

**South Berwick Town Council
Public Hearing
Chapters 119, 121, and 140
March 24, 2015**

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

The purpose of the hearing was to receive public comment on the proposed amendments to the following ordinances:

Chapter 119, Street Acceptance, sections 3, 4, 6, and 7;

Chapter 121, Subdivision of Land, sections 8 & 44; and

Chapter 140, Zoning, sections 9, 70, and Appendix A.

Mr. Kareckas stated that the Council is acting according to the Charter, Section 3, subsection VI, which empowers the Council to make, alter and repeal ordinances. Holding the public hearing is part of the required process.

John Stirling, Planning Board Chair, stated that the proposed changes to the ordinances have been in discussions for over 1½ years. Bill Straub, Planning Board Vice-Chair, explained that the substantial amendments include changing the specifications for private roads. The current specs have been replaced with a single road standard though out town. The technical specifications for construction of the roads are also being changed. The definitions have been expanded to include the number of homes allowed on a private road. The proposed changes also restrict the Planning Boards authority to waive requirements of the ordinance.

Mr. Kareckas read the proposed changes to Chapter 119, Street Acceptance Ordinance. No one in the audience wished to comment.

Mr. Kareckas read the proposed changes to Chapter 121, Subdivision of Land. No one in the audience wished to comment.

Mr. Kareckas read the proposed changes to Chapter 140, Zoning Ordinance. No one in the audience wished to comment.

The hearing was closed at 7:02pm.

Attest:

Barbara Bennett, CCM

South Berwick Town Council March 24, 2015

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

Approval of Minutes

1. Council 03-10-15: On a motion by Mrs. Leber, seconded by Mr. James, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mr. Abell, seconded by Mrs. Leber, it was unanimously voted to sign the warrant dated March 19, 2015 in the amount of \$107,973.81.

Public Comment

1. Kim Swenson, Academy St, asked for the status of the intersection changes at Vine Street and Route 236. Mr. Kareckas responded that the project was originally planned for 2015, but has been pushed back to 2016. Ms. Swenson asked if it were possible to have the work done when school is not in session.

Reports & Presentations

1. Tad Redway & Carole Brush, Eastern Trail, were present to update the Council on current status and to ask for the Town's continued support. The ET has been looking for alternate funding sources and has been working with Unitil to secure easements.

Mr. Redway made note that South Berwick no longer has a representative and asked that a new representative and an alternate be given the task of representing the town.

2. Robin Kerr, Mt. Agamenticus, gave the Council the annual report on the group's activities for 2014 and briefly went through upcoming plans for 2015.

Town Manager's Report

-The budget workshops are complete. The public was encouraged to give input and ask questions.

-Made note that he met with Bruce Benway, Berwick Interim Manager. They discussed the status of South Berwick dispatching for Berwick.

-Complaints have begun regarding the road conditions. Pot holes are being filled on a regular basis. Mr. Ellsworth stated that the highway crew has done a great job this winter.

Unfinished Business

1. On a motion by Mr. Abell, seconded by Mr. James, it was unanimously voted to hold a public hearing on Tuesday, April 14, 2015 at 6:15pm to receive comment on the petition for discontinuance of a town easement on Emery's Bridge Road.

New Business

1. On a motion by Mr. Abell, seconded by Mrs. Leber, it was unanimously voted to close all waters within South Berwick to Alewives harvesting for the 2015 season for conservation purposes.

2. On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to approve the renewal of Thistle Pig Restaurant's liquor license.

3. On a motion by Mr. Abell, seconded by Mr. James, it was unanimously voted to accept the donation of \$4,267.48 from the Children's Leadership Council to the Recreation Department.

4. On a motion by Mr. Abell, seconded by Mrs. Leber, it was unanimously voted to hold a public hearing on Tuesday, April 14, 2015 at 6:30pm to receive comment on the proposed FY 2016 budget.

Council Member Comments

1. Mr. Abell:

-Asked for the status of the proposed fireworks ordinance. Mr. Ellsworth stated that it is first on the list now that budgets are done.

-DIVA Night was a huge success; proceeds benefit Sobo Central.

2. Mrs. Leber:

-Thanked the Manager and staff for the work done on the budget; making the workshops easy.

Adjournment

On a motion by Mrs. Leber, seconded by Mr. Abell, it was unanimously voted to adjourn the meeting at 8:25pm.

Attested:

Barbara Bennett, CCM

Draft

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00036566	133114 TREAS/STATE OF MAINE	04/14/2015	-28.00
00036574	240900 YORK COUNTY REGISTRY OF DEEDS	04/14/2015	-38.00
00036647	121143 JEFFREY LIMBERT	04/14/2015	904.44
00036648	189999 REFUNDS	04/14/2015	200.00
00036649	132500 SECRETARY OF STATE M/V	04/14/2015	18,246.17
00036650	209999 TAX REFUNDS	04/14/2015	1,208.01
00036651	209999 TAX REFUNDS	04/14/2015	2,055.85
00036652	132500 SECRETARY OF STATE M/V	04/14/2015	22,641.82
00036654	209999 TAX REFUNDS	04/14/2015	1,987.71
00036655	189999 REFUNDS	04/14/2015	200.00
00036656	189999 REFUNDS	04/14/2015	200.00
00036657	189999 REFUNDS	04/14/2015	200.00
00036658	010585 AMAZON	04/14/2015	28.67
00036659	011250 TREASURER, STATE OF MAINE	04/14/2015	225.00
00036660	011495 ATLANTIC RECYCLING EQUIP LLC	04/14/2015	2,697.35
00036661	020225 BAKER & TAYLOR	04/14/2015	1,066.45
00036662	020230 BANGOR PUBLIC LIBRARY	04/14/2015	650.00
00036663	020290 BARCO PRODUCTS	04/14/2015	78.10
00036664	020470 HARVEY BARR	04/14/2015	95.87
00036665	021500 BERWICK ACADEMY	04/14/2015	1,000.00
00036666	022850 BUSINESS EQUIPMENT UNLIMITED	04/14/2015	118.00
00036667	021770 BNY MELLON	04/14/2015	21,812.50
00036668	022240 GARY BOUCHER	04/14/2015	241.53
00036669	022300 BOWS AND BALLOONS BY BRINA	04/14/2015	315.00
00036670	022503 SHARON BRASSARD	04/14/2015	37.17
00036671	022640 BURKE'S TREE SERVICE	04/14/2015	7,800.00
00036672	030510 CENTRAL MAINE POWER	04/14/2015	5,855.93
00036674	030670 CHRISTY MACHINE CO	04/14/2015	45.00
00036675	030725 CITIZENS BANK (CHG)	04/14/2015	626.11
00036676	031425 COLONIAL LIFE & ACCIDENT INS.	04/14/2015	1,206.03
00036677	031579 CONSTELLATION NEW ENERGY	04/14/2015	2,269.75
00036678	040685 FREDERICK FLYNN DONOVAN	04/14/2015	1,175.00
00036679	041000 DOVER MOTOR MART FM	04/14/2015	1,195.61
00036680	050802 PERRY ELLSWORTH	04/14/2015	1,073.21
00036681	141000 FAIRPOINT COMMUNICATIONS	04/14/2015	1,345.42
00036683	060260 FASTENAL COMPANY	04/14/2015	140.52
00036684	060763 FISHER AUTO PARTS	04/14/2015	27.98
00036685	070200 P GAGNON & SON INC	04/14/2015	3,358.96
00036686	070600 GEORGE GORMAN	04/14/2015	69.29
00036687	070800 W.W.GRAINGER INC.	04/14/2015	378.60
00036688	071050 GREAT FALLS CLEANERS	04/14/2015	299.00
00036689	071180 GROUP DYNAMIC INC	04/14/2015	137.50
00036690	191330 HANNAFORD'S	04/14/2015	668.42
00036691	080248 HANSCOM'S TRUCK STOP INC	04/14/2015	8,708.45
00036692	080330 A H HARRIS & SONS	04/14/2015	36.88
00036693	081305 HARRISON SHRADER ENTERPRISES	04/14/2015	60.65
00036694	080450 HARVARD PILGRIM HEALTH CARE	04/14/2015	27,088.52
00036695	080500 BEVERLY HASTY	04/14/2015	16.96
00036696	080635 HIGGINS	04/14/2015	21.42
00036697	080998 HOME DEPOT	04/14/2015	55.41
00036698	090240 INT'L ASSOC/ FIRE CHIEFS	04/14/2015	239.00
00036699	089050 INDUSTRIAL PROTECTION SERVICES	04/14/2015	125.00
00036700	090120 INLAND FISHERIES & WILDLIFE	04/14/2015	1,357.00
00036701	090450 INTERSTATE ALL BATTERY CENTER	04/14/2015	389.72
00036702	090138 INVOICE CLOUD	04/14/2015	50.00
00036703	100050 JACK'S TOWING SERVICE	04/14/2015	130.00

Check Number	-----Account-----	Date Paid	Amount
00036704	100150 JANETOS MARKET	04/14/2015	216.32
00036705	100820 FRED KEEN	04/14/2015	150.00
00036706	120510 LAWSON PRODUCTS INC.	04/14/2015	120.01
00036707	071170 M W GRENIER ENTERPRISES LLC	04/14/2015	127.38
00036708	132400 MAINE SAD #35	04/14/2015	611,389.62
00036709	133195 MAINE TURNPIKE AUTHORITY	04/14/2015	16.00
00036710	210783 MATHESON TRI-GAS INC	04/14/2015	12.00
00036711	133393 S.A. MCLEAN & SONS	04/14/2015	800.00
00036712	133795 MICK BODYWORKS INC	04/14/2015	482.92
00036713	134200 MAINE MUNICIPAL ASSO (INS)	04/14/2015	45,731.20
00036714	134300 MAINE MUNICIPAL EMPLOYEES	04/14/2015	3,982.64
00036715	127000 CORRINE J MAHONY	04/14/2015	2,505.00
00036716	134754 MORIN STEEL INC	04/14/2015	170.00
00036717	135220 MUNICIPAL TOY CO INC.	04/14/2015	758.00
00036718	140600 NEPTUNE INC	04/14/2015	55.50
00036719	141077 THE NEW YORKER	04/14/2015	69.99
00036720	141400 NORTHERN DATA SYSTEMS INC	04/14/2015	270.58
00036721	150175 OFFICE OF INFORMATION TECH A/P	04/14/2015	120.00
00036722	200700 PIKE INDUSTRIES INC	04/14/2015	534.35
00036723	160320 PINE TREE WASTE INC	04/14/2015	4,573.13
00036724	160692 POLAND SPRING	04/14/2015	56.85
00036725	170000 QUILL CORPORATION	04/14/2015	349.32
00036726	180400 RED'S SHOE BARN INC	04/14/2015	89.09
00036727	180477 RICE'S AUTOMOTIVE CENTER	04/14/2015	1,014.60
00036728	181110 ROCHE LOCKSMITH INC	04/14/2015	96.50
00036729	200580 ROGER THERRIEN	04/14/2015	1,159.80
00036730	022749 STATE TREASURER/MAINE REV	04/14/2015	966.24
00036731	190105 SANFORD RADIATOR	04/14/2015	212.10
00036732	190532 RACHEL ZOLL SCHUMACHER	04/14/2015	260.00
00036733	061500 SEACOAST MEDIA GROUP	04/14/2015	165.20
00036734	132500 SECRETARY OF STATE M/V	04/14/2015	15,399.20
00036735	190970 S R SENNETT TRUCK & EQUIPMENT	04/14/2015	300.00
00036736	191320 SHERWIN-WILLIAMS	04/14/2015	20.97
00036737	193408 SO MAINE PLANNING & DEV	04/14/2015	1,477.78
00036738	193410 SO MAINE REGIONAL PLANNING CM	04/14/2015	2,875.49
00036739	193605 SOUTHWORTH-MILTON INC	04/14/2015	2,939.03
00036740	193640 STAPLES	04/14/2015	85.98
00036741	200545 TERMINIX INTERNATIONAL	04/14/2015	120.00
00036742	200680 TIGER DIRECT	04/14/2015	185.62
00036743	201130 TOWN HALL STREAMS	04/14/2015	750.00
00036744	201200 TRACTOR SUPPLY COMPANY	04/14/2015	45.98
00036745	133125 TREAS. MAINE/ODRVS	04/14/2015	146.80
00036746	133105 TREASURER OF STATE/C.WPNS	04/14/2015	150.00
00036747	133109 TREAS.STATE OF MAINE.DOT	04/14/2015	30.00
00036748	201233 TRI-CITY DODGE, INC.	04/14/2015	163.20
00036749	201250 TRITECH SOFTWARE SYSTEMS	04/14/2015	450.00
00036750	201300 TWO-WAY COMMUNICATION SERV INC	04/14/2015	13,468.99
00036751	193670 US BANK CORPORATE TRUST	04/14/2015	20,877.39
00036752	210500 UNITED STATES POST OFFICE	04/14/2015	147.00
00036753	211500 VERIZON WIRELESS	04/14/2015	927.78
00036754	230300 WALMART COMMUNITY BRC	04/14/2015	343.43
00036755	230800 WEX BANK	04/14/2015	118.32
00036756	230915 WHITED TRUCK CENTERS	04/14/2015	257.46
00036757	240425 YORK AMBULANCE ASSN INC	04/14/2015	6,832.17
00036758	240480 YORK COUNTY CHIEFS ASSN	04/14/2015	75.00

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**

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, 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 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.
- (23) Collector streets: Any street which serves primarily to feed arterial roads and which collects traffic from local residential streets for circulation and access.
- (34) Arterial Street: Any street or major thoroughfare which serves primarily to carry traffic through and/or between towns.
- (45) 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.
- (56) 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 Wwhere 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 22 feet	32 24 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 receiveing 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

* * * * *

(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.

Appendix A is being deleted in it's entirety

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.~~

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 that engineer that the road meets the above requirements.~~