

**SAMPLE BALLOT
TOWN OF SOUTH BERWICK, MAINE
MUNICIPAL ELECTION
NOVEMBER 8, 2022**

Instructions to Voters

- ◆ TO VOTE, completely fill in the OVAL to the LEFT of your choice like this: ●
- ◆ To have your vote count, do not erase or cross out your choice.
- ◆ If you make a mistake, ask for a new ballot.

Town Council
Vote for TWO
Three Year Term

Cole, William

Costella, Melissa

Minihan, Jeffrey

.....Write-in

.....Write-in

**SAD #35 School Board
Director**
Vote for ONE
Three Year Term

Long, Joseph

.....Write-in

Salmon Falls River Project

Question 1: To see if the Town will vote to appropriate \$250,000 from the Undesignated Fund to assist the Great Works Regional Land Trust Purchase 71 Acres of property on the Salmon Falls River Tidal Waters located at Map 6 Lots 14, 14A and 29A such property to be used for public uses, and the appropriation of such funds will not affect the current mil rate?

- Yes
- No

Salmon Falls River Project

Question 2: To see if the Town will accept the ownership of land purchased by the Great Works Regional Land Trust on the Salmon Falls River Tidal waters, such property located at Map 6, Lots 14, 14A and 29A?

- Yes
- No

YOU HAVE COMPLETED VOTING

**South Berwick Town Council
Public Hearing
General Assistance Ordinance Appendices
October 11, 2022**

Vice-Chair John C. Kareckas opened the hearing at 6:30pm. Councilors present included Jessica Cyr and Jeffrey Minihan. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. Mallory Cook and John James were not present.

The purpose of the hearing was to receive public comment on the update to the General Assistance Ordinance and its Appendices. This is an annual update to the maximum benefits as recommended by Maine Municipal Association.

No one present or participating by Zoom chose to speak.

The hearing was closed at 6:33pm.

Attest:

Tyanne Vasapoli
Deputy Town Clerk

DRAFT

**South Berwick
Town Council Meeting
October 11, 2022**

Vice-Chair John C. Kareckas called the meeting to order at 6:33pm. Councilors present included Jeff Minihan, and Jessica Cyr. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. Mallory Cook and John James were not present.

Approval of Minutes

1. Town Council 09-27-22: On a motion by Jeff Minihan, seconded by Jessica Cyr, it was unanimously voted to adopt the minutes as written.
2. Board of Assessors 09-27-22: On a motion by Jessica Cyr, seconded by Jeff Minihan, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Jeff Minihan, seconded by Jessica Cyr, it was unanimously voted to sign the warrant dated October 6, 2022, in the amount of \$ 1,148,184.60.

Reports & Presentations

Public Comment

1. Clifford Cleary of Spillane's Hill requested the town to revise signage and flags for display, especially the woodpecker flags. Tyanne Vasapoli of Home for the Holidays shared that her committee is looking into revamping flags for the holiday season Tim Pellerin commented this is on the town's agenda as well.
2. Audrey Fortier of Rodier Road Thanked Vice-Chair Kareckas for all his time and dedication served to the town and council.
3. Pat Robinson of Brattle Street would like to extend an invite to SoBo Centrals upcoming event "Keep South Berwick Warm" being held at Spring Hill November 2nd from 5-7 Come enjoy homemade soups bread and cookies to raise funds to aid those needing help with fuel costs. Donations and volunteers are welcome. Sign up at www.sobocentral.org.

Unfinished Business

1. No action taken. Continued to next council meeting dated October 25, 2022.

New Business

1. On a motion by Jessica Cyr, seconded by Jeff Minihan, it was unanimously voted to adopt the annual amendments to the General Assistance ordinance as provided by Maine Municipal Association for the period of October 1, 2022, through September 30, 2023.
2. On a motion by Jessica Cyr, seconded by Jeff Minihan, it was unanimously voted to hold a public hearing on Tuesday, October 25, 2022, at 6:30pm to receive comment on the November 8th referendum questions.
3. On a motion by Jeff Minihan, seconded by Jessica Cyr, it was unanimously voted to close the roads needed for the Halloween Parade.
4. No action taken.
5. The Council discussed the request for a Home for the Holidays Tree on the Town Hall front lawn.

On a motion by Jeff Minihan, seconded by Jessica Cyr, it was unanimously voted to allow use of the town lawn and electricity for the holiday tree.

6. Town Council suggests residents bring their traffic complaints to the meeting with Sebago Technics being held on October 18, 2022, at 6:30pm Town Hall 3rd floor.

Town Manager's Report

- Highway- Water lines have been updated on Front & Spring Street; they are scheduled to be paved on Friday. Cleaning out storm drains A Basin on Willow Street will be repaired this week. Winterization on the Sprinkler systems at the Fields and monuments will be completed this week.
- Police Department in the last two weeks has had: 4 Arrests 9 Accidents 67 Traffic stops of which 20 were on Portland Street. Detective Sargent Stephens will be holding a fraud training at the Community Center for the seniors. (Some recent scams in town) Officer Arsenault, our new Firearms instructor, did an excellent job with his first year of instructing the mandated annual firearms class. School Resource Officer Macleod is doing an incredible job at the Marshwood High school as it has been very busy dealing with the students being back in school. Police Station will be tinting the 1st floor windows to stay in compliance with the Privacy protection act.
- Fire Department - in the last two weeks had 18 Calls and YTD is 323 calls Brad Gorman has been promoted to Lieutenant effective 10/1/2022. For Fire Prevention week: They will be hosting students from Central School., Conducting Fire Drills at the schools and visiting the local daycares.
- Code Enforcement – In the last two weeks: 2 Building Permits 23 Building Inspections 3 Violation letters 2 Pre-Construction Meetings with Developers. 2 Trainings – Stormwater & Chimneys Reviewed 2 past Subdivision Site plans Zoning Board of Appeals Meeting
- Planning Cannabis Policy and Licensing Application are being addressed. Great Hill Road 5-lot subdivision preliminary plans have been approved; the density calculations are being reviewed due to the soil types on Great Hill Road; Community questions and concerns being addressed Ordinance Reviews – definitions, language, suggestions made from board meetings. Berwick Academy proposed projects under review. New guidance received from SMPDC for LD 2003 – will be sharing with all committees. Reviewing Land Use Ordinance for compliance with the white paper on Erosion and Sedimentation Ordinance changes due to be effective 1 July 2023; Annual Stormwater Inspections being accomplished over the last two weeks.
- Library – Jen and Lee will be meeting with Revision to go over the Solar Panel system, with 144 solar array we should be generating more electricity monthly. We want to understand and be educated to monitor the System moving into the future and save more electricity costs as intended.
- Recreation- The New Programming Coordinator is going to be starting up a Coyote Club, this has been a very successful program in Eliot. Mad Science has started back up. They are also working on setting up new classes for Zumba, Yoga, and Art. Setting up the Ski Programs for the winter months.
- Seniors- On Oct 3rd, 50 seniors went on Winnepesaukee foliage cruise. Next week they will be closed to clean and wax the floors.
- Assessing- We are continuing to receive and process Property Tax Stabilization applications. Finished the Tree Growth Roster. Reporting of sales, to the State, for our new ratio for next year. Deeds are nearly caught up and will be qualifying sales by analyzing listings, sending out questionnaires and visiting the properties to verify data.
- Town Clerk – Over 500 absentee requests received already and mailed back out.
- Transfer Station- New Dumpster/Canister has arrived. New Draw string bags (Pay as you throw) have arrived. We had a part time person resign, looking for part time help. New Bin for donations has been added, this will help the fund Veterans.
- Economic Development: Met with Town Attorney regarding a new TIF. Met with SMPD to continue to work together on Mapping which will go hand and hand with the Comp Plan. (No additional fees) Getting the Town access to many Grants
- Finance: Only 6 homes are in risk of Foreclosure for the fiscal year 2021, Letters will be going out late October. This is the lowest number since Heather has been taking care of the Foreclosures. It is typically about 17-25 per year. Still working with Peter Hall on some questions and finalizing the audit. Jen has reached out to Kennebunk Savings Bank to set up a meeting to discuss our interest earnings. We feel that with all the rapid rising of interest rates that the rate that we are earning should be going back up as well. Jen is working with Lee at the Library. Meetings with Denise and the Town Attorney to learn more about which TIF zones will work best for the Town and the financial impacts. Hard to believe that we are already 25% done with this current fiscal year!

- Admin- Meet and greet at Berwick Academy today. Great way to open the communication, we will be meeting quarterly. Met with Police Chief and Lieutenant about MEPERS options. Management & Leadership training for all Department heads will be starting in November. Route 91 & 236 intersection work started today, moving telephone poles, cutting trees.

Councilor Comments

1. Jessica Cyr is appreciative of the new South Berwick Journal. Would like to consider a “from the desk of the Town Council” section. Kudos to the fire department and their involvement with the students at Central School for Fire Safety Week. As the weather turns cooler, she is looking forward to an update regarding the ice rink shelter.
2. John C. Kareckas wants to remind everyone to check their smoke detectors and change the batteries. As the planning continues, he hopes the proposed action with the TIF zones preserves standing history.

Adjournment

On a motion by Jeff Minihan, seconded by Jessica Cyr, it was unanimously voted to adjourn the meeting at 7:38pm.

Attest:

Tyanne Vasapoli
Deputy Town Clerk

A / P Warrant

South Berwick
12:11 PM

Bank: KENNEBUNK - Operating

10/20/2022
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	45503	33,431.05	10/12/22	24	0132 BUREAU OF MOTOR VEHICLES
P	45504	26,857.77	10/19/22	24	0132 BUREAU OF MOTOR VEHICLES
R	45505	192.44	10/20/22	24	0787 ADVANTAGE TRUCK GROUP
R	45506	19.93	10/20/22	24	0819 AIGUIER, AMY
R	45507	54.80	10/20/22	24	0058 AMAZON
R	45508	19.96	10/20/22	24	0103 ASHLINE, KERA
R	45509	614.47	10/20/22	24	0054 BAKER & TAYLOR
R	45510	585.68	10/20/22	24	0011 BERGERON PROTECTIVE CLOTHING LLC
R	45511	175.86	10/20/22	24	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	45512	4,811.71	10/20/22	24	0182 CARD MEMBER SERVICE
R	45513	489.66	10/20/22	24	1158 CINTAS CORP
R	45514	62,916.53	10/20/22	24	0612 City of Sanford
R	45515	593.10	10/20/22	24	0474 CLEAN-O-RAMA, INC.
R	45516	1,223.00	10/20/22	24	0910 COMFORT SYSTEMS USA
R	45517	6.29	10/20/22	24	0064 CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC.
R	45518	6,394.70	10/20/22	24	0352 CORELOGIC CENTRALIZED REFUNDS
R	45519	222.00	10/20/22	24	0535 D.M. BURNS SECURITY INC.
R	45520	213.44	10/20/22	24	1174 DELUCA, MATTHEW
R	45521	240.25	10/20/22	24	0638 Edison Press
R	45522	400.00	10/20/22	24	0911 FADDEN CUSTOM PEST SERVICES LLC
R	45523	495.64	10/20/22	24	0230 FARWELLS AUTO SERVICE
R	45524	34.20	10/20/22	24	0164 FASTENER WAREHOUSE
R	45525	1,105.00	10/20/22	24	0036 FIRE TECH & SAFETY OF NE, INC
R	45526	1,878.00	10/20/22	24	0337 GENEST PRECAST
R	45527	103.50	10/20/22	24	0045 GROUP DYNAMIC, INC.
R	45528	229.74	10/20/22	24	0387 H.T. BERRY COMPANY, INC.
R	45529	356.24	10/20/22	24	1027 HANCOCK LUMBER
R	45530	148.54	10/20/22	24	0867 HANNAFORD
R	45531	440.00	10/20/22	24	0209 HUSSEY SEPTIC
R	45532	5,529.95	10/20/22	24	0934 J&D POWER EQUIPMENT, INC
R	45533	176.00	10/20/22	24	0298 JACK'S TOWING SERVICE
R	45534	100.00	10/20/22	24	1095 LEXISNEXIS RISK SOLUTIONS
R	45535	133,824.48	10/20/22	24	0080 LIBBY SCOTT INC.
R	45536	37.12	10/20/22	24	1131 LOCALIQ
R	45537	208.50	10/20/22	24	0169 M W GRENIER ENTERPRISES LLC
R	45538	105.00	10/20/22	24	0659 Maine Battery
R	45539	225.00	10/20/22	24	0139 MAINE MUNICIPAL ASSOCIATION
R	45540	5,020.68	10/20/22	24	0141 MAINE MUNICIPAL ASSOCIATION
R	45541	29.10	10/20/22	24	0081 MAINE TURNPIKE AUTHORITY
R	45542	350.00	10/20/22	24	0228 MBW TRACTOR SALES
R	45543	7,154.07	10/20/22	24	0084 MICK BODYWORKS INC
R	45544	36.75	10/20/22	24	0284 NEPTUNE UNIFORMS & EQUIPMENT
R	45545	3,898.26	10/20/22	24	0650 NEW ENGLAND BARRICADE CO
R	45546	12.00	10/20/22	24	0128 NH EZ-PASS CSC
R	45547	687.50	10/20/22	24	1167 NORTHERN FORESTS LLC
R	45548	340.96	10/20/22	24	0944 O'REILLY FIRST CALL
R	45549	810.29	10/20/22	24	0088 P GAGNON & SONS INC
R	45550	6,691.84	10/20/22	24	0089 PIKE INDUSTRIES INC

A / P Warrant

South Berwick
12:11 PM

Bank: KENNEBUNK - Operating

10/20/2022
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	45551	223.28	10/20/22	24	0915 PINE STATE ELEVATOR COMPANY
R	45552	16,186.35	10/20/22	24	0572 PINE TREE WASTE, INC
R	45553	143.55	10/20/22	24	0219 PITNEY BOWES GLOBAL FINACIAL SERVICES
R	45554	1,199.45	10/20/22	24	0162 POSITIVE PROMOTIONS
R	45555	197.87	10/20/22	24	0232 QUILL CORPORATION
R	45556	269.99	10/20/22	24	0252 REDS SHOE BARN
R	45557	1,310.00	10/20/22	24	1133 REP ENTERPRISES GREENLAND
R	45558	87.48	10/20/22	24	0254 SANEL AUTO PARTS
R	45559	2,265.00	10/20/22	24	0483 SEACOAST PRINTING INC.
R	45560	4,265.23	10/20/22	24	0203 SOUTH BERWICK WATER DISTRICT
R	45561	500.00	10/20/22	24	0350 SOUTHERN MAINE DISTRICT 1 TRAINING COUNCIL
R	45562	2,705.00	10/20/22	24	0195 SOUTHERN MAINE PLANNING & DEVLOPMENT, INC
R	45563	121.23	10/20/22	24	0226 SOUTHWORTH MILTON INC
R	45564	2,585.00	10/20/22	24	1147 SPORTS FIELDS INC.
R	45565	518.00	10/20/22	24	0824 STANDARD CHAIR OF GARDNER
R	45566	309.56	10/20/22	24	0041 STAPLES
R	45567	6,083.05	10/20/22	24	0095 STELLAR NETWORKS
R	45568	184.00	10/20/22	24	0520 TREASURER, STATE OF MAINE
R	45569	995.28	10/20/22	24	1173 TREASURER, STATE OF MAINE
R	45570	66.00	10/20/22	24	0581 TRI-CITY MASONRY SUPPLIES
R	45571	661.54	10/20/22	24	0097 VERIZON WIRELESS
R	45572	2,010.50	10/20/22	24	1089 VILLAGE MOTORS
R	45573	3,935.95	10/20/22	24	1175 WELCH OIL, LLC
R	45574	83.99	10/20/22	24	0100 WEX BANK
R	45575	191.95	10/20/22	24	0001 WIN WASTE INNOVATIONS
R	45576	4,371.08	10/20/22	24	0480 WITMER PUBLIC SAFETY GROUP, INC.
R	45577	42.23	10/20/22	24	0799 WOZNY, LINDA
R	45578	38.00	10/20/22	24	0066 YORK COUNTY REGISTRY OF DEEDS

Total 361,041.56

Count

Checks 76
Voids 0

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 name in this schedule as signed by the Town Council below:

John Kareckas _____

John James _____

Jeff Minihan _____

Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGE



Town of South Berwick

PLANNING DEPARTMENT

180 MAIN STREET
SOUTH BERWICK, MAINE 03908

September 27, 2022

To: Ms. Cook, Chair South Berwick Town Council

From: Tammy Bellman, Town Planner

RE: Zoning Ordinance Amendment

Proposal of §140-67.2 Performance Standards for Solar Farms

The Planning Board is pleased to submit the final draft of the South Berwick Zoning Ordinance: §140-67.2 Performance Standards for Solar Farms to the Town Council.

The attached ordinance draft, number six (#6) was approved at the September 21, 2022, Planning Board Meeting with motion and affirmative vote.

Please take the time needed to review and determine if any follow-up is needed by the Planning Board. The Planning Board hopes that this latest approved version is complete to the satisfaction of the Town Council and can then move forward.

Thank You

Tamara Bellman
South Berwick Town Planner

Date: ~~April 12~~~~August 9~~September 7, 2022; September 21, 2022 Revision #6

Planning Board Draft #6 Approval September 21, 2022

Zoning Ordinance Amendment:

Proposal of § 140-67.2 Performance Standards for Solar Farms - Draft

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§ 140-67.2 Performance Standards for Solar Farms.

a) Due to the large land areas required for solar farms, the potential negative impacts to the environment and to protect surrounding properties from impacts such as glare and visual disturbance, all solar farms are subject to:

- Article V - Performance Standards Applicable to All Uses;
- § 140-77 Site Plan Review
- § 140-48 Shoreland Zoning

Solar farms shall also comply with the following standards:

1. Land Disturbance: All Solar Farms require site plan review and approval from the Planning Board prior to any land disturbance, including tree removal, and / or the issuance of any building permit or certificate of occupancy. Applicants will be responsible for all associated fees for site plan applications, municipal peer review, licensing and permitting. The CEO may approve, in writing, the clearing of small areas if specifically required during the site design phase of the project. The Applicant shall submit a plan and narrative for the CEO's review, and approval including any additional conditions.
2. Minimum Lot Area: Solar Farms shall be situated on lots a minimum of twenty (20) acres.
3. Maximum Power: Solar farms shall ~~be~~ limited to a maximum size of five (5) Mega Watts (MW).
4. Setbacks: All commercial solar farms shall provide a minimum of ~~five hundred feet (500')~~ one hundred feet (100') in the I1 Zoning District and ~~two-hundred feet (200')~~ in the I2 Zoning District uncut / undisturbed vegetation setback ~~by continuous landscaping of plantings along exterior lot lines~~, surrounding (outside / beyond) the required security fencing. ~~If the exterior lot line vegetation is disturbed it will be replaced with a minimum six foot (6') in height evergreen plantings to bring the disturbed areas into compliance.~~ The purpose of this minimum standard is to provide buffering, to the greatest extent practical, to provide a visual buffer of the solar farm from abutting residential properties, uses, other zoned areas, and public roadways. This / These vegetative areas shall be maintained by the solar farm operators/developers.
5. Shade Management: The Application shall include all areas where "shade management" is proposed, and a detail of the proposed "shade management area" (cut slope) in relation to the required buffers, fencing and solar panels and related equipment shall be provided. Shade

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Date: ~~April 12~~~~August 9~~~~September 7, 2022~~, ~~September 21, 2022~~ Revision #6

~~Planning Board Draft #6 Approval September 21, 2022~~

Zoning Ordinance Amendment:

Proposal of § 140-67.2 Performance Standards for Solar Farms - Draft

management areas are prohibited within the required setback areas.

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~~6~~ — Buffering / Visual Mitigation: All equipment such as solar panels, transformers and equipment used in the operation of the solar farm shall be buffered / screened from adjacent roadways and surrounding residential uses in regards to view and glare to minimize / mitigate view disruption. All direct views will be screened by two offset rows of evergreen plantings (dwarf spruce, hemlock, thuja or approved equal) with the use of a 6' green privacy screen that affixes to the chain link perimeter fence to reduce glare and light refraction from the metal fence.

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~~7~~ Minimum Application Requirements: In addition to the requirements listed under Chapter 140-77 (Site Plan Review), the Application shall include the following items:

- a) Project Narrative: The Applicant shall provide a detailed project narrative. The narrative shall specifically address how view and glare buffering will be provided from surrounding properties and roadways in addition to details of the below submittal requirements.
- b) Environmental Impact Assessment: The Application shall include the following:
 - 1) Wetland Delineation Mapping including required setbacks and proposed impact areas.
 - 2) The narrative and / or mapping shall also specifically address temperature increases around proposed cut areas and their relationship to adjacent wetlands, streams and other waterbodies and endangered species who live in and around them.
 - 3) Endangered Species Inventory: The Application shall include an endangered species inventory (including New England Cottontails, Blanding's and Spotted Turtles, Black Racers, etc.) and review, and eventual approval, from Inland Fisheries and Wildlife (IF&W) Maine Department of Environmental Protection (MDEP) and other associated agencies involved with the application review and permitting prior to Final Plan approval. The Applicant shall provide, prior to a "Determination of Application Completeness", being determined by the Board, proof of agency preliminary application review.
 - 4) "Wildlife Corridors": A six inch (6") gap under the security fencing is required to allow wildlife to retain access through the site, shall be ~~provided. And maintained.~~

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~~5~~ Native Species: All plantings, including proposed seeding, shall be ~~native species by~~ Maine Native Tree species and / or Northern New England Native Tree species.

Date: ~~April 12~~ ~~August 9~~ ~~September 7, 2022~~, ~~September 21, 2022~~ **Revision #6**

~~Planning Board Draft #6 Approval September 21, 2022~~

Zoning Ordinance Amendment:

Proposal of § 140-67.2 Performance Standards for Solar Farms - Draft

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~~6)5)~~ Long Term Property Conservation: The Application shall provide information regarding any lands proposed to be placed under some form of conservatorship now or in the future.

c) Site Plan: The Application shall include site / landscape plans which shall include the following:

- 1) Existing and proposed tree lines and clearing areas
- 2) Solar panels and associated equipment
- 3) Existing and proposed grading
- 4) Site fencing details, signage and locations of all gates / openings in the fence, and proposed Knox Key Box locations.
- 5) Adjacent roadways and neighboring structures, zoning, and existing land uses.

d) Cross Sections: Cross sections of the site shall be provided which shall include:

- 1) Adjacent roadways and neighboring structures by type of use.
- 2) Existing and proposed site modifications to the topography and vantage points from area highpoints and adjacent residential zoning or uses.
- 3) Existing and proposed vegetation and alterations (removal and proposed).

e) Site Maintenance Plan: The Application shall include a site maintenance plan outlining the efforts that will be undertaken to maintain the ground cover in and around the solar panels. The plan shall also outline maintenance of the internal travel system.

f) End of Life – Site Restoration Plan: The Applicants shall submit a detailed "End of Life – Site Restoration Plan and Narrative" which would discuss and illustrate the following:

1) The removal of all equipment, fencing, concrete pads, solar panels, transformer / inverter equipment, ~~etc~~ security barriers and transmission lines from the site that will not be used by other approved uses on the site.

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2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

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3) Stabilization and/or re-vegetation, by Maine Native Species and / or Northern New England Species, of the site as necessary to minimize erosion.

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4) Restoration timeline: Anticipated duration of the Solar Farm and an estimated length of time required to completely restore the site in full compliance of the Town approved development plans.

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Date: ~~April 12~~~~August 9~~~~September 7, 2022~~, ~~September 21, 2022~~ **Revision #6**
Planning Board Draft #6 Approval September 21, 2022

Zoning Ordinance Amendment:

Proposal of § 140-67.2 Performance Standards for Solar Farms - Draft

~~3)5)~~ **Restoration Plan Set:** The application shall include a pre-construction and post restoration plan set illustrating the locations or all restoration boundaries and the type of restoration being proposed for each area of the site. The narrative should also include the proposed restoration plan (plantings, species, planting sizes at instal, etc.). At minimum, the plan shall include plantings, with appropriate native plant species, to return the cleared areas of the solar farm to their original state.

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g) **Air Glare Protection:** Solar Panels shall be anti-reflective materials, or abbreviated by the Federal Aviation Administration (FAA) as "AR", and the Applicant shall notify area airports and the FAA for their review and a two (2) week comment period. Copies of all correspondence shall be provided to the Town. Once the solar panel type is determined, a current MSDS sheet shall be provided to the Planning Board. If this type changes, then a new MSDS sheet will be provided for the replacement panels.

Commented [P1]: FAA requires anti-glare panels – request a MSDS sheet for each type / style of solar panel

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h) **Public Safety:**

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The following information shall be included in the formal Application submittal.

- 1) **Roadway Access / Improvements:** The Applicant shall provide a detailed narrative and plans regarding site access including existing and proposed conditions.
- 2) **Emergency Access:** A Knox Key / Combination Box should be provided at the site entrance for Emergency Services Personnel to gain access, to the interior and exterior of the site fencing, will not be impeded in the event of a fire or other emergency.
- 3) **Emergency Vehicle Turn Around:** An unimpeded emergency vehicle turnaround area ~~should be~~~~shall be~~ provided. The turn-around shall be long enough to accommodate the largest emergency apparatus to the site and shall be reviewed and approved by the Fire Chief or their appointed designee.
- 4) **Security Fencing:** All proposed equipment / activities should be located completely within a completely enclosed fencing. Fencing should be installed with a ~~six-inch~~~~six-inch~~ (6") gap at the bottom to allow wildlife to utilize the site while not being trapped inside the site. All fencing shall have warning signage as required by law.
- 5) **Emergency Access Plan:** An Emergency Access Plan shall be provided with the Plan Set. This plan shall include the following:
 - a) **Fence Layout:** A fencing plan shall be provided and show the locations of all proposed fences, fence openings / gates, and fully dimensioned interior access lanes shall be provided.
 - b) **Fence Details:** The plans shall include fence / enclosure details, access gate details, and all required warning signage.
 - c) **Electrical Equipment:** The locations of all associated electrical equipment such as transformers,

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Date: ~~April 12~~~~August 9~~~~September 7, 2022~~; ~~September 21, 2022~~ Revision #6
~~Planning Board Draft #6 Approval September 21, 2022~~

Zoning Ordinance Amendment:
Proposal of § 140-67.2 Performance Standards for Solar Farms - Draft

battery storage, equipment pads, etc. shall be illustrated on submitted plans. All equipment listed shall include equipment dimensions.

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6) E-911 Addressing: Prior to the start of construction activities, the solar farm operator must obtain an address from the Town's E-911 officer (currently the Town's CEO) for the access road to the solar farm.

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7) Emergency Contact: The solar farm operator shall be responsible for providing the Town direct contact information for the site construction manager (during construction duration) and the facilities manager (operational onward) who may be contacted by the Town, as needed, regarding the facilities operation, safety, public inquiries, learning or training opportunities. The direct contact information shall be reviewed for correctness and maintained throughout the life of the installation. The solar operator will promptly notify the Town of contact information changes. Best efforts will be made by this contact to respond to inquiries from the town within three (3) business days.

Commented [P2]: You should designate the particular title of the individual to notify – eliminate any confusion.

8) Roadway Maintenance: The access road to the site shall be maintained unobstructed and passable year-round year-round for access by Emergency Responders. The roadway should also be maintained free of ruts, potholes and the like to prevent obstruction or damage to Town vehicles. A note of this nature shall be placed on the plans.

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9) Electrical Narrative: The Applicant shall provide a detailed narrative regarding the types, sizes, and locations of all existing and proposed power line placement. The plans shall include notes indicating above and / or underground power lines. If above ground lines are to be utilized and poles installed, any changes to the pole height / material etc. may require PB review and approval as determined by the Town's Code Enforcement Officer.

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i) Decommissioning and abandonment

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1) A Solar Farm that has reached the end of its useful life or has been abandoned consistent with this Ordinance shall be removed. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. The Code Enforcement Officer may grant a one-time extension of up to an additional 180 days at the request of the owner or operator of the system. Decommissioning shall occur consistent with the End of Life – Site Restoration Plan.

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2) A Solar Farm shall be considered abandoned when it fails to operate for more than one year. The Planning Board may extend this initial period for an additional twenty-four (24) months at the request of the owner of the system and with consent of the landowner and/or operator if different from the system owner.

3) An applicant for Site Plan Review of Solar Farm shall submit a performance guarantee in the amount of 125% of the expected decommission costs, including inflation over the expected life of the system, in the form of a performance bond running to the Town or some other form of surety that is acceptable to the Town Manager.

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- 4) ~~If the owner or operator of the Solar Farm fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning as approved by the Code Enforcement Officer, the Town retains the right to use the performance guarantee or other available means to cause an abandoned, hazardous, or decommissioned Solar Farm to be removed.~~

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~~Bonding / Inspection Fees: (Note: this section in particular will need legal review and recommendation as to the Ordinance recommendation (if necessary))~~

~~The Board may want to place conditions on the proposed solar farm to ensure that the site will be adequately restored to its native condition, as such below are a few items the Town / Board may want to consider:~~

- ~~1) Engineer's Estimate: Prior to the start of construction activities, the applicant will provide Engineer's Estimate for an "end of life" decommissioning plan for the project. The plan shall, at minimum, include a breakdown of a) individual tasks; b) estimated cost / hours per task; c) hours to complete; d) materials and equipment needed. The plan shall also include a total of all associated decommissioning costs, a 1.25% contingency and a 20-year, 2% inflation escalator. Should the lease agreement or use be continued or extend beyond 20 years new / additional bonding will be required. Upon Town approval of the Engineer's Estimate, the bonding with the Town shall be established prior to any site work being conducted.~~
- ~~2) Supplemental Inflation Estimate: The solar farm operator shall re-evaluate the decommissioning estimate shall be reviewed at five-year intervals and adjusted accordingly for inflation, beyond the 2% inflation escalator, and shall have the review and approval from the Eliot Town Council.~~
- ~~3) Site Abandonment: If the energy plant ceases to provide power or if it is abandoned by the owners ("abandoned" being defined as no power produced for a consecutive period of six (6) months), the decommissioning process will start and be completed within six months of that event / determination. The full cost, outlined above, shall be bonded with the Town, or other State Agency (such as MDEP), with Town approval, for the duration of the project until the decommissioning plan and site restoration plan has been fully completed as determined by the Town Code Enforcement Officer and the Maine Department of Environmental Protection (MDEP).~~

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- ~~j) Inspections. The Code Enforcement Officer or the Officer's designee will inspect all solar farms prior to issuance of a certificate of use/occupancy (CEO). The inspection shall occur after the establishment is ready for operation and written sign-off have been received by the Fire Department. No solar electricity shall ~~generated~~be generated from the premises until the inspection is complete and a certificate of occupancy issued. Nothing herein shall prevent the Code Office and Fire Chief, or their designee, from inspecting the solar farm at random intervals, with or without advanced notice.~~
- k) Other laws remain applicable. All solar farms shall meet all operating and other requirements of federal, state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law, regulation or rule governing solar farms beyond these standards, the stricter law, regulation or rule shall control.

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Planning Board Recommended Ordinance Modifications:

Overview: In addition to the proposed Solar Ordinance development the Planning Board reviewed the definition of a "Public Utility" as, to date, Solar Farms have been regulated by the Town as "Public Utilities" in relation to Land Use and Table A which determines what zoning district/s the Use is permitted.

The Zoning Ordinance currently defines a Public Utility as:

"Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public."

The Town's Zoning Ordinance <https://ecode360.com/9683966> – ~~9683966~~ does not currently have a definition for Ground-Mounted Solar Array aka "Solar Farms". The Board recommends the Council adopt the below definition under § 140-9 Definitions.

~~Solar Farms (Ground-Mounted Solar Array Facilities): An installation or area of land in which a large number of solar panels are set up in order to generate electricity.~~

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~~Solar Farms (Ground-Mounted Solar Array Facilities): 1. An installation or area of land in which a large number of solar panels are set up in order to generate electricity. 2. An installation or area of land that serve two or more residences either directly or indirectly.~~

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~~Solar Array (Ground-Mounted OR Structure Mounted Solar Panel(s)): Nothing shall preclude an individual residence or individual business from installing solar on the residential or business structure on the land associated with said structure to be able to benefit the property owner with solar assistance for electrical power. Provided that all local and state permits have been met.~~

~~Solar Farms (Ground-Mounted Solar Array Facilities): 1. An installation or area of land in which a large number of solar panels (comprising total area of 1 acre or more) are set up in order to generate electricity. 2. An installation or area of land that serve two or more residences either directly or indirectly.~~

~~Solar Array (Ground-Mounted OR Structure Mounted Solar Panel(s)): Nothing shall preclude an individual residence or individual business from installing solar on the residential or business structure on the land associated with said structure to be able to benefit the property owner with solar assistance for electrical power. Provided that all local and state permits have been obtained.~~

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Table A – Land Use EXISTING:

Below is a copy of "Table A" of the Town's Zoning Ordinance. As you can see "Public Utilities" are classified as allowed, with Major Site Plan (MSP) approval. Use in all of the Town's Zoning Districts with the exception of the Town's R-5 Zoning district where the use is specifically not allowed. The Planning Board recommends that "Table A" be amended to include Solar Farms an independent Land Use. This recommended modification would go hand in hand with the definition of solar farms discussed above. ~~The Planning Board did not make any specific recommendations as to which zoning districts the Use would be allowed, but recommends the Town Council has this discussion as part of the Ordinance Amendments.~~

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Add to Table A:

Date: ~~April 12~~ ~~August 9~~ ~~September 7, 2022~~, ~~September 21, 2022~~ Revision #6

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Zoning Ordinance Amendment:

Proposal of § 140-67.2 Performance Standards for Solar Farms - Draft

Land Use: Solar Farm I1 and I2 Major Site Plan Review all other zoning districts N

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Land Uses	R1, R1A	R2, R2A	R3	R4	R5	B1	B2	SP	RP	I1	I2	BR
Neighborhood Convenience Store	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	N	N	MSP
Nonhazardous Solid Waste Processing Facility	N	N	N	N	N	N	N	N	N	MSP	MSP	N
Nursing Homes/Health Care Facility	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
On-Premises Signs	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*
Professional Offices	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Public Park	Y	Y	Y	Y	Y	Y	Y	SP	SP	Y	Y	SP
Public Recreational Facilities/Libraries/Museum/Civic Centers/Post Offices	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	N	MSP	MSP	MSP
Public Utilities, Sewer Collection/Treatment Facilities	MSP	MSP	MSP	MSP	N	MSP	MSP	MSP	MSP	MSP	MSP	MSP
Restaurant	MSP(2)	MSP(2)	MSP	MSP	N	MSP	MSP	MSP	N	MSP	MSP	MSP
Restaurant, Take-Out	N	N	N	N	N	MSP	MSP	N	N	Y(5)	Y(5)	N
Retail	N	N	N	N	N	MSP	MSP	N	N	Y(5)	Y(5)	MSP
Schools, Public/Private/Parochial	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	MSP	MSP	MSP
Seasonal Sale of Produce and Plants Grown Locally	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y*	Y
Service/Personal Service Establishments	N	N	N	N	N	MSP	MSP	N	N	Y(5)	Y(5)	SP
Single-Family Dwelling	Y	Y	Y	Y	Y	Y	Y	SP	N	N	MSP	Y
Sludge Spreading (4)	N	Y	Y	Y	Y	N	N	N	N	N	N	N
Timber Cutting	SP	Y*	Y*	Y*	SP	N	N	SP	SP	SP	SP	N
Transmission Tower	N	N	SP	SP	N	N	N	N	N	SP	SP	N
Two-Family Dwellings	Y	Y	Y	Y	Y	Y	Y	SP	N	N	MSP	Y
Vehicle Sales	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Veterinary Services	N	N	MSP	MSP	N	N	N	N	N	MSP	MSP	MSP
Warehousing	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Wholesale Distribution	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	N
Yard Sales	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 10/25/2022	UB #2
Agenda Item: Lot 003-037-A-000, Bennett Rd	
Department Head Recommendation:	
Sealed bid due 10/19/2022 at 11am. <u>No Bids.</u> John Watts came in at 3pm 10/19/2022 with a full minimum bid.	
Town Manager's Recommendation:	
Allow John Watts to purchase land for the min bid of \$16,366.85, in accordance with A158-2 (2) Disposal of Tax Acquired Property, no abutters are interested in the lot.	
Requested Action:	
Vote to Allow John Watts to purchase land for the minimum bid of \$16,366.85, in accordance with A158-2 (2) Disposal of Tax Acquired Property.	
Vote	

John Watts
6 Carwin Drive
York, ME 03909

October 19, 2022

Dear Town Council,

I am a direct abutter on two sides of the property located on Map/Lot 003-037-A-000, I also have an easement on the property with an unspecified width. I would like to purchase the property for the minimum bid of \$16,366.85.

I am asking the Town Council to consider my offer of the minimum bid amount of \$16,366.85.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read 'John Watts', followed by the date '10/19/22' written in a similar cursive style.

John Watts

Chapter A158

TAX-ACQUIRED PROPERTY

§ A158-1. Purpose.

§ A158-2. Disposal.

[HISTORY: Adopted by the Town Council of the Town of South Berwick 1-12-1987.¹ Amendments noted where applicable.]

§ A158-1. Purpose.

Since the Town of South Berwick occasionally forecloses on property for nonpayment of taxes, a fair and consistent manner of disposing of that property is necessary. It will be the policy of the Town of South Berwick to dispose of tax-acquired property with no intent of making a profit.

§ A158-2. Disposal. [Amended 11-9-1998]

- A. Former owner(s) regain ownership. The Town will make every reasonable effort to see that the last former owner(s) of the property has the opportunity to regain ownership of his/her property. The Town will first offer the tax-acquired property to the last former owner upon the condition that all back taxes, interest, lien costs and the current year taxes are paid in full. This will be done within 10 days after the foreclosure date by notifying the former owner(s) by certified mail. If there is no response within 30 days, the Town Council at its sole option may take any of the following actions:
- (1) Public sealed bids. The Town may offer the tax-acquired property to the general public on a sealed bid basis. Notification of bids shall be published in a newspaper of general circulation and shall be posted in some conspicuous place in Town at least seven days, but not more than 14 days prior to the bid deadline. Separate written notice shall be sent to the property abutter(s). The tax-acquired property shall be sold to the highest reasonable (minimum may be set by the Town Council before the bid) bidder.
 - (2) Sell to property abutters. The property may be offered to the property abutters at current assessed value at a ratio of 100%. If there is more than one abutter, selection will be made by lottery.
 - (3) Town ownership. The Town may choose not to dispose of tax-acquired property, but to retain the property for public use.
 - (4) The Town may choose to dispose of tax acquired property through a public auction. [Added 1-16-2008]
 - (5) The Town may choose to donate or sell tax-acquired property for up to or less than its current assessed value to a qualified conservation organization, as described in

1. Editor's Note: The Council reviewed and ratified this policy 12-8-2015.

Jennifer Janelle

From: James Mundy <jmundy@clarkandhowell.com>
Sent: Wednesday, October 19, 2022 3:58 PM
To: John Watts; Jennifer Janelle
Subject: RE: Abutter letter

John and Jennifer,

Just to summarize, I had a long conversation with Leo Burgoin and he told me I could represent to the Town on his behalf that he wasn't interested in buying the Town-owned lot.

James S. Mundy
Clark & Howell, LLC
16A Woodbridge Road
P O Box 545
York, Maine 03909
207-363-5208
jmundy@clarkandhowell.com

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-----Original Message-----

From: John Watts <johnwatts@maine.rr.com>
Sent: Wednesday, October 19, 2022 3:52 PM
To: James Mundy <jmundy@clarkandhowell.com>; jjanelle@sbmaine.us
Subject: Abutter letter

Hi James,

Can you please provide Jennifer with responses you received from the abutter sin regards to their interest in the lot.

Thank you,
John Watts
Sent from my iPhone

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 10/25/2022	NB #1
Agenda Item: TIF Fund expenditure request.	
Department Head Recommendation:	
Town Manager's Recommendation:	
Hire a full time Town Planner, and have the salary be funded from the TIF account, for a total of \$49,808-	
Requested Action:	
Make a motion for the Town Planner position to be funded out of the TIF account for the remainder of the fiscal year, for a cost of \$49,808.	
Vote	