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet above ground level (inches)	Points
2-4 "	1
>4-12 "	2
>12 "	4

Adjacent to areas zoned as Shoreland/Slope a well- distributed stand of trees is defined as maintaining a minimum rating score of 8 per 25 foot square area.

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 110 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

- (a) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
 - (b) Each successive plot must be adjacent to, but not overlap a previous plot;
 - (c) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
 - (d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
 - (e) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.
- (3) For the purposes of this Section "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 than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five 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 40% 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.

- (a) 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 in Section 110-24, A and B.
 - (b) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
 - (c) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
 - (d) Section 110-24.B does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.
- C. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and one hundred (100) feet, horizontal distance, from the normal high-water line of any other 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 shall not apply to the applicable business districts.

- D. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- E. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 110-24.

§110-25. Erosion and Sedimentation Control.

- A. 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:
 - (1) Mulching and revegetation of disturbed soil.
 - (2) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (3) Permanent stabilization structures such as retaining walls or rip rap.
- B. 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.
- C. Erosion and sedimentation control measures shall apply to all aspects of the 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.
- D. 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 rip rap, 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:

- (1) 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.
 - (2) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (3) 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.
- E.** Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip rap.

§110-26. Mineral Exploration and Extraction.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- A.** A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 110-26.D, below.
- B.** No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within one hundred (100) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- C.** When gravel pits must be located within the Shoreland Zone, they shall be set back as far as practicable from the normal high-water line and no less than one hundred (100) feet and screened from the river by existing vegetation.

- D.** Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
- (1) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (2) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (3) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- E.** In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

§110-27. Additional Shoreland Structures.

Piers, docks, wharves, breakwaters, causeways, marinas bridges, structures and uses extending over or beyond the normal high water line of a water body or within a wetland. In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following:

- A.** Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- B.** The location shall not interfere with existing developed or natural beach areas.
- C.** The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.
- D.** The facility shall be located so as to minimize adverse effects on fisheries.
- E.** 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.

- F. 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.
- G. Except in the applicable business districts, structures 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 shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- H. Structures 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 shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

§110-28. Roads and Driveways.

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- A. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and one-hundred (100) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. Section 110-28.A does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section

except for that portion of the road or driveway necessary for direct access to the structure.

- B.** New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- C.** Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 110-25.
- D.** Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- E.** In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body,

tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

- F.** Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (1) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
110-20	60-45

- (2) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (3) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- G.** Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

§110-29. Septic Waste Disposal.

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

- (1) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and;
- (2) Holding tank is not allowed for a first-time residential use in the Shoreland zone.

§110-30. Signs.

The following provisions shall govern the use of signs in the Resource Protection and applicable Residential and Business Districts:

- A.** Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the applicable Business Districts, however, such signs shall not exceed sixteen (110) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

- B. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- C. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- D. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- E. Signs relating to public safety shall be allowed without restriction.
- F. No sign shall extend higher than twenty (20) feet above the ground.
- G. Signs may be illuminated only by shielded, non-flashing lights.

§110-31. Principal and Accessory Structures.

- A. All new principal and accessory structures shall be set back at least two hundred and fifty (250) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the applicable Business Districts the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be two hundred and fifty (250) feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (1) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (2) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area or eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing

limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

- (3) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Shoreland Zone and applicable Residential and Business 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.
- (4) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least 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.
- (5) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland Zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland Zone, including land area previously developed, except in the applicable Residential and Business Districts adjacent to tidal waters and rivers that do not flow to great ponds classified GPA.
- (6) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100 year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's

(FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

- (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - [1] The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - [2] Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - [3] Only native species may be used to establish the buffer area;
 - [4] A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

A footpath not to exceed the standards in Section 110-24.B.(1), may traverse the buffer;

- (7) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

§110-32. Parking Areas.

- A.** Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the applicable Residential and Business Districts parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the applicable Business District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- B.** Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- C.** In determining the appropriate size of proposed parking facilities, the following shall apply:

 - (1) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (2) Internal travel aisles: Approximately twenty (20) feet wide.

§110-33. Timber Harvesting.

- A.** No accumulation of slash shall be left within fifty (50) feet of the normal high-water mark of any pond, river or salt water body as defined. At distances of greater than fifty (50) feet from the normal high-water mark of such waters and extending to the limits of the area covered by Zoning, Chapter 140, all slash shall be 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.
- B.** Within a strip of land extending 250 feet inland from the normal high water line in a shoreland area zoned for Resource Protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.
- C.** Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an un-scarified strip of vegetation of at least seventy five (75) feet 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 wetland edge. For each ten (10%) percent increase in slope, the un-scarified strip shall be

increased by twenty (20) feet. 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) feet from the normal high water line of a protected water body.

- D.** Timber harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. Timber harvesting equipment shall not use stream channels as travel routes except when:
- (1) Surface waters are frozen; and
 - (2) The activity will not result in any ground disturbance.
- E.** 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.
- F.** Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.
- G.** Except in areas as described in Section 110-33.B, above, timber harvesting shall conform to the following provisions:
- (1) Selective harvesting 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 the ground level on any lot in any ten year period is permitted. In addition:
 - (a) Within one hundred (100) feet, horizontal distance of the normal high water of a water body zoned for Resource Protection and within one hundred (100) feet, horizontal distance of water bodies zoned for Shoreland/Slope and tributary streams, there shall be no clear-cut openings and a well distributed stand of trees shall be maintained.
 - (b) At distances greater than one hundred (100) feet, horizontal distance of any water resource zoned for Resource Protection and

the Great Works and Salmon Falls rivers and greater than one hundred (100) feet, horizontal distance of the water resources zoned for Shoreland/Slope, timber harvesting operations shall not create single openings in the forest canopy greater than the height of the average tree in the stand. Such openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

- H. Timber harvesting operations exceeding the (40%) percent limitation in paragraph G(1) above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

§110-34. Essential Services.

- A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- B. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- C. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

§110-35. Storm Water Runoff.

- A. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces

and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm waters.

- B. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

§110-36. Archeological 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 Commission prior to rendering a decision on the application.

§110-37. Minor Freshwater Wetlands.

This Section pertains to work to be carried out adjacent to, but not in, a minor freshwater wetland as defined. Adjacent work includes depositing of fill, excavating, bulldozing and scraping the land when located within one hundred (100) feet of the normal high-water line of a minor freshwater wetland.

- A. In order to prevent surface water which may carry sediment from the disturbance activity from directly entering a minor freshwater wetland:
 - (1) A twenty five (25) foot undisturbed strip of vegetation shall be maintained between the normal high-water line and the activity; and
 - (2) Where sustained slopes exceed 20% a one hundred (100) foot undisturbed strip of vegetation shall be maintained between the normal high-water line and the activity.
- B. These undisturbed buffer strip requirements do not apply to:
 - (1) Providing access to an approved use.
 - (2) Maintenance of existing roadways.
 - (3) Removal of underground storage tanks.

 - (4) Removal, replacement or maintenance of wastewater disposal systems.

- (5) Placement and replacement of foundations and supports for legally existing or authorized structures.

**ARTICLE VI
Administration**

§110-38. Administration.

A. Administering Bodies and Agents.

- (1) Code Enforcement Officer. As defined in §140-73, Duties of enforcement officer.
- (2) Board of Appeals. As defined in §140-76, Board of Appeals; appeal procedures.
- (3) Planning Board. As defined in Chapter 3, Administrative Code; Article XII, Planning Board, and Chapter A148, Planning Board Bylaws; §A148-1, General.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a 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. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than seventy five (75) feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application.

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Chapter 140, Zoning: Attachment 1, Table A, Land Use; Attachment 2, Table B, Dimensional Requirements; and Attachment 3, Table C, Shoreland Dimensional Requirements.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits. Within thirty five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 110-38.B, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes 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 designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Article V, Shoreland Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 110-38.D, above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

- (4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 100 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sewer district or any utility company of any kind may not install services to any new structure located in the Shoreland zone unless written authorization attesting to

the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

§110-39. Appeals and Zoning Board of Appeals. See Zoning, Chapter 140, Section 76.

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this chapter. Such hearing shall be held in accordance with Section 140-76.C. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this chapter by the concurring vote of a majority of the votes cast.

§110-40. Allowed Uses. See Appendix I, Table A, Land Use.

Table of Land Uses. All land use activities, as indicated in Table A, Land Use in the Shoreland Zone, shall conform with all of the applicable Shoreland standards in Article V. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

TABLE C
SHORELAND DIMENSIONAL REQUIREMENTS

DRAFT

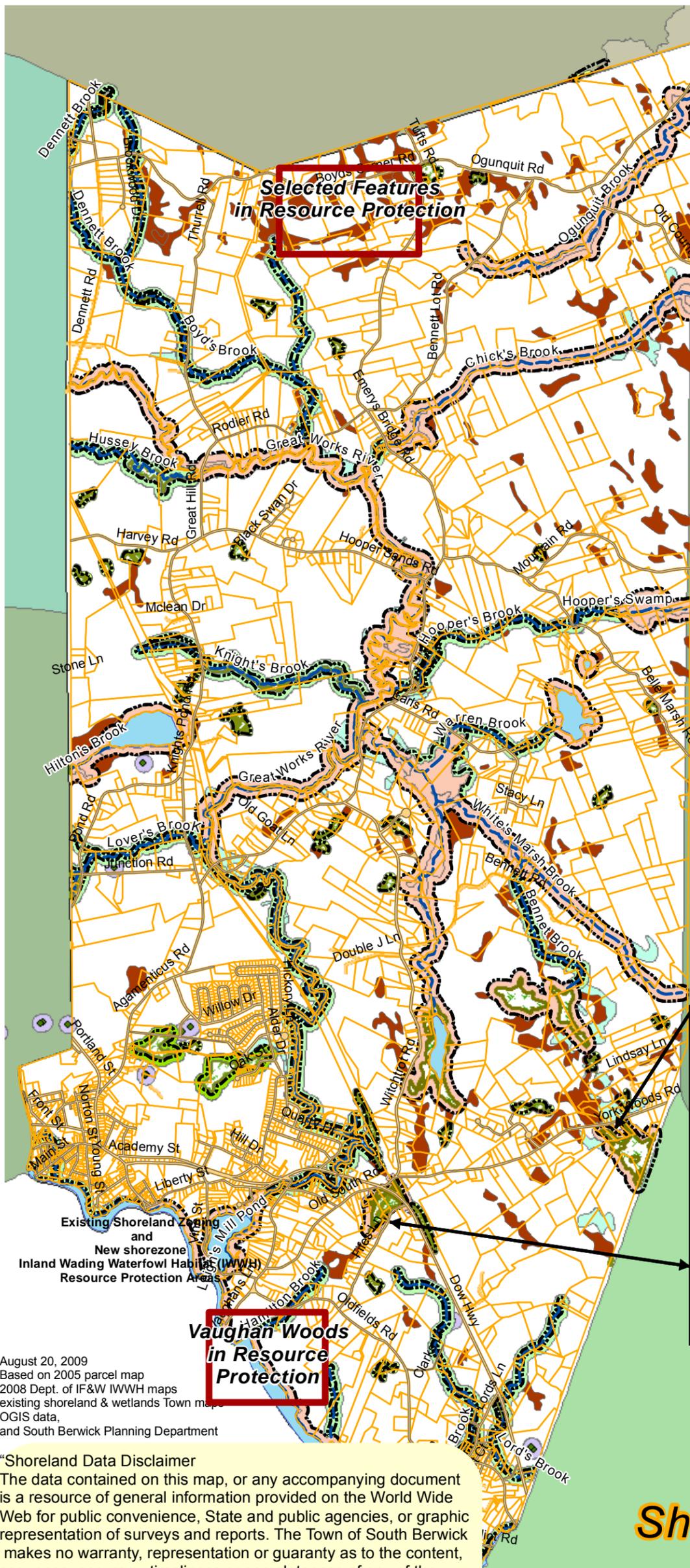
RESIDENTIAL & NON COMMERCIAL					
<u>B1 &B2 residential uses same as Commercial Requirements</u>					
Minimum Lot Size Requirements (square feet)	R1	R2	R3	R4	R5
Tidal	30,000 (2)	30,000 (2)	30,000 (2)	NA	NA
Non - Tidal	40,000	40,000	40,000	40,000	40,000
Shore Frontage	R1 & R1A	R2 & R2A	R3	R4	R5
Tidal	150	150	200	NA	NA
Non - Tidal	200	200	200	200	200
Two-family and Multifamily Dwellings					
2 Units	400	400	400	400	400
3 Units	600	600	600	600	600
4 Units	800	800	800	800	800
5 Units	1,000	1,000	1,000	1,000	1,000
6 Units	1,200	1,200	1,200	1,200	1,200
Two-family and Multifamily Dwellings	B1	B2			
2 Units	200	400	NA	NA	NA
3 Units	300	600	NA	NA	NA
4 Units	400	800	NA	NA	NA
5 Units	500	1,000	NA	NA	NA
6 Units	600	1,200	NA	NA	NA
Setbacks For Structures	R1 & R1A	R2 & R2A	R3	R4	R5
For Water Bodies and Recognized Features Listed Under Section 110-18.A.(1), (2), (3.a), (4) and (5).	250 feet (3) (4) (5)	250 feet (3) (4) (5)	250 feet (3) (4) (5)	250 feet (3) (4) (5)	250 feet (3) (4) (5)
For Water Bodies and Recognized Features Listed Under Section 110-18.B.(1 - 4), Shoreland / Slope.	100 feet	100 feet	100 feet	100 feet	100 feet

Setbacks vary for Activities; See specific activities in Article V. 110-20. Agriculture. 110-22. Campgrounds. 110-23. Individual Private Campsites. 110-24. Clearing of Vegetation for Development. 110-28. Road and Driveways. 110-32. Parking Areas. 110-33. Timber Harvesting. 110-37. Minor Freshwater Wetlands.	R1 & R1A	R2 & R2A	R3	R4	R5
For resources listed under Section 110-18.A. (3), (d) Minor freshwater wetlands and (f) River banks.	25 feet	25 feet	25 feet	25 feet	25 feet
For resources listed under Section 110-18.A. (3), (e) Slopes.	100 feet	100 feet	100 feet	100 feet	100 feet
Maximum Lot Coverage	R1 & R1A	R2 & R2A	R3	R4	R5
As Defined	20%	20%	20%	20%	20%

COMMERCIAL						
Minimum Lot Coverage	B1 & B2	R1 & R1A	R2 & R2A	R3	R4	R5
Tidal	NA	40,000 square feet	NA	40,000 square feet	NA	NA
Non - Tidal	Same as Table B	40,000 square feet	60,000 square feet	60,000 square feet	60,000 square feet	60,000 square feet
Shore Frontage	B1 & B2	R1 & R1A	R2 & R2A	R3	R4	R5
Tidal	NA	200 feet	NA	200 feet	NA	NA
Non - Tidal	Same as Table B	300 feet	300 feet	300 feet	300 feet	300 feet
Setbacks For Structures	B1 & B2	R1 & R1A	R2 & R2A	R3	R4	R5
For Water Bodies Listed Under Section 110-18.A.(1) and (5).	25 feet	200 feet	200 feet	200 feet	200 feet	200 feet
For Water Bodies Listed Under Section 110-18.B.(1-4) Shoreland / Slope.	25 feet	300 feet	300 feet	300 feet	300 feet	300 feet
Maximum Lot Coverage	B1 & B2	R1 & R1A	R2 & R2A	R3	R4	R5
As Defined	70%	20%	20%	20%	20%	20%

**TABLE C
SHORELAND DIMENSIONAL REQUIREMENTS INDEX**

- (1) Minimum lot sizes for all other districts shall remain the same as shown in Table B.
- (2) If lot is served by on – site septic the minimum lot size shall be 40,000 square feet.
- (3) For permitted uses in the Resource Protection District, the setback for structures is 100 feet.
- (4) For areas of established development pattern, as defined by policy guidelines, at the time of adoption of this ordinance the setback from IWWH areas for structures allowed in the underlying zone is 100 feet. See Limited Residential Shoreland District.
- (5) Wellhead Protection shall be a 300-foot radius from a wellhead. See Section 110-18.A.(3)(g).



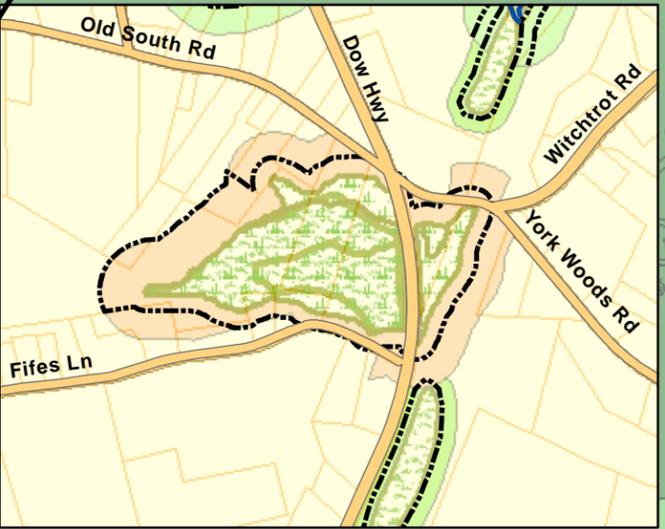
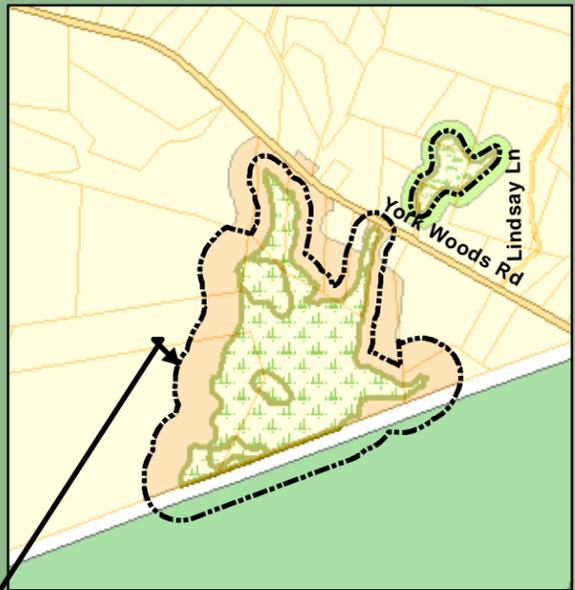
Legend

- Setbacks
- major_stbkline
- Very_Poorly_Drained_Soils_Trimmed
- Waterbodies
- Minor_Freshwater_Wetlands
- IWWH
- FEMA_FloodZones_100_Year_Trimmed

Zones

TYPE

- Major Freshwater Wetland
- Resource Protection
- Shoreland
- Well_Heads
- Well_Head_Protection_Areas_SOBO
- NWI wetlands



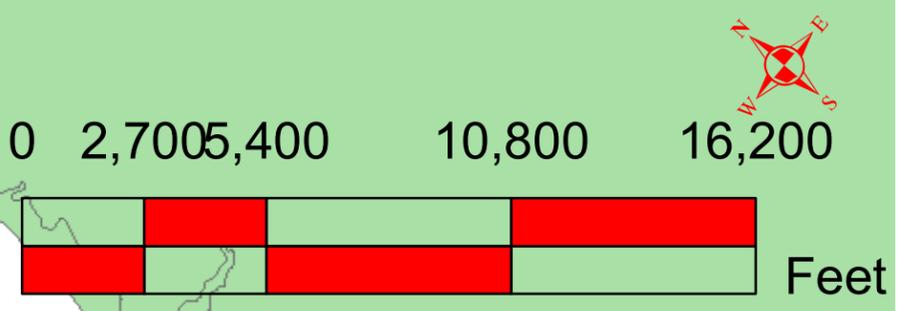
August 20, 2009
 Based on 2005 parcel map
 2008 Dept. of IF&W IWWH maps
 existing shoreland & wetlands Town maps
 OGIS data,
 and South Berwick Planning Department

“Shoreland Data Disclaimer
 The data contained on this map, or any accompanying document is a resource of general information provided on the World Wide Web for public convenience, State and public agencies, or graphic representation of surveys and reports. The Town of South Berwick makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. The Town of South Berwick expressly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. The Town of South Berwick shall assume no liability for:

1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused; or
2. Any decision made or action taken or not taken by reader in reliance upon any information or data furnished hereon.

Official copies of these documents can be viewed in person at the Town of South Berwick Clerk's Office.”

South Berwick draft unofficial Shoreland Zoning Map



TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 14, 2009	Item # UB 1C
Agenda Item: Draft Charges to Committees	
Town Manager's Recommendation	
I have attached draft charges for the Community Development Committee, the Master Plan Vision Committee and the Recreation Committee. I welcome the Council's comments and discussion on these drafts.	
Requested Action	
Council Wishes	
Vote	

Community Development Committee

This committee is charged with undertaking efforts to preserve and protect the downtown village and its economic well-being:

- Suggest activities which will enhance our community while promoting a viable, livable and walkable downtown.

- Work in conjunction with residents, business owners and other committees to foster positive activities for the Town.

- Connect with civic organizations and other groups/entities that share similar goals interests (Strawberry Festival Committee, South Berwick Networking, Berwick Academy, etc).

- Monitor and provide input to the continuing efforts to improve traffic management in downtown.

- Research and apply for grants to implement ideas for improvement.

The charge for the Master Plan Vision Committee is two-fold:

The over arching and continuing charge will be to monitor private and government activities that may create trends to be addressed and incorporated in the Town's Comprehensive Plan or activity trends that may run counter to "Comp Plan" guidance.

The second part of the charge tasks the committee to assist the Council and the staff in researching and resolving important, complex but specifically limited items or issues. This assistance will be particularly critical when the item or issue is time sensitive.

Thus, the Committee's first challenge is to determine the highest and best use of the Town's Young Street Property, to research what American Recovery and Reinvestment Act (ARRA, also known as "stimulus") money and/or other non-tax funding is available for the uses suggested; to recommend which uses of the property are the most feasible and promising and to devise a plan for how the Town can move forward in an expeditious but careful manner given the economic climate.

Recreation Committee

The Recreation Committee is established to assist the Town Council with long range financial planning for recreation opportunities in South Berwick. The committee will be responsible to update the Recreation Facilities Plan and annually present it to the Town Council for review.

This committee will also work with the Town's Recreation Director to assist with recreation planning activities. The Committee will support the activities of the Director, make suggestions for new activities and work toward insuring the health and vitality of the Town's Recreation Program into the future.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 9/14/09	Item # NB 1B
Agenda Item: Accept resignation from Library Advisory Board	
Department Head Recommendation: n/a	
Attached please see Brian Dowd's resignation from the Library Advisory Board.	
Town Manager's Recommendation	
Accept Mr. Dowd's resignation with regret and thank him for his service to the community.	
Requested Action	
Motion to accept Brian Dowd's resignation from the Library Advisory Board.	
Vote	

August 31, 2009

From: Brian Dowd, Library Advisory Board Member

To: The Town Council of South Berwick, Maine

CC: LAB Members, Friends of the South Berwick Library & Mamie Ney

Dear Council-

I would like to offer my immediate resignation from the Library Advisory Board. After much deliberation I find that I no longer have the time or energy needed for the position. It is especially critical at this point in time as we try to raise support for the St Michael's project that the LAB have members who are enthusiastic and committed. Regrettably, I find that I am neither and would like to offer my seat to someone who is eager for the task ahead.

I have enjoyed working with my fellow Library Advisory Members and all of the workshops we attended with the Town Council and other committees. I am very proud to be a citizen in this community and I thank you for giving me the opportunity to serve our town.

Sincerely,

Brian Dowd
144 Witchtrot Road
South Berwick, Me

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: September 14, 2009	Agenda Item # NB 1C
Subject	
Delegate to MMA Convention	
Information	
The delegate for the MMA convention is an annual appointment as designated by the Town Council. This is an official representative authorized to vote at the convention on behalf of South Berwick.	
Town Manger's Recommendation	
Historically, South Berwick has nominated the Town Manager, however if a Councilor is interested in attending and voting that nomination would be welcome also. MMA also requests an alternate be named.	
Requested Action	
Motion to appoint _____ as the official Voting Delegate and _____ as the alternate voting delegate for the MMA Annual Business meeting.	
Vote	



**Maine Municipal
Association**

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

RECEIVED

9.2.09

Town Manager's Office

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Christopher G. Lockwood, Executive Director

DATE: August 28, 2009

SUBJECT: Voting Credentials for MMA Annual Business Meeting

Enclosed please find the *Voting Delegates Credential Form* on which the municipal officers are to designate their municipality's voting representative and alternate for the MMA Annual Business Meeting, which is being held on Wednesday, October 7, 2009, at 4:15 p.m. at the Augusta Civic Center. The MMA Bylaws entitle each member community to one (1) voting representative. An agenda for the MMA Annual Business Meeting is attached for your reference.

Please return this form no later than Friday, October 2, 2009 or bring it with you to the MMA Annual Business Meeting. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428. Thank you.

MAINE MUNICIPAL ASSOCIATION
VOTING DELEGATE CREDENTIALS

_____ is hereby designated as the official Voting Delegate and
(name)

_____ as the alternate voting delegate for _____
(name) (municipality)

to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,

Wednesday, October 7, 2009, 4:15 p.m., at the Augusta Civic Center, Augusta, Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____

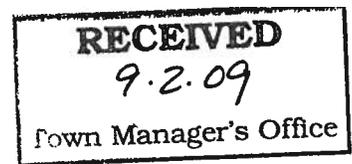
Please return this form no later than **Friday, October 2, 2009** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org



TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: MMA Executive Committee

RE: Proposed By-law Amendments to Allow Additional Response Time for Nomination, Petition and Election Process

DATE: August 28, 2009

At its meeting on August 27, 2009, the Executive Committee of the Maine Municipal Association voted unanimously to submit to the Municipal Membership a proposed amendment to the MMA By-laws that would allow Municipal Members additional time to respond throughout the nomination, petition and election process. The proposed amendments are offered as a result of feedback by municipalities stating that the current schedule did not allow enough time to place on the council/selectmen's next meeting, particularly in light of summer schedules in July.

The following changes to the MMA By-laws, shown in bold, are to be voted on by the authorized voting delegates of municipal members at the MMA Annual Business Meeting to be held Wednesday, October 7, 2009 at 4:15 p.m. at the Augusta Civic Center, Augusta, Maine. Please see the other memorandum included with this mailing.

If you have any questions, please do not hesitate to contact Theresa Chavarie, Manager of MMA Executive Office & Members Relations at 1-800-452-8786 ext. 2211. Thank you.

ARTICLE V: Annual Elections

Election Process

Section 1. The annual election for the Maine Municipal Association shall be set to occur in the month of August of each year. No later than ~~Ninety (90)~~ **One Hundred Twenty (120)** days prior to each annual election, the Executive Committee shall fix the date and place of the annual election. At each annual election there shall be elected a Vice President who shall serve a term of one year and up to three Executive Committee members who shall each serve a term of three years or the remainder of a vacant term. All terms shall officially begin on January 1 of the next calendar year.

(OVER)

Section 2. At each annual election the Vice President and Executive Committee members shall be elected by a mail Ballot. Ballots shall be prepared and mailed by the Executive Director to the chief executive officer of each Municipal member at least 30 days prior to the day of the annual election. The mail Ballot shall contain a brief biographical sketch of each candidate. The Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member. Ballots must be received by the MMA Executive Director no later than 12:00 noon on the day of the election. Ballots shall then be counted in an open process under the direction of the President of the Association.

Nomination Process

| Section 3. No later than the end of ~~March~~ February of each year, the President, with recommendations from the Executive Committee, shall appoint a five-member Nominating Committee, composed of two elected municipal officials, two Past Presidents and one member who is either the President of an affiliate organization or is a town or city manager or chief appointed administrative official. The Chair of the Nominating Committee shall be the Immediate Past President. If the Immediate Past President is unable to serve as the Chair, the MMA President shall appoint another Past President to serve as the Chair.

| Section 4. No later than ~~60 (Sixty)~~ Ninety (90) days prior to the annual election, the Nominating Committee shall send Municipal members written notice of the Proposed Slate of Nominees for the Vice President and Executive Committee positions. In considering nominations to the Executive Committee, the Nominating Committee shall seek a representation from municipalities of various sizes which is reasonably balanced to reflect as nearly as possible the relative distribution of Maine's population among large and smaller municipalities.

Petition Process

Section 6. Nominations for the Vice President and Executive Committee positions may also be made by a petition signed by a majority of the municipal officers in each of at least five (5) member municipalities and filed with the Executive Director no later than Forty (40) days prior to the day of the annual election.

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 7, 2009
4:15 p.m. – 4:45 p.m.
Augusta Civic Center – Cumberland Room**

AGENDA

1. **Introductions and Welcoming Remarks – MMA President Galen Larrabee, (Chair of Selectmen, Town of Knox)**
2. **Approval of 2008 Annual Business Meeting Minutes**
3. **Vote on Proposed Amendment to MMA By-laws**
4. **Announcement of Election Results for MMA Executive Committee and Introduction of New Executive Committee Members**
5. **Other Business (*comments from the floor*)**
6. **Recognition of Outgoing Executive Committee Members**
7. **State of the Association Report - Christopher Lockwood, MMA Executive Director**
8. **Adjournment**