

Chapter 119, Street Acceptance

§119-3. Compliance required.

No street or way shall be laid out ~~for and acceptance~~ as a public street or way by the Town of South Berwick, Maine, except in accordance with the provisions of this article. ~~All other ordinance or parts thereof in conflict with the provisions of this article are hereby repealed.~~

§119-4. Conditions of acceptance.

A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel prior to January 12, 1974, shall be laid out and accepted as a public street or way by the Town Council only upon the following conditions:

A. The owner(s) shall give the Town a deed to the property within the boundaries of the street at the time of its acceptance by the Town which shall include: All easements for drainage and stormwater management as constructed in what will be the Town's Right-of-Way.

B. A plan of said street or way shall be recorded in the York County Registry of Deeds at the time of its acceptance at the expense of the petitioner.

C. A petition for the laying out and acceptance of said street or way shall be submitted to the Town Council upon a form to be prescribed by the Road Commissioner. Said petition shall be accompanied by a plan, plot plan, profile or cross section of said street or way conforming to the requirements in Article VII of the South Berwick Subdivision Ordinance. This plan shall include any deeded rights-of-way or easements for any purposes associated with the property.

D. The petitioner may submit a request for street acceptance to the Town Council once 80% of the lots approved in the subdivision have been constructed or in the case of a non-subdivision road being brought up to Town standards, consideration shall be given once the final paving coat has been placed on the road surface.

§119-6. Report required prior to acceptance.

No street or way shall be laid out and accepted by the Town Council until ~~the Planning Board and~~ the Road Commissioner and Town Engineer have made a careful investigation ~~thereof and shall~~ have reported their findings and recommendations to the Town Council, ~~their recommendations with respect thereto.~~ The costs of any investigation shall be borne by the applicant.

§119-7. Variances.

~~A variation in the strict application of the construction specifications of this article may be permitted when, in the opinion of the Planning Board and/or Town Council, topography or other conditions peculiar to the location warrant such variation, provided that the public convenience, safety, health and welfare will not be affected adversely. In all cases, the convenience of or cost to the property owner shall not be a basis for consideration for a variation. the application and burden of proof for a variation shall be the responsibility of the property owner, and application for variation shall be requested, in writing, to the Planning Board, when a part of the subdivision plan, or the Town Council, when not a part of the subdivision, specifying the reasons therefore and shall be answered in written form by said Planning Board or Town council within 20 days from the date of receipt. Such variations shall additionally be granted only after Planning Board consultation with and receipt of written approval of the Police, Fire, and Public Works Department.~~

**An Ordinance Amendment to Town of South Berwick: Chapter 121 Subdivision of Land
Section 121-8 Waivers
Draft – January 5, 2015**

Section 121-8 Waivers

- A. With the exception of Street Specifications as described in this Chapter 121 Article VII Section 121-44.N Design Standards, which shall not be waived or modified, and without affecting the Planning Board's implementation of Chapter 140 Zoning Article V.A Section 140-47 Planned Residential Development, cluster development (including modular and industrial housing), multifamily and mobile home parks, a ~~variation~~ modification in to the strict application of the Subdivision Ordinance may be permitted when, in the opinion of the Board, topography or other consideration warrants such ~~variation~~ modification, provided that public convenience, safety, health and welfare will not be affected adversely.
- B. In granting ~~variances and~~ waivers, the Planning Board shall require such conditions as will, in its judgment, substantially secure ~~substantially~~ the objectives of the requirements so ~~varied or~~ modified.
- C. In all cases, the convenience of or cost to the property owner and/or applicant shall not be the basis for consideration of a waiver. The applicant is solely responsible for making the case to the Board. The application and burden of proof for a waiver to the Subdivision Ordinance shall be requested in writing at the time of application to the Planning Board, specifying the reasons therefore.

**An Ordinance Amendment to Town of South Berwick: Chapter 121 Subdivision of Land
121-44 Street Specifications
Draft – February 5, 2015**

Section 121-44 Street Specifications

H. Dead ends; cul-de-sac; hammerheads.

- (1) All proposed dead-end streets or cul-de-sacs shall not exceed 600 feet in length and shall be provided with a suitable turnaround at the closed end. When a turning circle is used, it shall have a minimum outside curb radius of 65 feet.
- (2) All ~~C~~cul-de-sacs shall be measured from the intersection of the ~~proposed~~ cul-de-sac and the existing connecting road to the most distal point of the cul-de-sac.
- (3) No existing dead-end streets or cul-de-sacs shall be extended beyond 600 feet if the street will remain a dead end or a cul-de-sac. The street may be re-configured such that it connects back to itself at a point no less than 300 feet from the current terminus, thus forming a loop, or provides direct connectivity to a second means of egress.

* * * * *

M. Street classifications.

- (1) Minor local street: A public or private street, serving no more than 5 residential units or 80 ADT trips, based on any additional non residential accessory uses located on the property.
- (~~2~~) Local residential street: Any street which affords direct access to houses and places of business which do not generate significant amounts of traffic. These streets are always to be designed and constructed so as to discourage through traffic of any type.
- (~~3~~) Collector streets: Any street which serves primarily to feed arterial roads and which collects traffic from local residential streets for circulation and access.
- (~~4~~) Arterial Street: Any street or major thoroughfare which serves primarily to carry traffic through and/or between towns.
- (~~5~~) Commercial and industrial street: Any street that is used primarily by commercial or industrial traffic as an access route to commercial or industrial buildings and other places of business.
- (~~6~~) The classification of a proposed street shall be made by the Planning Board when such a street is part of an application for a subdivision requiring Planning Board approval. This determination may be made by the Planning Board prior to the formal application, after submission of all information which may be required for that purpose.

**An Ordinance Amendment to Town of South Berwick: Chapter 121 Subdivision of Land
121-44 Street Specifications
Draft – February 5, 2015**

N. Design standards.

The following table provides design standards for the ~~four~~ five classifications of streets. All proposed public or private streets shall meet the following standards as found in the Street Design table. ~~Separate typical local residential roadway cross sections have been developed for Village Area Zones (Sheet 1), Rural Zones (Sheets 2 and 3), private roads (sheet 4) and industrial/commercial roads (Sheet 5).~~ ***Editor's Note: Sheets 1 through 5 are on file in the Town offices.*** All new roads will be constructed to the standards and cross sections, and When existing roads are pertinent to a subdivision application requiring Planning Board approval, those existing road(s) will also be improved to conform to the standards below. to the extent practical. ~~Where discrepancies exist, or~~ Where the standards cannot be met and upon a showing of undue hardship, the Board of Appeals may grant a variance from the standards of Appendix A of Article 121-44 (N) Design Standards. ~~modifications must be approved by the Public Works Director~~

**An Ordinance Amendment to Town of South Berwick: Chapter 121 Subdivision of Land
121-44 Street Specifications
Draft – February 5, 2015**

Type of Street

Description	<u>Minor Local 5 units or 80 ADT</u>	<u>Local Residential 51-250 ADT</u>	<u>Collector 251-1000 ADT</u>	<u>Arterial >1000 ADT</u>	<u>Industrial/ Commercial</u>
Minimum right-of-way width	<u>50 feet</u>	50 feet	60 feet	80 feet	80 feet
Minimum pavement/Gravel width	<u>16 feet</u>	24 <u>22</u> feet	32 <u>24</u> feet	44 <u>28</u> feet	44 <u>36</u> feet
Sidewalk width One side of the street	<u>N/A</u>	5 feet	5 feet	5 feet	5 feet
Minimum grade	<u>0.5%</u>	0.5%	0.5%	0.5%	0.5%
Maximum grade	<u>8%</u>	6.0%	6.0%	5.0%	5.0%
Minimum center line radius	<u>N/A</u>	150 feet	230 feet	800 feet	800 feet
Minimum tangent between curves of reverse alignment	<u>N/A</u>	100 feet	200 feet	300 feet	800 feet
Roadway crown	<u>N/A</u>	1/4 inch per foot	1/4 inch per foot	1/4 inch per foot	1/4 inch per foot
Minimum angle of street intersections	<u>N/A</u>	60 degrees	60 degrees	90 degrees	90 degrees
Maximum grade at intersection (within 75 feet of intersections)	<u>N/A</u>	2%	2%	2%	2%
Curb radii at intersection 90°	<u>N/A</u>	15 feet	20 feet	30 feet	30 feet
Minimum property line radii at intersections	<u>N/A</u>	10 feet	10 feet	20 feet	20 feet
Minimum width of shoulders	<u>2 feet</u>	3 feet	3 feet	3 feet	9 feet

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**An Ordinance Amendment to Town of South Berwick: Chapter 121 Subdivision of Land
121-44 Street Specifications
Draft – February 5, 2015**

Section 121-44

R. Construction Standards

(1) The minimum thickness of materials after compaction shall be:

**Minimum Requirements
(inches)**

Street Materials	Arterial	Collector	Local Residential	Minor Local Street	Industrial Commercial
Aggregate sub base course (maximum size stone: 4 inches)	24	18	18	<u>12</u>	24
Crushed aggregate base course	4	3	3	<u>3"</u>	4
Hot bituminous pavement (after compaction)				<u>N/A</u>	
Total thickness (after compaction)	3 1/2 <u>5</u>	3 <u>4</u>	3 <u>4</u>	<u>N/A</u>	3 1/2 <u>5</u>
Surface course (after compaction) (MDOT HMA, 9.5 mm) (3/8 inch) <u>50 GYR</u>	1 1/2 <u>2</u>	1 <u>1 1/2</u>	1 <u>1 1/2</u>	<u>N/A</u>	1 1/2 <u>2</u>
Base course (after compaction) (MDOT HMA 19.0 mm) (3/4 inch) <u>50 GYR</u>	2 <u>3</u>	2 <u>2 1/2</u>	2 <u>2 1/2</u>	<u>N/A</u>	2 <u>3</u>

**An Ordinance Amendment to Town of South Berwick Chapter 140 Zoning
Sections 140-9 Definitions and 140-70 Building Permits
Draft – February 5, 2015**

Section 140-9 Definitions

ADT

Average Daily Trips. The number of trips generated for a particular use as found in the Institute of Transportation Engineers; Trip Generation Rate (Latest Edition available) an example of this is that a single family home has 10 trip ends per unit. A trip end equals a vehicle coming & going from a property.

* * * * *

Driveway

A private way providing access to no more than two buildings on separate abutting lots from a public street or private ~~minor street.~~ to building(s) on abutting grounds.

* * * * *

Minor Local Street

~~A drive or street (public or private) not serving no more than 5 residential units or 80 ADT trips, based on additional non residential accessory uses located on the property.~~

* * * * *

Private Road

~~A street road serving no more than five dwelling units that is privately maintained. It shall be on the same level of hierarchy as residential street, except a lesser design standard may be allowed. The development~~ A private road shall be deed restricted from further subdivision and shall not receive road maintenance services, including but not limited to snowplowing, drainage, grading, etc., from the Town until the private road is classified and built to the standards of a residential access street, as defined in Chapter 121-44(N) Type of Street and approved by the Code Enforcement Officer, and accepted by the South Berwick Town Council.

* * * * *

Street

An existing state, county or Town way, road or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the York County Registry of Deeds or a street dedicated for public use and shown on a plan duly recorded in the York County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans or a private road (see definition of Private Road). The term "street" shall not include those ways which have been discontinued or abandoned.

**An Ordinance Amendment to Town of South Berwick Chapter 140 Zoning
Sections 140-9 Definitions and 140-70 Building Permits
Draft – February 5, 2015**

Section 140-70 Building Permits

H. Access

(1) Notwithstanding the provisions of §140-5E concerning nonconforming lots of record, no building permits shall be issued to erect a new principal building and no new principal buildings shall be erected on any lot unless such lot abuts a road which provides access to the lot by motor vehicle. Such road must be:

- (a) A public way maintained by the Town of South Berwick or the State of Maine;
- (b) A road shown on and constructed in accordance with the requirements of a subdivision plan approved by the South Berwick Planning Board; or
- (c) A private street constructed to the standards of a Minor Local Street-as defined in the Definition section of 140-9 and meeting the Standards of detailed in 121-44(N) Type of Street and 121-44 Article VII R. Construction Standards. Appendix A is included at the end of this chapter. Editors note: Appendix A Private Roads was removed XX-XX-2014

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(3). The applicant for a building permit for a lot for which access is to be provided by a private street shall be responsible for bringing the entire private street, from the nearest public road up to and including that portion of the private street which abuts the applicant's lot, into compliance with the standards of ~~Appendix A.~~ Article 121-44 (N) Type of Street based on the proper classification of the street as determined by the Code Enforcement Officer Notwithstanding even if other lots served by the private street may already have been built upon. Upon a showing of undue hardship, the Board of Appeals may grant a variance from the standards of Appendix A of Article 121-44 (N) Design Standards Type of Street Minor Local Street.

An Ordinance to Amend
140 Attachment 4
Town of South Berwick
Appendix A
Private Roads

Definition "Private road" means a road which is not located in an approved subdivision and which is privately maintained. It shall be on the same level of hierarchy as a residential street except a lesser design standard may be allowed.

(1) Service restrictions. Private roads are permitted only under the following circumstances:

(a) There shall be no more than five dwelling units on a private road.

(b) All private roads must be paved.

(c) No parking shall be provided for, or permitted within, the right-of-way.

(d) A private road shall not be maintained by the Town until the road is brought up to the relevant residential street standards in effect at the time and then accepted by the Town Council.

(e) A maintenance agreement for the care and upkeep of the private road shall be provided to the CEO.

(f) A private road may not connect to another private road if the total number of dwelling units served by the two private roads exceeds five dwelling units.

(g) All lots in a development served by a private road shall be deed restricted from further division and receiving road maintenance services (including, but not limited to, snowplowing, drainage, grading, etc.) until the private road is built to the standards of a residential access street and accepted by the South Berwick Town Council.

(2) Private road length. Maximum length shall not be limited.

(3) Travelway width and shoulders.

(a) Private roads shall provide a minimum width of 16 feet of paved surface.

(b) All private roads shall be furnished with two-foot-wide stabilized shoulders on both sides of the paved surface.

(4) Engineering criteria.

(a) Minimum grade: 0.5%.

(b) Maximum grade: 8%.

(c) Maximum grade within 50 feet of intersection: 5%.

(5) Bases/subbase.

(a) The aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the following grading requirements:

Sieve Designation Square Mesh Sieves

1/4 inch 25 — 70%

No. 40 0 — 30%

No. 200 0 — 7%

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

(b) If the aggregate subbase course is found to be not fine gradable because of larger stones, then a minimum of three inches of aggregate base course shall be placed on top of the subbase course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the following grading requirements:

140 Attachment 4:1-03-01-2006

Sieve Designation Square Mesh Sieves

1/2 inch 45 — 70%

1/4 inch 30-55%

No. 40 0 — 20%

No. 200 0 — 5%

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

Street Material Private Streets

Aggregate subbase course

(Max. sized stone 6")

Without base gravel 15"

With base gravel 12"

Crushed aggregate base course 3"

Hot Bituminous Pavement

Total thickness 3"

Surface course 1"

Base course 2"

(6) Inspection by professional engineer. All private roads shall be inspected by a registered professional and certified by

An Ordinance to Amend
140 Attachment 4
Town of South Berwick
Appendix A
Private Roads

Definition "Private road" means a road which is not located in an approved subdivision and which is privately maintained. It shall be on the same level of hierarchy as a residential street except a lesser design standard may be allowed.

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(e) A maintenance agreement for the care and upkeep of the private road shall be provided to the CEO.

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1/4 inch 25 — 70%

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140 Attachment 4-1 03-01-2006

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1/4 inch 30-55%

No. 40 0 — 20%

No. 200 0 — 5%

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

Street Material Private Streets

Aggregate subbase course

(Max. sized stone 6")

Without base gravel 15"

With base gravel 12"

Crushed aggregate base course 3"

Hot Bituminous Pavement

Total thickness 3"

Surface course 1"

Base course 2"

(6) Inspection by professional engineer. All private roads shall be inspected by a registered professional and certified by

South Berwick Town Council March 10, 2015

Chairman John C. Kareckas called the meeting to order at 6:30pm. Councilors present included Jean Demetracopoulos, Laura Leber, and John James. Town Manager Perry Ellsworth was also in attendance. Russell Abell was not present.

Approval of Minutes

1. Board of Assessors 02-24-15: On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to adopt the minutes as written.
2. Town Council 02-24-15: On a motion by Mr. James, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to sign the warrant dated March 5, 2015 in the amount of \$802,959.07.

Public Comment

1. Mike & Julia Ouellette, Brattle St, addressed the Council in regard to a proposed zoning ordinance change. The sale of their property is pending based on whether the new owners would be able to convert the barn into an event/banquet center. The process to make a change to the zoning ordinance was discussed. The issue currently rests with the Planning Board.

Reports & Presentations

1. The Manager read a letter from Sara Riley 4th grader, Academy St, in regard to the speeding traffic on Academy Street and the unsafe conditions for residents. See attached.

Town Manager's Report

- Roads have been posted for heavy loads.
- Snow has been removed from municipal building roofs.
- Expect the winter budget to go over somewhere between \$50,000 and \$70,000.
- Will be at an MMA LPC meeting on Thursday.
- The new assistant to the Manager will start on Monday, March 23rd.

Unfinished Business

1. The Council reviewed its 2014/2015 'to-do-list'. A number of items have been completed and can be removed from the list. Numerous ordinance revisions are in the works and discussions are ongoing. Mrs. Leber commented that the 'list' should be reviewed more often.

New Business

1. Barry & Julie Person addressed the Council in regard to the Petition for Discontinuance of a public easement on Emery's Bridge Road. The Persons had originally brought the request forward in 2012. [No formal action was taken at the time]

Mr. Ellsworth explained the process and the attorney is currently preparing the documentation needed to proceed. The Council should be able to schedule a public hearing at its next meeting.

2. On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to approve the Solid Waste Hauler License for Shipyard Waste Solutions, LLC through March 31, 2016.

3. The Council discussed the proposed changes to the Street Acceptance, Subdivision and Zoning Ordinances regarding roads and streets.

On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to hold a public hearing on Tuesday, March 24, 2015 at 6:30pm.

Council Member Comments

1. Mr. Kareckas:

-Stated that he is noticing a pattern of failure in the road where the pavement has been patched on Academy Street.

Adjournment

On a motion by Mrs. Demetracopoulos, seconded by Mrs. Leber, it was unanimously voted to adjourn the meeting at 7:15pm.

Attested:

Barbara Bennett, CCM

Draft

Check Number	Account	Date Paid	Amount
00036575	132500 SECRETARY OF STATE M/V	03/24/2015	8,797.90
00036576	032750 DAMAGES	03/24/2018	23.77
00036577	010336 AGGREGATE RECYCLING CORP	03/24/2015	882.60
00036578	020225 BAKER & TAYLOR	03/24/2015	94.36
00036579	021200 BERGERON PROTECTIVE CLOTHING	03/24/2015	99.77
00036580	021300 BERNSTEIN SHUR	03/24/2015	1,725.00
00036581	022850 BUSINESS EQUIPMENT UNLIMITED	03/24/2015	118.00
00036582	021668 BLOW BROS	03/24/2015	56.32
00036583	022240 GARY BOUCHER	03/24/2015	50.76
00036584	022244 VICTORIA BOURRET	03/24/2015	1,200.00
00036585	022503 SHARON BRASSARD	03/24/2015	30.69
00036586	030530 CENTRAL TIRE CO INC	03/24/2015	2,308.74
00036587	030510 CENTRAL MAINE POWER	03/24/2015	4,136.87
00036588	030725 CITIZENS BANK (CHG)	03/24/2015	716.32
00036589	030990 CMLD ASSOCIATION	03/24/2015	35.00
00036590	032030 CUMMINS NORTHEAST INC	03/24/2015	1,628.63
00036591	033900 W.S.DARLEY & CO	03/24/2015	111.80
00036592	040520 DIGITAL INK PRINTING	03/24/2015	38.93
00036593	032710 D.J.'S MUNICIPAL SUPPLY	03/24/2015	1,102.96
00036594	050884 ENVIRO VANTAGE INC	03/24/2015	7,895.00
00036595	060100 HOWARD P FAIRFIELD INC	03/24/2015	4,195.02
00036596	060300 FAVORITE FOODS INC	03/24/2015	700.78
00036597	070200 P GAGNON & SON INC	03/24/2015	3,539.14
00036598	070600 GEORGE GORMAN	03/24/2015	105.78
00036599	071090 GREAT WORKS REGIONAL LND TRUST	03/24/2015	100.00
00036600	191330 HANNAFORD'S	03/24/2015	1,037.01
00036601	080248 HANSCOM'S TRUCK STOP INC	03/24/2015	9,397.55
00036602	080501 BRUCE HASTY'S PLUMB/HEATNG	03/24/2015	355.32
00036603	080635 HIGGINS	03/24/2015	40.12
00036604	090580 IRVING OIL	03/24/2015	43.32
00036605	100150 JANETOS MARKET	03/24/2015	81.36
00036606	141367 KONE INC	03/24/2015	213.29
00036607	120350 NORMAND LAUZE	03/24/2015	900.00
00036608	120510 LAWSON PRODUCTS INC.	03/24/2015	84.89
00036609	121300 LINCOLN PRESS	03/24/2015	39.00
00036610	071170 M W GRENIER ENTERPRISES LLC	03/24/2015	163.00
00036611	130626 MAINE OXY/SPEC AIR GASES	03/24/2015	129.55
00036612	131700 MAINE CHIEFS OF POLICE ASSOC.	03/24/2015	56.00
00036613	133195 MAINE TURNPIKE AUTHORITY	03/24/2015	41.60
00036614	133285 MARKET BASKET	03/24/2015	135.46
00036615	133358 W.B.MASON	03/24/2015	773.18
00036616	131500 MCFARLAND SPRING CORP.	03/24/2015	1,243.70
00036617	133428 MECHANICAL SERVICES INC	03/24/2015	849.03
00036618	133800 MICK CONSTRUCTION CORP	03/24/2015	625.00
00036619	134900 MORTON SALT	03/24/2015	12,131.57
00036620	140105 NAPA AUTO PARTS	03/24/2015	1,133.08
00036621	140350 NATIONAL GEOGRAPHIC SOCIETY	03/24/2015	39.00
00036622	141400 NORTHERN DATA SYSTEMS INC	03/24/2015	2,966.24
00036623	150175 OFFICE OF INFORMATION TECH A/P	03/24/2015	120.00
00036624	150200 OLD BERWICK HISTORICAL SOCIETY	03/24/2015	150.00
00036625	200700 PIKE INDUSTRIES INC	03/24/2015	1,218.34
00036626	160320 PINE TREE WASTE INC	03/24/2015	2,321.08
00036627	160400 PITNEY BOWES	03/24/2015	183.00
00036628	160692 POLAND SPRING	03/24/2015	75.86
00036629	180400 RED'S SHOE BARN INC	03/24/2015	90.00
00036630	132500 SECRETARY OF STATE M/V	03/24/2015	22,556.17

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: March 24, 2015	UF#1
Agenda Item: Discontinuance of Public Easement	
Department Head: Town Manager/Road Commissioner	
Barry person has provided a complete packet for discontinuance of a public easement that was kept by the town when a portion of Emery's Bridge Road was moved and discontinued.	
Town Manager's Recommendation:	
Schedule a public hearing for discontinuance of public easement	
Requested Action: Motion to schedule a public hearing for the discontinuance of a public easement as it pertains to a town way that was discontinued in 1979 and recorded in the York County Registry of Deeds in Book 2587, Page 246	
Vote	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: March 24, 2015	NB #1
Subject: Alewife Harvesting	
Information:	
Each year the Council must take action on the harvesting of Alewives. In the absence of an ordinance, the Council has always voted to close the waters within South Berwick to harvesting for conservation purposes.	
Staff Comments/Recommendation:	
Requested Action:	
Motion and vote to close all waters within South Berwick to Alewife harvesting for the 2015 season for conservation purposes.	
Vote:	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: March 24, 2015	NB #2
Agenda Item: Liquor License renewal for Thistle Pig Restaurant	
Department Head Recommendation:	
This is a request to renew a liquor license for Thistle Pig Restaurant. The Police Chief had nothing to report.	
Town Manager's Recommendation	
Requested Action	
Council wishes.	
Vote	

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 5/18/15

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)	2. Business Name (D/B/A)
DOB: _____ Jennifer Fecteau ^{vice president}	Thistle Pig Restaurant + Inc.
DOB: 8/17/81	279 Main St.
DOB: 6/2/84 Benjamin Hasty ^{president}	Location (Street Address)
Address 279 Main St.	South Berwick ME 03908
City/Town State Zip Code South Berwick ME 03908	City/Town State Zip Code 279 main St. ME 03908
City/Town State Zip Code 03908 207-704-0624	Mailing Address South Berwick, ME 03908
City/Town State Zip Code 207-704-0624	City/Town State Zip Code 207-704-0624
Telephone Number Fax Number	Business Telephone Number Fax Number
Federal I.D. # 4646116897	Seller Certificate # 1167918

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Jennifer Fecteau
8. If business is NEW or under new ownership, indicate starting date: N/A
Requested inspection date: ASAP Business hours: 11am-10pm Thurs-Sat, 10am-10pm Sun
9. Business records are located at: 279 main St. South Berwick, ME 03908

Closed
mon-Fri

10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Jennifer Fecteau	8/17/81	Biddeford, ME
Benjamin Hasty	4/21/84	Sanford, ME

Residence address on all of the above for previous 5 years (Limit answer to city & state)

489 Emerys Bridge Rd South Berwick, ME 03908

↔ Jennifer Fecteau Benjamin Hasty

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: _____ Date of Conviction: _____

Offense: N/A Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

JOHN STIRLING - Property owner.

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)

Full service restaurant serving lunch + dinner, brunch on Sunday

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .25 miles Which of the above is nearest? school

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: personal loan from investors Susan Tuveson + Ron Tuveson Business in the amount of \$180,000. pay back monthly

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

STATE OF MAINE

Dated at: South Berwick, Maine York ss
City/Town (County)

On: Date

The undersigned being: Municipal Officers County Commissioners of the
City Town Plantation Unincorporated Place of: South Berwick, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A,
Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

- 1. Hearing. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses.
A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau.
2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant.
A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

- 3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
A. [1993, c.730, §27 (rp).]

4. No license to person who moved to obtain a license. (REPEALED)

- 5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE..... \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 164 State House Station, Augusta ME 04333-0164. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: <i>Tues. March 24'15</i>	Item # <i>NB 3</i>
Agenda Item: <i>Childrens Leadership Donation</i>	
Department Head Recommendation: <i>Recreation Department Shawn Brassard</i>	
<p><i>The Recreation Dept. Requests that you include on the Council agenda to please accept this donation from the Childrens Leadership Council. This generous official gift is to be used by the South Berwick Recreation Department and deposited into the Recreation special revenue account for future programming</i></p>	
Town Manager's Recommendation	
Requested Action	
Vote	

March 16, 2015

Sharon Brassard
South Berwick Recreation Department
180 Main Street
S. Berwick, ME 03908

Dear Sharon,

As our final act toward the Children's Leadership Council's goal of making life better for children in South Berwick, we are gifting the remainder of our bank account to The South Berwick Recreation Department.

Enclosed is a cashier's check in the amount of \$4,267.48.

We appreciate and value all the the Recreation Department does for our town and hope that this will aid in conitniuing programs or even starting new ones.

Thank you,



Val Brockway
President
South Berwick