

Town of South Berwick – Chapter 140 Zoning

Note: Underline indicates proposed language to add.

Article II

140-9 Definitions

In this chapter, the following terms shall have the following meanings:

FUNCTION HALL/BANQUET HALL

A building or a portion of a building which is rented, leased or otherwise made available to individuals or groups for the purpose of hosting a function such as a conference, wedding, banquet, party, reception or other social event. Such a use may or may not include kitchen facilities for the preparation or catering of food.

Article V

140-24 Off-Street Parking and Loading (non-residential)

I. Table of Minimum Required Parking

Activity	Minimum Required Parking
<u>Function Hall/Banquet Hall</u>	<u>1 space/3 seating capacity</u>

Article VA

Performance Standards for Specific Uses

140-50.1 Function Hall/Banquet Hall

- A. The application shall state the maximum seating capacity of the function or banquet hall. Any expansion or enlargement of the capacity shall require a new permit.
- B. Parking must comply with Section 140-24 of this chapter and be located entirely on-site.
- C. All function or banquet halls shall be connected to public or PUC-regulated water and public sewer systems.
- D. Restroom facilities for use by the function hall or banquet hall's users shall be provided on the premises.
- E. The proposed use shall not create a traffic hazard and must comply with Chapter 130 Vehicles and Traffic.
- F. Outdoor gatherings or events larger than [200? 150? 100?] people must receive a permit as outlined in Chapter XXX Mass Gatherings. It is the responsibility of the event holder to seek any other necessary permits as set forth by the Town's ordinances.*

**Note: this item's inclusion depends on whether or not Town Council wants to pursue a mass gathering permit*

Town of South Berwick

Table A
Land Use

[Amended 10-23-2006; 9-8-2008; 5-11-2009; 4-10-2012; 11-26-2013]

(Note: Below is the second page of Table A, Land Use)

Land Uses	R1, R1A	R2, R2A	R3	R4	R5	B1	B2	SP	RP	I1	I2	BR
Commercial Recreation (2),	MSP	MSP	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Community Living	MSP	MSP	N	N	N	MSP	MSP	N	N	N	N	MSP
Congregate Housing	MSP	MSP	N	N	N	MSP	MSP	MSP	N	N	N	MSP
Day-Care Center	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	MSP	MSP	MSP
Docks, Piers, Wharves	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*
Docks, Piers, Wharves	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Essential Services	Y	Y	Y	Y	Y	Y	Y	SP	SP	Y	Y	MSP
Extractive Industry	N	N	MSP	MSP	N	N	N	N	N	MSP	MSP	N
Family Day Care	Y*	Y*	Y*	Y*	Y*	Y*	Y*	SP	N	Y*	Y*	SP
Forest Management	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Function or Banquet Hall	<u>MSP(8)</u>	<u>MSP(8)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>MSP(8)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>MSP(8)</u>	<u>MSP(8)</u>	<u>N</u>
Hazardous Waste	N	N	N	N	N	N	N	N	N	N	N	N
Hotel/Motel	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	N
Individual Private	N	N	Y*	Y*	Y*	N	N	SP	SP	Y	Y	N
Industrial Facilities	N	N	N	N	N	N	N	N	N	MSP	MSP	N
Inns	MSP(7)	MSP(7)	N	N	N	MSP(7)	MSP(7)	N	N	N	N	MSP(7)
Kennels	N	N	MSP	MSP	N	N	N	N	N	N	N	N
Landfills	N	N	N	N	N	N	N	N	N	N	N	N
Major Home	SP	SP	SP	SP	SP	Y	Y	N	N	Y*	Y*	SP
Manufactured Homes	Y	Y	Y	Y	Y	Y	Y	SP	N	N	MSP	Y
Marina	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MS P	N	N	MSP
Minor Home	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	N	Y*	Y*	Y*
Mobile Home Park (1), must be	MSP	MSP	MSP	N	N	MSP	MSP	N	N	N	MSP	N
Multifamily	MSP	MSP	MSP	N	N	MSP	MSP	N	N	N	MSP	MSP
Municipal Solid Waste	MSP	MSP	N	N	N	N	N	N	N	N	N	N
Neighborhood	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	N	N	MSP

SOUTH BERWICK CODE

Table A
Land Use Index

- (1) Also requires subdivision review under the South Berwick Subdivision Ordinance.
- (2) Within the R1 and R2 Districts must have frontage on Route 236 or Route 4.
- (3) May require subdivision review. Consult Town Subdivision Ordinance.
- (4) Requires review by the Maine DEP.
- (5) These uses will only be allowed when part of a commercial complex as defined.
- (6) The Planning Board may approve, after a minor site plan review, the addition of one dwelling unit to an existing single-family dwelling which is unable to comply with the dimensional standards of this chapter.
- (7) These uses will only be allowed when on public water and sewer.
- (8) Within all districts, this use will only be allowed on properties that: a) have frontage on Route 236, south of the junction with Route 4; and b) have public or PUC-regulated water and public sewer.

KEY

- Y Permitted
- Y* Permitted with special use permit obtained from Code Enforcement Officer
- SP Minor site plan review required
- MSP Major site plan review required
- N Not permitted

**South Berwick
Board of Assessors
April 28, 2015**

Chairman John C. Kareckas called the meeting to order at 6:29pm. Assessors present included Jean Demetracopoulos, Russell H. Abell, and Laura Leber. Town Manager Perry Ellsworth was also in attendance. John James was not present.

Mr. Ellsworth explained that the Ratio Declaration & Reimbursement Application is an annual declaration. The Assessors are required to report the ratio used for determining the value of properties, which must fall within a certain percentage of the ratio developed by the State. Our developed parcel ratio is 102%. The certified ratio for 2015 (recommended by the Assessing Agent) as stated on the Application is 100%. If the certified ratio falls outside the State requirements a revaluation must be done, which can be very expensive.

The Application also states the number of homestead exemptions granted by the Town for 2015 at 1725, totaling \$17,250,000.00.

On a motion by Mrs. Leber, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the Ratio Declaration & Reimbursement Application (for Maine Revenue Services).

The meeting was adjourned by consensus at 6:34pm.

Attest:

Barbara Bennett, CCM
Town Clerk

South Berwick Town Council

April 28, 2015

Chairman John C. Kareckas called the meeting to order at 6:35pm. Councilors present included Jean Demetracopoulos, Russell H. Abell, and Laura Leber. Town Manager Perry Ellsworth was also in attendance. John James was not present.

Approval of Minutes

1. Public Hearing - Discontinuance 04-14-15: On a motion by Mrs. Leber, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.
2. Public Hearing - Budget 04-14-15: On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.
3. Council 04-14-15: On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to adopt the minutes as written.
4. Council 04-21-15: On a motion by Mrs. Leber, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mrs. Leber, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant dated April 23, 2015 in the amount of \$207,697.48.

Public Comment

None

Reports & Presentations

1. Kyle Ambler of Avesta Housing was present to update the Council on the project. He stated that the winter has been brutal on construction but things are still on target for September. Exterior work should be done prior to the start of school.

Mr. Ellsworth made note that there will be times that the library parking lot will have to be closed to accommodate the construction at the Avesta site and for the Town to redo the library parking lot.

2. Parking Committee: Mr. Kareckas stated that the committee has been meeting regularly to inventory the available parking in town and to determine the use and duration of stay in various town lots. The committee received minimal response to its outreach questionnaire. Numerous issues need to be addressed: we no longer have state requirements for what have been designated as Park-N-Ride lots (they may be moved to Railroad Ave), the budget proposal includes \$100,000 to construct a lot at the Railroad Avenue site (aka the gully), ordinance changes will have to be made, additional outreach will be necessary, and enforcement.

Town Manager's Report

-The roads are in better condition after the winter than first thought. Sticking to the budget/capital plan and proper maintenance of the roads is paying off.

-We will be looking to replace 4 highway trucks through a lease purchase plan.

-The Town Report is at the printers; however, several pages in the warrant section are slightly blurred, but legible.

-Have spent the last two days in court for a negligence case against the Town. We won.

-Introduced his new assistant Deanna Remick.

-Made note of a letter received from Ted Short, South Berwick resident and Eliot/Kittery Police Chief regarding dispatch services for Berwick. Mr. Ellsworth stated that he responded to Chief Short's letter by thanking him for his inquiry and posing questions to him. He added that he will report the response when received.

Mr. Ellsworth stated that he is committed to making a decision by September, no later than October of this year, in regard to dispatch services for 2016/2017.

Berwick has given its six month notice of its intent to go elsewhere for dispatch services. Mr. Ellsworth stated that if Berwick is not gone by June 30th, he expects to negotiate a new contract for services with them or have a new notice to terminate.

There are still significant issues to be addressed with any potential changes to dispatch. The need to upgrade equipment (depending on location chosen) and staffing levels are primary concerns. Mr. Ellsworth also stated that his intent is to keep and grow dispatch in South Berwick.

Unfinished Business

1. Mr. Ellsworth asked the Council to table action on the Discontinuance of the Easement until he can check with the attorney regarding the proper procedures.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to table taking action on the Easement Discontinuance until the next meeting.

New Business

1. Al Whitaker, Library Advisory Board, addressed the Council regarding the proposed changes to the Administrative Code regarding the Boards functions. After reviewing the existing language the Board did not feel that the Code accurately reflected the Boards actual function and responsibilities. The current Code provides the Board with more oversight of the Library and is in conflict with other parts of the Code and more importantly, the Charter.

Council consensus was to schedule a workshop.

2. Mr. Kareckas listed the proposed amendments to the Zoning Ordinance, sections 9, 24, 50.1, and Table A. The changes involve defining Function Hall/Banquet Hall, regulates parking, utilities, and permissible locations.

Mrs. Demetracopoulos expressed her concerns with the proposed language regarding mass gathering permits.

Mr. Abell expressed his concerns with the change in procedure. He made note that there is usually a workshop with the Planning Board prior to the Council setting a hearing date.

On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to hold a public hearing on Tuesday, May 12, 2015 at 6:30pm to receive comment on the proposed changes to sections 9, 24, 50.1, and Table A of the Zoning Ordinance.

Council Member Comments

1. Mr. Abell:

-Asked about the fireworks ordinance. Consensus of the Council was to hold a workshop on Thursday, May 7, 2015 at 6:30pm.

2. Mrs. Demetracopoulos:

-Made note that the ticks are out. Everyone should be cautious of Lyme disease.

3. Mr. Kareckas:

-Made note that the Town Manager had been "locked-up" for the Muscular Dystrophy fundraiser. The bail was set at \$2500 and is due May 20th.

Adjournment

On a motion by Mrs. Leber, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:10pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00036828	132500 SECRETARY OF STATE M/V	05/12/2015	26,872.63
00036829	189999 REFUNDS	05/12/2015	553.35
00036830	189999 REFUNDS	05/12/2015	3.00
00036831	189999 REFUNDS	05/12/2015	200.00
00036832	010320 AFFILIATED HEALTHCARE MGMT	05/12/2015	85.00
00036833	011250 TREASURER, STATE OF MAINE	05/12/2015	129.00
00036834	011499 ATLANTIC TACTICAL	05/12/2015	228.00
00036835	020225 BAKER & TAYLOR	05/12/2015	149.74
00036836	020950 SCOTT BEAUDET	05/12/2015	190.00
00036837	021095 BARBARA BENNETT	05/12/2015	132.55
00036838	022850 BUSINESS EQUIPMENT UNLIMITED	05/12/2015	118.00
00036839	022240 GARY BOUCHER	05/12/2015	66.25
00036840	022503 SHARON BRASSARD	05/12/2015	20.32
00036841	030500 CENTRAL MAINE POWER/CREDIT, COLL	05/12/2015	300.00
00036842	030510 CENTRAL MAINE POWER	05/12/2015	3,874.59
00036843	030670 CHRISTY MACHINE CO	05/12/2015	112.50
00036844	030954 ROGER CLEMENT	05/12/2015	40.00
00036845	031096 COCHECO VALLEY HUMANE SOCIETY	05/12/2015	100.00
00036846	031425 COLONIAL LIFE & ACCIDENT INS.	05/12/2015	1,202.34
00036847	031579 CONSTELLATION NEW ENERGY	05/12/2015	551.65
00036848	033900 W.S.DARLEY & CO	05/12/2015	148.76
00036849	050785 ELIMINATOR INC	05/12/2015	3,350.00
00036850	050798 ELIOT SMALL ENGINE REPAIR INC	05/12/2015	320.68
00036851	141000 FAIRPOINT COMMUNICATIONS	05/12/2015	1,311.26
00036853	061527 CHARLES FREEMAN	05/12/2015	30.00
00036854	070200 P GAGNON & SON INC	05/12/2015	1,117.57
00036855	070800 W.W.GRAINER INC.	05/12/2015	2,300.00
00036856	191330 HANNAFORD'S	05/12/2015	316.27
00036857	080248 HANSCOM'S TRUCK STOP INC	05/12/2015	6,285.28
00036858	080998 HOME DEPOT	05/12/2015	580.84
00036859	090120 INLAND FISHERIES & WILDLIFE	05/12/2015	4,308.64
00036860	071170 M W GRENIER ENTERPRISES LLC	05/12/2015	164.00
00036861	132400 MAINE SAD #35	05/12/2015	611,389.62
00036862	133358 W.B.MASON	05/12/2015	1,201.32
00036863	133383 MBI DISTRIBUTORS	05/12/2015	178.00
00036864	133795 MICK BODYWORKS INC	05/12/2015	1,318.13
00036865	134400 MAINE MUNICIPAL ASSOCIATION	05/12/2015	55.00
00036866	134663 MONTAGE ENTERPRISES INC	05/12/2015	906.43
00036867	127000 CORRINE J MAHONY	05/12/2015	2,430.00
00036868	150175 OFFICE OF INFORMATION TECH A/P	05/12/2015	120.00
00036869	200700 PIKE INDUSTRIES INC	05/12/2015	2,060.11
00036870	160320 PINE TREE WASTE INC	05/12/2015	2,481.40
00036871	161015 PORTLAND STREET SERVICE CENTER	05/12/2015	192.45
00036872	161325 PRIORITY DISPATCH	05/12/2015	39.00
00036873	170000 QUILL CORPORATION	05/12/2015	188.19
00036874	180400 RED'S SHOE BARN INC	05/12/2015	270.00
00036875	180434 DEANNA REMICK	05/12/2015	61.75
00036876	210420 RESERVE ACCOUNT	05/12/2015	2,000.00
00036877	180477 RICE'S AUTOMOTIVE CENTER	05/12/2015	469.00
00036878	181050 DENNIS ROBILLARD	05/12/2015	924.00
00036879	132500 SECRETARY OF STATE M/V	05/12/2015	28,629.44
00036880	191500 MAURICE ROBERGE	05/12/2015	150.00
00036881	191533 CRAIG SKELTON	05/12/2015	138.74
00036882	192650 SO BERWICK SEWER DISTRICT	05/12/2015	914.50
00036883	193640 STAPLES	05/12/2015	262.90
00036884	133105 TREASURER OF STATE/C.WPNS	05/12/2015	105.00

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: May 12, 2015	Item # U1
Agenda Item: Discontinuance of Public easment	
Department Head: Town Manager / Road commissioner	
Town Manager's Recommendation: To discontinue Easement	
<p style="text-align: center;">Location of Public Easement</p> <p>The public easement reserved after discontinuance of a portion of Emerys Bridge Road ash shown in Certificate of Discontinuance of Town Road recorded in the York County Registry of Deeds in Book 2587, Page 246, being more particularly described as public easement retained by the Town of South Berwick over a discontinued section of the town road known as Emerys Bridge Road commencing at the property now or formerly of Murray and Sandra Rudnick (York County Registry of Deeds Book 1854, Page 86) approximately 0.8 miles northeasterly of the intersection of Emerys Bridge Road with Rodier and Bennett Lot Roads, and running approximately 0.2 miles in length to the intersection of the end of the new portion of Emerys Bridge Road built in 1979.</p>	
Requested Action: Motion to discontinue the public easement as described above.	
Vote	

ORDER (Discontinuance of Public Easement)

Date: May 6, 2015

Pursuant to the petition filed by Julie L. Person & Barry A. Person , and following a public hearing at the Town Hall on April 28, 2015, the Town Council has determined that the public easement described below shall be discontinued under 23 M.R.S.A. § 3026.

Location of Public Easement

The public easement reserved after discontinuance of a portion of Emerys Bridge Road as shown in Certificate of Discontinuance of Town Road recorded in the York County Registry of Deeds in Book 2587, Page 246, being more particularly described as public easement retained by the Town of South Berwick over a discontinued section of the town road known as Emerys Bridge Road commencing at the property now or formerly of Murray and Sandra Rudnick (York County Registry of Deeds Book 1854, Page 86) approximately 0.8 miles northeasterly of the intersection of Emerys Bridge Road with Rodier and Bennett Lot Roads, and running approximately 0.2 miles in length to the intersection of the end of the new portion of Emerys Bridge Road built in 1979.

Names of Abutters

Julie L. Person & Barry A. Person

Andrew E. Rackliff & Wendy L. Rackliff

Damages

The Town Council has determined that no damages are owed to the abutters.

ORDERED, this 12th day of May, 2015

John C. Kareckas, Chair

Jean Demetracopoulos

Russell H. Abell

Laura S. Leber

John J. James

Clerk

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 12, 2015	NB #1
Agenda Item: Conservation Commission member resignation	
Department Head Recommendation: Town Clerk	
<p>Current membership: Pat Robinson, 2015 Steve Bayse, 2015 Greg Tuano, 2017 Veronica Salyer, 2017 Marilyn Ladner, 2016</p> <p>April 27, 2015 Ms. Barbara M. Bennett Town Clerk 180 Main Street South Berwick, ME 03908 Dear Ms. Bennett: Effective immediately, I am resigning from the Conservation Commission and its committees. I will continue to watch their progress on important matters and wish them continued success. Sincerely, Marilyn L. Ladner</p>	
Town Manager's Recommendation	
Requested Action	
Motion and vote to accept Marilyn Ladner's resignation from the Conservation Commission.	
Vote	

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: May 12, 2015	Agenda Item NB 2
Subject: 2012 Warrant for SAD #35 Referendum	
Information:	
The SAD Budget Validation Referendum will be held June 9, 2015. Warrant attached.	
Staff Comments/Recommendation:	
Requested Action:	
Motion to sign warrant.	
Vote:	

**WARRANT AND NOTICE OF ELECTION CALLING
SCHOOL ADMINISTRATIVE DISTRICT NO.35
BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. §1305-B and §§1352 - 1353)**

TO: Randy Stewart, a resident of Maine School Administrative District No. 35 composed of the Towns of Eliot and South Berwick, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within the Maine School Administrative District No. 35, namely, the Towns of Eliot and South Berwick, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective municipal officers, who shall post the following warrant and notice of election:

**TOWN OF SOUTH BERWICK
DISTRICT BUDGET VALIDATION REFERENDUM
WARRANT AND NOTICE OF ELECTION**

York ss.

State of Maine

TO: Barbara Bennett, Town Clerk of South Berwick: you are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF THE TOWN OF SOUTH BERWICK:

You are hereby notified that a District budget validation referendum election will be held at the South Berwick Town Hall, 180 Main Street in the Town of South Berwick on Tuesday, June 9, 2015, for the purpose of determining the following referendum question:

Question 1: Shall the Maine School Administrative District No. 35 budget for the 2015 – 2016 school year that was adopted at the District Budget Meeting on May 27, 2015 be approved?

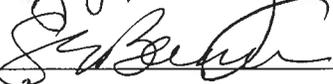
The polls will be opened at 9:00 A.M. and closed at 6:00 P.M.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

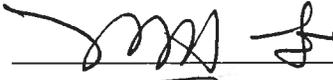
A person who is not registered as a voter may not vote in any election.

Given under our hand this day, May 6, 2015 at South Berwick, Maine.





Ken L Tice

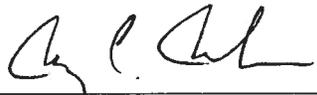




Karl Woodman

A majority of the Board of Directors of Maine School Administrative District No. 35

A true copy of the Warrant and Notice of Election, Attest:



Dr. Mary C. Nash, Superintendent
Maine School Administrative
District No. 35

Counter signed this _____ day of May 2015 at South Berwick, Maine

A majority of the municipal officers of the Town of South Berwick, Maine.

A true copy of the Warrant and Notice of Election, Attest:

Barbara Bennett
Town Clerk
Town of South Berwick

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: May 12, 2015	NB #3
Subject	
Meeting date of June 9, 2015	
Information	
In June, the first Council meeting of the month falls on Election Day. The Town Clerk is also the Registrar of Voters and as such, I am required by law to be present at the polling place the entire time the polls are open. As the Municipal Clerk I am required to be there to open/close the polls and finalize all paperwork and results.	
Staff Comments/Recommendation	
The Council may choose to hold the meeting with the understanding that the Clerk will not be present and will not be writing the minutes. OR the meeting can be cancelled or rescheduled for a date that the Clerk is available. 2014 – meeting was cancelled 2013 – meeting was cancelled, held a Vaughan Fund meeting 2012 – held meeting to sign P&S with Avesta 2011 – meeting rescheduled from 6/14 to 6/13 to sign warrant for spec town meeting on 6/28	
Requested Action	
Council wishes.	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: May 12, 2015	NB #5
Agenda Item: Administrative Appeal	
Department Head:	
Discuss and take action, if any, on an Administrative Appeal to a decision made by the Code Enforcement	
Town Manager's Recommendation:	
Requested Action:	
Vote	