

Synopsis of Low Impact Development (LID)-Related Amendments Proposed for Chapter 121 Subdivision of Land and Chapter 140 Zoning

Draft – November, 2015

The LID-related amendments as proposed for Chapter 121 (Subdivision of Land) and Chapter 140 (Zoning) are intended to assist the Town with ensuring that best management practices regarding stormwater management handling on a site to be developed are followed. The amendments do this in the following ways

- In the Subdivision ordinance, requiring all projects that trigger DEP's Chapter 500 (one acre or more of development disturbance) to conform to Maine DEP's stormwater best management practices as outlined in their document of the same name, available for download from the DEP website.
- Also in the Subdivision ordinance, recommending that smaller projects (which disturb less than one acre of land) also conform to Maine DEP's stormwater best management practices

In addition, in the Zoning ordinance, the amendments recommend pervious pavement in non-residential low-truck traffic situations and include the South Berwick Conservation/Open Space Plan among the other notable planning documents that the Board should refer to when determining whether or not a proposed subdivision should be a cluster subdivision.

Proposed Amendments to Chapter 140 Zoning and Chapter 121-Subdivision of Land of the South Berwick Ordinances Concerning Low Impact Development Standards

Note: The symbol of “ * * * *” indicates that there is text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underlines indicate proposed language to add, and ~~strikeouts~~ indicate proposed removals of language.*

Section 121-48 Storm Drainage Design Standards

- A. Any development that triggers the Maine DEP Chapter 500, Stormwater Management Rules, ~~shall meet the provisions of the BMP manual Stormwater Management in Maine, January 2006.~~ shall incorporate Low Impact Development standards as outlined in the “Maine Stormwater Best Management Practices Manual”.

- B. ~~For~~ Development projects that do not trigger Maine DEP Chapter 500, Stormwater Management Rules, may incorporate Low Impact Development standards as outlined in the “Maine Stormwater Best Management Practices Manual”, where practicable. In addition, the following provisions apply:

* * * * *

Section 140-24 Off-street parking and loading (nonresidential)

- J. Parking standards for nonresidential uses.

* * * * *

(4) Consider pervious pavement in non-residential parking lots and expansions in areas which do not have high truck circulation patterns.

Section 140-47 Planned residential development, cluster development (including modular and industrial housing), multi family development and mobile home parks.

- A. Purpose and applicability. The purpose and applicability of this section is as follows:

* * * * *

(4) The Planning Board in making its determination whether or not clustering will be required shall consider the impacts that a nonclustered approach would have on the noted natural, historical and cultural resources. The Board and applicant shall refer to the Comprehensive Plan, the Town Open Space and Recreational Planning Map, the Salmon Falls River Greenbelt Plan, the South Berwick Conservation/Open Space Plan, and any other relevant documents, including the applicant's own environmental analysis of the site. The Board and applicant shall also examine the existing built environment of the area proposed for development, analyzing historical structures, working landscapes, architectural design and land use. Particular emphasis should be given to the placement and setbacks of all buildings in the area.

**South Berwick
Town Council Meeting
December 8, 2015**

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

Approval of Minutes

1. Council 11-24-15: On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to adopt the minutes as written. Mrs. Leber abstained from voting because she did not attend that meeting.

Treasurer's Warrant

1. On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to sign the warrant dated December 3, 2015 in the amount of \$750,025.90.

Public Comment

None

Reports & Correspondence

1. Assessment for new Police Station: Mike Lassel of Lassel Architects presented his report to the Council. The assessment of the current facility clearly indicates that it is too small and in some areas non-compliant. These issues will only increase with time and law changes.

Mr. Lassel explained that numerous factors are involved with the decision and development process including site location, equipment, storage, and future needs. Several area (and equitably populated) stations, such as Sanford have been reviewed. We are currently looking at a need of around 9,000^{sf}. The Community Center originally thought to be a good locale is too small and would require too much renovation.

Mr. Lassel also stated that "defining the where and what preparation work will be involved is key". The Council agreed to meet in workshop on Tuesday, December 15th at 6:30pm to discuss the process for moving forward.

It was also agreed that the Manager would meet with the Building Committee after the Council workshop to keep the Committee apprised of the issues.

Town Manager's Report

-Informed the Council that he attended the last Planning Board meeting to discuss the fact that the final paving will not be done until spring at the new Avesta Housing. He reported that it was ok with the Planning Board.

-The Avesta parking contract for December 1st should be ready for the next meeting and the date will start as of January 1st instead of December.

-Parking permits are not currently being sold. All permit prices will be increasing to match the price that Avesta is paying (\$200 annually).

-The meeting with the school and Eliot board is Wednesday morning in Eliot.

-Discussions regarding regional dispatch continue; no end yet.

-Budget season is coming up shortly.

-Still working on the PD/Dispatch Union contract.

-The Deputy Town Clerk has given her notice. Two long time employees are expected to be retiring in the next 6-12 months. Will be advertising for both a Deputy Treasurer and Deputy Tax Collector.

-Attended the Pearl Harbor Day memorial and flag pole dedication at the Counting House.

Unfinished Business

1. The Council conducted its second read of the proposed Family & Medical Leave Act amendment to the Personnel Policy.

On a motion by Mr. James, seconded by Mr. Chase, it was voted 3-0 to adopt the Family & Medical Leave Act and add it to the Personnel Policy. Mrs. Leber was absent from the room and did not participate in the discussion or vote.

New Business

1. On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to approve the renewal of a liquor license for Fogarty's Restaurant. Mrs. Leber was absent from the room and did not participate in the discussion or vote.

2. The Council reviewed the Tax Acquired Property and Tax Payment Application Policies as recommended by the Maine Municipal Association. No changes were made.

On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to sign and ratify both the Tax Acquired Property Policy and the Tax Payment Application Policy. Mrs. Leber was absent from the room and did not participate in the discussion or vote.

3. On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to hold a public hearing on Tuesday, December 22, 2015 to receive public comment on the proposed amendments to the Subdivision Ordinance, §121-48 and Zoning Ordinance, §140-24, 140-47 regarding low impact development standards.

4. On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to accept the OUI Grant from the Bureau of Highway Safety in the amount of \$6,603.00.

Councilor Comments

1. Mr. Chase:

-Commented that he attended the Breakfast with Santa at the Community Center on Saturday. He added that it was a great opportunity to meet people and was made to feel part of the family.

2. Mrs. Leber:

-Commented that she enjoyed walking around town on Friday night for Home for the Holidays.

3. Mr. Kareckas:

-The Pearl Harbor memorial and flag pole dedication were nice ceremonies and well attended. The new flag pole makes a nice entry to town.

Adjournment

On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to adjourn the meeting at 7:43pm.

Attest:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00037985	133194 MAINE TOWN/CITY MGMT ASSN	12/22/2015	-25.00
00038012	133240 NICHOLAS MANSON	12/22/2015	49.43
00038013	132500 SECRETARY OF STATE M/V	12/22/2015	25,675.14
00038014	010285 ADMIRAL FIRE & SAFETY INC	12/22/2015	187.13
00038015	010336 AGGREGATE RECYCLING CORP	12/22/2015	8,380.14
00038016	010585 AMAZON	12/22/2015	51.28
00038017	020225 BAKER & TAYLOR	12/22/2015	86.52
00038018	021300 BERNSTEIN SHUR	12/22/2015	1,012.50
00038019	022850 BUSINESS EQUIPMENT UNLIMITED	12/22/2015	118.00
00038020	022240 GARY BOUCHER	12/22/2015	354.72
00038021	022503 SHARON BRASSARD	12/22/2015	15.79
00038022	022635 APRIL BURBY	12/22/2015	902.00
00038023	022640 BURKE'S TREE SERVICE	12/22/2015	600.00
00038024	030500 CENTRAL MAINE POWER/CREDIT, COLL	12/22/2015	157.83
00038025	030510 CENTRAL MAINE POWER	12/22/2015	4,047.95
00038026	030552 CHASE & HAMLIN INC.	12/22/2015	238.00
00038027	031350 COLLINS SHEET METAL INC.	12/22/2015	276.00
00038028	031425 COLONIAL LIFE & ACCIDENT INS.	12/22/2015	1,102.37
00038029	031500 COMMUNITY MUTUAL AID ASSN	12/22/2015	1,000.00
00038030	031570 CONSOLIDATED ELECTRICAL	12/22/2015	167.15
00038031	141384 CRITICAL ALERT SYS	12/22/2015	24.16
00038032	032030 CUMMINS NORTHEAST INC	12/22/2015	445.00
00038033	041000 DOVER MOTOR MART FM	12/22/2015	2,963.18
00038034	050802 PERRY ELLSWORTH	12/22/2015	676.25
00038035	060100 HOWARD P FAIRFIELD INC	12/22/2015	540.00
00038036	060275 THE FASTENER WAREHOUSE	12/22/2015	48.00
00038037	060300 FAVORITE FOODS INC	12/22/2015	651.61
00038038	070210 GALLS LLC	12/22/2015	119.78
00038039	073125 DONALD R HALL INC	12/22/2015	656.50
00038040	191330 HANNAFORD'S	12/22/2015	222.30
00038041	080248 HANSCOM'S TRUCK STOP INC	12/22/2015	2,405.56
00038042	080450 HARVARD PILGRIM HEALTH CARE	12/22/2015	33,285.70
00038043	220280 HOME HEALTH VISITING NURSES	12/22/2015	300.00
00038044	080998 HOME DEPOT	12/22/2015	258.73
00038045	081394 HUSSEY EXCAVATION INC	12/22/2015	150.00
00038046	089050 INDUSTRIAL PROTECTION SERVICES	12/22/2015	125.00
00038047	100150 JANETOS MARKET	12/22/2015	81.72
00038048	120530 LAW ENFORCEMENT OFFICERS	12/22/2015	149.60
00038049	120510 LAWSON PRODUCTS INC.	12/22/2015	131.40
00038050	120970 LIBBY SCOTT INC.	12/22/2015	475.00
00038051	071170 M W GRENIER ENTERPRISES LLC	12/22/2015	400.00
00038052	125975 MAD SCIENCE OF MAINE	12/22/2015	1,725.00
00038053	130626 MAINE OXY/SPEC AIR GASES	12/22/2015	150.00
00038054	130670 MAINE RESOURCE/RECOVERY	12/22/2015	510.00
00038055	133195 MAINE TURNPIKE AUTHORITY	12/22/2015	35.00
00038056	133285 MARKET BASKET	12/22/2015	495.68
00038057	133358 W.B.MASON	12/22/2015	140.75
00038058	133795 MICK BODYWORKS INC	12/22/2015	1,432.70
00038059	133800 MICK CONSTRUCTION CORP	12/22/2015	15,000.00
00038060	135130 MTCCA/MMA	12/22/2015	25.00
00038061	133194 MAINE TOWN/CITY MGMT ASSN	12/22/2015	65.00
00038062	140105 NAPA AUTO PARTS	12/22/2015	1,202.35
00038063	140350 NATIONAL GEOGRAPHIC SOCIETY	12/22/2015	39.00
00038064	140600 NEPTUNE INC	12/22/2015	168.00
00038065	141400 NORTHERN DATA SYSTEMS INC	12/22/2015	375.00
00038066	150930 M H PARSONS & SONS LUMBER CO	12/22/2015	1,250.00

Check Number	-----Account-----	Date Paid	Amount
00038067	160230 PERMA-LINE CORP	12/22/2015	75.55
00038068	200700 PIKE INDUSTRIES INC	12/22/2015	1,479.10
00038069	160320 PINE TREE WASTE INC	12/22/2015	3,276.78
00038070	160400 PITNEY BOWES	12/22/2015	183.00
00038071	160920 PORTLAND POLICE DEPT	12/22/2015	225.00
00038072	160692 READY REFRESH	12/22/2015	91.00
00038073	180205 REC 1	12/22/2015	100.00
00038074	180477 RICE'S AUTOMOTIVE CENTER	12/22/2015	325.00
00038075	192800 SALMON FALLS ANIMAL HOSPITAL	12/22/2015	25.75
00038076	132500 SECRETARY OF STATE M/V	12/22/2015	13,252.98
00038077	132525 SECRETARY OF STATE	12/22/2015	685.00
00038078	191323 SHOEM ROADWAY SERVICES LLC	12/22/2015	420.00
00038079	191500 MAURICE ROBERGE	12/22/2015	800.00
00038080	191530 SIRCHIE FINGER PRINT LAB INC	12/22/2015	154.95
00038081	191533 CRAIG SKELTON	12/22/2015	216.20
00038082	191753 FOREST SMITH	12/22/2015	675.00
00038083	193408 SO MAINE PLANNING & DEV	12/22/2015	1,350.00
00038084	192940 SOBO CENTRAL	12/22/2015	200.00
00038085	193400 SO MAINE AREA AGENCY ON AGING	12/22/2015	200.00
00038086	193475 SOUTHERN RUBBER STAMP CO INC	12/22/2015	995.00
00038087	193622 SPRINGER ELECTRICAL SERV INC	12/22/2015	536.39
00038088	201025 DANA TOBEY HEATING AND COOLING	12/22/2015	3,502.00
00038089	201150 ANNMARIE TOWNSEND	12/22/2015	57.23
00038090	132850 TREAS.STATE OF ME-LPI	12/22/2015	1,617.50
00038091	210595 URBAN TREE SERVICE	12/22/2015	1,275.00
00038092	210620 US BANK EQUIPMENT FINANCE	12/22/2015	112.00
00038093	211500 VERIZON WIRELESS	12/22/2015	770.36
00038094	230300 WALMART COMMUNITY BRC	12/22/2015	94.25
00038095	230800 WEX BANK	12/22/2015	94.50
00038096	241112 TOWN OF YORK	12/22/2015	4,250.00
00038097	240900 YORK COUNTY REGISTRY OF DEEDS	12/22/2015	478.00
Total Not Prepaid			122,937.89
Total Prepaid			25,699.57
Grand Total			148,637.46

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

WARRANT NUMBER	\$ 148,637.46	DATE 12/17/2015
.....

* * * TREASURER'S WARRANT * * *

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

TOWN COUNCIL:

.....
.....
.....
.....

TOWN COUNCIL
Agenda Information Sheet

Meeting Date December 22, 2015	UB #1
Agenda Item: New Police Station	
Department Head: Town Manager	
Town Manager's Recommendation:	
Provide Town Manager with next steps for the Police Station Plan. Take any action needed to provide support of immediate action plan including possible funding needs	
Requested Action : Motion to allow the Town Manager to enter into an agreement with Lassel Architects for continuing steps to determine footprint size and potential location of a new Police Station. Funding to come from the Police Station Capital account	
Vote	

Town of South Berwick Maine
Maine Street
South Berwick, Maine
03908

December 16, 2015
RE: Proposal for Site assessment for a new Police Station

Attention: Town Council and Town Manager

Thank you for this opportunity to continue working on this important town project. This proposal reflects the workshop discussion last week. The options discussed included two sites, Day property and the mill ball field and the reuse of the town hall and Community Building. The Community building was eliminated primarily due to space constraints, limited expansion, grade changes and difficulty of addition fit up.

We will be moving forward with a building of roughly 8,400 square feet with a sally port (vehicle garage and detainee control) of roughly 1,200 to 1,600 square feet. The need for parking, vehicle movement, entrance, egress, and sidewalks will add roughly another 17,000 square feet. An ideal site that is flat with good access should have at minimum proportions of roughly 170 x 210. Assuming setbacks and planting areas the ideal site would be roughly 35,000 to 40,000 square foot. It should be noted that access and site conditions will impact these dimensions.

Our scope of work is broken into two sections. Concept plans and existing conditions determine the physical layout of a new facility and what is available in town hall. The second section uses the data to develop site plans and investigates renovation options. Note these are all very conceptual are intended to provide a big picture view of the options.

1: Concept plan and existing conditions

1.1 Existing conditions town hall

We will develop preliminary existing conditions drawings of the first two floors of town hall. In addition we will determine floor to floor heights of all floors which can be used to develop elevations in the future.

1.2: concept floor plan

Using the current space program and working with the Police Department we will develop a conceptual floor plan. This process will also give us a better sense of gross building area.

1.3: Town office estimated space needs both net and gross. This information will define towns current and near future office and operation needs. If the Police station is expanded in town hall the offices will need to be relocated. Future development regarding town offices can be investigated in future design work.

2: Site plan review and preliminary town hall analysis. In addition we will comment on utilities and access to 3 phase power and fiber.

2.1: This phase will take the concept plan and insert it into each empty site adding parking, access and setbacks. Comment will be made regarding utilities and access to power and fiber. We will provide a concept plan for each site using codes within each zone.

2.2: Using the program of spaces we will develop a concept layout in town hall. We will work within existing structural walls limiting bearing wall penetrations to minimum.

2.3: We will also show town offices as a block added on to the building. If a decision is made to expand the police department in town hall a more exhaustive design process is needed to develop a working plan for town offices.

3: Presentations and plan development

3.1 Meetings and presentation drawings

Fee:

- Section 1: \$4,950
- Section 2: \$4,950
- Section 3: \$1,500
- Printing costs at cost plus 10%

We will prepare information for another workshop on February 02, 2016 and a public presentation on February 09, 2016. We look forward in working with you and Police Department on this very important project.

Regards

Michael W. Lassel AIA LEED AP

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 22, 2015	NB #1
Agenda Item: Liquor License for Rob Miller – Nolka LLC	
Department Head Recommendation:	
<p>This is a request for the renewal of a liquor license for Rob Miller. The license was formerly under the business name of El Sobos Tacos. The state liquor commission considers this a transfer under Mr. Miller and not a new license.</p> <p>Chief Lajoie commented : <i>No problems at the taco place for considerations</i></p>	
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 12-31-15

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: _____	<u>Nolka LLC</u>
<u>Robert Miller</u> DOB: <u>8-3-74</u>	Location (Street Address)
DOB: _____	<u>12 Portland St</u>
Address <u>338 Diamond Hill Rd.</u>	City/Town <u>South Berwick</u> State <u>ME</u> Zip Code <u>03908</u>
	Mailing Address
City/Town <u>Berwick</u> State <u>ME</u> Zip Code <u>03908</u>	City/Town <u>Same</u> State _____ Zip Code _____
Telephone Number <u>207 752-2854</u> Fax Number _____	Business Telephone Number _____ Fax Number _____
Federal I.D. # <u>464102573</u>	Seller Certificate # <u>1166234</u>

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 \$ N/A FOOD \$ 39401. LIQUOR \$ 18904.00
5. Is applicant a corporation, limited liability company or limited partnership? YES NO
- If YES, complete Supplementary Questionnaire LLC
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Nick Bratton
8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: _____ Business hours: 4-10 Tues-Sat, 9-3 Sun.
9. Business records are located at: 18 Portland St. South Berwick, ME 03908

10. Is/are applicant(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
Rob Miller	8-3-74	Dover, NH
Nick Gattion	11-19-88	

Residence address on all of the above for previous 5 years (Limit answer to city & state)
338 Diamond Hill Rd
Berwick, ME 03908

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: Robert Miller Date of Conviction: May 23, 2011
Offense: Domestic Violence Location: York County
Disposition: Off probation (probation officer Dennis Clark (202) 284-7694)

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: James Flynn
169 Main St South Berwick, ME 03908

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

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? 300ft 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: _____

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: South Berwick on 12/7/15, 2015
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
Rob Miller
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

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, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, 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 herby 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. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - 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. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
 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 license may be denied on one or more of the following grounds:
 - 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.

LIMITED LIABILITY COMPANY

STATE OF MAINE

CERTIFICATE OF AMENDMENT
(for a Maine LLC)

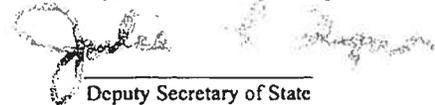
EL Sobos Tacos LLC
(Name of Limited Liability Company)

Filing Fee \$50.00

File No. 20141644DC Pages 3
Fee Paid \$ 50
DCN 2152892300018 LNME
---FILED---
10/13/2015


Deputy Secretary of State

A True Copy When Attested By Signature


Deputy Secretary of State

Pursuant to 31 MRSA §1532, the undersigned limited liability company executes and delivers for filing this certificate of amendment:

FIRST: The name of the limited liability company has been changed to (if no change, so indicate)

Noika LLC

(A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c." - see 31 MRSA 1508)

SECOND: The date of filing of the initial certificate of formation: 11-7-13
(date)

THIRD: Designation as a low profit LLC (Check only if applicable):

- This is a low-profit limited liability company pursuant to 31 MRSA §1611 meeting all qualifications set forth here:
- A. The company intends to qualify as a low-profit limited liability company;
 - B. The company must at all times significantly further the accomplishment of one or more of the charitable or educational purposes within the meaning of Section 170(c)(2)(B) of the Internal Revenue Code of 1986, as it may be amended, revised or succeeded, and must list the specific charitable or educational purposes the company will further;
 - C. No significant purpose of the company is the production of income or the appreciation of property. The fact that a person produces significant income or capital appreciation is not, in the absence of other factors, conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
 - D. No purpose of the company is to accomplish one or more political or legislative purpose within the meaning of Section 170(c)(2)(D) of the Internal Revenue Code of 1986, or its successor.

AMENDMENT TO LEASE AGREEMENT

This Amendment to Lease Agreement made as of the 22nd day of December, 2015, by and between the TOWN OF SOUTH BERWICK, a Maine body corporate and politic with a place of business and mailing address of 180 Main Street, South Berwick, Maine 03908 ("Landlord") and AVESTA YOUNG STREET LP, a Maine limited partnership with a place of business at 307 Cumberland Avenue, Portland, Maine 04101 ("Tenant").

WITNESSETH:

WHEREAS, Landlord and Tenant entered into a Lease Agreement (the "Lease") dated December 12, 2014; and

WHEREAS, the parties have agreed to modify the Lease;

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, Landlord and Tenant agree as follows:

1. Section 2 of the Lease is deleted in its entirety and the following is inserted in its place:

“Term. The term of this Lease shall be for a period of ninety-nine (99) years beginning January 1, 2016 (the "Commencement Date") and ending December 31, 2115.”

2. The Lease, as modified by paragraph 1 above, remains in full force and effect, and the parties hereby ratify and affirm their respective obligations thereunder. This Amendment may be executed in counterpart originals.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby have executed this Amendment as of the date first written above.

LANDLORD:

WITNESS:

TOWN OF SOUTH BERWICK

By: _____
John C. Kareckas, its Council Chairman

[signatures continue on next page]

WITNESS

TOWN OF SOUTH BERWICK

By: _____
Russell H. Abell, its Council Member

WITNESS:

TOWN OF SOUTH BERWICK

By: _____
Laura S. Leber, its Council Member

WITNESS:

TOWN OF SOUTH BERWICK

By: _____
John J. James, its Council Member

WITNESS:

TOWN OF SOUTH BERWICK

By: _____
Thomas A. Chase, its Council Member

WITNESS:

AVESTA YOUNG STREET LP

By: Pineneedle Housing Development LLC,
its General Partner

By: _____
Dana Totman, its President

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: December 22, 2015	NB #3
Agenda Item: 2016 Parking Permit Rates	
Department Head: Town Manager	
Chapter 28, §28-1. Authorizes the Town Council to set the rate for Parking Permits.	
Town Manager's Recommendation:	
Set the January 2016 permit annual fee at \$200 per permit. Town Clerk may prorate permits dated after January 01 of each annual year	
Requested Action: Motion to set parking annual parking permit for Annual year 2016 at \$200.	
Vote	