

**South Berwick
Board of Assessors
January 10, 2023**

Chair Mallory Cook called the meeting to order at 6:30pm. Assessors present included John James, Jessica Cyr, Jeffrey Minihan, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also present.

Verna Sharpe, Assessing Agent, and Mark Zimmer, 72 Vine St property owner, were both in attendance.

1. Abatement #2023-8: Mr. Zimmer has requested abatement to his property value of \$241,500. The Town currently has it assessed at \$1,191,500.

Ms. Sharpe explained that she did visit the property on November 14, 2022 and conducted a full measure and list inspection. Some of our data was incorrect. And the property underwent significant renovations almost 20 years ago (only a few period details remain), but the Town's listing of the property was not corrected.

Ms. Sharpe also explained the assessing process and the use of comparable properties in determining values.

Ms. Sharpe recommended a value abatement of \$88,600. Equating to an annual decrease of tax of \$1288.24. The new value, if granted would be \$1,102,900.

Mr. Zimmer addressed the Board, stating that he had three goals;

- 1) Approve his request for abatement of value of \$241,500
- 2) Conduct a townwide revaluation
- 3) Update all tax card/file information

Mr. Zimmer stated that he was looking for fairness, and to be judged equally with his peers (meaning value of home). He added that the Town's records do not have enough info. Ms. Sharpe explained that what Mr. Zimmer had was screen shots from the website. And, no that information has much less detail than our actual files in the office.

Mr. Zimmer stated that it just needs to be made fair across the board.

On a motion by Mrs. Cook, seconded by Mr. Minihan, it was voted 3-2 (Mr. James and Mrs. Costella voted in opposition) to grant abatement #2023-8 in the value amount of \$88,600.

Mrs. Cook closed the meeting at 7:15pm.

Attest:

Barbara Bennett, CCM
Town Clerk

**South Berwick
Town Council Meeting
January 10, 2023**

Chair Mallory Cook called the meeting to order at 6:30pm. Councilors present included John James, Jeff Minihan, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance.

Approval of Minutes

1. Public Hearing 12-27-22: On a motion by Mrs. Costella, seconded by Mr. James, it was unanimously voted to adopt the minutes as written. Mr. Minihan abstained.
2. Public Hearing 12-27-22: On a motion by Mrs. Cook, seconded by Mrs. Costella, it was unanimously voted to adopt the minutes as written. Mr. Minihan abstained.
3. Town Council 12-27-22: On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to adopt the minutes as written. Mr. Minihan abstained.

Treasurer's Warrant

1. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to sign the warrant dated January 5, 2023 in the amount of \$970,627.48.

Reports & Presentations

Admin Assistant Dawn Moreau updated the Council on the roll out of our updated website. The style of the site and the information it contains will all be current. The new site is easier to navigate; in many cases only 2 clicks are needed to get where you are going. It is also designed to make it more user friendly for cellphones. Appropriate staff have been trained and charged with maintaining and updating the site.

Mr. Pellerin thanked Ms. Moreau for her efforts. It has been a 10-month long process and Dawn has spent a large amount of time making sure things went smoothly.

Public Comment

None.

New Business

1. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to appoint the following people to the Library Advisory Board: Perrin Chick till June 30, 2023, Eric Gonya till June 30, 2024, and Cara Maxfield-Fetterhoff till June 30, 2025.

2. Economic Development Director Denise Clavette discussed and requested the Council approve a Request for Proposals for a Market Analysis and Implementation Plan Matrix. She explained that the Analysis & Matrix will help guide our economic development plan. We will be able to use the data to better define and target the types of businesses we want in town. It can also help us with business and commercial development and address our housing and workforce issues. Expected cost could be as much as \$25,000; which would be very comprehensive.

On a motion by Mrs. Cook, seconded by Mr. Minihan, it was unanimously voted to authorize the Town Manager to send out a Request for Proposals for the Market Analysis & Action Plan Matrix, to be funded from the Punkintown TIF District.

Councilor Comments

1. Ms. Cyr:

-The Comp Plan Update Committee is working on arts & recreation. The next meeting will be on the 30th. They hope to schedule a public info meeting soon.

-Kudos to staff for the work on the website. Asked that we make an effort to notify those that had signed up for email notifications that they will have to sign up again on the new site.

2. Mr. Minihan:

-Impressed with the new website.

-Happy to know that we have a warming center in town. Mr. Pellerin stated that we do need to make some improvements on our notification process.

3. Mrs. Costella:

-Asked if the trash bags are available for sale in places other than South Berwick. If so, this could be why so many vehicles with NH plates are using our transfer station.

-Has been asked by a business owner about sanding/salting the sidewalk. Mr. Pellerin stated that the business owner is welcome to take care of the area in front of his store, but the Town is still liable and will do its normal sanding and plowing of the sidewalks.

4. Mr. James:

-Reminded everyone that dog licenses are due.

5. Mrs. Cook:

-Reminded everyone of the joint workshop with the Planning Board on Tuesday the 17th.

Town Manager's Report

-Highway: Finishing the tree removal after the Christmas storm. We have used 521 tons of salt so far this winter.

-Police: 3 arrests, 5 accidents, and 116 traffic stops. A drug dealer was arrested last week. Officer LaRose is resigning and taking a position in Old Orchard Beach. A new officer is in training at the Criminal Justice Academy. We received a donation of tactical helmets for every officer.

-Fire: Received 16 calls; 478 for 2022; and increase of 39% over the last 5 years.

-Code: Did not issue any building or plumbing permits. Conducted 11 inspections.

-Planning: Currently two projects: 406 Main St. and Samville Estates. Working on getting all board members trained.

-Library: Working on reorganizing space and need some shorter book shelves. Phasing out audio books. Several board members have stepped down and new members are being considered for appointment.

-Recreation: Several issues were brought to light at the recent inspection at Powderhouse. New programming for youths and adults has begun. Jim Leslie, refurbishes lighthouses, will be the guest speaker at an upcoming luncheon.

-Assessing: Still working on GIS online. Continue to review sales ratios. Tyanne has been training on more assessing duties.

-Town Clerk: November election work is done and everything balanced. Will be starting to interview for the open office position.

-Transfer Station: Had to turn away 4 trucks with NH plates this weekend. At this time, the supervisor feels that there are no good or safe spots for composting.

-Economic Development: Working on possible grants. Set up the Econ Development page on the Town's website.

-Finance/HR: No funds available for Vaughan Fund Grants this year. Working on budgets for FY 2024. Continue to work on employee evaluations. Working on quotes for the town hall boilers. There will be a Worker's Comp audit in February. The safety committee, headed by Ray Delcourt has begun meeting. There were no foreclosures this year.

-Admin: Continue working in the Traffic Ordinance. Will be meeting with EMA & Fire to review storm policies. Had quarterly update meeting with Berwick Academy. The RFP for town hall should be going out tomorrow. The traffic study should be done by month end. Met with the PWD foreman to discuss long term capital improvements. January 17th is the joint workshop with the Planning Board to review solar farms and cannabis ordinance language.

Adjournment

On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to adjourn the meeting at 8:32pm.

Attest:

Barbara Bennett, CCM

A / P WarrantSouth Berwick
2:13 PM

Bank: KENNEBUNK - Operating

01/17/2023
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	45977	68,193.27	01/06/23	43	0132 BUREAU OF MOTOR VEHICLES
P	45978	184.84	01/09/23	43	1176 TREASURER STATE OF MAINE
P	45979	152.60	01/09/23	43	1185 U.S. DEPARTMENT OF THE TREASURY
P	45980	12,513.36	01/13/23	43	0132 BUREAU OF MOTOR VEHICLES
R	45981	1,502.89	01/18/23	43	0891 2-Way Communications Services, Inc.
R	45982	164.95	01/18/23	43	0042 ADMIRAL FIRE & SAFETY
R	45983	1,990.00	01/18/23	43	1069 AFFORDABLE OFFICE SOLUTIONS
R	45984	33,962.72	01/18/23	43	0059 ANTHEM BLUE CROSS BLUE SHIELD
R	45985	576.00	01/18/23	43	0869 Arundel Ford
R	45986	2,506.50	01/18/23	43	0011 BERGERON PROTECTIVE CLOTHING LLC
R	45987	5,437.91	01/18/23	43	0182 CARD MEMBER SERVICE
R	45988	451.67	01/18/23	43	1158 CINTAS CORP
R	45989	62,916.53	01/18/23	43	0612 City of Sanford
R	45990	13.05	01/18/23	43	0140 CLEARY CLEANERS INC.
R	45991	140.00	01/18/23	43	0422 COLLINS SHEET METAL, INC.
R	45992	1,360.00	01/18/23	43	1206 COYOTE CLUB WILDERNESS EDUCATION
R	45993	99.99	01/18/23	43	0497 DELCOURT, RAY
R	45994	765.00	01/18/23	43	0448 DIRIGO SAFETY, LLC
R	45995	74.67	01/18/23	43	0156 DRAKE, NICOLE
R	45996	69.00	01/18/23	43	0638 Edison Press
R	45997	224.35	01/18/23	43	0108 ELIOT SMALL ENGINE REPAIR, INC.
R	45998	338.10	01/18/23	43	1077 FARONICS
R	45999	255.56	01/18/23	43	0230 FARWELLS AUTO SERVICE
R	46000	234.75	01/18/23	43	0164 FASTENER WAREHOUSE
R	46001	1,218.00	01/18/23	43	1088 FIRE SERVICE COMPLIANCY ASSOCIATES
R	46002	550.00	01/18/23	43	0030 GINO'S PLUMBING & HEATING
R	46003	22.71	01/18/23	43	0743 GORMAN, BRAD
R	46004	501.95	01/18/23	43	0052 HAMEL, NICHOLAS
R	46005	230.60	01/18/23	43	0867 HANNAFORD
R	46006	35.00	01/18/23	43	1072 Herc Rentals 187
R	46007	329.97	01/18/23	43	0168 HOME DEPOT CREDIT SVCS
R	46008	145.00	01/18/23	43	0209 HUSSEY SEPTIC
R	46009	205.00	01/18/23	43	1204 IDEAL CALIBRATIONS
R	46010	249.06	01/18/23	43	0251 LAWSON PRODUCTS
R	46011	100.00	01/18/23	43	1095 LEXISNEXIS RISK SOLUTIONS
R	46012	516.45	01/18/23	43	1131 LOCALiQ
R	46013	85.00	01/18/23	43	0139 MAINE MUNICIPAL ASSOCIATION
R	46014	305.00	01/18/23	43	0340 MAINE WILDLIFE PARK
R	46015	7,795.84	01/18/23	43	0455 MORTON SALT
R	46016	151.98	01/18/23	43	0284 NEPTUNE UNIFORMS & EQUIPMENT
R	46017	556.00	01/18/23	43	1160 NORWOOD, ASHLEY
R	46018	826.46	01/18/23	43	0944 O'REILLY FIRST CALL
R	46019	4,957.64	01/18/23	43	0088 P GAGNON & SONS INC
R	46020	15,554.00	01/18/23	43	0572 PINE TREE WASTE, INC
R	46021	380.00	01/18/23	43	1202 Pleasant Mountain
R	46022	269.98	01/18/23	43	0252 REDS SHOE BARN
R	46023	128.00	01/18/23	43	1133 REP ENTERPRISES GREENLAND
R	46024	600.00	01/18/23	43	1205 SIMS U SHARE

A / P Warrant

South Berwick
2:13 PM

Bank: KENNEBUNK - Operating

01/17/2023
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	46025	1,435.00	01/18/23	43	0195 SOUTHERN MAINE PLANNING & DEVELOPMENT, INC
R	46026	53.98	01/18/23	43	0936 STAPLES-LIBRARY ACCOUNT
R	46027	5,041.06	01/18/23	43	0095 STELLAR NETWORKS
R	46028	1,460.38	01/18/23	43	0397 SULLIVAN TIRE CO.
R	46029	184.84	01/18/23	43	1176 TREASURER STATE OF MAINE
R	46030	152.60	01/18/23	43	1185 U.S. DEPARTMENT OF THE TREASURY
R	46031	2,140.22	01/18/23	43	0462 ULINE
R	46032	678.40	01/18/23	43	0097 VERIZON WIRELESS
R	46033	632.93	01/18/23	43	1175 WELCH OIL, LLC
Total		241,620.76			

Count

Checks	57
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:

Melissa Costella _____ John James _____

Jeff Minihan _____ Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGER _____

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: January 24, 2023	Presentation #2
Agenda Item: Comprehensive Plan Update and Survey Results	
Staff Recommendation:	
SMPDC consultants will present a Comprehensive Plan Update, including the results of the South Berwick Community Survey. This is an opportunity for the Town Council to review the results, ask questions and provide general feedback to both the consultants and the Comprehensive Plan Committee. No action is needed.	
Town Manager's Recommendation:	
SMPDC consultants will present a Comprehensive Plan Update, including the results of the South Berwick Community Survey. This is an opportunity for the Town Council to review the results, ask questions and provide general feedback to both the consultants and the Comprehensive Plan Committee. No action is needed.	
Requested Action:	
No action is needed.	
Vote	

South Berwick Community Opinion Survey Results Summary / Comprehensive Plan

January 2023



Prepared by:

Southern Maine Planning and Development Commission

Prepared for:

South Berwick Comprehensive Plan Committee



Town of South Berwick

180 MAIN STREET
SOUTH BERWICK, MAINE 03908-1535
TEL. 207-384-3300
FAX: 207-384-3303

Key Takeaways

South Berwick residents are engaged and responsive.

- The committee received approximately 1,230 survey responses! This represents an excellent 16.5% of the town's total population (est. 7,460 as of 2020 Decennial Census).
- Slightly more than half of all surveys were completed online, with more than 500 hard copy surveys submitted.

South Berwick is concerned about traffic and congestion.

- 75% of respondents strongly agree that traffic congestion and safety is a serious issue facing South Berwick in the next 5 years.
- 65% of respondents include maintenance and upgrading of roads in their top 5 priorities for municipal spending.
- 85% believe improved town roads are important to have available in the future.

South Berwick values the historic village and small-town nature of the community.

- 78% say the "small town character" is why they enjoy living in South Berwick.
- About 70% of respondents think "keeping town as it is" is very desirable or somewhat desirable. Over 70% of respondents say a walkable village downtown is desirable as well.
- Single-family homes remain the most desirable residential form of development.

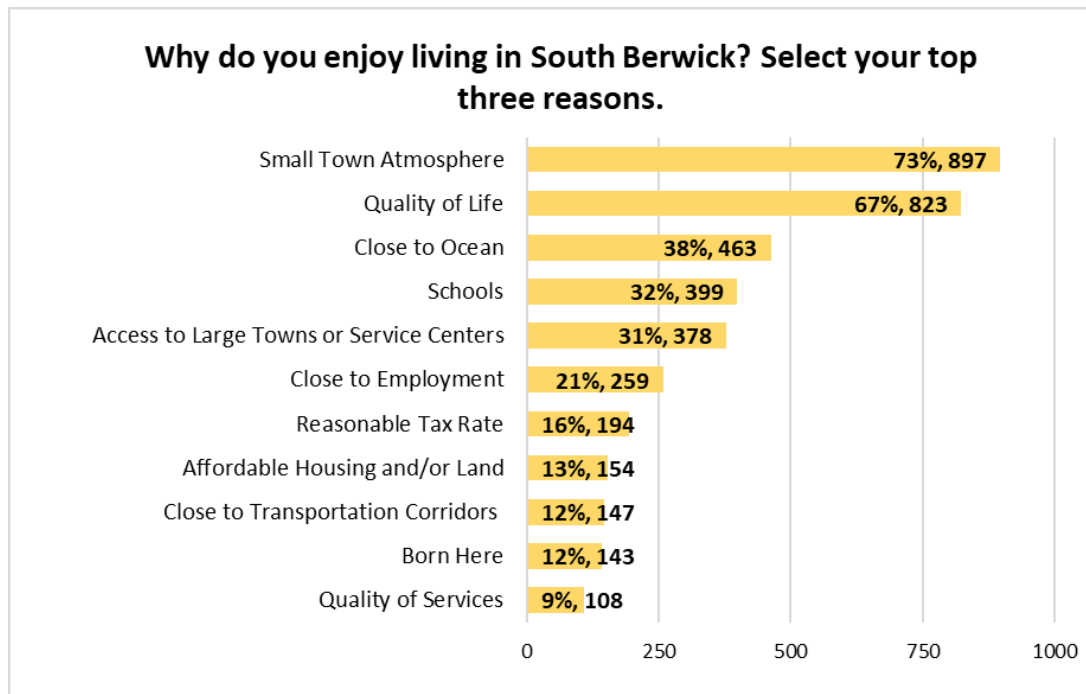
South Berwick values open space & natural resources.

- Over 75% say open space and wildlife areas are important to have available in the future.
- 69% say Maintaining Open Space is a serious challenge for the town in the next 5 years.
- More than 50% of respondents thought it was important to allocate local tax dollars to the preservation and creation of natural resources & recreation assets in every category.

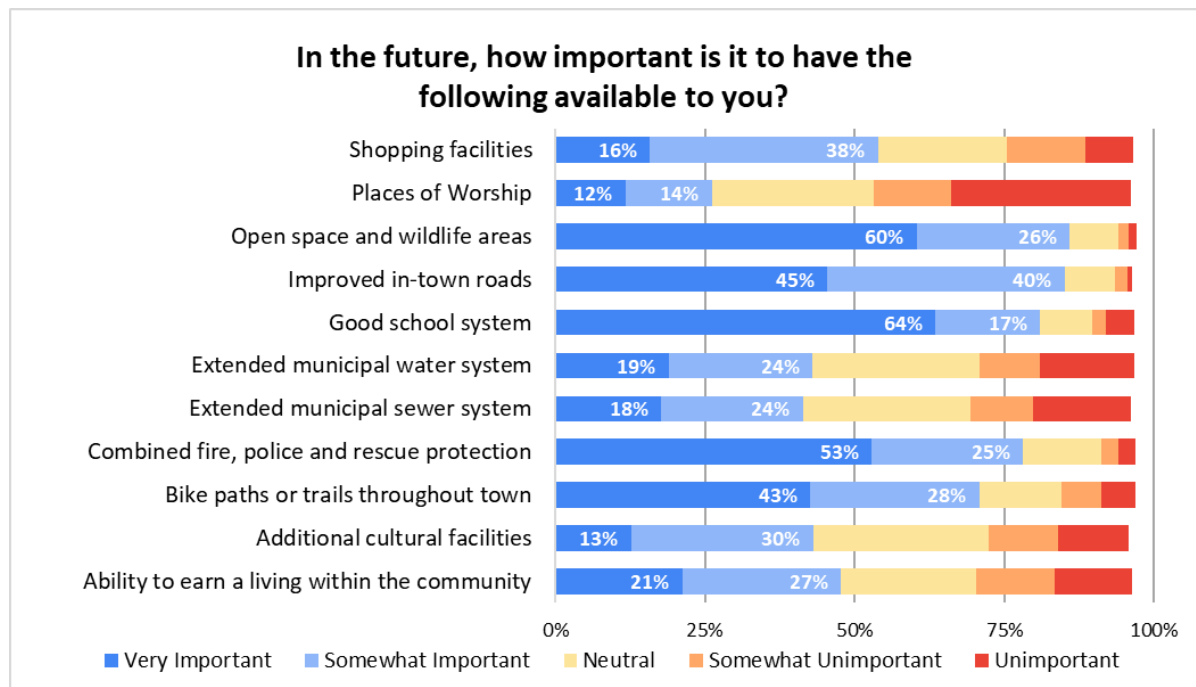
South Berwick supports reasonable development and growth.

- Over 75% of respondents believe maintaining rural character will be a serious challenge facing South Berwick in the next 5 years.
- 33% of respondents thought residential growth in the last 10 years has been too rapid. 20% thought commercial growth in the same period wasn't fast enough.
- Over 50% of respondents thought restaurants, retail stores, arts & cultural centers and essential serves were all desirable commercial development.

General Opinions



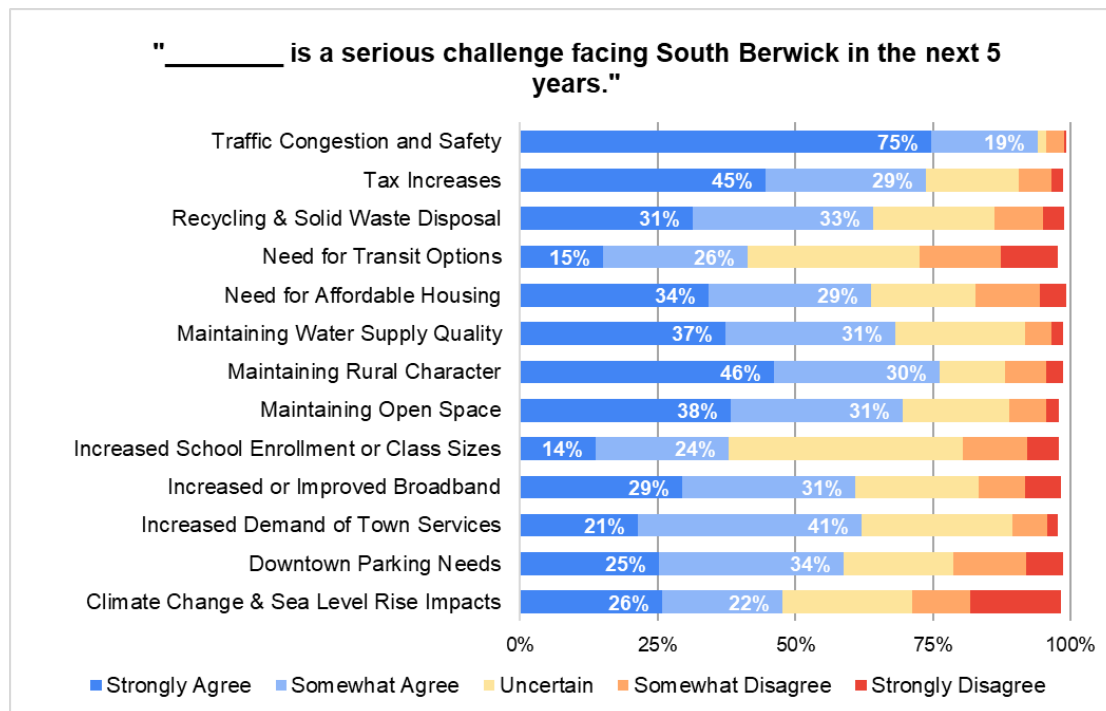
- The reasons respondents from the 2022 survey enjoy living in South Berwick is close to the same as it was in 2003, with the top 5 reasons ranking in the same order both years.



- In 2022, top items are **1) Open space and wildlife areas (86%) 2) Improved Town Roads (85%) 3) Good school system (81%) 4) Combined fire, police and rescue protection (81%) 5) Bike paths through town (71%)**

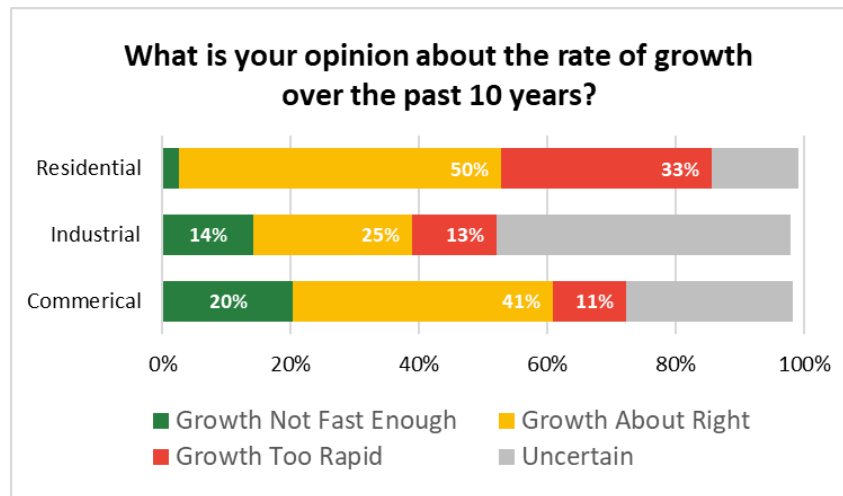
South Berwick Community Opinion Survey Results Summary January 2023

- In the 2003 survey, top items were **1) Good Fire Department** (78% VI) **2) Good Police department** (72% VI) **3) Good School system** (72% VI) **4) Open space and wildlife areas** (51% VI) and **5) Combined fire, police and rescue protection** (44% VI).
- **Improved In-Town Roads** ranked very important at 45%, representing a jump from 23% in 2003.



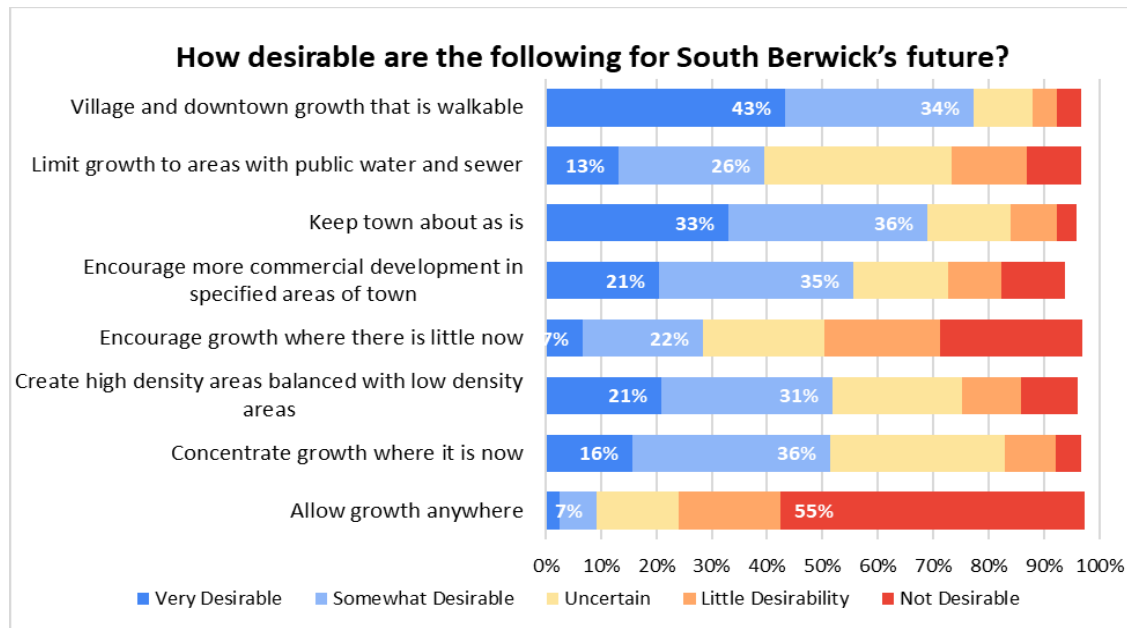
- Our 2022 survey shows that **Traffic Congestion and Safety** remains a serious challenge with 75% who strongly agree, and another 19% who somewhat agree. In 2003, 80% of respondents strongly agreed that **Traffic** is a serious challenge, with another 15% who somewhat agree. Clearly, concerns about this have not been swayed.
- In 2022, 45% of the respondents strongly agreed that **Tax Increases** were a serious challenge, representing a drop from 2003, where 60% of respondents strongly agreed that **Tax Increases** were a serious challenge.
- Concerns about **Maintaining Rural Character** remained the same, with 46% of respondents who strongly agreed in both 2022 and 2003 and 30% and 27% somewhat agreeing respectively.

Development & Growth



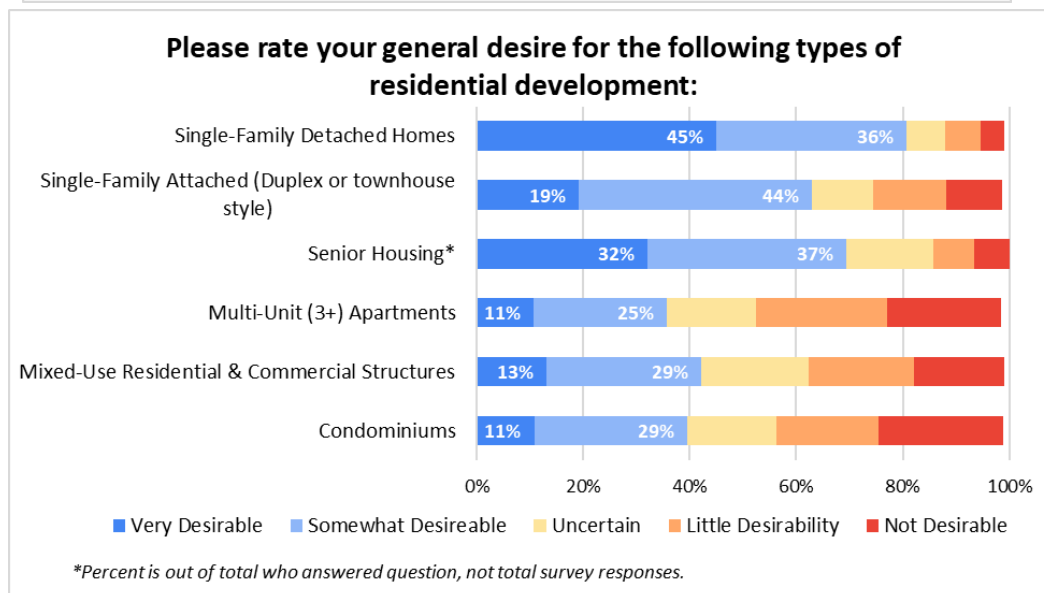
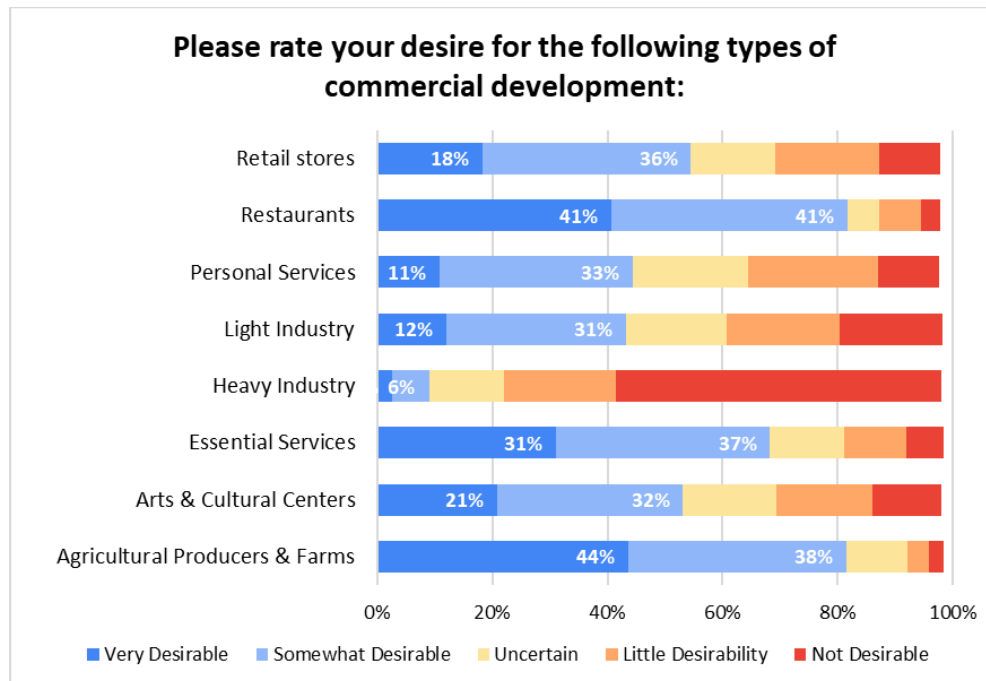
- In 2022, respondents said **residential growth was too rapid**, at 33%, represents a significant drop from 63% in 2003. That said, 50% in 2022 **said residential growth was about right**.
- Sentiments are similar for commercial growth in 2022, where 20% responded that **commercial growth was not fast enough** and 41% responded that **commercial growth was about right**.
- In 2022, the desire for industrial development has dropped by almost half from in 2003, where over 30% of respondents **thought that commercial and industrial growth was not fast enough**.
- Interestingly, 48% in 2022 responded **uncertain about industrial growth**.

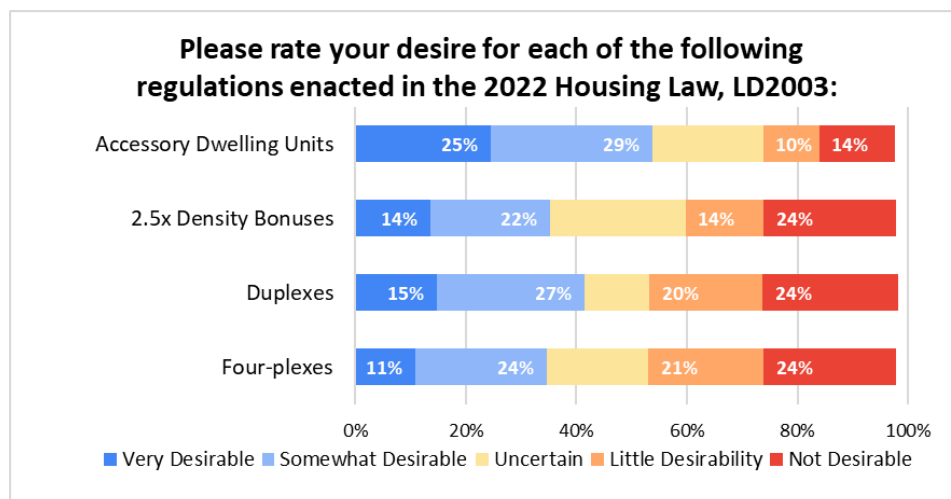
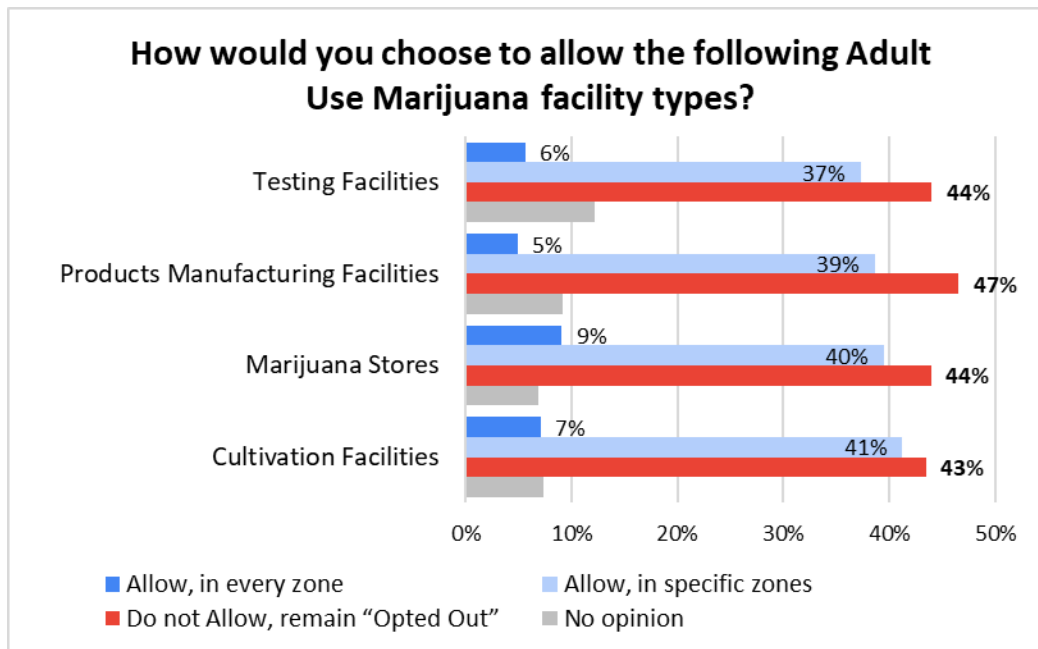
South Berwick Community Opinion Survey Results Summary January 2023



- The new survey options in the 2022 survey showed that respondents' areas of desirability for the community were **"village and downtown growth that is walkable"** at 77% and **"encourage more commercial growth in specified areas of town"** at 56%. Both were perceived as more desirable than most other options.
- Overall, sentiments about development patterns in 2022 are similar to 2003.
- **Keeping town about as it is** was most desirable in 2022 is at 33%, representing a slight decrease from 2003 at 40%.
- 13% in 2022, said **limiting growth to areas with public water and sewer** was very desirable, whereas 19% in 2003. In both years, about 25% saw it as somewhat desirable.
- **Encourage growth where there is little now**, and **allowing growth everywhere** were undesirable in both surveys.

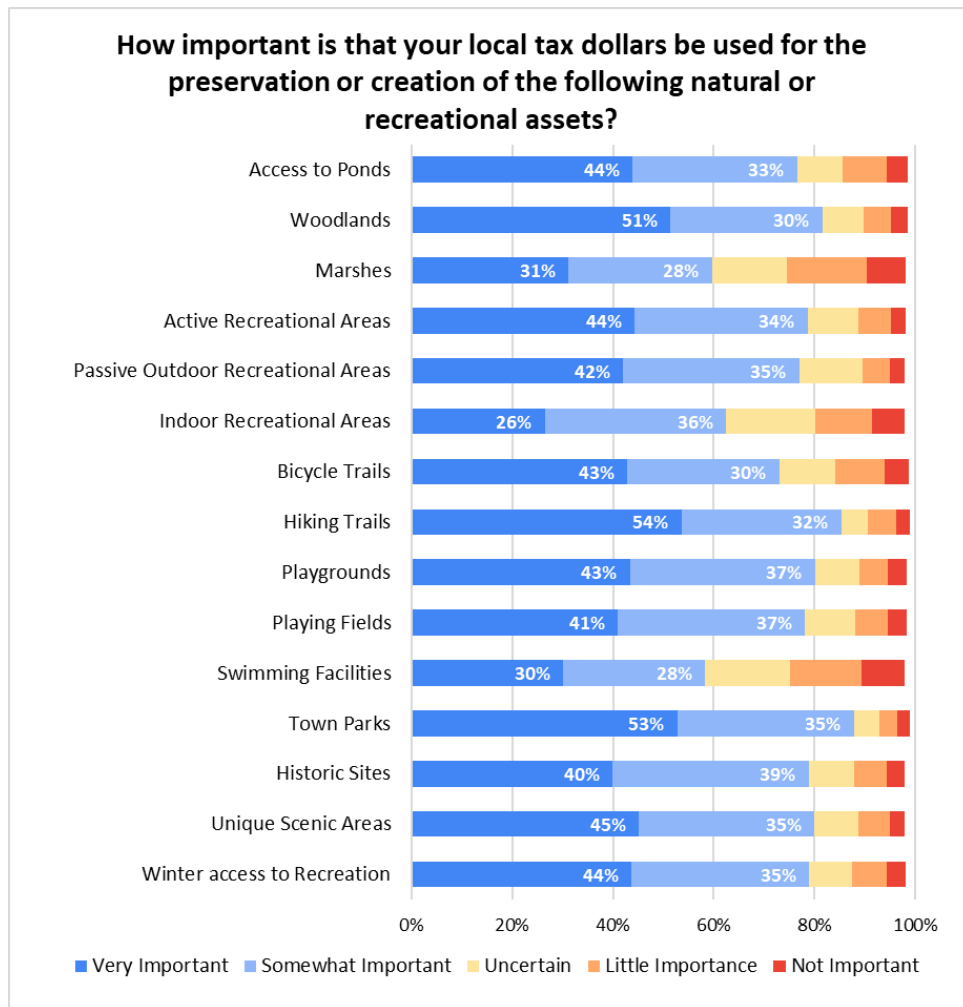
**South Berwick Community Opinion Survey
Results Summary January 2023**





South Berwick Community Opinion Survey Results Summary January 2023

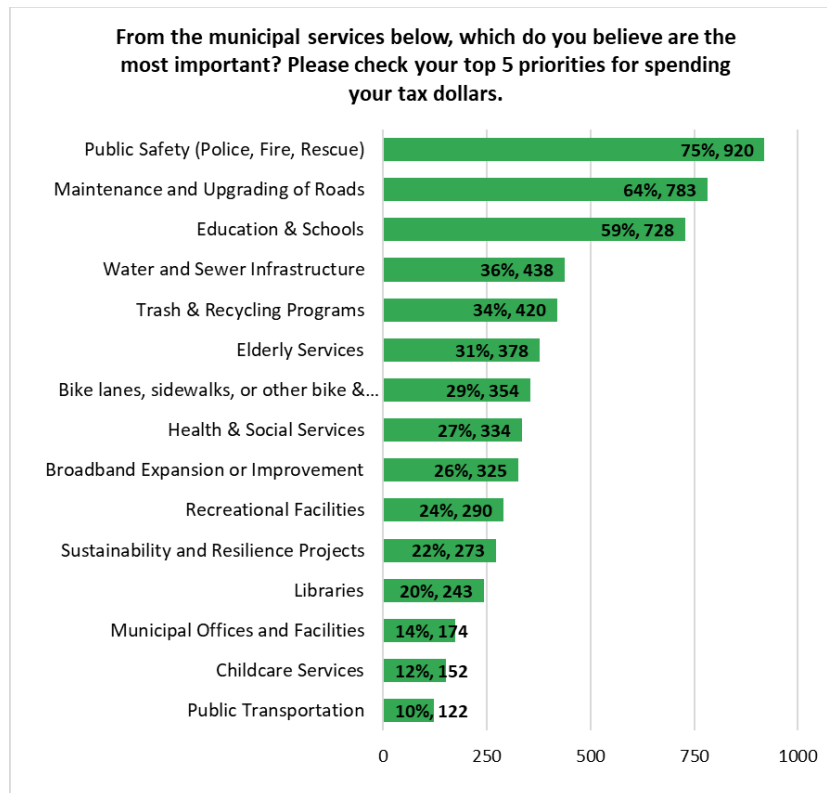
Town Services & Taxes



Natural or Recreational Asset	2003 % Very Important
Access to ponds	17%
Woodlands	31%
Marshes	16%
Active recreational areas	19%
Passive outdoor recreational areas	22%
Indoor recreational facilities	12%
Bicycle trails	21%
Hiking trails	22%
Playgrounds	23%
Playing fields	21%
Swimming facilities	15%
Town parks	29%
Historic sites	22%
Unique scenic areas	26%

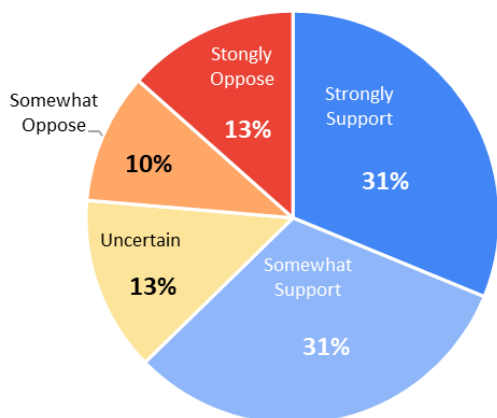
- 2022 respondents showed that the **importance of spending tax dollars on the preservation and creation of natural and recreational assets** has increased significantly across the board since 2003.
- For almost every asset, the number of respondents in 2022, who think **the preservation and/or creation of natural and recreational assets** is very important has almost doubled since 2003.

South Berwick Community Opinion Survey Results Summary January 2023

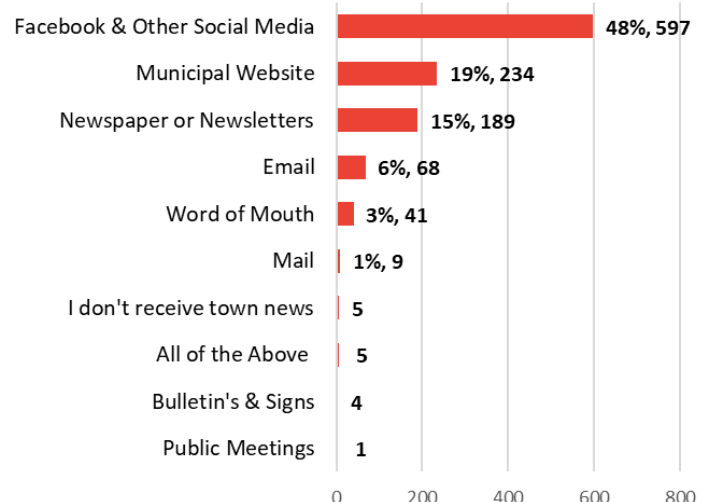


- Sentiments in 2022 are comparable to what respondents said in 2003, with **Public Safety and Maintenance and upgrading of roads** ranking highest in both surveys. **Schools** ranked third in 2022, whereas **Water and Sewer infrastructure** ranked higher than **Schools** in 2003.

Would you support the expenditure of Town funds, even if taxes go up, to acquire and protect more open space, either through the purchase of land and/or easements?

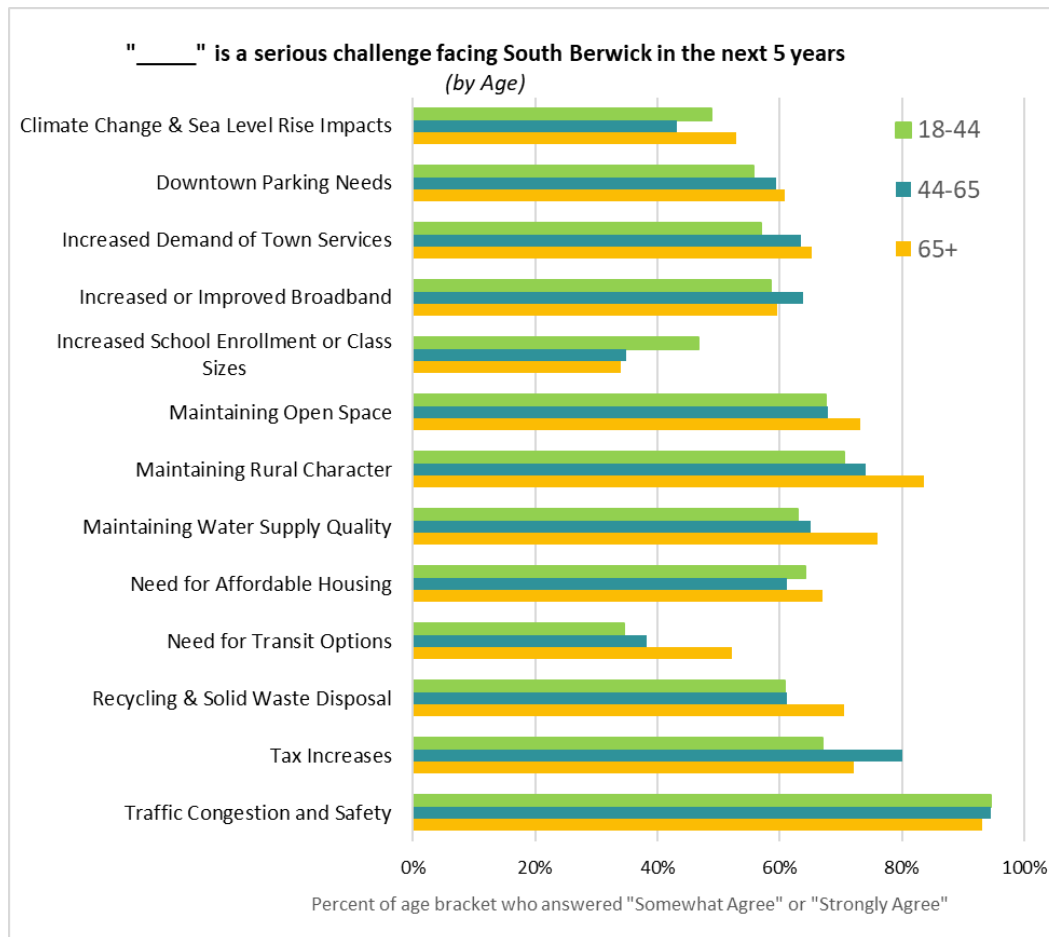


How do you hear news about town business, events, or happenings?



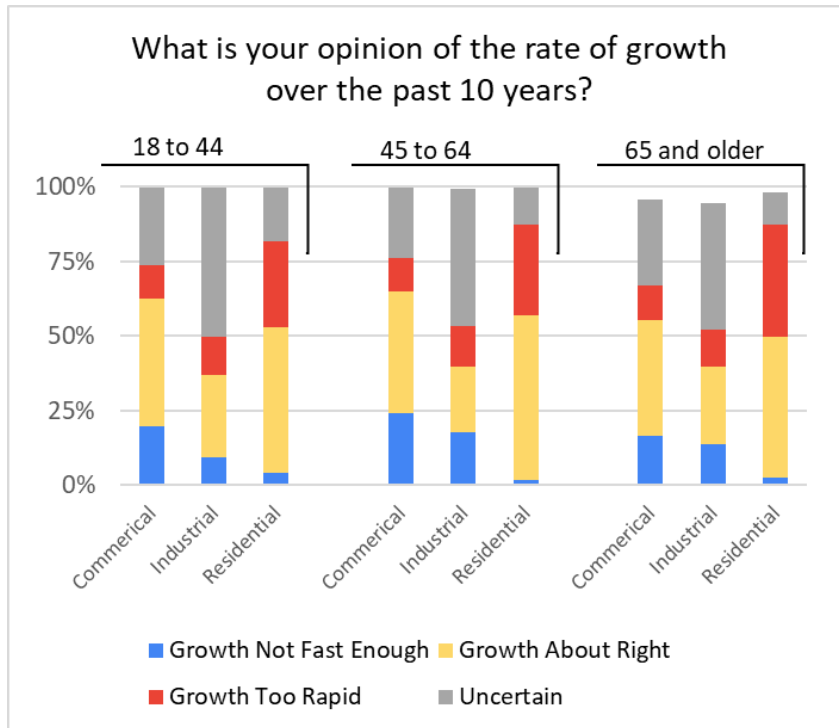
**South Berwick Community Opinion Survey
Results Summary January 2023**

Responses by Age

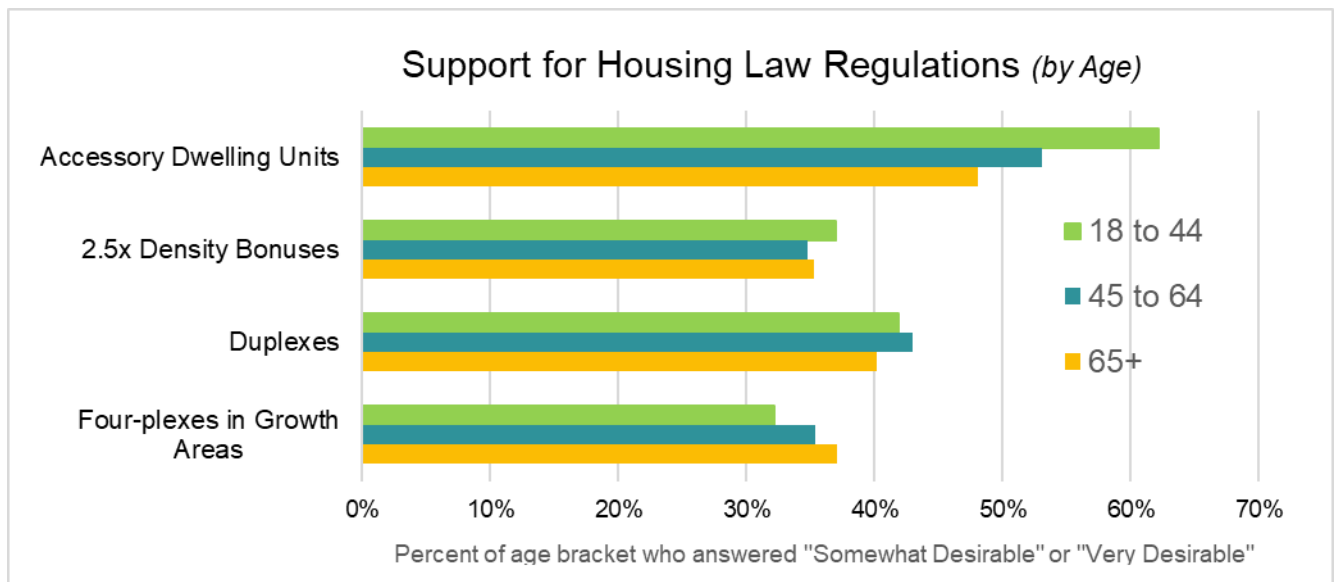


- Almost all respondents agree that ***Traffic Congestion and Safety*** is an issue, regardless of age.
- Respondents over 65 are more concerned about ***Maintaining Rural Character*** than other age groups.
- Respondents over 65 are more concerned about the ***Need for Transit Options*** than other age groups, pointing to the need for transit for other populations without access to vehicles or drivers.

**South Berwick Community Opinion Survey
Results Summary January 2023**

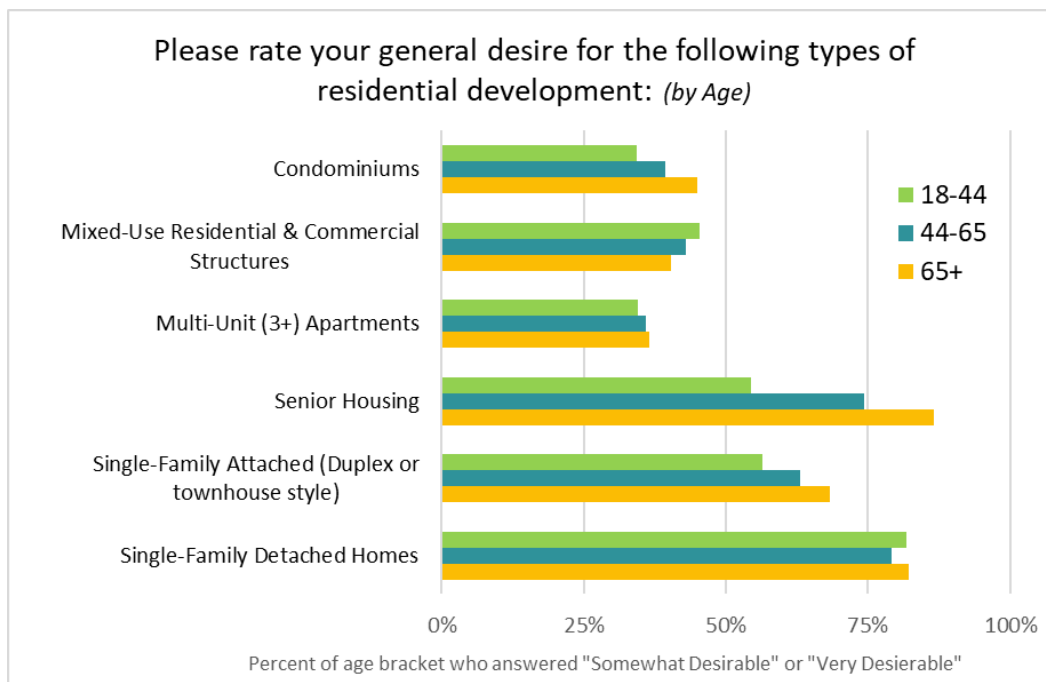
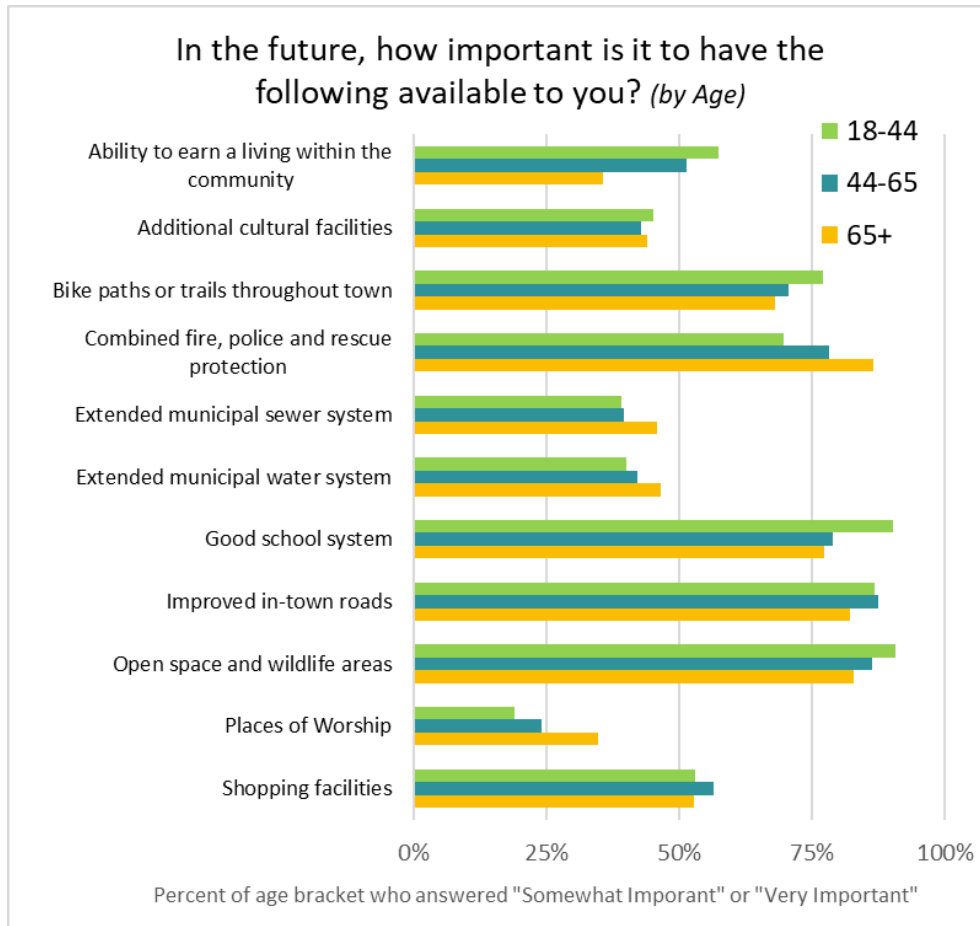


- Opinions about the rate of growth are similar across age groups. Those under 65 had a slightly stronger desire for more commercial development.

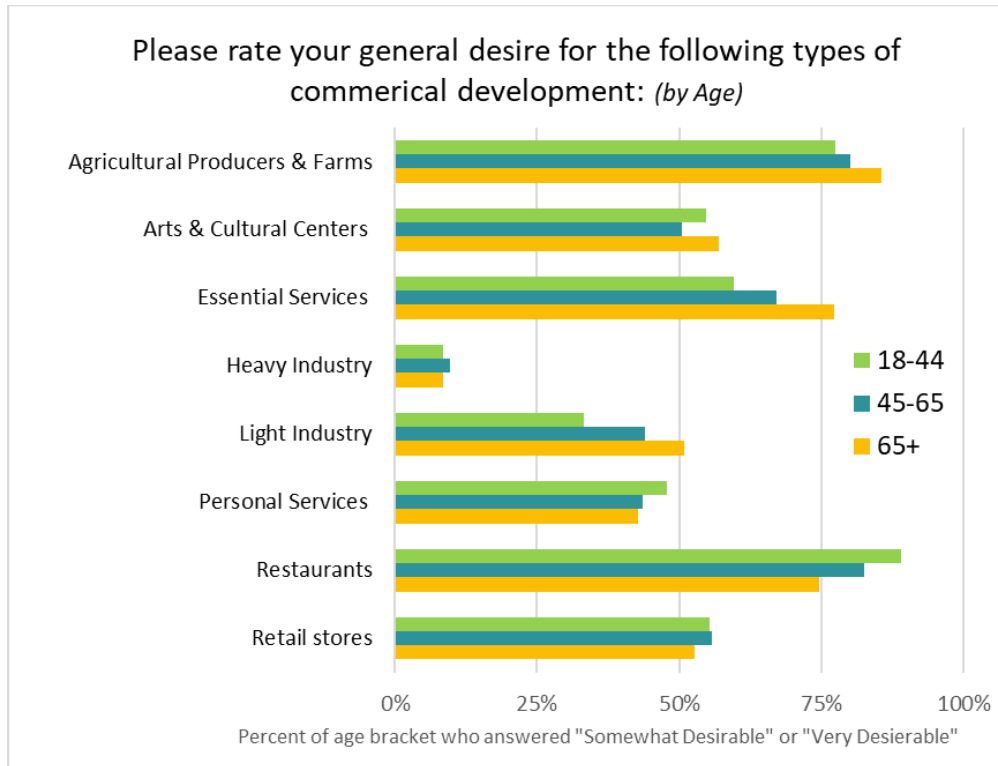


- Those ages 18-44 had the strongest desire for accessory dwelling units allowed throughout the community.
- Less than half of all respondents through the rest of the housing regulations were desirable, with little difference regardless of age group.
-

South Berwick Community Opinion Survey
Results Summary January 2023



South Berwick Community Opinion Survey
Results Summary January 2023

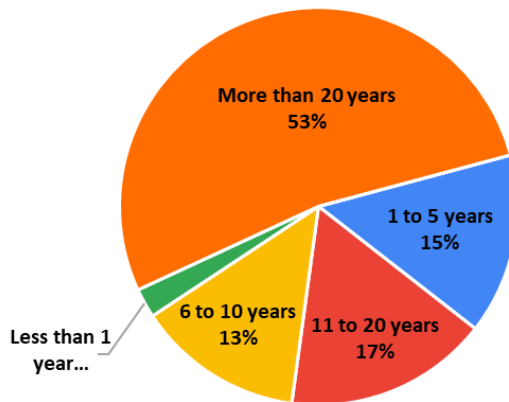


South Berwick Community Opinion Survey Results Summary January 2023

Demographics

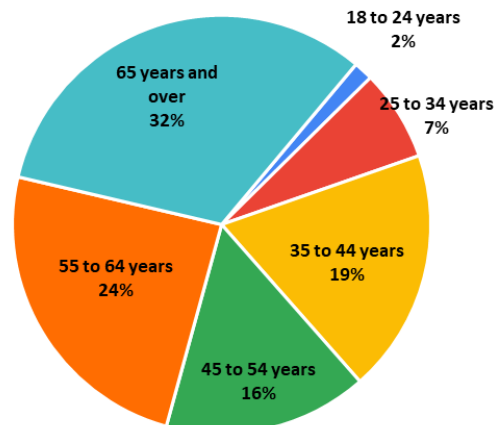
Residency Status	Count	Percent
Year-round resident (more than 6 months/year)	1170	95%
Seasonal resident (less than 6 months/year)	23	2%
Non-resident property owner	18	1%
Non-resident business owner	2	0%
No Answer	18	1%

How many years have you lived in South Berwick?



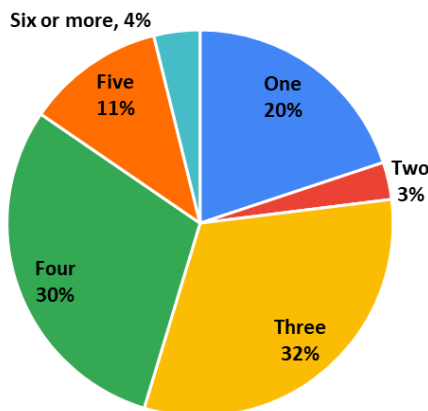
Percents are out of total answers, not total respondents.
2% of respondents did not answer.

What is your present age?



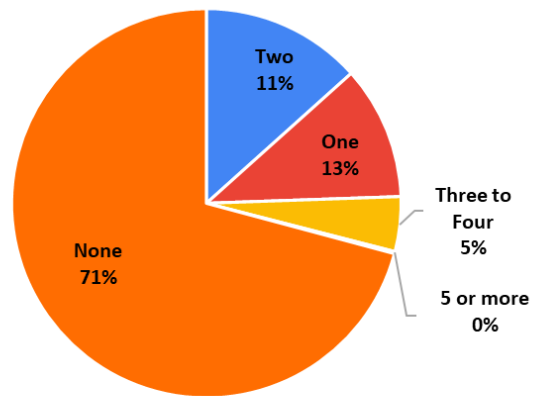
Percents are out of total answers, not total respondents.
2% of respondents did not answer.

How many people live in your household?



Percents are out of total answers, not total respondents.
45% of respondents did not answer.

How many children do you have in school (K-12)?

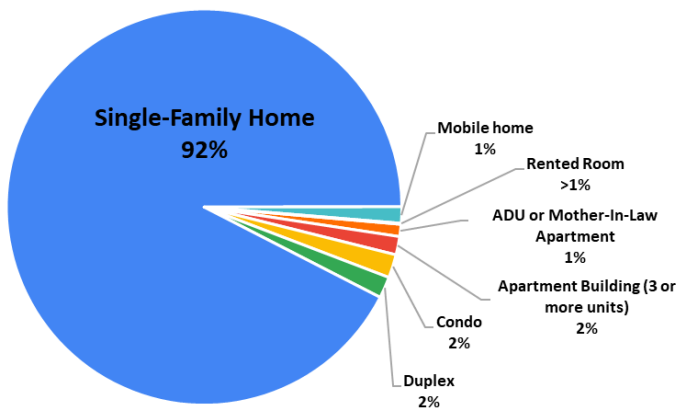


Percents are out of total answers, not total respondents.
7% of respondents did not answer.

South Berwick Community Opinion Survey Results Summary January 2023

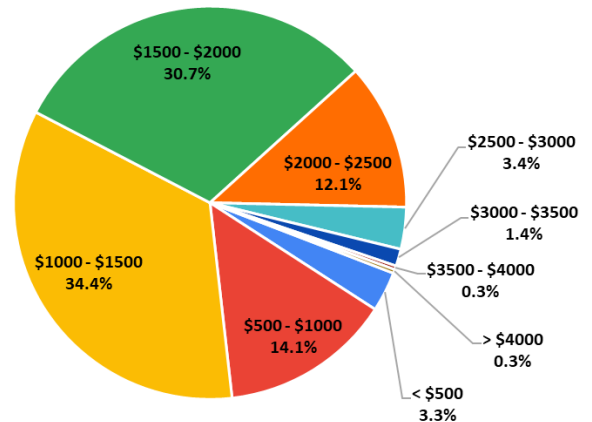
Do you own or rent your primary residence?		
Own	1160	94%
Rent	45	4%
No Answer	26	2%

What type of home do you live in?



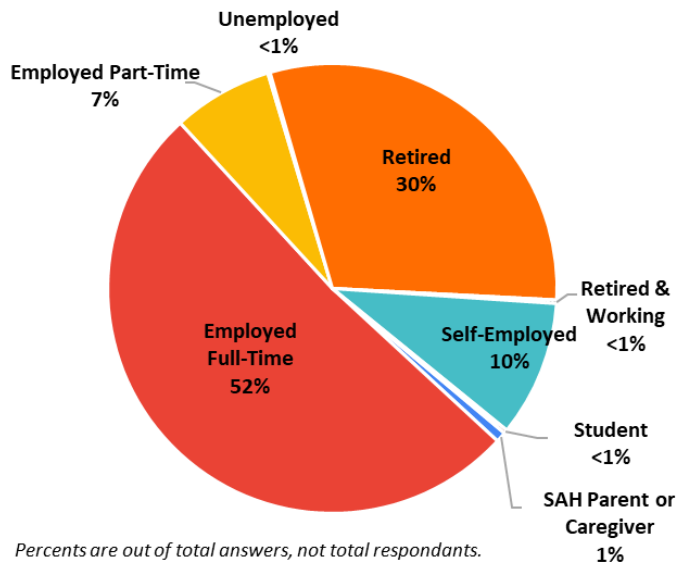
Percents are out of total answers, not total respondents.
2% of respondents did not answer.

How much is your monthly rent or mortgage?



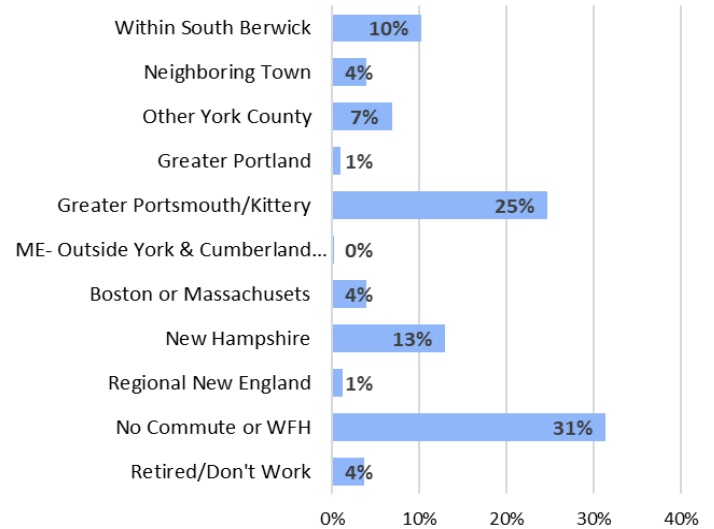
Percents are out of total answers, not total respondents.
48% of respondents did not answer.

Describe your employment status:



Percents are out of total answers, not total respondents.
3% of respondents did not answer.

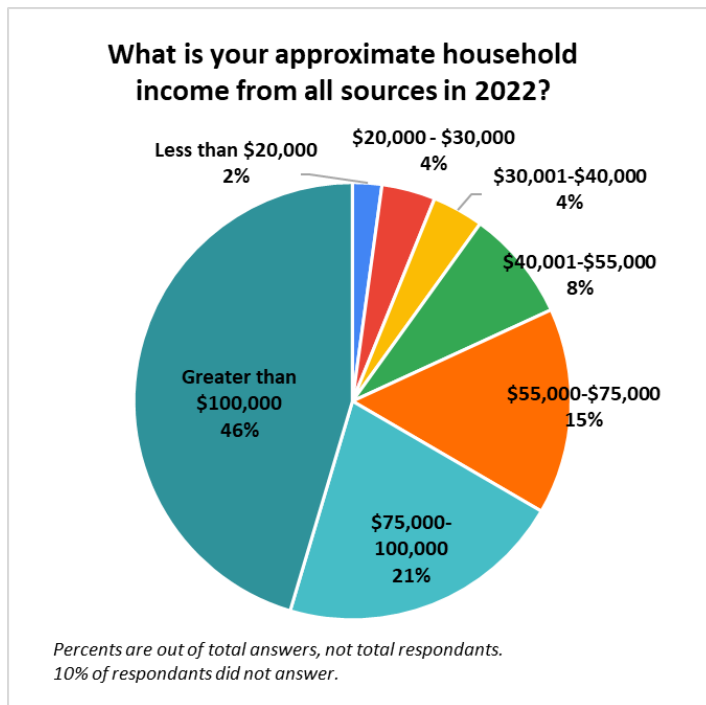
Describe your work commute:



Percents are out of total answers, not total respondents.
3% of respondents did not answer.

- **Describe your work commute:** Low number of “Retired/Don’t Work” responses compared to the employment status question is due to “Retired” not being an option in the work commute question. Some respondents entered “Retired” as an “Other” option, but many likely responded “No Commute/WFH” which was intended for working adults with no commute.

**South Berwick Community Opinion Survey
Results Summary January 2023**





Memo: January 18, 2023

To: Tim Pellerin, South Berwick Town Manager; Denise Clavette, Economic and Community Development Director; South Berwick Town Council

From: Paul Schumacher, Executive Director, Southern Maine Planning and Development Commission (SMPDC)

Re: South Berwick Comprehensive Plan Update

SMPDC is approaching the end of the first and second phases of the Comprehensive Plan update. I wanted to provide the Council with a quick update on where we are before we enter into some larger community outreach efforts in the early spring and then work on goals, policies and strategies to follow.

- First, it has been a great Committee to work with which is reflected in the fact we are on schedule and more than on budget. We greatly appreciate Council member participation and input at the meetings.
- We have two inventory sections to complete (Land Use and Fiscal Capacity) and then we should essentially be done with the inventory except for some editing and clean up.
- We had a budget of \$28,400 and have currently spent about \$18k. Between finishing the remainder of the inventory and conducting outreach (described below) we would likely be able to finish the plan with a small additional allotment which we envisioned when starting the plan. The entire cost for the plan seems to be actually less than we envisioned when we started. I am happy to discuss the details with Tim, Jennifer, Denise and the Council when you like, as I know you are in budget season.
- We anticipate holding a public informational meeting sometime in March. The Committee also discussed holding possibly four focus group sessions (one meeting each) on specific topics (such as Natural Resources/Conservation, Housing, Economic Development, etc) with knowledgeable folks from those topic areas and some of the public. We want keep those discussions targeted and timely.
- We foresee a plan completion date of late summer early fall if we can continue to work at our same pace.
- Finally, we have included the Survey Results which provide the Council and the public a snapshot of the community.

I would be happy to answer any questions you might have.

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: January 24, 2023	UB #1
Agenda Item: Zoning Ordinance amendment – Solar Farms	
Staff Recommendation:	
Town Manager's Recommendation:	
Requested Action:	
Vote to hold a public hearing on Tuesday, February 14, 2023, @ 6:30pm, @ the Police Station, to take action on the amendments to the Zoning Ordinance regarding solar farms.	
Vote	

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

§ 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 and separate solar farms: Solar Farms shall be situated on lots a minimum of twenty (20) acres, and separated by a minimum of five thousand feet (5,000') in all directions.
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')~~ one hundred feet (100') in the I2 Zoning District uncut / undisturbed vegetation, except for open farmland, 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

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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 management areas are prohibited within the required setback areas.

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. . 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. The evergreen planting should be a minimum of four feet (4’).

6. —

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

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preliminary application review.

- 4) "Wildlife Corridors": A six inch (6") gap under the security fencing is required and shall be maintained to allow wildlife to retain access through the site, ~~shall be provided. And maintained.~~
- 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.

- 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, in proximity to other solar facilities, if applicable.

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.

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

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

1)3) Stabilization and/or re-vegetation, by Maine Native Species and / or Northern New England Species, of the site as necessary to minimize erosion.

2)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.

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 install, 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.

g) Air Glare Protection^[P1]: 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.

h) Public Safety:

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.

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- 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, battery storage, equipment pads, etc. shall be illustrated on submitted plans. All equipment listed shall include equipment dimensions.
- 6) E-911 Addressing: Prior to the start of construction activities, the solar farm operator must obtain an addresses from the Town's E-911 officer (currently the Town's CEO) for the access road to the solar farm.
- 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~~ The site emergency contact will be made by this contact to shall respond to inquiries from the town within ~~three (3) business days~~ 24 hours.
- 8) Roadway Maintenance: The access road to the site shall be maintained unobstructed and passible ~~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.
- 9) Electrical Narrative: The Applicant shall provide a detailed narrative regarding the types, sizes, and locations off 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.
- i) Decommissioning and abandonment
 - 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

**Zoning Ordinance Amendment:
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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.

- 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. Applicant will be required to attend a site visit with the Code Enforcement Officer annually to inspect site and prove generation of power.
- 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.
- 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.

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.

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.~~

~~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.~~

~~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.

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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 obtained.

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.~~

Add to Table A:

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

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