



TOWN OF SOUTH BERWICK  
BOARD/COMMITTEE APPLICATION

Committee desired: Planning Board

PERSONAL INFORMATION

Name: Elizabeth (Betty) Ware

Date: 8/2/2023

Address: 2122 Witzhfrat Rd  
South Berwick, ME 03908

email: emacyware262  
@gmail.com

Telephone: (home) \_\_\_\_\_ (work) NA

(cell) 978 879-8159

BUSINESS/EDUCATIONAL BACKGROUND

(You may attach a resume if you prefer, please be specific)

Resume to be sent via email to  
Tim Pelletier & CEO

MUNICIPAL OFFICES HELD or PREVIOUS BOARD EXPERIENCE

(In South Berwick or elsewhere)

Board/Committee	Appointment Date	Term Expiration
<u>Newburyport</u>		
<u>Planning Board</u>	<u>1992 or 1993</u>	<u>1995</u>
<u>Traffic &amp; Parking Committee</u>	<u>1996 ish</u>	<u>10 years</u>

PLEASE LIST TWO OR THREE NEW IDEAS YOU WOULD LIKE THIS COMMITTEE TO CONSIDER.

- Comprehensive plan
- economic development - downtown & on 238
- historic property protection

PLEASE INDICATE ANY SPECIAL QUALIFICATIONS OR EXPERIENCE THAT YOU THINK MAY BE HELPFUL TO THIS COMMITTEE.

land planner for 40 years  
preservation planner - 30+ years

COMMITMENT LEVEL

Are you available to commit to this committee for a minimum of three years?

yes

Number of hours you are able to commit to this committee/board per week:

10

Elizabeth M Ware  
Applicant's signature



**South Berwick  
Town Council Meeting  
August 22, 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. Board of Assessors 08-08-23: On a motion by Mrs. Costella, seconded by Mr. Minihan, it was unanimously voted to adopt the minutes as written.
2. Town Council 08-08-23: On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to adopt the minutes as written.

**Treasurer's Warrant**

1. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to sign the warrant dated August 17, 2023, in the amount of \$5,054.72 for FY 22/23.

On a motion by Mrs. Cook, seconded by Mrs. Costella, it was unanimously voted to sign the warrant dated August 17, 2023, in the amount of \$278,285.25 for FY 23/24.

**Reports**

The Council reviewed the information from the Great Works Regional Land Trust regarding the Salmon Falls Tidal Water Project. The Trust has raised 80% of the amount needed to make the land purchase. The Trust hopes to extend the purchase & sale contracts and close in the summer of 2024 provided the National Coastal Wetlands Conservation Grant is awarded.

**Public Comment**

1. George Muller, Portland St, addressed the Council regarding the traffic on Portland St. He stated that speeding has always been an issue. He also stated that the noise from large trucks is annoying and disruptive. "Please do something."

**Unfinished Business**

1. The Council discussed the request to close Bittersweet Lane for a Saturday evening in September for a block party. 17 of the 22 homes on the road have responded that they are in favor of the closing.

On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to authorize the closure of Bittersweet Lane on September 9<sup>th</sup> from 3:00pm to 9:00pm for the neighborhood block party.

Mrs. Costella suggested that we consider a permit system for use of shared spaces. Unfortunately, we need to take safety and liability issues into consideration. Mr. Minihan agreed, adding that there is a difference between public use and private use. It was the consensus of the Council to authorize the Manager to draft a permit policy and design an event application form.

**New Business**

1. Denise Clavette, Economic Development Director, explained that the Downtown Façade Grant Program would reinvest 100% of the money back into the community. This is not a state program. This program is part of our TIF District requirements and is meant to help existing businesses make improvements to the exterior of their buildings. Applications are reviewed and scored by a committee. Mr. James volunteered to be the Council representative on the committee.

On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to authorize the establishment of a Downtown Façade Grant Program, and to allocate \$30,000 (from the Transit TIF) for FY 2024.

2. On a motion by Mr. James, seconded by Mr. Minihan, it was unanimously voted to approve the renewal of a liquor license and special amusement permit for The Link's Outlook Golf Club.

3. The Council acknowledged receipt of an application for the Planning Board from Elizabeth Ware. It was agreed to hold an executive session at the start of the next meeting to conduct an interview with Ms. Ware.

4. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to accept Nora Irvine's resignation from the Board of Assessment Review.

5. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to hold a public hearing on Tuesday, September 19, 2023, at 6:00pm to receive public comment on the recommendations for downtown traffic changes.

### **Town Manager's Report**

-Highway: Still cleaning up brush. Ditching is ongoing. Waiting for pavement to complete several roads. Working on the parking lot at the food pantry.

-Fire: Been busy with 17 calls. Shout out to the Deputy and Assistant Chiefs for their efforts during the Maine-lac Training at the red barn. Prepping for Fire Prevention week in October. Made note that the relief valve at the natural gas pipeline went off. Chief Hamel was surprised that with all the safety and monitoring devices; the relief valve is not monitored.

-Police: Made 3 Arrests, attended 5 accidents and made 58 traffic stops. One of the cruisers blew the engine; it's covered under the warranty. Continue to work short-staffed. The Department was awarded the FBI LEEDA Agency Award on the 17<sup>th</sup>. Will be holding oral boards with a potential new part-time officer. Working on a "Make a Wish" happen for a 10-year boy. -Code/Planning: Have issued 3 building permits, 1 plumbing permit and 1 new road, Cardinal Way. Have begun working on converting old addresses to the new E-911 system. The Planning Board passed the changes for LD2003 and will be forwarding its recommendations to the Council.

-Library: The 'make your own ice cream' social was well attended.

-Recreation: Senior trips have been successful. Have 240 sign-ups for fall soccer. Working on field prep. Working on after school programming. Have seen an increase in requests to use the rooms at the community center, creating some minor scheduling issues.

-Assessing: Starting to get calls about the tax bills. Have set up a reference binder on values. Working on map changes for GIS. Updated data will be online soon.

-Assessing: Starting to get calls about the tax bills. Have set up a reference binder on values. Working on map changes for GIS. Updated data will be online soon.

-Town Clerk: Have issued almost 1600 transfer station permits. Working on election related activities. Have issued 3 sets of nomination papers for council and 2 sets for school board. Continue to work on step-by-step instructions for new clerk.

-Transfer Station: Has been a little quieter; stickers are working. Still getting a lot of brush. Just got the new supply of bags.

-Economic Development: Working on a grant application for library laptops. We may be able to get funds through KACTS for the downtown traffic improvement conceptual plan. The inventory piece of the Comp Plan Update should be done mid-September. The goal is to complete the entire project and submit it to the state by January 2024.

-Finance: Tax bills have hit the mail. Preparing for the audit. Continue to work with FEMA on the Christmas storm.

-Administration: Provided the Council with the website Google analytics. Have held numerous meetings with staff and residents. The air handling system at town hall has been fixed. Met with Firefly Media; waiting on a quote for a video of town hall. Will be erecting a town staff picture wall in the main entrance. This should help visitors better identify staff.

Mr. Pellerin informed the Council that due to better investments, spending controls, and increased revenues, South Berwick is in the best financial position it has ever been. Past management practices here (and unfortunately, common in the state) were to ignore various issues and leave them to the next administration. Tasked with making improvements, numerous projects have been started and some completed, including significant strides in improved economic and community development such as more and updated TIF Districts, overdue repair work at several town facilities, and forward movement on traffic issues.



### **Councilor Comments**

1. Ms. Cyr:

- School starts August 30<sup>th</sup>.
- Need crossing guards for Central School.

2. Mrs. Costella:

- Asked if the Fire Dept. would be holding their boot drive on Labor Day. Haven't heard.
- Asked if Maggie, the traffic sign trailer, could be moved around more. Back roads are also experiencing high traffic and speeding.
- Asked if someone was insured, would they be able to reclaim the metal roof from the red barn before it is demolished. Mr. Pellerin will check on it.

3. Mr. James:

- Thanked the Manager and Assistant Manager for their work in generating informative reports.
- Made note that since we have had a new Police Chief and new Fire Chief our departments have been moving forward in the right direction. The new Chief's have been doing excellent work.

4. Mr. Minihan:

- Lantern Fest was a little soggy, but well attended. He appreciated the Fire Dept's participation, even though they had to attend 2 different calls.
- Made note that he doesn't get to interact with many of the town employees. He was able to spend some time with the highway crew; they were all friendly and welcoming.

5. Mrs. Cook:

- Reminded everyone that transfer station stickers will be enforced beginning September 1<sup>st</sup>.

### **Adjournment**

On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to adjourn the meeting at 7:42pm.

Attest:

Barbara Bennett, CCM



**A / P Warrant**South Berwick  
12:05 PM

Bank: KENNEBUNK - Operating

09/06/2023  
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	47052	24,830.86	08/18/23	15	0132 BUREAU OF MOTOR VEHICLES
P	47053	4,980.69	08/18/23	15	0905 POWERDMS, INC
P	47054	369.68	08/21/23	15	1176 TREASURER STATE OF MAINE
P	47055	469.71	08/23/23	15	0204 READY REFRESH
P	47056	28,414.99	08/25/23	15	0132 BUREAU OF MOTOR VEHICLES
P	47057	184.84	08/31/23	15	1176 TREASURER STATE OF MAINE
R	47058	3,774.11	09/06/23	15	0891 2-Way Communications Services, Inc.
R	47059	2,655.00	09/06/23	15	0478 AAA POLICE SUPPLY
R	47060	735.65	09/06/23	15	0042 ADMIRAL FIRE & SAFETY
R	47061	217.04	09/06/23	15	0787 ADVANTAGE TRUCK GROUP
R	47062	4,637.42	09/06/23	15	0002 ALLIED EQUIPMENT LLC
R	47063	40,313.00	09/06/23	15	0059 ANTHEM BLUE CROSS BLUE SHIELD
R	47064	58.77	09/06/23	15	0516 APPLIED INDUSTRIAL TECHNOLOGIES, INC.
R	47065	2,246.82	09/06/23	15	0771 ATLANTIC FUELS
R	47066	62.63	09/06/23	15	0054 BAKER & TAYLOR
R	47067	1,469.00	09/06/23	15	0011 BERGERON PROTECTIVE CLOTHING LLC
V	47068	0.00	09/06/23	15	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	47069	25,529.16	09/06/23	15	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	47070	906.78	09/06/23	15	0288 BROX INDUSTRIES
R	47071	9,794.00	09/06/23	15	1166 BSN SPORTS LLC
R	47072	250.00	09/06/23	15	0018 BURKE'S TREE SERVICE LLC
R	47073	621.75	09/06/23	15	0062 BUSINESS EQUIPMENT UNLIMITED
R	47074	544.29	09/06/23	15	0048 Capital One
R	47075	122.75	09/06/23	15	0399 CARDIO PARTNERS, INC.
R	47076	5,573.07	09/06/23	15	0183 CENTRAL MAINE POWER
R	47077	628.46	09/06/23	15	1158 CINTAS CORP
R	47078	75.00	09/06/23	15	1223 CLAVETTE, DENISE
R	47079	525.80	09/06/23	15	0142 COLONIAL LIFE & ACCIDENT INS.
R	47080	75.00	09/06/23	15	0687 Colony Used Auto Parts
R	47081	1,563.15	09/06/23	15	0391 CREATIVE DIGITAL IMAGING, INC.
R	47082	535.33	09/06/23	15	0021 CUMMINS NORTHEAST LLC
R	47083	411.00	09/06/23	15	0023 DEB & DUKE MONOGRAMMERS
R	47084	1,340.00	09/06/23	15	0107 DOUCETTE EXCAVATING
R	47085	85.41	09/06/23	15	0156 DRAKE, NICOLE
R	47086	6,515.00	09/06/23	15	1163 ELANCITY
R	47087	6,196.00	09/06/23	15	0069 ELIMINATOR INC
R	47088	54.92	09/06/23	15	0108 ELIOT SMALL ENGINE REPAIR, INC.
R	47089	200.00	09/06/23	15	0911 FADDEN CUSTOM PEST SERVICES LLC
R	47090	125.00	09/06/23	15	0164 FASTENER WAREHOUSE
R	47091	3,750.00	09/06/23	15	1280 FIREFLY MEDIA
R	47092	4,854.51	09/06/23	15	1194 FIREMATIC SUPPLY CO
R	47093	1,121.79	09/06/23	15	0056 FISHER AUTO PARTS, INC.
R	47094	557.00	09/06/23	15	0337 GENEST PRECAST
V	47095	0.00	09/06/23	15	1169 GREAT WORKS INTERNET-GWI
R	47096	3,389.45	09/06/23	15	1169 GREAT WORKS INTERNET-GWI
R	47097	382.43	09/06/23	15	1072 Herc Rentals 187
R	47098	282.02	09/06/23	15	0168 HOME DEPOT CREDIT SVCS
R	47099	92.02	09/06/23	15	0695 Howard P. Fairfield, LLC

South Berwick  
12:05 PM

## A / P Warrant

Bank: KENNEBUNK - Operating

09/06/2023  
Page 2

Type	Check	Amount	Date	Wrnt	Payee
R	47100	1,572.18	09/06/23	15	0117 HYGRADE BUSINESS GROUP
R	47101	589.59	09/06/23	15	1245 INGRAM LIBRARY SERVICES
R	47102	75.00	09/06/23	15	0699 JANELLE , JENNIFER
R	47103	540.99	09/06/23	15	0675 KEY FORD OF YORK
R	47104	721.00	09/06/23	15	1135 KNOX COMPANY
R	47105	13.94	09/06/23	15	1276 KULICKOWSKI, ERIC
R	47106	308.18	09/06/23	15	1275 LAKE GRAPHICS
R	47107	117.35	09/06/23	15	1279 LAVOIE, JEANNE
R	47108	45.00	09/06/23	15	0326 MAINE BUILDING OFFICIALS ASSOC
R	47109	4,131.01	09/06/23	15	0179 MAINE DEPARTMENT OF INLAND FISHERIES AND WILD LIFE
R	47110	413.25	09/06/23	15	0127 MAINE MUNICIPAL ASSOCIATION
R	47111	753,219.71	09/06/23	15	0129 MAINE SAD 35
R	47112	1,750.00	09/06/23	15	1277 MAINEIAC FIRE TRAINING
R	47113	275.96	09/06/23	15	0339 MATHESON TRI-GAS
R	47114	75.00	09/06/23	15	1187 MCCABE, JENI
R	47115	292.56	09/06/23	15	0084 MICK BODYWORKS INC
R	47116	1,831.96	09/06/23	15	0599 NEW ENGLAND BAILING WIRE
R	47117	456.48	09/06/23	15	0276 NORTH COAST SERVICES
R	47118	359.03	09/06/23	15	0255 NORTHEAST HYDRAULICS INC
R	47119	76.41	09/06/23	15	0044 OFFICE OF INFORMATION TECH A/P
R	47120	375.95	09/06/23	15	0158 OMNI SERVICES INC.
R	47121	33.67	09/06/23	15	0944 O'REILLY FIRST CALL
R	47122	2,107.39	09/06/23	15	0088 P GAGNON & SONS INC
R	47123	75.00	09/06/23	15	1071 PELLERIN, TIMOTHY
R	47124	179.05	09/06/23	15	0172 PERMA-LINE CORPORATION
R	47125	3,481.56	09/06/23	15	0089 PIKE INDUSTRIES INC
R	47126	241.14	09/06/23	15	0915 PINE STATE ELEVATOR COMPANY
R	47127	180.00	09/06/23	15	0219 PITNEY BOWES GLOBAL FINACIAL SERVICES
R	47128	7,285.95	09/06/23	15	1234 PORT CITY ARCHITECTURE
R	47129	75.00	09/06/23	15	0167 REDIMARKER, JAY
R	47130	1,066.88	09/06/23	15	1229 ROBERT HALF
R	47131	42.50	09/06/23	15	0483 SEACOAST PRINTING INC.
R	47132	8,919.56	09/06/23	15	0195 SOUTHERN MAINE PLANNING & DEVLOPMENT, INC
R	47133	122.30	09/06/23	15	0936 STAPLES-LIBRARY ACCOUNT
R	47134	4,594.70	09/06/23	15	0095 STELLAR NETWORKS
R	47135	15.00	09/06/23	15	0143 TREASURER OF STATE-CONCEALED FIREARMS
R	47136	33.00	09/06/23	15	0180 Treasurer, State of Maine
R	47137	697.01	09/06/23	15	0462 ULINE
R	47138	416,000.00	09/06/23	15	0366 US BANK CORPORATE TRUST BOSTON
R	47139	219,282.50	09/06/23	15	0344 US BANK ST. PAUL
R	47140	137.40	09/06/23	15	0097 VERIZON WIRELESS
R	47141	25,616.50	09/06/23	15	0568 WASTE ZERO
R	47142	1,081.98	09/06/23	15	0100 WEX BANK
R	47143	310.00	09/06/23	15	1274 WILSON, CRAIG
R	47144	8,470.00	09/06/23	15	0102 YORK AMBULANCE ASSN INC

12:05 PM

**A / P Warrant**  
Bank: KENNEBUNK - Operating

Type	Check	Amount
	<b>Total</b>	<b>1,658,809.94</b>

Date	Wrnt	Payee
------	------	-------

**Count**

Checks	91
Voids	2

Melissa Costella \_\_\_\_\_ John James \_\_\_\_\_

Jeff Minihan \_\_\_\_\_ Jessica Cyr \_\_\_\_\_

Mallory Cook \_\_\_\_\_

**APPROVED** \_\_\_\_\_  
**DATE** \_\_\_\_\_  
\_\_\_\_\_  
**TOWN MANAGER** \_\_\_\_\_



**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: 9/12/23</b>	<b>Reports</b>
<b>Agenda Item:</b> RFP for the Down Town Revitalization Plan	
<b>Informational:</b>	
We have received two quotes:  Wright Pierce \$29,970- IOV Community Planning & Consulting \$ 40,805.15	
<b>Town Manager's Recommendation:</b>	
We would like to set up a committee to award this project. Tim, Jen and Denise to sit on the committee as well as two community members, and we need two council members to be included in this one-time decision-making process.	
<b>Requested Action:</b>	
Two Council members needed to meet with us September 18th or 19 <sup>th</sup> for half an hour to award this project.	
<b>Vote</b>	

## TOWN COUNCIL

### *Agenda Information Sheet*

<b>Meeting Date: 9/12/23</b>	<b>Reports</b>
<b>Agenda Item: Traffic study Update</b>	
<b>Informational:</b> Informational Only	
<p>Denise and Jen had a meeting, Thursday, August 24<sup>th</sup> with MaineDOT staff (Dale Doughty and Steve Cole), SMPDC staff (Stephanie Carver). Great news on all fronts.</p> <ul style="list-style-type: none"><li>▪ Appears that we do not need the conceptual design phase study that was going to be funded in large part by KACTS. Rationale is that the Sebago Technics Report has been reviewed by MaineDOT and in its general form, has met the conceptual design component of South Berwick's traffic infrastructure / improvements. That said, there may be other modifications added, but for now, it doesn't need additional conceptual design modifications.</li><li>▪ After our conversation with Dale &amp; Steve, Dale stated that he would approach the Commissioner, to see if they could advance funding toward the preliminary design and construction of our project.</li><li>▪ If the Commissioner approves, this will advance the funding cycle from FY26 to FY24, so our project could begin design and construction documents, to give us cost estimates.</li><li>▪ The general estimate for a project / estimate / design could get upward of \$500,000 of which our town match would be 20% - so we would need to fund \$100,000.</li><li>▪ Doing it this way would ensure that the MaineDOT would be the project manager, overseeing the RFP, overseeing the design and construction document preparation phase, and estimates.</li></ul>	
<b>Town Manager's Recommendation:</b>	
<b>Requested Action: N/A      Informational Only</b>	



**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: 9/12/2023</b>	<b>UB #1</b>
<b>Agenda Item: Port City Final Report</b>	
<b>Informational:</b>	
<b>Town Manager's Recommendation:</b>	
To accept the Final Report from Port City	
<b>Requested Action:</b>	
To make a motion to accept the Final Report from Port City	
<b>Vote</b>	





# South Berwick Town Hall Evaluation and Recommendations



August 20, 2023

Report was prepared by Port City  
Architecture with their consultants:

- SwiftCurrent Electrical  
Engineering
- Mechanical System, INC
- Site Design Civil Engineers
- AlliedCook Construction

All rights reserved. Reuse or  
reproduction of the contents is not  
allowed without written permission.

## Content Page

• Introduction	3
○ Evaluation Team	
○ Report Objective	
• Programming Documents	4
• Cost Estimate Methodology	5
○ Construction Costs for a New Building	
○ Construction Costs of Existing Building	
• Schematic Plans	7
○ Existing Building	
▪ Exterior Shell Renovation Requirements of Existing Building	
▪ Preliminary Floor Plans of Existing Building	
▪ Cost Estimate for Entire Existing Building	
▪ Cost Estimate for Renovation of Exterior Shell and the Second & Third Floor of Existing Building	
○ New Building	
▪ Schematic Plan for New Building	
▪ Proposed 3D Rendering of New Building	
▪ Cost Estimate for New Building	
• Conclusion	14
• Appendix A – Programming Documents	
• Appendix B – Town Hall Inspection and Code Review	
• Appendix C – Letter to South Berwick about Windows and Precast Concrete	
• Appendix D – Schematic Renovation Floor Plans of Existing Building	
• Appendix E – Schematic Floor Plan of New Building	
• Appendix F – 3D Rendering of Free-Standing Building	

# Introduction

Port City Architecture and their consultants were commissioned by the Town of South Berwick to provide an assessment of the existing facility, space programming, and provide two conceptual design scenarios for a new building for future town hall, alongside corresponding cost estimates. The two options are the renovation of the existing building and a new building. Please refer to the report and supporting Appendices.

The Town Hall is located in downtown South Berwick in the converted Saint Michael's Parochial School which was built in 1926. It was first converted into the Town hall in 1975 and renovated again in the late 1990's.

## Evaluation Team

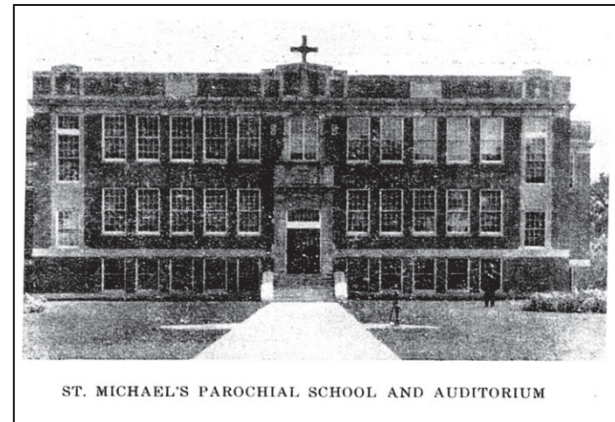
Over the last thirty years, Port City Architecture has provided over forty-five municipalities of all sizes in Maine. More recent projects include York Town Hall (under construction), Arundel Town Hall (completed), South Portland Town Hall Renovation (completed), Gardiner Study (on going), Eliot Town Hall Study (on going), Gorham Public Safety (completed), Yarmouth Public Safety (completed), Berwick Fire Station and Police Renovation, Augusta Police Station (under construction), and Sanford Town Hall Study (completed).

When evaluating the existing building, Port City Architecture worked with Mechanical Systems Inc, to review the mechanical and plumbing; SwiftCurrent Electrical Engineers to review the electrical systems; and Site Design Civil Engineers to review the site and related civil engineering. AlliedCook Construction reviewed and helped refine the cost estimates, notably for the existing building.

## Report Objective

As stated earlier, the purpose of this report is to assess the current building and explore alternatives for a new or renovated town hall. The methodology employed to ensure an unbiased and comprehensive evaluation of both options is explained below. However, it is crucial to acknowledge that the existing building poses safety risks to the public and staff, and it does not meet current requirements and codes. Addressing the issues highlighted in the assessment and our letter dated June 14, 2023, is of utmost importance to prevent any harm or injuries.

While we have strived to maintain objectivity in analyzing both options, we regret that we are unable to consider intangible factors, such as South Berwick's sentimental attachment to the



existing building and the desire to keep the town hall in the downtown district. These intangible aspects warrant further exploration by the town.

In simple terms, Port City Architecture cannot make decisions regarding which building South Berwick should choose. However, it is crucial for the townspeople to understand the dangers posed by the current building and address the issues promptly.

## Programming Documents

To facilitate the development of schematic plans for both the existing building and a new building, Port City Architecture meticulously created a comprehensive program that outlines the Town of South Berwick's present and future requirements for the next twenty-five years. This program was devised through extensive collaboration with each department and administrative leadership, taking into account their specific spatial needs.

The program encompasses all the essential spaces that a modern town hall necessitates, including offices, service counters, storage areas, and support spaces. To ensure accuracy and efficiency, we carefully analyzed South Berwick's department operations and current service delivery practices. Additionally, we evaluated the staffing space requirements based on both current and projected future staffing levels. Throughout this process, we utilized our vast database, comparing similar projects and current industry trends, to fine-tune the program's details.

In our discussions with the staff, we paid close attention to the dimensions of each office and explored the possibility of incorporating meeting spaces throughout the renovated or new building. This approach allowed us to eliminate the need for individual meeting spaces within each office, ultimately resulting in a reduction of the program size by approximately 800 square feet. Furthermore, we identified the need for modern-day amenities, including the integration of up-to-date technology, in the renovation of the new building.

As part of the new or renovated building, we stressed the importance of investing in proper shelving and furniture to optimize space utilization. For instance, by using movable shelving for the Clerk's vault and Land Use office's file storage, we can save an additional 1,200 square feet. While movable shelving has cost implications, the savings outweigh the expenses of additional square footage. Additionally, strategic placement and storage of meeting tables and chairs will contribute to a more flexible large conference room and Council Chamber. To accommodate this, we have included storage space next to the Council Chamber.

Based on the gathered information, Port City Architecture formulated a matrix outlining the required spaces for each department. This matrix was then compared to our extensive database on similar town hall projects, and necessary adjustments were made to meet the square foot requirements for a town hall. To account for circulation, mechanical spaces, walls, and similar aspects, a grossing factor was incorporated, resulting in the determination that the



South Berwick Town Hall requires a minimum of 11,600 square feet. Please note that this calculation does not include vertical calculations for multistory buildings, which may necessitate an increase in square footage.

For detailed information and the complete matrix, please refer to the attached **Appendix A – Programming Documents**. The program serves as the essential groundwork for the development of both the existing building's renovation plan and the design of a new town hall, ensuring that the Town of South Berwick's needs are met with efficiency and modern amenities.

Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	Sqft Renovated Building	Sqft New Building
Mechanical / Electrical / Sprinkler Room(s)	600	0	0	0	0	0	1	600	1	600	600		
Air Locks	60	0	0	0	0	0	2	120	2	120	120		
Elevator	90	0	0	0	0	0	0	0	0	0	0		
Elevator Machine Room	40	0	0	0	0	0	0	0	0	0	0		
Stairs per floor	120	0	0	0	0	0	0	0	0	0	0		
<b>Totals</b>		<b>27</b>	<b>2,870</b>	<b>9</b>	<b>2,426</b>	<b>8</b>	<b>1,000</b>	<b>16</b>	<b>2,650</b>	<b>60</b>	<b>5,940</b>	<b>0</b>	<b>0</b>
Circulation Factor of 30%											<b>2,664</b>		
<b>Grand Total</b>											<b>Program 11,630</b>		

## Cost Estimate Methodology

At this stage of the project, the proposed floor plans for both the existing building renovation and the new building are only at the schematic level, and thus, not detailed enough for a contractor to provide accurate cost estimates. To address this, we have developed a cost per square foot for each option, which is a common and practical approach at this early stage of design. By using this square foot cost, we can offer a preliminary cost estimate for each option.

Once the Town of South Berwick selects one of the options, the drawings will go through further refinement, and the cost estimates will become more detailed and accurate. However, it is essential to understand that this refinement process will be part of a future phase, and it will take several months to develop a full set of drawings that can be itemized for precise cost calculations. Nevertheless, we are confident that our extensive database of current construction prices adequately reflects the current square foot costs in the construction industry.

Both square foot cost estimates provided in this report are for a turnkey building, meaning the cost includes all the necessary elements for the town to occupy the building without additional expenses. The estimated square foot cost consists of two main components: Construction Costs and soft cost

By providing these preliminary cost estimates, we aim to offer the Town of South Berwick a broad understanding of the potential financial implications associated with each option. As the project progresses and more detailed drawings are developed, the cost estimates will become more accurate and refined, allowing for better-informed decisions during the next stages of design and construction. The Construction Cost consists of:

- The cost for a contractor to build / renovate a building
- Sitework



- Utility infrastructure
- other associated costs a contractor will incur during the construction process

Soft Costs consist of, but are not limited to the following:

- Surveying & Geotechnical
- Permitting
- Design fees for the architect & engineers
- Testing for Concrete, steel, etc.
- Furniture especially shelving
- Data / server, security systems, audio visual systems, and similar IT infrastructure

Both costs are based on the gross square footage of the building. While some areas like the renovation and repair of the existing exterior brick wall might carry a higher square foot cost and other like storage may carry a lower square foot cost, the estimate is based on an aggregate of the square foot cost to provide an average square foot cost for each type of building.

We have not factored in any grants or similar programs for either building because it is too early in the process to know what grants will be available in two to three years' time. In the past we have been able to utilize the following grants or other incentives for similar projects, but they are either not applicable or are negligible for this project. These incentives include:

- Tax exemptions: these grants are not applicable for either building because municipalities are tax exempt already.
- Efficiency Maine Grants: there might be a possible Efficiency Maine grant, but these can change every year and have only offer 1.2% return on similar renovated buildings. We deem 1.2% negligible at this preliminary stage of planning.
- There are Federal Infrastructure Grants, but these do not apply to town halls but to infrastructure projects like public safety buildings (i.e. police and fire) and road projects.

That said, it would be advantageous for the town to explore the availability of grants specifically aligned with the chosen option when the construction documents are being developed.

## Construction Costs for a New Building

Port City has constructed a database of project costs including both soft and construction costs. We consulted with AlliedCook Construction to develop the construction cost estimate to establish a baseline cost estimate for the new building. With each project we complete, we evaluate and adjust the estimated cost per square foot to make sure our numbers are current. For the square foot cost for the new Town Hall, we used our current amalgamated data with a focus on Rumford Fire Station and Arundel Town Hall square foot costs. Outlined below are two relevant data projects to demonstrate how we arrived at our estimate.

### Arundel Town Hall

Construction Cost	\$385 / sf
Soft cost	\$95 / sf
Total	\$480 / sf

This project was completed in 2020 and we have experienced hyperinflation in the past two years of approximately 15% for a total square foot cost of \$552 / sf. We rounded this to \$550 for our calculations.

#### Rumford Fire Station

Construction Cost	\$464 / sf
Soft cost	\$80 / sf
Total	\$544 / sf

This square foot cost is from final pricing from AlliedCook Construction in April 2023. In order to have a comparative price, we evaluated the square foot cost for wood framed portion of the building, which included the offices and living spaces of the fire station. We did not include the apparatus bay because it was a different construction type and has a much different mechanical system. We rounded this cost up to \$550/ sf to allow for inflation and the fact south Berwick is in Southern Maine.

### Construction Costs of Existing Building

Since every existing building and its needs are vastly different, we are not able to use our past data to determine a square foot cost for the renovation of the existing building. In order to establish a square foot cost for the existing building, we worked with AlliedCook Construction who toured the existing building, reviewed our report on the extensive renovations required, and the proposed new plans to help determine an estimated square foot cost.

Construction Cost	\$350 / sf
Soft cost	\$100 / sf
Total	\$450 / sf

## Schematic Plans

Port City was asked to provide schematic plans for two purposes: the renovation of the existing town hall and the design of a standalone building, the location of which has yet to be

determined. Both plans were based on the Programming documents. These plans meet current building codes including the following:

- Maine Energy Code
- International Building Code (IBC)
- National Fire Protection Association (NFPA)
- American Disability Act (ADA)

The new free-standing building meets the Maine Plumbing Code for the required number of bathrooms, but the renovation of the existing building does not currently meet this code. If this option is chosen, the Town will need to decide if they want to use some of the storage square footage for additional bathrooms or request a waiver for a reduced number of bathrooms.

## Existing Building

The current three-story building, spanning an area of 20,070 square feet, has an exterior that consists of a brick with precast concrete details, vinyl windows, a variety of door types, and an EMPM flat roof. The building has two stair towers and an elevator to provide vertical circulation as required by code.

The building is load-bearing masonry. The support for the floors above is primarily provided by the exterior brick walls, as well as two interior brick walls that form hallways on the first and second floors. There are no internal load bearing walls on the third floor. While openings can be punched through the interior bearing walls on the first and second floors, these interior bearing walls cannot be removed entirely without extensive reworking of the structure to provide support for the floors above. While removal of the bearing walls is possible, it will be quite costly, and the added expense is not included in the cost estimate. For this reason, an approximation 1,000 square footage of the existing building is being occupied by the large hallways and the bearing walls thus this square footage is not usable for programmable space.

There is a ground floor about 3'-6" below grade with an additional two floors above. In the existing building, the ground floor consists of mechanical space, a large meeting room, one bathroom, and the abandoned police station which is currently being used for storage. Since the police relocated, there is nobody to greet or monitor the entrances to the building. Currently, people can enter the first floor and proceed to wander freely through the building. The second floor houses the majority of the town administrative offices including the town manager, clerk and land use offices. There are limited support spaces which consist of two staff bathrooms and a small work area. The third floor consists of a large stage area, one office, storage, a kitchen, and public bathrooms.

As part of this study, Port City and their consultants evaluated the building. Our evaluation consisted of the following items:

- Exterior Façade & Shell

- Exterior Doors & Windows
- Site - Sidewalks & Parking Layout
- Layout & Security
- Wayfinding
- Fire, Health, & ADA Code Issues
- Mechanical, Electrical, and Plumbing
- Appearance & Finishes
- Furniture & Shelving

Please see **Appendix B – Town Hall Inspection and Code Review** for the complete information about the existing condition of the building. During our exploration, we have identified two crucial issues that require prompt attention. These concerns pertain to the existing windows and the precast concrete elements. Numerous areas in the building exhibit signs of deterioration in the vinyl windows and exterior precast concrete, indicating the need for remedial action to address these problems. It is imperative to address these issues without delay. Please see Port City’s letter of June 14, 2023, which is included in **Appendix C – Letter to South Berwick about Windows and Precast** for the full letter.

#### Exterior Shell Renovation Requirements of Existing Building

Before any interior renovations can occur, the exterior shell of the building and vertical circulation (i.e. stairs and elevator) will need to be renovated to meet current codes including Life Safety, ADA, and Maine Energy Code.

This would include but not limited to the following items:

- Existing brick and precast exterior.
  - As indicated in the report, the existing brick façade with the precast concrete requires extensive repairs and / or replacement.
- Replacing the doors and windows.
  - The existing doors are worn and do not meet current energy requirements so should be replaced.
  - As stated above the existing windows need to be replaced.
- Insulating the exterior walls.
  - The existing exterior walls have limited or no insulation. Insulation will need to be added to meet current energy codes.
- Repair / replace the elevator.
  - As stated in the report, the elevator leveler is failing, thus the elevator will need extensive repair. The repairs might be so extensive, it might be more cost effective to replace the elevator.
- Existing stairs.

- The current stairs do not meet code in multiple ways and the stairs will need to be upgraded to meet code. Code infraction improvements include:
  - Provide a handrail on both sides of the stairs.
  - Provide a guardrail that has tighter balusters and extend the guardrail to the required 42”.
  - Remove the electrical junction box from the stairwell.
  - Provide hold openers at the doors.
- Mechanical systems.
  - The existing mechanical systems do not meet current code requirements including air, the building has no central cooling system, and is currently being heated with a steam system. A efficient heating / cooling system should be installed.
- Existing site.
  - The existing parking lot is starting to fail, which indicates that the sub-base needs to be replaced.
  - The ADA parking spaces need to be updated to meet current code.
  - The entire parking lot needs to be restriped.

**See Appendix B – Town Hall Inspection and Code Review** for more descriptions of items that would need to be addressed. Once the exterior shell is brought up to existing code, interior renovations can occur.

#### Proposed Floor Plans of Existing Building

Working off the matrix for the number and size of spaces that are required for a town hall, Port City provided a schematic floor plan of the existing building. This plan was reviewed by the Town’s administration which approved the general concept. If the Town is to proceed with this renovation, the plan will need to be refined. This refinement would be handled at the next stage of design.

According to the programming documents, the renovated town hall will require 11,600 sf ft of programmable space. This does not include the square footage required for stairs and the elevator, which is an additional 400 sf per floor. To accommodate the program, the Town Hall will need to occupy two floors. It was discussed and determined that the Town Hall will occupy the second and third floors of the building. The general concept is as follows:

- [illegible]

- 
- The floor plan shows a complex layout of the second floor. At the top, there are several offices including the Planning Office (10), Academic Office (15), Client Office (3), and Data Center (100). Below these are more offices and a large common area (100). The bottom section of the plan features a large common area (100) and several labs, including the Lab for the Study of the Environment (100) and the Lab for the Study of the Environment (100). A legend in the bottom right corner identifies the color-coding: green for general office space, red for labs, and blue for common areas.

- [illegible]

### Cost Estimate for Renovation of Entire Existing Building

## South Berwick Town Hall Evaluation and Recommendations

Since the town offices would need to be relocated during construction, \$150,000 has been included. This estimate is based on what York is currently paying for their temporary space, but this could change on the differences in real estate market or inflation.

<b>Renovate Entire Existing Building in One Phase</b>	
Renovations estimate \$450 / sf	\$9,000,000
<ul style="list-style-type: none"> <li>Existing Building 6,690 sf per floor with 20,070 sf total</li> </ul>	
Construction Contingency 15% because Renovation	\$1,350,000
<ul style="list-style-type: none"> <li>A contingency is required for unforeseen exiting conditions</li> </ul>	
Cost to house Town Hall during Construction	\$150,000
<ul style="list-style-type: none"> <li>The existing office will need to temporarily relocate during construction</li> </ul>	
<b>Total Estimated Budget</b>	<b>\$10,500,000</b>

### Cost Estimate for Renovation of Exterior Shell and the Second & Third Floor of Existing

While we have provided a cost to renovate the entire building, based on the schematic plan, only the exterior shell and two floors of the existing building would need to be renovated to house all the spaces required for the Town Hall. While the entire exterior shell will need to be renovated, one floor would not be fully renovated, but would be assigned as future tenant space. A tenant is yet to be selected.

<b>Cost Estimate for Renovation of Exterior Shell and the Second &amp; Third Floor of Existing Building</b>	
(Exterior) Shell, Egress, & Required Infrastructure	\$3,450,000
<ul style="list-style-type: none"> <li>• Renovate the exterior shell, vertical access, &amp; the site</li> <li>• Project would be Turnkey</li> </ul>	
(Interior) Two Floors	\$4,600,000
<ul style="list-style-type: none"> <li>• Renovate the second &amp; third floor</li> </ul>	
Cost to House Town Hall During Construction	\$150,000
<ul style="list-style-type: none"> <li>• The existing office will need to temporarily relocate during construction</li> </ul>	
<b>Total Estimated Budget</b>	<b>\$8,200,000</b>
<ul style="list-style-type: none"> <li>• The lower level would remain a shell until fitout by a tenant</li> </ul>	

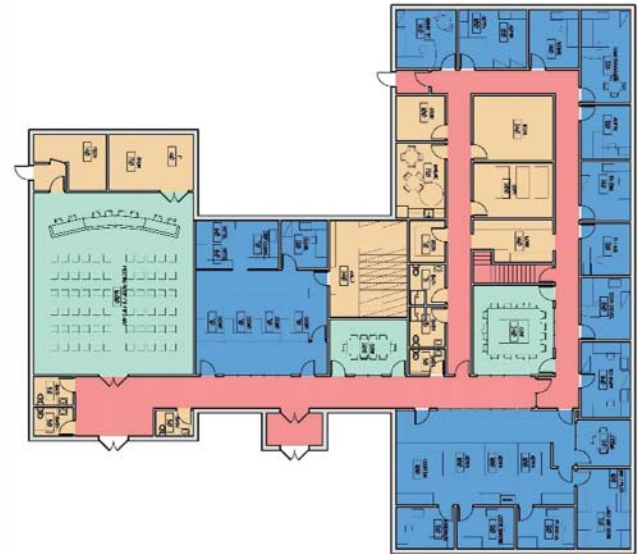


## New Building

As part of the report, Port City was asked to provide a proposed plan for a new building that is not site specific. At a later time, if the council determines a location for the building, the site can be adjusted to fit that location.

### Schematic Plan for New Building

Following the same approach as the plan for the existing building, Port City utilized a matrix to determine the necessary number and size of spaces for an efficient town hall. The proposed plan involves a one-story building design that eliminates the need for stairs or an elevator, while incorporating an attic space for additional storage. A schematic floor plan was provided, which underwent review and received general concept approval from the town's administration. Should the Town decide to proceed with this renovation, further refinement of the plan would be undertaken as part of the standard design process during the next stage.



The building is divided into two main sections: the Chamber Council and the town offices. The Clerk's office is strategically located near the front door, as it is the most active department and offers a clear view of the entrance, allowing for monitoring of people entering and exiting the building. The Land Use office, being the second most accessible department, is situated close to the public entrance as well. Each department can be closed off independently from the others, providing flexibility and privacy within the building.

**See Appendix E – Schematic Plans and 3D Rendering of Free-Standing Building** for the floor plans of the new building.

### Proposed 3D Rendering of New Building

Port City provided a preliminary 3D rendering of the schematic floor plan. See **Appendix E – Schematic Plans and 3D Rendering of Free-Standing Building** for additional images of the new building.



## Cost Estimate for New Building

<b>New Building on Town Owned Property</b>	
<ul style="list-style-type: none"><li>• Programmed ~11,600 sf</li><li>• New building estimate \$550 / sf</li><li>• Project would be Turnkey</li></ul>	
<b>Estimated Cost</b>	<b>\$6,400,000</b>

# Conclusion

Both the renovation of the existing building and the construction of a new building are viable options for consideration. Although opting for a new building may prove to be more cost-effective, it would entail moving away from the central downtown area. The town will need to assess whether the additional cost is justifiable and aligns with their priorities. It is essential for South Berwick to foster collaboration and build a consensus to determine the most suitable solution that meets their specific needs.

<b>Estimated Costs</b>	
<b>Renovate Entire Existing Building</b>	<b>\$10,500,000</b>
<ul style="list-style-type: none"> <li>Renovate the entire existing building of 20,070 sf &amp; existing site</li> <li>Project would be turnkey</li> </ul>	
<b>Renovate Portion of Existing Building</b>	<b>\$8,200,000</b>
<ul style="list-style-type: none"> <li>Shell, Egress, Site, &amp; Required Infrastructure, and Two Floors Fitout</li> <li>First floor would need to be fitout by a tenant</li> <li>Project would be turnkey</li> </ul>	
<b>New Facility</b>	<b>\$6,400,000</b>
<ul style="list-style-type: none"> <li>11,600 sq ft building &amp; site work</li> <li>Project would be turnkey</li> </ul>	

Page Left Intentionally Blank



# Appendix A

## Programming Documents



Page Intentionally Left Blank

# South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

August 3, 2023



Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	Sqft Renovated Building	Sqft New Building	Notes:
<b>Town Manager Administration</b>														
Town Manager Office	200	1	200		0		0	0	0	1	200			An office for the town manager with room for (2) files, (1) desk w/ meeting space on one side
Assistant Town Man. / HR Office	160	1	160		0		0	0	0	1	160			An office for the Assistant Town Manager with (3) lateral files & (1) desk w/ meeting space on one side
Finance Director	140	1	140		0		0	0	0	1	140			An office for the Finance Director. FUTURE
Future Office	140	1	140		0		0	0	0	1	140			A future office to be determined. FUTURE
Admin Desks	100	3	300		0		0	0	0	3	300			A desk for the Town Manager Assistant & Finance Assistant & HR Assistant. The Finance & HR Assistant's offices can be combined and need room for a small copier / printer and (5) filing cabinets.
GIS / IT Manager Office	120	1	120		0		0	0	0	1	120			An office for the GIS / IT Manager. FUTURE
Storage - Town Manager	40	1	40		0		0	0	0	1	40			Any storage needed in the department is stored within offices.
Vault - Town Manager			0		0		0	0	0	0	0			None is needed.
Remote Vault			0		0		0	0	0	0	0			Secure storage within a fire rated vault.
Remote Storage	120	1	120		0	0	0	0	0	1	120			Remote storage for the department would not be needed except for space in the vault listed below.
<b>Land Use</b>														
Code Enforcement Officer Office	120	1	120		0		0	0	0	1	120			An office for the Code Enforcer. Needs to have a table for plans and a desk.
Code Enforcement Admin with Counter	100	1	100		0		0	0	0	1	100			A desk / counter for the Admin for Code Enforcement. Should be combined with other admin & counter and next to the record storage.
Planner Office	120	1	120		0		0	0	0	1	120			An office for the Planning Director. Needs to have a table for plans and a desk.
Planning Admin Desk	100	1	100		0		0	0	0	1	100			A desk close to the counter. Should be combined with other admin & counter and next to the record storage.
Assessor Office	120	1	120		0		0	0	0	1	120			An office for the Assessor. Needs to have a table for plans and a desk.
Assessor Admin Desk	100	1	100		0		0	0	0	1	100			A desk close to the counter. Could be combined with the Code Enforcement admin / counter area.
Counter	100	1	100		0		0	0	0	1	100			A counter for staff to serve the public. Should have storage underneath including room for code books.
Waiting	120			1	120		0	0	0	1	120			Waiting area with a computer for public use in front of the counter.

# South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

August 3, 2023



Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	Sqft Renovated Building	Sqft New Building	Notes:
Storage - Code & Planning	200		0		0	1	200			0	1	200		(17) Five drawer filing cabinets, rolled plan storage, and (4) flat files - would like to look at medical storage because more compact & a shelf for rolled up plan storage.
Remote Storage - Code & Planning	120		0		0	1	120			0	1	120		Space for rolled plans, banker boxes, (2) flat files that can be stacked on each other.
Remote Storage - Accessor	120		0		0	1	120			0	1	120		Currently have records that are required to be stored for numerous years before they can be destroyed. These are not accessed often but need to be kept.
Vault - Remote	20		0		0	1	20			0	1	20		Storage for old zoning ordinances.
<b>Town Clerk</b>														
Town Clerk Office	120	1	120		0		0			0	1	120		An office for the Town Clerk with good view of the public when they enter & easy access to the service counter.
Deputy Town Clerk Office	80	1	80		0		0			0	1	80		A desk for the Deputy Town Clerk behind the counter area.
Clerk Counter	70	4	280		0		0			0	4	280		Need (4) counter with windows (2 for staff, (1) Deputy Clerk, and (1) Clerk - (1) is future). There also needs to be counter space behind the desks for various things everybody uses when helping the public at the counter. SF includes space for waiting & space for forms.
Admin Hotelling desk	60	2	120		0		0			0	2	120		A remote small desk for the Clerk Admin to be able to conduct work that is not at the counter.
Storage	80		0		0	1	80			0	1	80		Storage within the department or close by.
Remote Storage										0	0	0		None needed.
Remote Storage - Election Equipment	120					1	120			0	1	120		Storage space for election equipment when not in use.
Vault - Within Depart	300		0		0	1	300			0	1	300		Records need to be close so staff can access them when a member of the public requests them. There should also be space for storing money, state stickers, and similar at night. This assumes movable shelving units in the space.
<b>Economic Development</b>														
Economic Development Director Office	150	1	150		0		0			0	1	150		An office for the Economic Developer with a room to meet with people on the other side of the desk and some storage.
Economic Development Staff & Intern Office	140	1	140		0		0			0	1	140		A desk for the Staff including a desk for an intern. FUTURE
Storage	40		0		0	1	40			0	1	40		Storage within the department or close by.



# South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

August 3, 2023



Room Desc	Room Area (Sf)	Admin # of Rooms	Admin Area (Sf)	Pub # of Rooms	Pub Area (Sf)	Storage # of Rooms	Storage Area (Sf)	Supp # of Rooms	Support Area (Sf)	Total # of Rooms	Total Area (Sf)	SqFt Renovated Building	SqFt New Building	Notes:
<b>Council Chamber</b>														
Council Chamber	1,700				1	1,700					1,700			Chamber Council room with a dais for (8) people and 70 viewing. The dais should be movable so that it could be stored and the room used for elections or similar.
Chamber IT Closet	36				1	36					36			A dedicated IT closet that would have limited access for the IT infrastructure and storage of any electrical equipment used in the Chamber.
Chamber Storage	170				1	170					170			Room for storage for chairs, tables, and dais to make the Chamber more flexible.
<b>Conference Room</b>														
Large Conference Room (20 People)	400		0			0		0	1	400	1			The conference rooms should be available for all and located throughout the building and accessible to all.
Medium Conference Room (8 People)	200		0			0		0	1	200	1			
Small Conference Room (4 People)	140		0			0		0	1	140	1			
Break Room	200		0			0		0	1	200	1			A dedicated space for staff to store their lunches and to eat. The current breakroom is also a conference room so typically, people are unable to access their lunches. Include: dishwasher, sink, microwave, coffee maker, fridge.
<b>General Support</b>														
Lobby	200		0	1	200			0		0	1			A lobby should be strategically placed to accommodate overflow for both the Clerk's Office and Land Use Office.
Work Room	140		0			0		0	1	140	1			A copy room with copier, counter for assembling packets, storage, etc.
Copy / Plotter Room	100		0			0		0	1	100	1			A room to house the plotter, large format scanner, and supplies. Should be near Code Enforcement.
Public Bathrooms	50		0					0		0	4			A quick code review indicates that a total of 6 toilets, 1 urinal, & (4) sinks will be required.
Staff Bathroom with Shower	75		0			0		0	2	150	2			Staff bathrooms with shower so staff can bike or walk to work.
Staff Gym	300		0			0		0	1	300	1			A space within the building for exercising near the staff bathrooms.
Supply Closet	40		0			0		0	1	40	1			A closet for office supplies which is within Copy / Supply.
Paper Good Storage	60		0			0		0	1	60	1			A closet for paper supplies which is within Copy / Supply.
Server Room	60		0			0		0	1	60	1			A room to house the server and phone system.

# South Berwick Preliminary Programming Sheet

Department: Town Offices

SPACE PROGRAM

August 3, 2023



Room Desc	Room Area (SF)	Admin # of Rooms	Admin Area (SF)	Pub # of Rooms	Pub Area (SF)	Storage # of Rooms	Storage Area (SF)	Supp # of Rooms	Support Area (SF)	Total # of Rooms	Total Area (SF)	SqFt Renovated Building	SqFt New Building	Notes:
Janitor Room	140		0		0		0	1	140	1	140			A janitor space with a desk to order and maintain items, a work bench, and a janitor sink.
Mechanical / Electrical / Sprinkler Room(s)	600		0		0		0	1	600	1	600			There will need to be mechanical, electrical, and sprinkler space within the building. This could be located within one room or in several.
Air Locks	60		0		0		0	2	120	2	120			It is assumed that there will be two entries (one facing the street and one facing the parking lot. Each of these entrances will need an airlock.
Elevator	90		0		0		0	0	0	0	0			If this is a two story building, it will need an elevator & stairs.
Elevator Machine Room	40		0		0		0	0	0	0	0			If this is a two story building, it will need an elevator & stairs.
Stairs per floor	120		0		0		0	0	0	0	0			If this is a two story building, it will need an elevator & stairs.
<b>Totals</b>		<b>27</b>	<b>2,870</b>	<b>9</b>	<b>2,426</b>	<b>8</b>	<b>1,000</b>	<b>16</b>	<b>2,650</b>	<b>60</b>	<b>8,946</b>	<b>0</b>	<b>0</b>	
Circulation Factor of 30%												<b>2,684</b>		
<b>Grand Total</b>												<b>Program: 11,630</b>		

Existing Building is 6,690 sf per Floor for a total of 20,070 sf

## Notes:

Currently, there is no separation of public and office space. A separation should be established with Clerks and Land Use if possible.

Need town charging station for ERV in the parking. Discuss whether or not to have public charging station.

# Appendix B

## Town Hall Inspection and Code review



Page Intentionally Left Blank

## Introduction:

Port City Architecture and their consultants have been commissioned to provide a facility assessment for the existing South Berwick Town Hall building including physical condition; structural integrity; mechanical, electrical, and plumbing system; site conditions; overall appearance; overall function; and code compliance. As part of our inspection, we highlighted any workplace safety issues, potential hazard, and building functionality pertaining to a modern-day town hall administration that incorporates current technology and practices.



When evaluating the existing building, Port City Architecture worked with Mechanical Systems Inc, to review the mechanical and plumbing; SwiftCurrent Electrical Engineers to review the electrical systems; and Site Design Civil Engineers to review the site and related civil engineering. AlliedCook Construction reviewed and helped refine the cost estimates, notably for the existing building.

We also reviewed the Alpha Home & Commercial Building Inspection and the drawing for the 1990 renovation by TFH Architects of the existing Town Hall. While Alpha did identify many issues in the current building, they did not look at building code requirements, space planning / space requirements, or address the cost associated with renovating the existing building. We have addressed these deficiencies.

## Evaluation and Recommendation Report:

In the existing building, the first floor consists of mechanical space, a large meeting room, one bathroom, and the abandoned police station which is currently being used for storage. Since the police has been relocated, there is no staff on the entry level to greet or monitor people entering the building. The second-floor houses most of the town administrative offices including the town manager, clerk, and land use offices. There are limited support spaces which consist of two staff bathrooms and a small work area. The third floor consists of a large stage area, one office, storage, a kitchen, and public bathrooms.

As part of this study, Port City and their consultants evaluated the existing building. Our evaluation consists of the following items:

- Exterior Façade & Shell
- Exterior Thermal Protection
- Exterior Doors & Windows
- Sidewalks & Parking Layout
- Space Programming & Security
- Wayfinding
- Fire, Health, & ADA Code Issues
- Mechanical, Electrical and Plumbing
- Appearance, Furniture, & Finishes

We used the following codes in our review of the building:

- Maine Energy Code
- International Building Code (IBC)
- National Fire Protection Association (NFPA)
- American Disability Act (ADA)
- Maine Plumbing Code



## EXTERIOR FAÇADE & SHELL

### General Building information:

- The existing building has three stories and is a total of 20,070 square feet.
- The exterior is primarily brick with precast concrete accents.
- The interior has two stair towers and an elevator which are required by code.
- The construction is load-bearing masonry with wood joist floorings. This prohibits major renovations of the hallway walls on the ground and first floors without major cost implications.
- The windows are vinyl replacements from the late 1990's and early 2000's.
- The exterior doors are a combination of aluminum storefront and hollow metal.
- Finishes vary with concrete floors on the First Floor and wood floors on Second and Third Floors. The bearing walls and exterior walls are brick. The wall partitions in other places are gypsum and / or plaster.



- The main entry facing the street is infrequently used by the public or staff since the parking lot is at the rear of the building.
- The primary public entry with a canopy and an automatic door opener and faces the parking lot.
- A door on each side of the building which provides direct egress for each of the stair towers as required by code.
- Two doors at the rear of the building that access directly to the ground floor.





**EPDM Roof:**

- Typically, an EPDM has a 30-year life expectancy. The Town Hall's roof is showing significant wear and tear. It will need to be replaced in the next five years. If the building is renovated, this will experience additional wear and tear from the construction process and will need to be replaced during renovation since it is near the end of life.

**Brick Chimney:**

- The existing brick chimney is blocked and does not meet current code requirements. The town is working to have it relined this summer to meet existing code before using it this winter.



### General Precast Concrete:

- There is precast concrete throughout the exterior façade and the precast concrete is starting to fail in many locations. Refer to the next few pages for specific examples of failure at the windows, tablets, and pediment. This issue needs to be addressed now before an injury occurs.
- Refer to in Appendix A for more information.





### General Precast Concrete:

- Upon visual assessment of the building's exterior it is evident that pieces of the precast concrete have fallen off. To date there has been no bodily harm. However, all the precast concrete needs to be inspected by a qualified mason and repaired or removed before somebody is hurt.



- A piece of concrete sill that has fallen and can be seen on the sidewalk below.



**Precast Concrete Pediment:**

- The pediment is starting to deteriorate, and a small portion of precast concrete has fallen.
- After further inspection from the ground, there was limited cracking but a large quantity of staining. From the ground and without selected demolition, we are unable to inspect if the break-metal cap is allowing water into the building's masonry facade, but we suspect that it might be. If it is, this will greatly accelerate the deterioration process. Either way, the pediment needs to be thoroughly inspected and remediated as soon as possible.





**Precast Concrete Entry Tablet:**

- The large piece over the main entry is in significant disrepair and has crumbled. A metal mesh screen has been installed to contain the fragments. This poses a safety risk.
- As this concrete deteriorates, it allows water into the precast and the brick wall which will accelerate the cracking of the precast, along with damaging the brick system. This should be treated now to prevent additional water infiltrating the brick and causing additional damage to the building.



**Windowsills:**

- The existing windowsills are precast concrete and do not have flashing or other material to prevent water from sitting on them; subsequently water penetrates into the concrete sill and causing extensive cracking.
- Many sills are cracked, and some have pieces that have broken off.
- We were only able to inspect the windowsills on the ground floor. Not all sills could be inspected from the ground level, and we were not able to open windows to look at the sills on the second and third floors because the windows are failing and thus inoperable. A further inspection should be made with a lift bucket to ensure that there are not more significantly damaged sills that may have lose concrete that we were not able to assess from the ground level.



**Window Lintels:**

- The steel windows are rusting. Though this is normal, they should be regularly scraped and painted.
- At some point, somebody caulked between the brick and the lintel blocking water from draining properly. The blocked water is freezing and expanding causing damage to the brick. This caulk needs to be removed.



## EXTERIOR THERMAL PROTECTION

### Insulation Issues:

- There is little to no insulation at the exterior of the building. This allows heat to escape and is costly for the town to heat and cool the building. In most places, there is only exposed brick on the interior. Additionally, this affects the comfort of the occupants of the building. While this building is grandfathered from the existing energy codes, if any major renovation occurs, the building will need to meet the energy code and thus require insulation.
- In some places the finishes, such as existing dry wall, will need to be removed to be able to provide insulation.





## EXTERIOR DOORS AND WINDOWS

### Exterior Doors:

- The exterior doors are a combination of hollow metal and aluminum storefront.
- Most exterior doors are older and worn, impacting their thermal value and their overall appearance. These should be replaced for a more attractive look and better insulated / weather stripping.
- The thresholds at the exterior aluminum storefront doors do not meet ADA requirements and may be letting water in due to wear. These should be replaced.
- The door pull weight exceeds ADA code requirements at the stairs and must be addressed by adjusting the closer or adding an automatic door opener.



- The aluminum storefront front doors are deteriorating, a panel has corroded, and the door should be replaced.



### Aluminum Storefront Entry Doors:

- The entrance canopy funnels rainwater to the side and the water is damaging the building. Gutters or other water control should be added.
- The rear entry doors are ADA and have an automatic door opener. However, the thresholds are starting to curl and should be replaced. See Threshold note above.





### Aluminum Storefront Stair Doors:

- The side stair doors are starting to fail as indicated by all the rivets added to them. They need to be replaced.
- The interior jambs of one of the doors is missing which is negatively affecting the buildings appearance.



**Hollow Metal Rear Doors:**

- The two hollow doors at the rear of the building have recently been replaced and are in good shape.



### Windows:

- Windows were replaced approximately 25 years ago and vinyl windows of this size have a lifespan of ten years. Many of the windows are failing. These need to be stabilized now and replaced in the next year.
- In our exploration, we encountered the window sashes are falling out and the top sashes will not stay up in many locations. Both issues pose a significant risk for personal injury and need to be addressed now. Please see Port City's letter of June 14, 2023, refer to **Appendix C – Letter to South Berwick about Windows and Precast** for the full letter.





## SIDEWALKS & PARKING LAYOUT

### General Parking Lot

- There is ponding and broken areas of pavement indicating the subbase is failing. The parking lot should be regraded and paved.
- The parking lot needs to be restriped.
- The entrance and exit could use better signage.



### ADA Parking

- ADA Parking spots do not meet the current code. While they meet the 2% grade, the van spaces are too small. Also, once the parking spaces are renovated, the tilt downs need to be reevaluated and renovated to provide convenience to the new spaces.





## Entry Sidewalk

- The planting beds at the main entry were filled in creating a tripping hazard since the pavers shifted / sunk. These need to be repaired.





## SPACE PROGRAMMING & SECURITY

### Land Use Office:

- The land use office is located on the second floor. The land use office consists of code enforcement and assessing. They have a paper file for every property in town, creating a need for a large amount of storage. They also have people come into their office to look up information from these files and meet with staff. Currently everything is done in one large room and there is not a private area for staff to meet with the public.
- The planning and code enforcement offices are on one side of the hall and assessing on the other side. They should be located in the same space with their files since they all access them all day long.
- The Department is open to the public, allowing the public access to files and staff offices which have confidential files. This is a concern and needs to be addressed.
- The offices partitions do not reach the ceiling causing a lack of adequate privacy for the occupants.

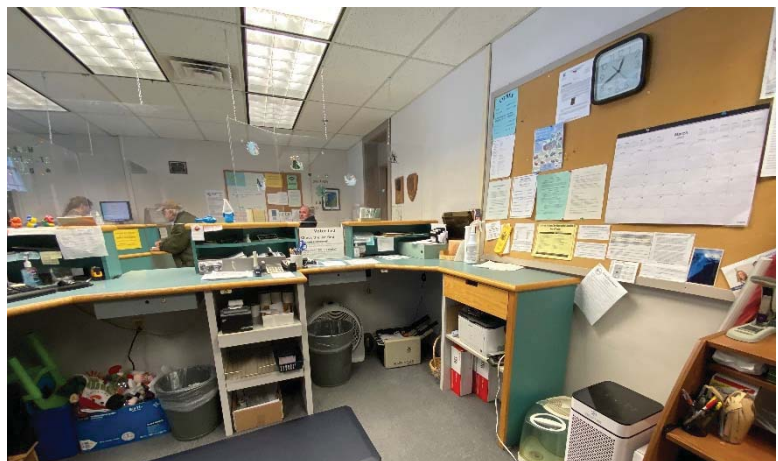


- Land Use lacks adequate storage. Additionally, much of the current storage and equipment is in the hallways, lacking the security needed for confidential files and equipment. There is a flat folder in the second-floor hallway and a plotter in the first-floor hallway. Either additional square footage should be allocated for storage, and/or the town can reduce file storage space requirements by implementing a sliding filing system for compact storage.



### **Clerk's Office:**

- The clerk's office is on the second-floor and has the highest level of customer service.
- The clerk's office lacks queueing space for the public who line up in the hallway and in the stairway on busy days.
- The materials that staff share frequently are not located next to staff work space counters. This inefficient use of space causes service delays.
- The lighting within the office is inadequate and is likely causing eye strain.
- There is no space or opportunity for counter staff to do training remotely (this is required by the state). There should be a small space or private desk where staff can conduct business separate from the service counter.



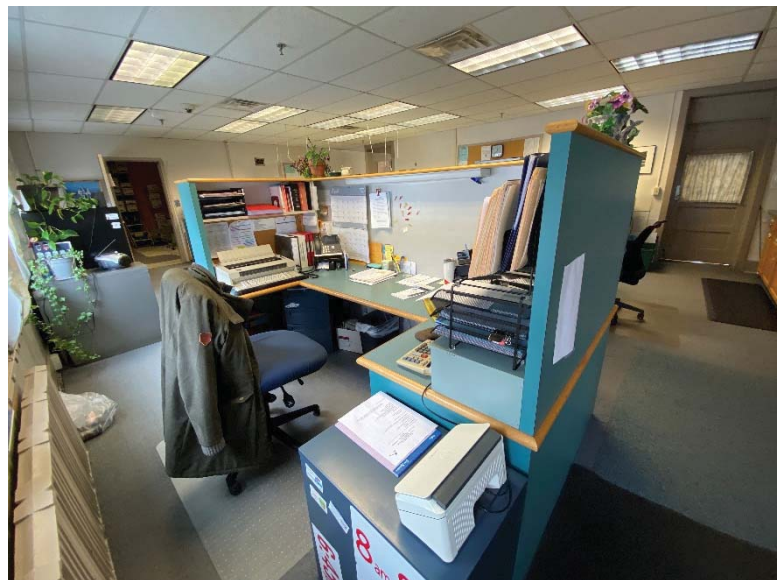
### **Clerk's Counter:**



- Finishes are starting to fail in some places and are dated. See finishes for more information.
- The counter is not ergonomic and could be causing staff issues.
- The department is set up to keep the public on one side of counter and staff on the other side of the counter. They are able to lock the department off from the hallway.
- Because the two stations are in a corner, there is not room for people at both counters without the likelihood of touching each other. This creates privacy and comfort issues.



- The clerk's desk is too small, is not ergonomic, and the walls are not full height. This is a substandard desk and needs to either be replaced or modified.



### **Town Manager's Office Waiting:**

- The only waiting is located in front of the Town Manager's suite. The area only has two chairs and a large copier. This space is not comfortable and is unwelcoming.
- The space is not visible to any office making it awkward for people to be noticed while allowing visitors access to potential confidential information on the copier.
- A dedicated waiting area should be created to avoid mixing the office functions with public waiting areas.
- Additionally updated furniture should be implemented into the space for comfort and aesthetics.
- Finishes are worn and should be updated.



### **Town Manager's Office:**

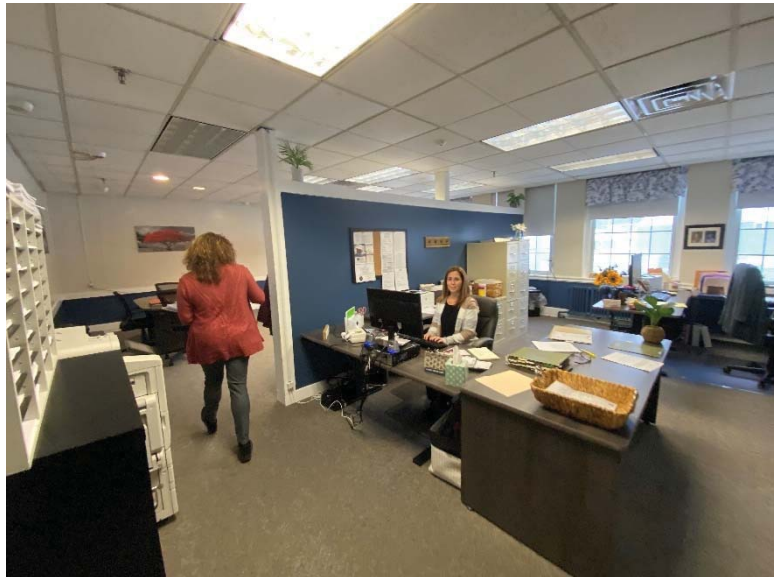
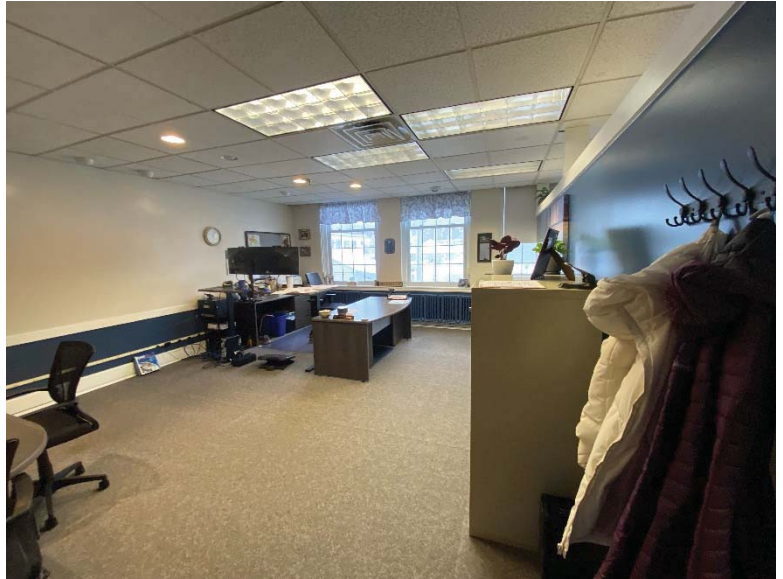
- The Manager's office is large enough and the furniture is fairly new. The office has proper walls unlike several of the other administration offices.
- The finishes are in bad shape including the carpet which is old. It has become unglued and is ripped. This should be replaced.
- The lights are fluorescent and can cause eye strain and should be upgraded to LED lights.





### Assistant Town Manager's Office:

- The Assistant Manager's Office is too large and does not have full walls but only an approximately 7'-0" high partition between her and two administrators. Because of this, the Assistant cannot have private conversations in her own office.
- They are newer than the town manager but have a dull appearance because of the fluorescent lighting. If the lighting is changed to LED, the finishes would look better.



## WAYFINDING

### Hallway Signage:

- There is inadequate signage. The signage should be upgraded and oriented to help the public locate where they want to go.
- Signage does not meet ADA code requirements for visibility / accessibility and need to be replaced with code complying signage.





## FIRE, HEALTH, & ADA CODE ISSUES

### Second Floor Staff Kitchenette:

- The kitchenette has inadequate space to meet the needs of the staff who use it.
- The kitchenette does not meet ADA code because counter height is too high and lacks space to roll under the sink.
- The finishes are failing, making the kitchenette hard to clean.



### Full Kitchen on Third Floor:

- Does not meet ADA code because counter height is too high and lacks space to roll under the sink.
- Stove lacks NFPA Hood, which is required by code. Either the stove should be removed now or a hood needs to be provided.
- The counter finishes are failing, making the kitchenette hard to clean.



### Clerk Service Counter:

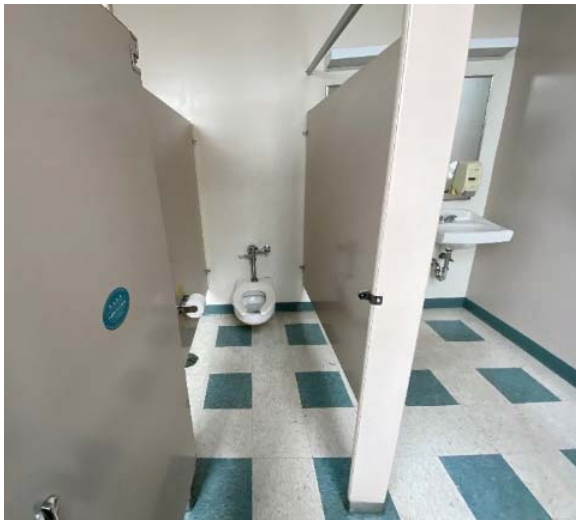
- The service counter on the second floor does not meet ADA requirements for either staff or public because it is too high for the height required by ADA code and should be modified or replaced.
- The side counter is too high and extends too far into the space to meet ADA requirements. This should be removed, replaced, or reworked to meet current codes.





### Third Floor Bathrooms:

- There are male and female multi – stall bathrooms.
- None of these bathrooms meet ADA code in multiple ways.
  - The sink and mirrors are too high for accessibility requirements.
  - The sinks need LAV guards on them.
  - Urinals are too high per ADA.
  - ADA stall does not meet required clearance and lack all the grab bars required.
- Finishes throughout are faded and the tiles are making the bathroom absorb odors causing unpleasant smells.



**Third Floor Water Fountain:**

- The water fountain exists on the third-floor outside of the bathrooms.
- Does not meet ADA height.
- Plumbing code requires an ADA water fountain in public buildings.

**Auditorium and Stage:**

- The stage is not ADA accessible and needs to be.



### Stairs:

- There are two egress stairways as required by code, a smaller stair at the front entry, and four smaller stairs on the first floor to provide access to the different levels on this floor.
- While the stairs appear to meet the minimum 1-hour rating on the walls, this will need to be verified if renovations are made.
- Current stairwells do not meet current code requirements including:
  - There are not proper handrails on either side (the top of guardrails cannot be used as handrails). Code requires handrails on both sides.
  - The guardrail is too low, and an extension needs to be added now. The banisters are too far apart.
  - The stair rise and run does not meet the current code. The metal pan stairs should be removed, and proper stairs installed.
  - There is an electrical panel in the stairwell that needs to be removed now.
  - There is enclosed storage under the stairs but the enclosure is not fire rated. This is not allowed and needs to be removed now.
  - There are no tread finishes but only bare concrete finish. These are slippery especially when they are wet. Treads need to be added to prevent falls.





**Fire door in staircase:**

- Fire doors are propped open, and they are required to be closed or on electrical hold openers to meet the Life Safety Code. If the town wants to continue this practice, hold openers are required.

**Damage to stair treads:**

- This staircase in the old police station is chipped and is a tripping hazard. These need to be repaired as this poses a safety hazard.



### First-Floor Stairs

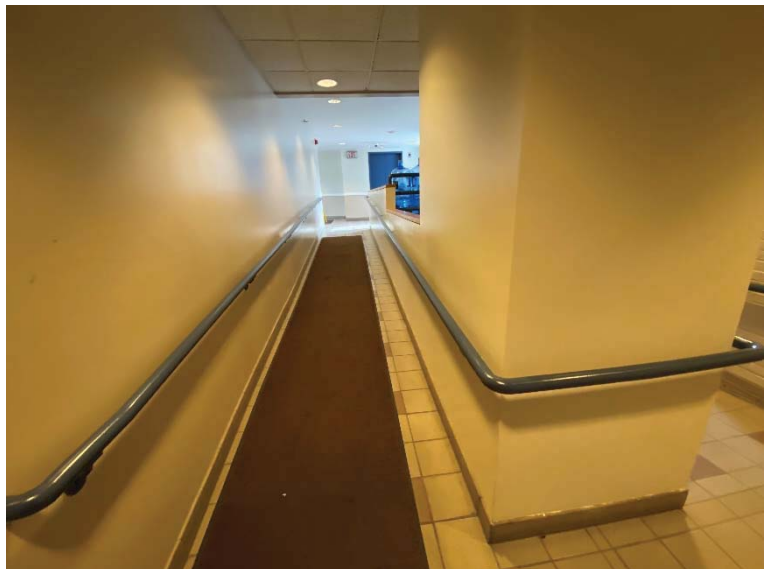
- All of the stairways in the old police station staircases lacks handrails on both sides as required by code. Additionally, this staircase should have rubber treads added to prevent people from slipping.





### First-floor Ramp:

- There is a ramp from the entry to the first-floor to provide ADA access. The ramp is in good shape and appears to meet current code requirements.



**Elevator:**

- The elevator has been in existence for many years and is reaching the end of life on several components.
- The leveler is failing so the elevator does not always line up with each floor. It is anticipated that the elevator will need to be replaced in the near future. It is possible that the elevator will fail its next annual state inspection and will need to be replaced at that time.
- The existing elevator shaft should be grandfathered and not need to be made larger. However, that is up to the local jurisdiction, and they may require the town to enlarge the elevator shaft to meet current code requirements.
- The flooring appears to be class A, and this meets code.

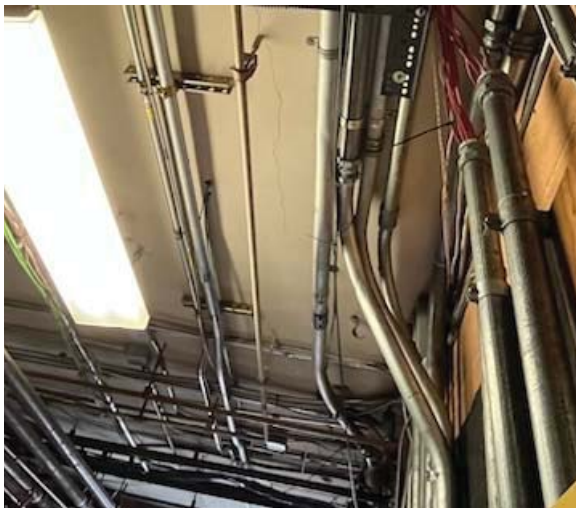


## MECHANICAL, ELECTRICAL, AND PLUMBING



### Mechanical, Electrical, and Plumbing General:

- The MEP has been retrofitted over the years. The walls are in disarray from renovations. There are scattered equipment, pipes, and wires, as well as holes and dents in the walls. These need to be repaired.
- All hard walls and ceilings with cuts need to be patched and all penetrations in fire walls need fire caulk to provide fire rated systems as required by code.
- Electrical wires when exposed should be in conduit to make sure they are not damaged.





### Mechanical Room.

- The mechanical room houses boilers, oil tanks, and the main electrical panels.
- The boilers were recently replaced because they were failing.
- All wall and ceiling penetrations need to be fire caulked because the space needs to be fire rated.



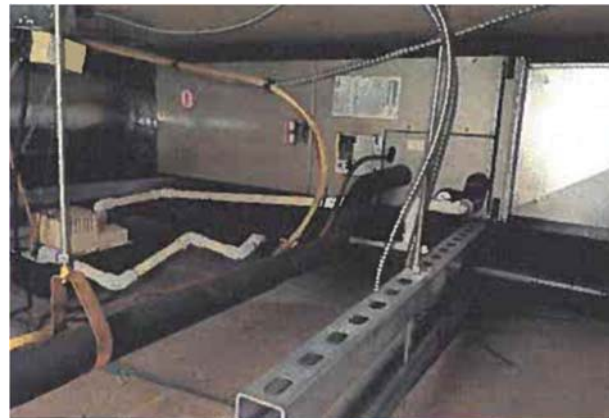
### Heating & Ventilation Systems:

- The heating system is steam, which is inefficient and does not modify well. It would be more cost-effective to provide a different heating system both initially and to run it. This should be replaced if any major renovations are done.



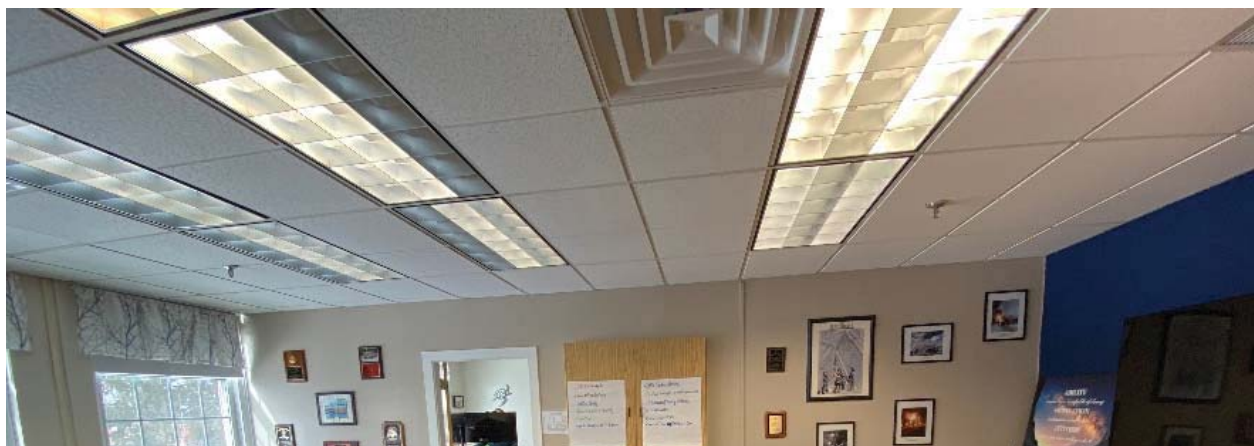
### Air Handlers

- The expected life of an air handler is 25 years and the town's air handlers are over 20 years old – they **do not provide cooling**. These air handlers could start failing at any time.
- The air handlers should be replaced if the building is renovated, and the town should expect to replace them in a few years if they remain in the existing building without major upgrades.
- The air handlers and ducts should be professionally cleaned because of dust and dirt buildup over the last 20 plus years.
- The air quality should be checked to make sure there is no air quality issues.



### Existing Lighting:

- Lights are primarily fluorescent. The lighting in many of the spaces has a white or yellow hue which causes eye strain and LED lights are more cost effective to run. All the lights in the building need to be replaced.
- Signs of yellow and cracking lens are present on fixtures throughout making the building look less appealing and less professional. These should be replaced.





### Existing Exterior Lighting:

- All exterior egress doors are required to have emergency lights that operate on a battery. The existing emergency lights are old and likely have expired batteries. These need to be tested and faulty lights need to be replaced.
- There are both wall mounted and pole mounted site lighting. Due to the age, the fixtures are not LED and will not have the best cut-off lenses. These should be replaced to provide more cost-effective lighting and to make sure there is not excessive light spilling over the property line.



### Electrical Systems:

- The electrical boxes are scattered throughout the building and are not arranged in an organized fashion. One electrical box is in a stairwell which is a code violation and needs to be removed as soon as possible (see stair review above).
- Some breakers are permanently tripped indicating there is an electrical supply issue.
- Open splices of electrical wires were noticed, and these are required to be placed in electrical boxes by code. These are throughout the building. In some cases, it might be more cost effective to just replace the wires instead of providing multiple boxes.
- As stated above, the wires are disorganized and loose. These should be placed in conduits to prevent someone accidentally cutting a wire and electrocuting them self.
- There is some knobs and tube wiring exposed in the attic and there is probably additional knobs and tube within the existing walls that we are not able to see without doing selective demolition. This wiring needs to be removed and replaced.
- The extensive issues with the electrical system need to be addressed by having a master electrician remove / replace / relocate the sub panels, repair / replace the faulty wiring, and provide adequate electrical infrastructure as soon as possible. However, if the building is going to be renovated, the electrical issues are so severe, the electrical system should be removed and replaced throughout.





- At least one outlet has flash burns indicating there were not proper surge protectors.

- The generator is outdated and past its current life. It should be replaced.



**Plumbing:**

- The bathroom plumbing fixtures appear to be functioning adequately, but they do not meet current code requirements for water flow. If the bathrooms are renovated, these fixtures need to be replaced throughout. However, these fixtures are grandfathered and can remain until there is renovation work to the bathrooms.
- None of the sinks, toilets, or urinals meet ADA. See ADA section.
- At least one plumbing vent terminates in the attic instead of outside. This should be fixed now to meet code requirements and to prevent excessive moisture in the attic.

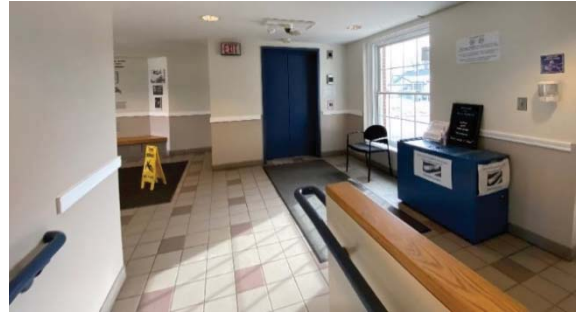




## APPEARANCE, FURNITURE, & FINISHES

### Finishes:

- The building's last major renovation was in the 1990s.
- The finishes are aged and show major wear. In many places, the finishes are beyond repair.
- The finish selections are dated.
- The finishes are no longer able to be cleaned sufficiently due to stains and wear.
- The plastic laminate is chipped and delaminating in some places making the entire office look unprofessional.



- The quarry tile on the first-floor is holding up.





- Carpet is ripped in several places with tape holding it together. Though unattractive, the most important issue is that it poses a trip hazard and should be replaced now.



**Bathroom Finishes:**

- The floors are Vinyl Composite Tile (VCT) which allows liquids to flow through the seams and soak into concrete or wood below making it nearly impossible to remove bathroom smells.
- The ceilings are acoustical ceiling tiles which also absorb bathroom smells.
- The partitions are metal with cardboard cores which also absorb bathrooms smells.
- All these finishes should be replaced with contemporary finishes that will be easier to clean and will not absorb smells.



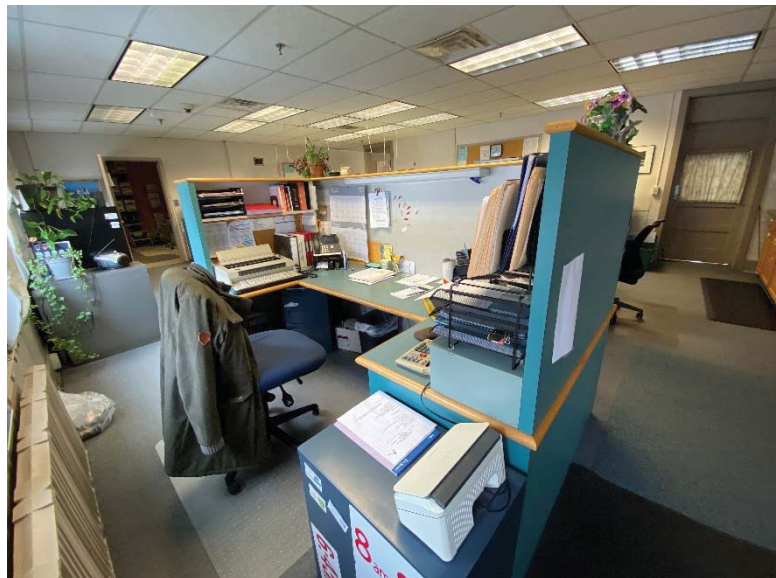
### **Clerk's Office Vault:**

- The vault is attached to the clerk's office workspace as it should be.
- The Clerk's vault has plywood shelves. The acid in plywood can damage documents and should be replaced.
- The large drawer system is a cardboard system and should be replaced with a more permanent systems it will fail.
- Switching to a slider storage system will increase the amount of storage the vault could hold without damaging the documents. However, before this can be done, a structural analysis should be done to make sure the floor is strong enough to support.
- A leak in the roof has damaged the shelving and vault materials in the past and may occur again so should be monitored.
- If the building is renovated a fire inspection must be conducted on the vault to confirm the fire rating of the room. Because this requires selected demolition, this inspection could not be conducted at this time.



### **Clerk's Office Desk.**

- While most staff have been provided a new desk set-ups in the past 18 months, there is not enough space in the clerk's area for a new desk. This is still the 1990's built in. It is not ergonomic, private, adequately sized, or adjustable and it needs to be all of these.



**Ceilings:**

- Ceilings throughout are dated, worn, and water damage is present throughout.
- In many places the ceiling frame is starting to turn yellow from age. These should be replaced.
- The ceilings systems need to be replaced throughout the building.





# Appendix C

## Letter to South Berwick





Page Intentionally Left Blank

June 12, 2023

Attn: Tim Pellerin  
Town Manager  
180 Main Street  
South Berwick, ME 03908



RE: South Berwick Existing Windows and Existing Exterior Precast

Dear Mr. Pellerin,

As you know, we have been inspecting the building that currently houses the South Berwick Town Hall to report on code compliance, functionality, and the condition of the finishes, envelope, and existing engineering systems. This building is a brick structure with precast concrete accents and large vinyl windows. As we have been inspecting the existing building, we have come across two items that concern us greatly and need to be addressed now instead of waiting until the building is renovated. These two issues are the deterioration of the existing windows and the failure of the existing exterior precast.

### **Existing Windows**

The existing windows are very large and were replaced with vinyl windows in three stages in the late 1990's and early 2000's. As these windows are replacement windows, they were not installed as an integral part of the exterior wall system but were affixed in place with clips and other hardware. The resulting air gaps were sealed with caulk to prevent water and air infiltration.

Vinyl windows of this size, era, and type have a reduced life expectancy, and these windows have long surpassed their useful life and are starting to seriously deteriorate. The window's hardware springs are failing, and since this is what keeps the window sashes in place, many sashes have been loosening in their frames. Because many of these sashes will not stay up when raised, injuries may occur from sashes slamming down on hands, or worse yet, entire sashes falling out the windows on people below. At least one large sash has already fallen out of the frame (it has been reinserted for now). These windows should not be opened to prevent potential injuries. Unfortunately, there is no central air in the building, and the occupants normally open the windows to provide fresh air when it is hot. Thus, this problem should be addressed this summer.

The Town needs to find a solution to the windows now before somebody is seriously injured by a falling sash. I understand the town has already started conversations with several different window providers for replacement windows. If the Town is considering selling the building, it may not make sense to replace the windows at this time. We are happy to assist you with finding a solution that will allow the Town to stabilize the windows without limiting your options in the future.

## Precast Concrete

The other issue is the deterioration of the existing precast concrete on the building. The building has decorative tablets between doors and windows, precast windowsills, precast window headers, a pediment that surrounds the entire building, as well as other decorative pieces. There has been at least one report of an employee finding pieces of fallen concrete on the path entering the building. This is obviously a very dangerous situation for employees and the public. An inspection of the precast indicates many pieces that are cracked, spalling, and / or falling apart. Exacerbating the issue are the aging caulk joints around the windows which are allowing water to infiltrate the exterior wall system. This infiltration is accelerating the deterioration of the precast concrete, and the windows should be properly recalked.

Here are the highlights of the different deteriorations in the concrete:

### Entry Tablet:



- The large piece over the main entry is in the worst shape and has totally crumbled to the point somebody has provided a protective screen around it to prevent people being hit by pieces of falling pieces of concrete. As this concrete deteriorates, it allows water into the precast and the brick wall which will accelerate the cracking of the precast and potentially the brick system.

#### Tablet at the stair towers:



- While pieces have not fallen yet, the large cracks are allowing water into the wall / precast system, and it will continue to crack until it also fails.

#### Pediment:



- The pediment is starting to deteriorate and a small portion of precast concrete has fallen.
- After further inspection from the ground, there was limited cracking but a large quantity of staining. From the ground, we were unable to inspect if the break-metal cap is allowing water into the building's masonry facade, but we suspect that it might be. If it is, this will greatly accelerate the deterioration process. Either way, the pediment needs to be thoroughly inspected and remediated ASAP.

**Windowsills:**

- The water has infiltrated some of the sills and caused it to deteriorate to the point where large chunks of precast have fallen off and the rebar is exposed. Once rebar is exposed, the rusting of the rebar will accelerate causing the rebar to expand which in turn will cause more cracking and deterioration of the precast. This will also allow water to infiltrate the wall system causing damage there too.

**Window headers:**

- Water has infiltrated the window header in several places and the rebar has started to rust and expand creating a long, continuous crack. This situation will continue to get worse unless some sort of remediation is done.



### Brick deterioration:



- At places, water has infiltrated the precast concrete and has started to weep through the brick causing the mortar joints to deteriorate. When the precast concrete is stabilized, any places where the mortar is failing will need repointed.
- Unfortunately, the true extent of the damage to the precast and masonry cannot be determined without a more in-depth investigation and possible selective demolition of the precast and the surrounding materials. The Town needs to address the deteriorating precast before someone is seriously hurt (or worse) by falling concrete. A further investigation will determine the extent of the damage and will inform the Town of what kind of remediation is required. At a minimum, the Town should provide some sort of reinforcement and/or protection system to prevent the deteriorating precast from falling on pedestrians. If South Berwick desires, we will be happy to help locate a company who specializes in masonry investigation and repairs.
- As indicated above, we will continue to complete the report about the entire building but wanted to give the town a forewarning of these potentially dangerous situations. Please feel free to contact us for further information or help in addressing these issues.

Sincerely,

Lita Semrau, AIA  
Principal  
Port City Architecture  
65 Newbury Street  
Email: [lita@portcityarch.com](mailto:lita@portcityarch.com)  
Phone: 207 756-4333

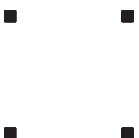
Page Intentionally Left Blank

# Appendix D

## Schematic Renovation Floor Plan of Existing Building



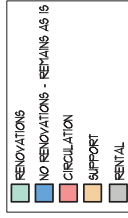
Page Intentionally Left Blank

[illegible]

**EXISTING  
GROUND  
FLOOR**

Project Number	23402
Date	March, 2023
Drawn by	MM
Checked by	LAS

Scale



SCAF-18 = "0"











## Appendix E

# Schematic Renovation Floor Plans for New Building



Page Intentionally Left Blank





---

[illegible]NEW FLOOR  
PLAN

Project Number	23402
Date	August 2, 2023
Drawn by	KW
Checked by	LAS

Scale



COPYRIGHT: Reuse or reproduction of the contents of this document is not permitted without written permission of PORT CITY ARCHITECTURE PA

Page Intentionally Left Blank

# Appendix F

## Schematic Plans and 3D Rendering of Free-Standing Building



































**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date:</b> September 12, 2023	<b>NB #2</b>
<b>Agenda Item:</b> Set public hearing date for GA updates	
<b>Department Head Recommendation:</b> Dawn Moreau	
<p>The State has published the updated Appendices A-H and GA housing maximums for recovery residences for General Assistance. This is a housekeeping item; the Council is required by State Law to adopt the Ordinance and the Appendices each year.</p> <p>A public hearing date needs to be scheduled for the adoption of the new ordinance and appendices, which will be in effect for October 1st.</p> <p>It is recommended that the hearing date be scheduled for September 26, 2023.</p>	
<b>Town Manager's Recommendation</b>	
<p>To set a date for a public hearing for the annual updates to the General Assistance Ordinance and Appendices.</p>	
<b>Requested Action</b>	
<p>Motion to set a public hearing date of September 26, 2023.</p>	
<b>Vote</b>	





**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date:</b> September 12, 2023	<b>NB #3</b>
<b>Agenda Item:</b> Chapter A142, Assessors Lot Merger Policy	
Please see letter to follow from Planning Board Chair, Greg Zinser.	
<b>Town Manager's Recommendation</b>	
Town Council to consider the changes and schedule a public hearing.	
<b>Requested Action</b>	
To make a motion to schedule a public hearing and set a date and time.	
<b>Vote</b>	



# *Town of South Berwick*

## *Planning Department*

180 MAIN STREET  
SOUTH BERWICK, MAINE 03908

TEL. 207-384-3012

To: South Berwick Town Council  
From: South Berwick Planning Board  
Date: 7/26/2023

RE: Chapter A142, Assessors Lot Merger Policy

On May 17, 2023, the Planning Board received an Amendment to the Chapter A142 Assessors Lot Merger Policy Ordinance. I have attached the letter from Verna Sharpe, Town Assessor here, as well as the court case that accompanied the letter.

In summary, the required changes affect the following chapters of the South Berwick Code:

1. Chapter A142, Assessors Lot Merger Policy

After deliberations about Verna's Letter, and the court case that Verna attached, the Planning Board discussed the process for adopting ordinances. Accordingly, the planning Board conducted a public hearing June 7, 2023 at 7:00pm.. At the conclusion of the public hearing the Planning Board voted to send the proposed changes to the Town Council.

Sincerely,

Greg Zinser, Chair

# Memorandum

To: Planning Board

From: Verna E. Sharpe, Assessing Agent

Date: April 27, 2023

Re: Chapter A142. Assessors Lot Merger Policy

Att: Exhibit A, Maine Supreme Court decision 2019 ME 172  
Exhibit B, Portland Press Herald article, August 2016

---

I would like to propose a change to § A142-2 of ordinance known as **Chapter A142. Assessors Lot Merger Policy**, approved by the Board of Assessors in 2005. In light of Maine Supreme Court decision **2019 ME 172 Kenyon C. Bolton III et al<sup>1</sup> v. Town of Scarborough**, I believe change is warranted to avoid or minimize any potential future legal liability on the part of the Town. A copy of the decision is attached as Exhibit A for your review. In summary, the Court found that the so-called “abutting lot program” of merging lots for property tax savings to be unlawfully discriminatory and violated the Taxpayers’ right to equal protection. The Town of Scarborough had been found to be merging lots at owner request, resulting in substantial tax savings for those few owners. This is unconstitutional because the reduced assessments did not reflect just value<sup>2</sup> and the rest of the taxpayers in the Town were burdened by this inequity. The Court remanded back to the Superior Court with the remedy of abating the Taxpayers the difference in the amount they paid and what they would have paid if the merged lots were assessed at just value, plus interest, on multiple years.

There may be circumstances when a lot merger is warranted and should be allowed. These circumstances may include a proposed building that would straddle a property line, or when required setbacks are not met and a lot merger or lot line revision would remedy the deficiency. In these cases, it should be in the Planning Board’s jurisdiction and clearly stated in the Findings of Fact or Notice of Decision. However, I would like to see language that addresses this and encourages a conservative approach. For example, if an owner submits a site plan for review and there is a need to incorporate area from the abutting lot, that a lot line revision may be the preferred option, instead of a lot merger.

---

<sup>1</sup> Also known as “the Taxpayers”, 34 residents who appealed the Town’s practice of merging lots.

<sup>2</sup> Just value is the same as market value.

## Chapter A142. ~~Assessors~~ Lot Merger Policy

### § A142-1 Purpose.

The intent of this policy is to provide ~~the Board of Assessors or~~ ~~the Planning Board~~ with a general rule for the voluntary merger of contiguous parcels and to assure all parcels are being assessed at their just value.

### § A142-2 Voluntary merger of preexisting approved or subdivided lots or parcels.

Any owner of two or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them ~~for planning for municipal regulation and taxation purposes~~ may do so by applying in writing to ~~the Board of Assessors or the Planning Board~~. Except where such merger would create a violation of then-current ordinances or regulations, all such applications shall be approved, and no public hearing or notice shall be required. The application must be signed by all owners of the property, including mortgagees. The application must be accompanied by ~~a new deed which shall include the legal description for the merged lots~~ and a Certificate of Merger signed by all the owners (including mortgagees) stating that, ~~in consideration of the tax benefits achieved by merging the lots or parcels~~, the owners agree that the merged lots or parcels shall thereafter be considered a single lot for all purposes under the Town's land use ordinances and that the owners waive any rights to divide the merged lot, separately convey any portion of the merged lot or separately develop any portion of the merged lot unless such division, conveyance or development meets all applicable requirements of the Town's land use ordinances at the time it occurs. Upon approval of the merger application by ~~the Board of Assessors or the Planning Board~~, ~~the Board or the Planning Board~~ shall endorse such approval on the Certificate of Merger. The owners shall then record the Certificate of Merger in the registry of deeds and return a copy of the recorded certificate, endorsed with book and page number, ~~to the Board of Assessors or the Planning Board within thirty days of approval~~. The merger shall not be effective until the Certificate of Merger has been recorded. If the merged lots are depicted on a previously recorded plan, no new plan needs ~~to~~ be recorded, provided the Certificate of Merger is recorded.

### § A142-3 Discovery of previous combined lots.

Any owner of two or more contiguous preexisting approved or subdivided lots or parcels which were previously merged for taxation purposes but not merged by deed or other instrument recorded in the registry of deeds shall receive written notification by ~~the Board of Assessors or its designee~~ requesting voluntary merger. Such notice shall state that if the owner wishes to keep these lots combined, the owner must comply with the voluntary merger policy of the Town of South Berwick as described above. If no application for a voluntary merger is received, the preexisting approved or subdivided lots or parcels shall be separately assessed at their individual values commencing on the next assessment date.

Deleted: Assessors

Formatted: Strikethrough

Deleted: its designee

Formatted: Font color: Auto, Not Strikethrough

Formatted: Font color: Auto

Formatted: Font color: Auto

Deleted:

Formatted: Font color: Dark Red, Strikethrough

Formatted: Font color: Auto

Formatted: Font color: Dark Red, Strikethrough

Deleted: its designee

Deleted: ,

Formatted: Font color: Dark Red

Formatted: Font color: Dark Red, Strikethrough

Deleted: ,

Formatted: Font color: Dark Red

Deleted: its designee

Deleted: its designee

Formatted: Font color: Dark Red, Strikethrough

Formatted: Font color: Dark Red

Formatted: Font color: Dark Red, Strikethrough

Formatted: Font color: Dark Red

Formatted: Font color: Dark Red, Strikethrough

Deleted: its designee

Formatted: Font color: Dark Red

Deleted: ,

Deleted: or its designee

Formatted: Font color: Auto

Decision: 2019 ME 172  
Docket: Cum-19-73  
Argued: September 24, 2019  
Decided: December 23, 2019  
Revised: April 9, 2020

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN,\* JABAR, and HJELM, JJ.

KENYON C. BOLTON III et al.

v.

TOWN OF SCARBOROUGH

ALEXANDER, J.

[¶1] Three years ago, we concluded that the Town of Scarborough had engaged in an unlawful and discriminatory assessment practice that violated the equal protection rights of Kenyon C. Bolton III and other plaintiffs (collectively, the Taxpayers); based on this conclusion, we remanded the matter to the Scarborough Board of Assessment Review “for a determination of the appropriate abatements” to address the inequality in tax treatment affecting the Taxpayers as a result of the discriminatory practice. *Angell Family 2012 Prouts Neck Tr. v. Town of Scarborough*, 2016 ME 152, ¶¶ 1-2, 15-21, 36,

---

\* Although not available at oral argument, Justice Gorman participated in the development of this opinion. See M.R. App. P. 12(a)(2) (“A qualified Justice may participate in a decision even though not present at oral argument.”).



violated the statutory requirement that each parcel of real estate be assessed separately, *see* 36 M.R.S. § 708 (2018), and the constitutional requirement that real estate be assessed at its just value, *see* Me. Const. art. IX, § 8. *See Angell*, 2016 ME 152, ¶ 19, 149 A.3d 271; *Petrin*, 2016 ME 136, ¶¶ 26-29, 147 A.3d 842. We further held that because the abutting lot program violated Maine law and imposed property taxes on the Taxpayers at rates that were not imposed on similarly situated owners of lots that happened to be abutting other lots of those owners, it contravened the Taxpayers' rights to equal protection. *See Angell*, 2016 ME 152, ¶¶ 20, 36, 149 A.3d 271; *Petrin*, 2016 ME 136, ¶¶ 29-31, 45, 147 A.3d 842.

[¶5] Respecting our direction on remand that it provide the Taxpayers with appropriate abatements to address this inequality, the Board conducted hearings on the issue in early 2017. Because the Town had continued to implement the program, and most of the Taxpayers had continued to file yearly abatement requests during the intervening years between their initial requests and our decisions in 2016, the parties agreed to expand the scope of the proceedings to allow the Board to determine the appropriate abatements for

[¶7] In May 2017, after deliberating, the Board voted unanimously to adopt a written decision granting the Taxpayers eight percent abatements to their land values—exclusive of any improvements—for each year during the abatement period in which they filed abatement requests. The Board explained that because the combined value of these abatements was equal to the total amount of taxes avoided by the abutting lot program participants during the abatement period, the eight percent figure provided each Taxpayer with a proportionate share of the total benefit of the program.

[¶8] The Taxpayers appealed to the Superior Court, *see* 36 M.R.S. § 843 (2018); M.R. Civ. P. 80B, which entered a judgment vacating the Board's decision based on its conclusion that the Board's abatement formula was unreasonable because it made the percentage discount a function of the number of appealing Taxpayers. The court remanded the matter to the Board with instructions to provide the Taxpayers with abatements that would place them "in a position roughly equal to the favored abutting lot owners."

[¶9] On remand from the Superior Court, the Board held an additional hearing where the parties mostly relied on the evidence introduced in the prior proceedings. The Taxpayers continued to assert that their proposal of 31.48 percent abatements was the most appropriate way to remedy the inequality.

The Board then averaged the yearly percentage reductions, which resulted in the 14.74 percent figure.

[¶11] Once again, the Taxpayers appealed to the Superior Court. The Town also appealed to preserve its argument that the original eight percent abatements were sufficient. In January 2019, the Superior Court entered a judgment affirming the Board's decision granting the Taxpayers 14.74 percent abatements after finding that the Board's formula was rational and reasonable.<sup>3</sup> The Superior Court's judgment being final, *see* M.R. Civ. P. 80B(n), the Taxpayers appealed to us, and the Town cross-appealed seeking reinstatement of the eight percent abatements, *see* M.R. App. 2B(c)(1), 2C(a)(2).<sup>4</sup>

## II. LEGAL ANALYSIS

[¶12] The Taxpayers contend that the Equal Protection Clause mandates that they be extended the same discounts that were provided to participants in the abutting lot program. They assert that neither of the Board's abatement

---

<sup>3</sup> The court modified the interest rate calculation in the Board's second decision, but that issue is moot in light of our conclusion that the Board's original decision provided adequate relief. *See infra* n.9.

<sup>4</sup> M.R. Civ. P. 80B(m) provides that when, as here, "the Superior Court remands the case for further action or proceedings by the governmental agency, the Superior Court's decision is not a final judgment, and all issues raised on the Superior Court's review of the governmental action shall be preserved in a subsequent appeal taken from a final judgment entered on review of such governmental action."

*Biddeford v. Adams*, 1999 ME 49, ¶¶ 24-25, 727 A.2d 346. Thus, our standard of review encompasses the reasonableness requirement.

[¶15] The more significant effect of section 843 on our review is that it limits our ability to substitute our own judgment for that of the Board. *See So. Portland Assocs. v. City of South Portland*, 550 A.2d 363, 369 (Me. 1988) (stating that we will not intrude on the authority that 36 M.R.S. § 843(1) grants to Boards of Assessment Review by substituting our own value estimates or acting “as final-offer arbitrators” to resolve opposing figures); *see also Weekley v. Town of Scarborough*, 676 A.2d 932, 934 (Me. 1996) (holding that courts lack the authority to determine the just value of properties or “grant relief in the nature of an abatement”).

[¶16] We find no merit in the Taxpayers’ argument that we should depart from this deferential standard because the Board is “hopelessly biased” against them. The aspects of the record that the Taxpayers allege demonstrate “bias” merely show the Board members—who are not lawyers—grappling with a complicated area of the law and an equally complex set of facts.

#### B. Constitutional Considerations

[¶17] As discussed above, we previously determined that the abutting lot program was unlawfully discriminatory and violated the Taxpayers’ equal

imposed an impermissibly discriminatory tax retains flexibility in responding to this determination,” *McKesson Corp. v. Div. of Alcoholic Bevs. & Tobacco*, 496 U.S. 18, 39-40 (1990), because how a state “eliminates unconstitutional discrimination ‘plainly is an issue of state law,’” *Levin*, 560 U.S. at 427 (quoting *Stanton v. Stanton*, 421 U.S. 7, 17-18 (1975)). Indeed, the Supreme Court has explicitly indicated that its practice is “to abstain from deciding the remedial effects” of finding “a tax measure constitutionally infirm” to maintain “federal-state comity.” *Id.*

[¶19] The Supreme Court has said, however, that the Due Process Clause requires states “to provide meaningful backward-looking relief to rectify any unconstitutional deprivation.” *McKesson*, 496 U.S. at 31. It has also provided guideposts for determining the appropriate remedy for a discriminatory tax. In seeking to effectuate equal tax treatment, a state may (1) invalidate and withdraw the benefits from the favored class, (2) extend the benefits to the excluded class, or (3) use some other measure. *See Levin*, 560 U.S. at 426-27; *Heckler v. Mathews*, 465 U.S. 728, 740 (1984). In considering these options, it is important to remember that the Equal Protection Clause imposes no “iron rule of equal taxation” and encompasses an area of the law where it is often “impracticable and unwise to attempt to lay down any general rule or



provided by the abutting lot program. Additionally, the number of Taxpayers who sought abatements exceeded the number of property owners who received the benefit of the abutting lot program for each of the four years at issue. Thus, to extend the benefit in the manner that the Taxpayers suggest would increase by several magnitudes the negative effect of the abutting lot program on the nonappealing taxpayers, who bore the same burden of the original program as the Taxpayers.<sup>6</sup> See *Williams v. Griffes*, 686 A.2d 964, 967 (Vt. 1996) (Morse, J. concurring) (a state “need not blindly sacrifice the interest of the taxpaying public to the desires of a relative few aggrieved taxpayers” when determining the appropriate remedy for a discriminatory tax scheme). To magnify rather than rectify the discriminatory effect of the program would be an inappropriate mandate under the guise of equality. Cf. *Haman v. Cty. of Humboldt*, 506 P.2d 993, 997 (Cal. 1973) (the proper remedy for discriminatory tax treatment should not increase “discrimination among other taxpayers”).

---

<sup>6</sup> The Board supportably found that the Town lost \$395,397.90 in tax revenue over the abatement period as a result of the discounts provided by the abutting lot program. By comparison, the parties agree that providing the Taxpayers with 31.48 percent abatements to their land values would cost the Town around \$1,600,000.

could substantially compromise the municipality's capacity to provide essential services.

[¶25] What then is the proper remedy? The Supreme Court has suggested a third option: not withdrawing or extending benefits to achieve equal tax treatment, but rather using "some other measure." *Levin*, 560 U.S. at 426. The best measure of the actual disproportionality borne by the Taxpayers here is not the discounts provided by the abutting lot program but rather the effect that those discounts had on the Taxpayers. We alluded to this in our previous decisions when we said that we were remanding "for the Board to address the unlawfully discriminatory effect of the Town's abutting property program" and described that effect as the "unequal apportionment" of the municipal tax burden. *Petrin*, 2016 ME 136, ¶¶ 32-33, 45, 147 A.3d 842. We suggested then and hold now that the injury to the Taxpayers was not that their properties were over-assessed in comparison to the properties in the abutting lot program, but that they paid more than their fair share of taxes as a result of the discounts that were unlawfully provided by that program.

[¶26] The Taxpayers may be made whole by abatements that refund the difference between what they paid in taxes and what they would have paid had the properties in the abutting lot program been assessed at just value. Such a

section 8 of the Maine Constitution, which “is to equalize public burdens so that a taxpayer contributes to the entire tax burden in proportion to his [or her] share of the total value of all property subject to the tax.” *Eastler v. State Tax Assessor*, 499 A.2d 921, 924 (Me. 1985).

[¶28] Practically speaking, we recognize that there may be times when the amount of such abatements may be too insignificant to justify any individual taxpayer taking action against discriminatory tax schemes, but any remedy must also avoid unduly burdening other nonappealing taxpayers.

[¶29] The record here reflects that as a result of the Board’s original decision granting eight percent abatements, a decision recommended by the Town, the Taxpayers were collectively refunded approximately \$380,000 before any interest.<sup>9</sup> This amount is more than enough to make the Taxpayers

---

<sup>9</sup> In its first decision, the Board granted the Taxpayers interest on the abatements at a rate of seven percent from the date of overpayment pursuant to 36 M.R.S. § 506-A (2018), based upon the Town’s contention that that was the proper interest rate for overpayments. Seven percent is the interest rate that the Town used when it paid the eight percent abatements, which brought the collective amount paid to the Taxpayers to approximately \$461,000. After the Superior Court’s remand, however, the Town introduced budget orders for the years at issue showing that the correct interest rate for overpayments was actually three percent. Thus, the Taxpayers received an extra four percent in interest, which the Town acknowledges must stand if the Board’s original decision is reinstated.

There was also some dispute after the Superior Court’s remand about when the interest should begin to run. If the Town made any error in calculating when the interest began to run when it made the eight percent abatement payments, the error was rendered harmless by the extra four percent interest and the fact that the Taxpayers received more money than was necessary to make them whole.

Jonathan A. Block, Esq., Pierce Atwood LLP, Portland; John B. Shumadine, Esq., and Sage M. Friedman, Esq., Murray Plumb & Murray, Portland; and William H. Dale, Esq. (orally), Jensen Baird Gardner & Henry, Portland, for appellants Kenyon C. Bolton III et al.

Michael A. Hodgins, Esq. (orally), Eaton Peabody, Bangor, and Zachary B. Brandwein, Esq., Bernstein Shur, Portland, for cross-appellant Town of Scarborough

Cumberland County Superior Court docket numbers AP-2018-24, AP-2018-26, AP-2018-30, and AP-2018-31

FOR CLERK REFERENCE ONLY

# Court finds Scarborough tax breaks for adjacent lots illegal

 [pressherald.com/2016/08/17/maines-high-court-finds-scarborough-tax-breaks-for-adjacent-lots-illegal/](http://pressherald.com/2016/08/17/maines-high-court-finds-scarborough-tax-breaks-for-adjacent-lots-illegal/)

By Kelley Bouchard

August 17, 2016



A little-known but widespread practice of giving property tax breaks to homeowners for adjacent lots they also own is illegal, the Maine Supreme Judicial Court decided Tuesday.

The justices reviewed the outcome of a 2014 superior court appeal filed by 34 residents of Scarborough's seaside neighborhoods, who had been denied abatements after being assessed property tax increases they said were discriminatory and unconstitutional.

The landowners lost their initial claim that the former town assessor discriminated against them when he increased most waterfront land values in 2012. Some of their neighbors, however, were immune to the full impact of the increase because they owned adjacent lots that were considered "excess land" for assessment purposes.

The practice, which has been permitted by state officials, led to assessment reductions ranging from a few thousand dollars on inland parcels to a few million on waterfront properties.

On Tuesday, the state supreme court found that the practice of randomly undervaluing adjacent lots upon request violates the constitutional requirement for equal taxation and state laws that call for each lot to be assessed separately and at just value.



scarborough maine

© 2023

# Certificate of Lot Merger (Page 1)

(Please type or print legibly in black ink)

The undersigned applicant requests that the Town of South Berwick, Maine, hereby merge the following parcels of land for the purposes of being assessed and treated for regulatory purposes as a single tract or parcel of land:

Name of record owner(s) (must be identical for all lots consolidated): \_\_\_\_\_

Mailing address of owners(s): \_\_\_\_\_

The following existing parcels are to be consolidated into a single parcel:

Map #	Lot #	Property Location	Plan #	Book	Page	Deed References
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

(Attach additional sheet if necessary)

It is a condition of this lot merger that, ~~in consideration of the tax benefits achieved by merging the lots or parcels,~~ the owners agree that the merged lots or parcels shall thereafter be considered a single lot for all purposes under the Town's land use ordinances and that the owners waive any rights to divide the merged lot, separately convey any portion of the merged lot or separately develop any portion of the merged lot unless such division, conveyance or development meets all applicable requirements of the Town's land use ordinances at the time it occurs. The owners understand that the merged lot will continue to be assessed at just value.

By signing below, the applicant agrees (i) that upon approval, a copy of this agreement shall be recorded in the York County Registry of Deeds, and (ii) subsequent to the approval of this agreement, the owner(s) shall not separately convey or encumber any of the previously existing parcels. Any attempt to separately convey or development any parcel or part of a parcel submitted hereunder shall require compliance with all applicable Town land use ordinances at the time it occurs.

Witness our hands this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Witness \_\_\_\_\_

Owner's Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Owner's Signature \_\_\_\_\_

Print Name \_\_\_\_\_

STATE OF MAINE  
COUNTY OF YORK, ss

\_\_\_\_\_  
Date

Personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing instrument to be his/her free act and deed.

Before me, \_\_\_\_\_  
Notary Public/Attorney at Law



<b>Meeting Date:</b> September 12, 2023	<b>NB #4</b>
<b>Agenda Item: Ordinance changes related to LD2003 Ordinance Amendment</b>	
<b>Department Head Recommendation:</b>	
The Planning Board is recommending the Town Council accept the ordinance amendments.	
<b>Town Manager's Recommendation</b>	
<b>Requested Action</b>	
Town Council Wishes: Motion to schedule a Workshop or schedule a Public Hearing.	
<b>Vote</b>	



# *Town of South Berwick*

## *Planning Department*

180 MAIN STREET

SOUTH BERWICK MAINE 03908

TEL. 207-384-3012

To: South Berwick Town Council  
From: South Berwick Planning Board  
Date: 8/22/2023

RE: LD2003 Ordinance Amendment

On July 19, 2023, the Planning Board reviewed the ordinance amendments in accordance with LD2003 and scheduled the public hearing.

In summary, the required changes affect the following chapters of the South Berwick Code:

1. Chapter 140 Attachment 1- Table A
2. Chapter 140 Attachment 2- Table B
3. Chapter 140-46.1- Accessory Apartments
4. Chapter 140- Definitions
5. Chapter 140-47
6. Addition- Affordable Housing Provisions (need a Section number)
7. Chapter 140-46 Minimum Road and Shoreland Frontage

Accordingly, the planning Board conducted a public hearing on August 2, 2023. On August 16<sup>th</sup>, 2023, the planning board deliberated and made minor changes. The planning board voted unanimously to send the ordinance amendments to the Town Council.

The additional modifications include:

1. Setting a maximum size of an ADU at 750SF. The board opted for a fixed number rather than a percentage-based approach.
2. Renaming "Accessory Apartment" to "Accessory Dwelling Unit" for chapter 140.46.1 definitions.
3. Added a note to Table A for "affordable housing". This new note will be "Note 10" and will read "Only as it applies to LD2003 PL 672 130<sup>th</sup> Legislature, see section\_\_\_\_\_"

The board voted unanimously 4-0-0 to send all Ordinance Amendments, as amended, for MRSA-Title-30-A § 4364- Affordable Housing Density, MRSA-Title-30-A § 4364-A Residential Areas, Generally; Up to 4 dwelling units allowed, MRSA-Title-30-A § 4364-B Accessory Dwelling Units, MRSA-Title-30-A § 4364-C, Municipal Role in Statewide Housing Production Goals to the Town Council.

DocuSigned by:

*Greg Zinser*

E678B9F8A3634D4...

9/5/2023

Gregory Zinser, Planning Board Chair



Minimum Road and Shoreland Frontage							
Number of Units	R3, R4, RS		R1, R2, B2		B1, BR		
	Road	Shore	Road	Shore	Road	Shore	
2	300	400	150	400	None	200	
3	400	600	200	600	None	300	
4	450	800	250	800	None	400	
5	500	1,000	275	1,000	None	500	
6	550	1,200	300	1,200	None	600	

- |
- (1) Lots for two-[four](#) family and multifamily dwelling units shall meet all other dimensional requirements for single-family dwellings, except road frontage.

§ 140-46.1. Accessory ~~apartments~~ Dwelling Units

~~The Planning Board may approve, after a minor site plan review, The Code Enforcement Officer shall approve~~ the addition of one dwelling unit to an

existing single-family dwelling. ~~The additional unit if proposed to be attached or stand alone on the property shall which is unable to~~ comply with the dimensional standards of this chapter.

The use must comply with the following standards:

A. ~~The existing dwelling unit must have a minimum of 2,000 gross square footage of living area (cellars are not to be included in such calculation) to be considered for an accessory apartment.~~ The

accessory Dwelling Units ~~apartment~~ shall not exceed 750 Square Feet ~~30%~~ of the total living area of the building and can be located within the existing building, attached to the existing building or standalone provided all dimensional standards of the zone in which it is located can be met.-

B. Either the principal or accessory unit shall be owner-occupied. Under this section, "owner-occupied" means that either the principal dwelling unit or the accessory apartment is occupied by a person who has a possessor interest in the real estate, who bears all or part of the economic risk of decline in the value of the real estate and who receives all or part of the remuneration, if any, derived from the lease or rental of the other dwelling unit.

C. ~~A "single-family dwelling," as contained in this section, means the building proposed for conversion and any accessory building attached as of the effective date of this chapter. Only one accessory apartment shall be permitted per lot.~~

D. ~~There will be no external expansion of the structure, except for stairwells and elevators.~~

CE. The dimensional standards found in Table B1 must be adhered to.

~~are waived with the exception of the standards for lot~~

~~coverage, residential, which cannot be increased above set standards or that which exists at the time of the proposed conversion, whichever is greater.~~

DF. The development must meet the shoreline frontage requirements outlined in Subsection A(2) of § 140-46.

EG. Any request for an accessory apartment shall conform to all provisions of the Maine State Plumbing Code and show proof of adequate water supply to serve the proposed unit, and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed soil evaluator

which demonstrates that a new system can be installed to meet the disposal needs of the dwelling units or the existing system has adequate capacity for the proposed use.

F. The proposed accessory dwelling unit is not required to provide additional parking spaces for the unit.

~~H. This provision shall not prohibit the conversion of a single family dwelling to a multiplex dwelling or the conversion of a duplex dwelling to a multiplex dwelling so long as said conversion complies with all district and zoning standards, including but not limited to dimensional requirements.~~

~~I. When a dwelling which contains an approved accessory apartment is vacated by the owner, the owner shall notify the Code Enforcement Officer within 60 days. The Code Enforcement Officer shall then, in writing, either reconfirm or void the site plan permit for the accessory apartment. A reconfirmation shall determine that the apartment conforms to the area specifications of the original approval that all standards of this section are being met and that currently prevailing health and safety requirements for apartments are also being met. In the absence of a reconfirmation the site plan approval is void.~~

~~J. Whenever the Planning Board approves an accessory apartment pursuant to this § 140-46.1, the Board shall prepare a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title, indicating that the Board has approved the addition of one accessory apartment to a single family dwelling and the date of such~~

~~1. Editor's Note: Table B is included as an attachment to this chapter.~~

~~:1~~

~~approval, setting forth the requirements of § 140-46.1 of this chapter and containing a notice that the approval will become void if the property ceases to comply with those requirements. The property owner shall cause the certificate to be recorded in the York County Registry of Deeds within 90 days of the date of Planning Board approval, or the approval shall be invalid.~~

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Formatted: Numbering: Continuous

#### § 140-9 Definitions.

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

#### ABUTTERS

All property owners within 250 feet of subject property lines, including property owners across roadways and bodies of water.

#### ACCESSORY ~~APARTMENT~~ DWELLING UNIT

A separate dwelling unit located within attached to or standalone on the Primary homes property, and subordinate to a single-family detached dwelling. The unit must have a minimum of 190 square feet and be no larger than 750 square feet of living space.

#### ACCESSORY USE OR STRUCTURE

A use or structure which is customarily and in fact both incidental and subordinate to the principal use or structure. The term "incidental" in reference to the principal use or structure shall mean both subordinate and minor in significance to the principal use or structure and attendant to the principal use or structure. Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the lot. Trailers utilized for storage are considered in this category.

#### ADT

Average daily trips. The number of trips generated for a particular use as found in the Institute of Transportation Engineers; Trip Generation Rate (latest edition available); an example of this is that a single-family home has 10 trip ends per unit. A trip end equals a vehicle coming and going from a property.

#### AFFORDABLE HOUSING

Formatted: Font: Bold

"Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended.

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.57" + Indent at: 0.81"

2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

Formatted: Character scale: 100%

3. For purposes of this definition, "majority" means more than half.

Formatted: Font: 10.5 pt

4. For purposes of this definition, "housing costs" means:

Formatted: List Paragraph, Indent: Left: 0.81", Right: 0.26", Line spacing: Multiple 1.05 li, Tab stops: 0.82", Left

a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

**Formatted:** Indent: Left: 0.59", Hanging: 0.04", Space Before: 0 pt, Line spacing: Multiple 0.98 li

## **AFFORDABLE HOUSING COVENANT**

"Affordable housing covenant" means any agreement among one or more owners, one or more tenants of residential real estate and one or more qualified holders, or between one or more owners and one or more qualified holders, or between one or more tenants and one or more qualified holders, that permits a qualified holder to control, either directly or indirectly, the purchase price of residential housing for the primary purpose of providing that the housing remains affordable to lower income and moderate-income households.

**Formatted:** Indent: Left: 0"

**Commented [JM1]:** Taken from the Maine.gov website. Does there need to be the 80% and 120% there?

**[Added 4-14-2015]**

## **AGGRIEVED PARTY**

A person who demonstrates standing to appeal from a decision rendered under this chapter.

## **AGRICULTURE, LIVESTOCK**

See "animal husbandry."

## **AGRICULTURE, NONLIVESTOCK**

The cultivation of soil and the producing or raising of crops, including gardening as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof; but those two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs and/or trees are grown for sale.

## **ALTERATION**

Any change, addition or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings, such as bearing walls, columns, beams or girders.

## **AMUSEMENT CENTER**

Any private or commercial premises which is maintained or operated primarily for the amusement, patronage or recreation of the public, containing an aggregate of four or more table sports, pinball machines, video games or similar mechanical or electronic games, whether activated by coins, tokens or discs, or activated through remote control by the management.

## **ANIMAL HUSBANDRY**

The keeping of any domesticated animals other than household pets.

## **AQUACULTURE**

See Chapter 110, § 110-11.

**[Amended 6-15-2009]**

## **AREA OF SPECIAL FLOOD HAZARD**

See Chapter 110, § 110-11.



83 [Amended 6-15-2009]

84 **AUTHORIZED AGENT**

85 An individual or a firm having written authorization to act on behalf of a property owner, signed by the  
86 property owner and notarized.

87 **AUTOMOBILE GRAVEYARD**

88 A yard, field or other area, used as a place of storage for three or more unserviceable (incapable of  
89 passing a state highway safety inspection), discarded, worn out or junked motor vehicles. Temporary  
90 storage by an establishment or place of business which is engaged primarily in doing auto body repair  
91 for the purpose of making repairs to render a motor vehicle serviceable shall not constitute an  
92 automobile graveyard.

93 **AUTOMOBILE REPAIR GARAGE**

94 A place where, with or without the attendant sale of engine fuels, the following services may be carried  
95 out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service,  
96 (such as body, frame or fender straightening and repair), overall painting and undercoating of  
97 automobiles.

98 **AUTOMOBILE SERVICE STATION**

99 A place where gasoline or any other engine fuel (stored only in underground tanks), kerosene or motor  
100 oil and lubricants or grease are retailed directly to the public on the premises, including the sale of minor  
101 accessories and the servicing and minor repair of automobiles, not including storage or unlicensed  
102 vehicles and not including body, frame or fender straightening and repair.

103 **BANK**

104 An establishment for the custody, loan, exchange or issue of money, for the extension of credit and for  
105 facilitating the transmission of funds.

106 **BASAL AREA**

107 The area of cross section of a tree stem at diameter breast height (4.5 feet above the ground) and  
108 includes bark.

109 **BASAL AREA, RESIDUAL**

110 The total of the basal area of trees remaining on a harvest area.

111 **BASE DENSITY**

112 "Base density" means the maximum number of units allowed on a lot not used for affordable  
113 housing based on dimensional requirements in a local land use or zoning ordinance.

114 **BASE FLOOD**

115 See Chapter 110, § 110-11.

116 [Amended 6-15-2009]

117 **BASEMENT**

118 The enclosed area underneath a structure, typically having a masonry floor and walls which are part of  
119 the structure's foundation. The clear height up to the joists supporting the floor directly above is four  
120 feet or greater.

121 **BED-AND-BREAKFAST**

Formatted: Underline

Formatted: Underline

Formatted: Indent: Left: -0.06", First line: 0.06"

122 A single-family dwelling in which lodging or lodging and meals are offered to the general public for  
123 compensation, offering no more than five bedrooms for lodging purposes with a maximum stay of no  
124 more than 14 days.

125 **BOATHOUSE**

126 See Chapter 110, § 110-11.

127 **[Amended 6-15-2009]**

128 **BOAT LANDING**

129 See Chapter 110, § 110-11.

130 **[Amended 6-15-2009]**

131 **BODY OF WATER**

132 See Chapter 110, § 110-11.

133 **[Amended 6-15-2009]**

134 **BROOK**

135 See Chapter 110, § 110-11.

136 **[Added 6-15-2009]**

137 **BUFFER**

138 An area which serves to provide a visual, aesthetic, and noise-reduction barrier between conflicting land  
139 uses.

140 **BUILDING**

141 Any structure having a roof supported by columns or walls for the housing or enclosure of persons,  
142 animals or personal property.

143 **BUILDING HEIGHT**

144 The vertical distance between the highest point of the roof and the average grade of the ground  
145 adjoining the building.

146 **CAMP**

147 Any building, seasonal in nature, such as cabins or hunting shelters intended for temporary or  
148 intermittent use not to exceed three months per year. Each camp must have sanitation facilities in  
149 compliance with the State of Maine Subsurface Wastewater Disposal Rules.

150 **CAMPGROUND**

151 Any area or tract of land to accommodate two or more parties in temporary living quarters, including  
152 but not limited to tents, recreational vehicles or other shelters.

153 **CAREGIVER RETAIL STORE**

154 A store that has attributes generally associated with retail stores, including, but not limited to, a fixed  
155 location, a sign, regular business hours, accessibility to the public and sales of goods or services directly  
156 to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested  
157 marijuana for sale to qualifying patients. As defined in accordance with Maine State Statute or rule.

158 **[Added 1-14-2020; amended 9-14-2021]**

159 **CELLAR**  
160 See "basement."

161 **CEMETERY**  
162 Property used for interring the dead.

163 **CHANGE OF USE**  
164 A change from one category in the land use table to another or the addition of a new category of use to  
165 an existing use.

166 **CHANNEL**  
167 See Chapter **110**, § **110-11**.

168 **[Amended 6-15-2009]**

169 **CHURCH**  
170 A building or structure or group of buildings or structures, designed, primarily intended and used for the  
171 conduct of religious services.

172 **CIVIC CENTER**  
173 A building or complex of buildings that house municipal offices and services, and which may include  
174 cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a  
175 governmental agency.

176 **CLUB**  
177 Any association of persons organized for social, religious, benevolent or academic purposes whose  
178 facilities are open to members and guests, including fraternities, sororities and social organizations.

179 **CLUSTER DEVELOPMENT**  
180 A development in which dimensional requirements may be reduced in order to promote the retention of  
181 open space.

182 **COASTAL WETLANDS**  
183 See Chapter **110**, § **110-11**.

184 **[Amended 6-15-2009]**

185 **CODE ENFORCEMENT OFFICER**  
186 A person appointed by the Town Manager to administer and enforce this chapter. Reference to the  
187 "Code Enforcement Officer" may be construed to include Building Inspector, Plumbing Inspector;  
188 Electrical Inspector and the like, where applicable.

189 **COMMERCIAL CENTER**  
190 Includes commercial premises such as retail stores or service establishments which occupy premises  
191 designed, operated or utilized as a single development, which accommodate more than one business and  
192 which use less than 12,000 square feet of gross floor space.

193 **COMMERCIAL COMPLEX**  
194 Any concentration of retail stores or service establishments occupying premises which are designed  
195 operated or utilized as a single development which encompass 12,000 square feet or more of gross floor  
196 space. This definition shall also include large department stores or grocery stores which meet the above  
197 floor space requirements.

198 **COMMERCIAL RECREATION**

199 Any commercial enterprise which receives a fee in return for the provision of some recreational activity,  
200 including but not limited to racquet clubs, health facility, amusement parks, golf courses, etc., but not  
201 including amusement centers, as defined herein.

202 **COMMUNITY LIVING FACILITY**

203 A housing facility for eight or fewer mentally handicapped and developmentally disabled persons which  
204 are approved, authorized, certified, or licensed by the state. A "community living facility" may include a  
205 group home, foster home or intermediate care facility.

206 **COMMUNITY SERVICES**

207 Police and Fire Department protection, schools, library, rescue, etc., and not hereinafter defined as  
208 utility.

209 **CONFORMING USE**

210 A use of buildings, structures or land which complies with all applicable provisions of this chapter.

211 **CONGREGATE HOUSING**

212 **[Amended 4-10-2012]**

213 A. A dwelling or group of dwellings and shared community space, providing shelter and services for  
214 elderly persons, which may include meals, housekeeping, transportation, recreational activities,  
215 personal-care assistance, and the like. Elderly persons shall mean a person 55 years old or older, or a  
216 couple that constitutes a household with at least one member who is 55 years old or older at the time of  
217 entry into the facility. A person who meets the definition of "disabled" or "handicapped" as set forth in  
218 501(b) of the Housing Act of 1949, the Fair Housing Act, the Americans with Disabilities Act or the  
219 Rehabilitations Act of 1973, or in regulations issued by either the United States Department of Housing  
220 and Urban Development or the United States Department of Agriculture, Rural Development, shall be  
221 deemed to meet the congregate housing age requirements of this chapter, and may occupy units within  
222 such developments, even if that person is not 55 years or older or is not part of a household with another  
223 member who is 55 years or older.

224 B. Congregate housing shall include either or both of the following types of uses:

225 (1) Dwelling units as defined by this chapter; or

226 (2) Residential units which do not meet the definition of dwelling unit because they have no cooking  
227 facilities within each unit.

228 C. Congregate housing is distinct from "dwelling," "multifamily," or "nursing homes," and shall not be  
229 required to meet the standards of § **140-46**.

230 **CONSTRUCTED**

231 Includes built, erected, altered, reconstructed, moved upon or any physical operations on the premises  
232 which are required for construction. Excavation, fill, drainage and the like shall be considered a part of  
233 construction.

234 **CORD**

235 A unit of measure of wood products four feet wide, four feet high, and eight feet long, or its equivalent  
236 containing 128 cubic feet when wood is ranked and well stacked. Any voids that will accommodate a  
237 stick, log, or bolt of average dimensions to those in that pile shall be deducted from the measured  
238 volume.

239 **DAY-CARE CENTER**  
240 An establishment where more than 12 children will be cared for in return for payment.

241 **DECORATIVE CHANGES**  
242 Repainting; residing, reroofing, removing or replacing trim, railings or other nonstructural architectural  
243 details; or the addition, removal or change of location of windows and doors.

244 **DESIGNATED GROWTH AREA.** "Designated growth area" means an area that is designated in  
245 a municipality's or multimunicipal region's comprehensive plan as suitable for orderly residential,  
246 commercial, or industrial development, or any combination of those types of development, and  
247 into which most development projected over ten (10) years is directed. designated growth areas  
248 may also be referred to as priority development zones or other terms with a similar intent.

249 **DISPOSAL**  
250 The intentional discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or liquid  
251 waste into or onto any land or water so that the solid waste or any constituent thereof may enter into the  
252 environment or be emitted into the air or discharged into any waters, including groundwaters.

253 **DISTRICT**  
254 A specified portion of the municipality, delineated on the Official Zoning Map, within which certain  
255 regulations and requirements or various combinations thereof apply under the provisions of this chapter.

256 **DORMITORY or RESIDENCE HALL**  
257 A building or portion thereof providing sleeping rooms, bathrooms, and common areas for individuals  
258 or for groups affiliated with an educational institution. Each such dormitory or residence hall must have  
259 a full-time live-in adult resident supervisor to provide support services and oversight of occupants.

260 **[Added 1-10-2017]**

261 **DRIVEWAY**  
262 A private way providing access to no more than two buildings on separate abutting lots from a public or  
263 private street.

264 **[Added 4-14-2015]**

265 **DWELLING, MULTIFAMILY**  
266 A building containing three or more dwelling units, such buildings being designed exclusively for  
267 residential use and occupancy by three or more families living independently of one another, with the  
268 number of families not exceeding the number of dwelling units.

269 **DWELLING, SINGLE-FAMILY**  
270 Any structure containing only one dwelling unit.

271 **DWELLING, TWO-FAMILY**  
272 A building containing only two dwelling units for habitation by not more than two families.

273 **DWELLING UNIT**  
274 A building or portion thereof providing complete housekeeping facilities for one family and which  
275 contains independent areas for living, cooking, sleeping, bathing and sanitary facilities. The term shall  
276 not be deemed to include a recreational vehicle.

277 **EARTH**

**Formatted:** Indent: Left: 0.32", First line: 0", Right: 0.25", Space Before: 0.05 pt, After: 14.15 pt, Line spacing: Multiple 1.05 li

**Formatted:** Font: Not Bold



278 Topsoil, sand, gravel, clay, peat, rock or other minerals.

279 **EQUESTRIAN FACILITY**

280 A commercial riding stable which includes instruction in horsemanship which may also board horses  
281 not owned by the facility. Such a facility may also include both indoor and outdoor riding arenas.

282 **[Added 1-14-2020]**

283 **ESSENTIAL SERVICES**

284 Gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems,  
285 collection, supply or disposal systems. Such systems may include poles, wires, mains, drains, sewers,  
286 pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories,  
287 but shall not include buildings which are necessary for the furnishing of such services or transmission  
288 towers as defined herein.

289 **EXCAVATION**

290 Any removal of earth from its original position.

291 **EXISTING RIGHT-OF-WAY**

292 A strip of land which is dedicated for the sole purpose of providing access to a parcel or parcels of land  
293 abutting, described on a deed recorded prior to the effective date of this chapter.

294 **EXPANSION OF A STRUCTURE**

295 An increase in the floor area or volume of a structure, including all extensions such as, but not limited  
296 to, attached decks, garages, porches and greenhouses.

297 **EXPANSION OF USE**

298 The addition of months to a use's operating season; or the use of more floor area or ground area devoted  
299 to a particular use.

300 **EXTRACTIVE INDUSTRY**

301 Any operation engaged in the removal of more than 10 cubic yards in any twelve-month period of  
302 topsoil, sand, gravel, clay, rock or other like material from its natural location and for transportation off  
303 the lot except as may be exempted within the extractive industry performance standards in this chapter.

304 **FAMILY**

305 One or more persons occupying a premises and living as a single housekeeping unit, as distinguished  
306 from a group occupying a boardinghouse, lodging house or hotel as herein defined.

307 **FAMILY DAY CARE**

308 An establishment, including a private residence as defined under the Rules of the Maine Department of  
309 Human Services, Chapter 38, Licensing of Day-Care Homes.

310 **FILLING**

311 Depositing or dumping any matter on, or into, the ground or water.

312 **FLOOD**

313 See Chapter 110, § 110-11.

314 **[Amended 6-15-2009]**

315 **FLOOD INSURANCE MAP**

316 See Chapter 110, § 110-11.

317 [Amended 6-15-2009]

318 **FLOODPLAIN**

319 See Chapter 110, § 110-11.

320 [Amended 6-15-2009]

321 **FLOODPROOFING**

322 See Chapter 110, § 110-11.

323 [Amended 6-15-2009]

324 **FLOOD, REGIONAL**

325 See Chapter 110, § 110-11.

326 [Amended 6-15-2009]

327 **FLOODWAY**

328 See Chapter 110, § 110-11.

329 [Amended 6-15-2009]

330 **FLOOR AREA, GROSS**

331 The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the  
332 exterior faces of the exterior walls.

333 **FLOOR AREA, NET**

334 The total of all floor areas of a building, excluding the following: stairwells, elevator shafts, equipment  
335 rooms, interior vehicular parking or loading and all floors below the first or ground floor, except when  
336 used or intended to be used for human habitation or service to the public.

337 **FORESTER, LICENSED PROFESSIONAL**

338 A forester licensed under 32 M.R.S.A. c. 75.

339 **FOREST MANAGEMENT ACTIVITIES**

340 Includes clearing and other forest resource evaluation activities, pesticide or fertilizer application,  
341 timber stand improvement, pruning, regeneration of forest stands, and other similar or associated  
342 activities, and the construction, creation or maintenance of land management roads.

343 [Amended 6-15-2009]

344 **FOREST MANAGEMENT PLAN**

345 A site-specific document signed by a professional forester outlining proposed activities to ensure  
346 complete standards and regeneration requirements established by 12 M.R.S.A. § 8868 et seq., and any  
347 rules promulgated by the Department of Conservation.

348 **FRESHWATER WETLANDS, MAJOR**

349 See Chapter 110, § 110-11.

350 [Amended 6-15-2009]

351 **FRESHWATER WETLANDS, MINOR**

352 See Chapter 110, § 110-11.

353 **[Amended 6-15-2009]**

354 **FRONTAGE**

355 The horizontal distance measured along the lot line between the intersections of the side lot lines with  
356 the private or public right-of-way.

357 **FRONTAGE, SHORE**

358 See Chapter 110, § 110-11.

359 **[Amended 6-15-2009]**

360 **FROST WALL**

361 A masonry foundation wall extending below the ground surface, supported by footings located below  
362 the frost line to protect the structure from frost heaves.

363 **FUNCTIONALLY WATER-DEPENDENT USES**

364 See Chapter 110, § 110-11.

365 **[Amended 6-15-2009]**

366 **FUNCTION HALL/BANQUET HALL**

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

371 **[Added 5-12-2015]**

372 **GRADE**

373 In relation to buildings, the average of the finished ground level at the center of each wall of a building.

374 **GREAT POND**

375 See Chapter 110, § 110-11.

376 **[Amended 6-15-2009]**

377 **GREENHOUSE**

378 A glass or plastic enclosure used for cultivation or protection of tender plants.

379 **GUEST HOUSE**

380 See "hotel."

381 **HEALTH-CARE FACILITY**

382 An institution providing overnight health services and/or medical or surgical care. Laboratories,  
383 outpatient, training, central service and staff offices are related uses. A medical-care facility includes  
384 hospitals, nursing homes, convalescent centers and similar service facilities.

385 **HEIGHT OF A STRUCTURE**

386 The vertical distance between the mean original grade at the downhill side of the structure and the

387 highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which  
388 have no floor area.

389 **HOME OCCUPATION**

390 An occupation or use which is conducted by a person(s) on the same lot where such person resides and  
391 which does not change the character thereof. Home occupations may be classified into either a "minor"  
392 or "major" home occupation as detailed in § 140-43.

393 **HOSPITAL**

394 An institution providing, but not limited to, overnight health services, primarily for inpatients, and  
395 medical or surgical care for the sick or injured, including as an integral part of the institution such  
396 related facilities as laboratories, outpatient departments, training facilities, central services facilities and  
397 staff offices.

398 **HOTEL**

399 A building containing guest rooms kept, used, maintained or held out to the public as a place where  
400 lodging and/or meals are provided. "Hotel" shall include motel, guest houses, tourist courts, cabins and  
401 motor lodges. The hotel may contain such accessory services and facilities for the benefit of its guests  
402 and only incidentally for the general public as newsstands, personal grooming facilities and restaurants.

403 [Amended 5-11-2009]

404 **HVAC SYSTEMS RELATED TO ODOR CONTROL FOR MARIJUANA**

405 A ventilation system designed to mitigate and prevent marijuana odors from detection outside the  
406 premises.

407 [Added 1-14-2020]

408 **INCINERATION**

409 A process used for volume reduction of solid waste by means of controlled combustion. This term does  
410 not include cone burners or the practice of open burning.

411 **INDIVIDUAL PRIVATE CAMPSITE**

412 An area of land which is not associated with a campground, but which is developed for repeated  
413 camping, by only one group not to exceed 10 individuals, and which involves site improvements which  
414 may include but not be limited to gravel pads, parking areas, fire places, or tent platforms. Individual  
415 private campsites may be utilized for a period not to exceed three months total in any given calendar  
416 year.

417 **INDUSTRIAL**

418 The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the  
419 extraction of minerals.

420 **INN**

421 A single building containing 25 or fewer sleeping rooms and built or converted to accommodate, for a  
422 fee, travelers who are staying for a limited duration. An inn may provide dining services to its guests  
423 and may host special functions, such as weddings, but does not include a restaurant to serve the public  
424 at-large, unless restaurants (eating places) are otherwise allowed in the district.

425 [Added 5-11-2009; amended 1-10-2017]

426 **JUNKYARD**

427 A yard, field or other area used as place of storage for any of the following:

428 A. Discarded, worn-out or junked plumbing and heating supplies, household appliances and furniture.

429 B. Discarded, scrap and junk lumber.

430 C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap

431 iron, steel and other scrap ferrous or nonferrous material.

432 D. Garbage dumps, waste dumps and sanitary fills.

433 E. Unserviceable, discarded, worn-out or junked motor vehicles and motor vehicle parts, unserviceable

434 bikes, lawn mowers and other similar items.

435 **KENNEL**

436 Any place, building, tract or land, abode, enclosure or vehicle where three or more dogs or three or more

437 cats are kept for any purpose for a fee. This definition shall also include dog day-care facilities, dog

438 grooming and agility facilities for dogs.

439 **[Amended 1-14-2020]**

440 **LANDFILL**

441 A system of trash and garbage disposal in which the waste is buried between layers of earth.

442 **LIGHT INDUSTRY**

443 Uses intended primarily for the conduct of light manufacturing, assembling and fabrication and for

444 associated warehousing, wholesaling and service operations that do not depend primarily on frequent

445 personal visits of customers or clients or a high number of truck and/or freight visits per day. Such uses

446 should accommodate a broad spectrum of clean industries; but noticeable glare, noise, vibration, odor or

447 other nuisances at the property lines of the property on which the use is situated are prohibited. Light

448 industrial uses might include software or computer development, electronics assembly, book,

449 publishing, science and research facilities, and microbreweries. Light industrial uses also include

450 contractor services such as landscaping, lawn care, tree care, plumbing and heating where such services

451 require facilities to store equipment, materials and vehicles.

452 **[Amended 1-14-2020]**

453 **LOT**

454 A parcel or tract of land occupied or capable of being occupied by one [or more](#) principal use or building

455 and the accessory buildings or uses customarily incidental to it, including such open spaces as are

456 required by the chapter, having frontage upon a street, and existing deeded right-of-way or a new

457 deeded right-of-way with a minimum fifty-foot width and with each principal building located on land

458 identified as allocable to that building which meets the minimum dimensional requirement for that

459 district as provided in this chapter.

460 **LOT AREA**

461 The total horizontal area within the lot lines.

462 **LOT, CORNER**

463 A lot with at least two contiguous sides abutting upon a street or right-of-way.

464 **LOT COVERAGE**

465 The percentage of the lot covered by all buildings, parking areas, roadways, sidewalks and driveways.



466 **LOT, INTERIOR**  
467 Any lot other than a corner lot.

468 **LOT LINES**  
469 The lines bounding a lot as defined below:

470 A. **FRONT LOT LINE**

471 (1) On an interior lot, the line separating the lot from the street or right-of-way.  
472 (2) On a corner or through lot, the line separating the lot from either street or right-of-way.

473 B. **REAR LOT LINE**The lot line opposite the front lot line.

474 (1) On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel  
475 to the front line, not less than 10 feet long, lying farthest from the front lot line.

476 (2) On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

477 C. **SIDE LOT LINE**Any lot line other than the front lot line or rear lot line.

478 **LOT OF RECORD**  
479 A parcel of land, a legal description of which or the dimensions of which are recorded on a document or  
480 map on file with the County Registry of Deeds.

481 **LOT, SHOREFRONT**  
482 See Chapter 110, § 110-11.

483 **[Amended 6-15-2009]**

484 **LOT, THROUGH**  
485 Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street  
486 and a body of water or a right-of-way and a body of water or between two bodies of water, as  
487 distinguished from a corner lot. All sides of "through lots" adjacent to streets, rights-of-way and bodies  
488 of water shall be considered frontage, and front yards shall be provided as required.

489 **LOT WIDTH**  
490 The horizontal distance between the side lot lines, measured at the front setback line.

491 **MANUFACTURED HOME**  
492 A structural unit or units designed for occupancy and constructed in a manufacturing facility and  
493 transported by the use of its own chassis or an independent chassis to a building site. This shall include:

494 A. Units constructed after June 15, 1976, commonly called "newer mobile homes" and constructed in  
495 compliance with the U.S. Department of Housing and Urban Development Standards.

496 B. Units commonly called "modular homes" which are constructed in compliance with 10 M.R.S.A § 9001  
497 et seq.

498 **MANUFACTURING**  
499 The making of goods and articles by hand or machinery. "Manufacturing" shall include assembling,  
500 fabricating, finishing, packaging or processing.

502 **MARIJUANA**

503 As defined by Maine State Statute or rule.

504 **[Added 1-14-2020]**

505 **MARINA**

506 See Chapter 110, § 110-11.

507 **[Amended 6-15-2009]**

508 **MEDICAL MARIJUANA CULTIVATION/GROWING FACILITY**

509 A facility used by three or more registered caregivers for cultivating, processing, and/or storing of  
510 medical marijuana by a registered caregiver at a location which is not the registered caregiver's primary  
511 year-round residence or their patient's primary year-round residence. This definition also includes  
512 cultivating marijuana, harvesting marijuana, drying marijuana, and the packaging and transportation of  
513 the product from the premises. Medical marijuana shall not be transported to the licensed facility from  
514 any other growing facility. Only marijuana grown on the premises shall be allowed on the facility at any  
515 time. No marijuana grown off the premises shall be transported to, stored at, packaged, or processed at  
516 the facility. The maximum size of a medical marijuana cultivation/growing facility on a single lot of  
517 record shall be 2,500 square feet of cultivation area.

518 **[Added 8-17-2021]**

519 **MINERAL EXPLORATION**

520 Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources  
521 which create minimal disturbance to the land and which include reasonable measures to restore the land  
522 to its original condition.

523 **MINIMUM LOT AREA**

524 The land area of a parcel not including the area of any land which is part of a right-of-way for a  
525 thoroughfare or easement, such as but not limited to surface drainage easements or traveled rights-of-  
526 way (but not including utility easement servicing that lot), subject to tidal action or which is part of a  
527 major or minor freshwater wetland.

528 **MINI-STORAGE FACILITY**

529 Fully enclosed structures with individual, secured units which are available for lease or rent by persons  
530 other than residents of the premises for the storage of nonhazardous goods not related to the sale or  
531 manufacture of goods on the same lot.

532 **[Added 1-14-2020]**

533 **MOBILE HOME**

534 See "manufactured home."

535 **MOBILE HOME PARK**

536 A parcel of land under unified ownership approved by the municipality for the placement of three or  
537 more "newer mobile homes." This does not apply to modular homes as described.

538 **MODULAR HOME**

539 A home in which entire sections are constructed in a factory and shipped to their eventual location  
540 where very little on-site labor is required to piece the sections together.

541 **MOTEL**

542 A building or group of buildings in which lodging is offered to the general public for compensation and  
543 where entrance to rooms maybe made directly from the outside of the building.

544 **NEIGHBORHOOD CONVENIENCE STORE**

545 A store of less than 1,500 square feet of floor space intended to service the convenience of a residential  
546 neighborhood and not serving gas or food that would normally be served in either a restaurant or fast-  
547 food restaurant as defined herein. Allowed is the sale and preparation of food which is:

548 **[Added 5-11-2009]**

549 A. Primarily intended for immediate consumption;

550 B. Available upon a short waiting time;

551 C. Served over the counter rather than at a table; and

552 D. Prepackaged or presented in a manner that can be readily eaten off the premises where sold.

553 **NET RESIDENTIAL ACREAGE**

554 The gross acreage available for development, excluding the area for streets or access and the areas  
555 which are unsuitable for development.

556 **NET RESIDENTIAL DENSITY**

557 The number of dwelling units per net residential acre.

558 **NOISE**

559 Related definitions:

560 A. **dB(A)** — The abbreviation designating both the unit of measuring sound level, the decibel, and the  
561 mode of measurement that uses the A-weighting of a sound level meter.

562 B. **DECIBEL (dB)**The practical unit of measurement for sound pressure level. The number of "decibels"  
563 of a measured sound is equal to 20 times the logarithm to the base of 10 of the ratio of the sound  
564 pressure of the measured sound to the sound pressure of a standard sound (20 micropascals),  
565 abbreviated "dB."

566 C. **LOUD AND UNREASONABLE NOISE**Any sound, the intensity of which exceeds the standards set  
567 forth in § 140-28 of this chapter.

568 **NONCONFORMING LOT OF RECORD**

569 A single lot of record which, at the effective date of adoption of or amendments to this chapter, does not  
570 meet the area, frontage, width or depth requirements of the district in which it is located.

571 **NONCONFORMING STRUCTURE**

572 A structure that does not meet one or more of the following dimensional requirements: setbacks, height,  
573 yard and lot coverage. It is allowed solely because it was in lawful existence at the time this chapter or  
574 subsequent amendments took effect.

575 **NONCONFORMING USE**

576 Use of premises that is not permitted to locate in the district in which it is situated, but which is allowed  
577 to remain solely because it was in lawful existence at the time this chapter or subsequent amendments  
578 took place.

579 **NONHAZARDOUS SOLID WASTE**

580 Solid waste which does not present a potential or present danger to people, animals or the natural  
581 environment.

582 **NONHAZARDOUS SOLID WASTE FACILITY**

583 Any land, buildings, structures or combination thereof used for the processing of nonhazardous solid  
584 waste, excluding municipally operated facilities for disposal of nonhazardous used building materials  
585 and discarded vegetation resulting from normal residential maintenance activities.

586 **NORMAL HIGH-WATER LINE**

587 See Chapter 110, § 110-11.

588 [Amended 6-15-2009]

589 **NURSERY**

590 An area where plants (trees and shrubs) are grown for transplanting, for use as stocks for budding or  
591 grafting or for sale.

592 **NURSING HOMES**

593 A facility where maintenance and personal or nursing care are provided for persons who are unable to  
594 care for themselves.

595 **OFFICIAL BUSINESS DIRECTIONAL SIGN**

596 A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23  
597 M.R.S.A. § 1901 et seq., which points the way to public accommodations and facilities.

598 **PARKING SPACE**

599 A minimum area of 180 square feet, exclusive of drives, aisles or entrances, fully accessible for the  
600 storage or parking of vehicles.

601 **PERIOD OF OPERATION**

602 The opening and closing times of certain businesses or activities regulated under the conditional use  
603 process. This term may apply to hours of the day or night, days of the week or months of the year.

604 **PERSONAL SERVICE ESTABLISHMENT**

605 A commercial use, the primary concern of which is the rendering of services rather than the sale of  
606 products, and which does not meet the home occupation standards and definition as stated in this  
607 chapter. Personal services may include but not be limited to barbershops, hairdressers, clothing rental,  
608 shoe repair and dog grooming. They shall not include gasoline stations, hotels, bed and breakfasts,  
609 banks, or restaurants.

610 **PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING  
611 OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND**

612 See Chapter 110, § 110-11.

613 [Amended 6-15-2009]

614 **PLANNED RESIDENTIAL DEVELOPMENT**

615 A land development project comprehensively planned as an entity via a unitary site plan which permits  
616 flexibility in building siting, mixtures of housing types and land uses, usable open spaces and the  
617 preservation of significant natural features.

618 **PLANNED UNIT DEVELOPMENT (PUD)**

619 See "planned residential development."

620 **PRINCIPAL BUILDING**

621 The building in which the primary use of the lot is conducted.

622 **PRINCIPAL USE**

623 The primary use to which the premises are devoted and the main purpose for which the premises exist.

624 **PRIVATE ROAD**

625 A road that is privately maintained. A private road shall not receive road maintenance services,  
626 including but not limited to snowplowing, drainage, grading, etc., from the Town until the private road  
627 is classified and built to the standards of a residential access street, as defined in Chapter **121**, § **121-**  
628 **44N**, Type of street, and approved by the Code Enforcement Officer, and accepted by the South  
629 Berwick Town Council.

630 **[Amended 4-14-2015]**

631 **PROFESSIONAL OFFICES**

632 The place of business, which can not be classified as a home occupation by the definition and standards  
633 of this chapter, for doctors, lawyers, accountants, architects, surveyors, real estate agents, insurance  
634 agents, psychiatrists, psychologists, counselors, engineers, and the like, but not including financial  
635 institutions or personal services.

636 **PUBLIC PARK**

637 An area designated specifically for passive recreational use by the general public and involving minimal  
638 structural development.

639 **PUBLIC RECREATION**

640 A recreational facility operated by a governmental agency and open to the general public.

641 **PUBLIC SEWERS**

642 Those owned and operated by a public utility.

643 **PUBLIC UTILITY**

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

646 **RECENT FLOODPLAIN SOILS**

647 See Chapter **110**, § **110-11**.

648 **[Amended 6-15-2009]**

649 **RECREATIONAL VEHICLE**

650 A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more  
651 persons which is not a dwelling and which may include a pickup camper, travel trailer, camp trailer and  
652 motor home.

653 **REGISTERED CAREGIVER**

654 A person that provides care for a qualifying patient in accordance with Maine State Statute or rule.

655 **[Added 1-14-2020]**



656 **REGISTERED CAREGIVER ASSISTANT**

657 A person paid to perform a service for a caregiver whether as an employee or independent contractor, in  
658 accordance with Maine State Statute or rule.

659 **[Added 1-14-2020]**

660 **RESTAURANT**

661 An establishment, located in an enclosed building, which may provide additional outdoor seating, where  
662 meals are prepared on the premises and served to the public for consumption on the premises; and where  
663 no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic  
664 from an exterior service opening or counter, or any combination of the foregoing; and where customers  
665 are not encouraged by the design of the physical facilities, by advertising or by the servicing or  
666 packaging procedures to take out food or beverages for consumption off of the premises.

667 **[Amended 12-9-2014]**

668 **RESTAURANT, TAKE-OUT/FAST-FOOD**

669 An establishment, located in an enclosed building, which may provide additional outdoor seating, where  
670 food is prepared on the premises and where the normal operation of the business is described  
671 substantially by the following factors:

672 **[Amended 12-9-2014]**

- 673 A. The establishment offers both "eat-in" and "take-out" service.
- 674 B. Customers place their orders at a counter or window (including drive-up windows) rather than at a table  
675 served by a waiter or waitress.
- 676 C. The predominant method of delivery is that customers pick up their own orders at a counter or window  
677 and then either carry the orders to a table or seating area within the restaurant or take the orders out of  
678 the restaurant for consumption outside of the building. (Table service by the establishment's staff during  
679 limited hours or occasional delivery of food items to a customer table or seating area will not be deemed  
680 to be the predominant method of delivery.)
- 681 D. The manner in which the food is prepared, presented and packaged is essentially the same whether the  
682 customer chooses "eat-in" or "take-out."

683 **RETAIL BUSINESS**

684 A business establishment operating from an enclosed building on the premises, engaged in the sale,  
685 rental or lease of goods or services to the consumer for personal use or household consumption and not  
686 for resale.

687 **[Amended 12-9-2014]**

688 **RIPRAP**

689 Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil  
690 stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

691 **RIVER, STREAM OR BROOK**

692 See Chapter 110, § 110-11.

693 **[Amended 6-15-2009]**

694 **SCHOOLS**

695 A. **PUBLIC and PRIVATE**(Including parochial schools); Institutions for education or instruction of any  
696 branch or branches of knowledge or a place where knowledge is imparted and which satisfies either of  
697 the following requirements:

- 698 (1) The school is not operated for a profit or as a gainful business; or  
699 (2) The school teaches courses of study which are sufficient to qualify attendance there as compliance with  
700 state compulsory education requirements.

701 B. **COMMERCIAL**Schools or institutions which are commercial or profit-oriented. Examples thereof are  
702 dancing, music, riding, and correspondence, aquatic schools, driving or business.

703 **SERVICE DROP**

704 Any utility line extension which does not cross or run beneath any portion of a water body, provided  
705 that:

706 A. In the case of electric service:

- 707 (1) The placement of wires and/or the installation of utility poles is located entirely upon the premises of the  
708 customer requesting service or upon a roadway right-of-way; and  
709 (2) The total length of the extension is less than 1,000 feet.

710 B. In the case of telephone service:

- 711 (1) The extension, regardless of length, will be made by the installation of telephone wires to existing utility  
712 poles; or  
713 (2) The extension requiring the installation of new utility poles or placement underground is less than 1,000  
714 feet in length.

715 **SETBACK**

716 The horizontal distance from a lot line to the nearest part of a structure.

717 **SETBACK FROM WATER**

718 See Chapter 110, § 110-11.

719 **[Amended 6-15-2009]**

720 **SHORELAND ZONE**

721 See Chapter 110, § 110-11.

722 **[Amended 6-15-2009]**

723 **SIGNS**

724 A name, identification, description, display, notification or illustration which is affixed to, painted or  
725 represented, directly or indirectly, upon a building, structure, parcel or lot and which relates to an object,  
726 product, place, activity, person, institution, organization or business on the premises.

727 **SIGN, EXTERNALLY ILLUMINATED**

728 A sign that is illuminated by a light source that is not contained within or on the surface of the sign  
729 itself.

730 **[Added 11-22-2016]**

731 **SIGN, INTERIOR**

732 Any temporary or permanent sign located more than three feet from the window glass on any part of any  
733 building and which is not visible from the outside of the building.

734 **[Added 11-22-2016]**

735 **SIGN, INTERNALLY ILLUMINATED**

736 A sign that is illuminated by light from a source within the sign. Examples of internally illuminated  
737 signs include internally illuminated translucent signs, which may have opaque surfaces with translucent  
738 letters or translucent surfaces with opaque letters and channel letter signs. Other types of internally  
739 illuminated signs include signs using luminous gas-filled tubes (e.g., neon) or light-emitting diodes  
740 (LED).

741 **[Added 11-22-2016]**

742 **SIGN, WINDOW**

743 Any temporary or permanent sign affixed to the surface of the window glass on any part of any building  
744 or any sign which is within three feet of the window glass and which is visible from the outside of the  
745 building shall be considered a window sign even though it may not be affixed directly to the glass.  
746 Window displays of actual products or merchandise for sale or rent on the business premises shall not be  
747 considered interior signs.

748 **[Added 11-22-2016]**

749 **SLUDGE SPREADING**

750 The land application of a mixture of organic and residual materials produced by industrial processes,  
751 water or sewage treatment processes or domestic septic tanks.

752 **SOLID WASTE**

753 Useless, unwanted or discarded solid material with insufficient liquid or gaseous content to be free-  
754 flowing, including, by way of example and not limitation, rubbish, garbage, scrap materials, junk,  
755 refuse, inert fill material and landscape refuse, but not including septic tank sludge, other liquid waste  
756 treatment sludge and agricultural waste.

757 **SOUND LEVEL**

758 The sound pressure level measured to decibels with a sound level meter set for A-weighting. Sound  
759 level is expressed in dB(A).

760 **SOUND LEVEL METER**

761 An instrument for the measurement of sound levels conforming to American National Standards  
762 Institute Type I or II Standards.

763 **SOUND PRESSURE LEVEL**

764 The level of a sound measured in dB units with a sound level meter which has a uniform (flat) response  
765 over the band of frequencies measured.

766 **STANDING**

767 The legal right to challenge a decision rendered under this chapter. In order to have standing, a person  
768 must demonstrate particularized injury from the challenged decision.

769 **STORAGE**

770 The collection and/or containment of solid waste on a temporary basis pending permanent disposal.

771 **STREAM**

772 See Chapter **110**, § **110-11**.

773 **[Amended 6-15-2009]**

774 **STREET**

775 An existing state, county or Town way, road or a street dedicated for public use and shown upon a plan  
776 duly approved by the Planning Board and recorded in the York County Registry of Deeds or a street  
777 dedicated for public use and shown on a plan duly recorded in the York County Registry of Deeds prior  
778 to the establishment of the Planning Board and the grant to the Planning Board of its power to approve  
779 plans or a private road. (See definition of Private Road.) The term "street" shall not include those ways  
780 which have been discontinued or abandoned.

781 **[Amended 4-14-2015]**

782 **STRUCTURAL MODIFICATIONS**

783 Any change involving the removal or replacement of supporting members of a building, such as posts,  
784 columns, plates, joists or girders.

785 **STRUCTURE**

786 Anything constructed or erected, the use of which requires a fixed location on or in the ground or an  
787 attachment to something having a fixed location on the ground, including buildings, billboards, signs,  
788 commercial park rides and games, carports, porches and other building features, but not including  
789 fences.

790 **SUBDIVISION**

791 As defined in § **121-11** of Chapter **121**, Subdivision of Land, of the South Berwick Code.

792 **SUBSTANTIAL IMPROVEMENT**

793 Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of  
794 the market value of the structure either before the improvement or repair is started or, if the structure has  
795 been damaged and is being restored, before the damage occurred. For purposes of this definition,  
796 substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or  
797 structural part of the building commences, whether or not that alteration affects the external dimensions  
798 of the structure. The term does not, however, include any project for improvement of a structure to  
799 comply with existing state or local health, sanitary or safety code specifications which are solely  
800 necessary to assure safe living conditions or for any alteration a structure listed on the National Register  
801 of Historic Places or a State Inventory of Historical Places.

802 **SUBSTANTIAL START**

803 Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

804 **SWIMMING POOL**

805 A man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily  
806 for swimming or bathing, whether in the ground or above the ground.

807 **TEMPORARY STORAGE FACILITIES**

808 A structure without a permanent foundation capable of providing shelter to anything placed on, in or  
809 under the structure, including but not limited to tents and trailers. Specifically excluded are pole barns  
810 used to shelter farm animals and/or farm equipment.

811 **TIMBER HARVESTER**

812 A person, company, or other entity who harvests, or contracts to harvest, a forest product.

813 **TIMBER HARVESTING**

814 The cutting or removing of timber for the primary purpose of selling or processing forest products.

815 "Timber harvesting" does not include the clearing of land for approved construction.

816 **TRANSMISSION TOWER**

817 A structure used commercially for transmitting and/or receiving radio, television or electrical waves but  
818 not including telephone and electrical poles.

819 **TRIBUTARY STREAM**

820 See Chapter 110, § 110-11.

821 **[Amended 6-15-2009]**

822 **UNDUE HARDSHIP**

823 A. That the land in question cannot yield a reasonable return unless a variance is granted.

824 B. That the need for a variance is due to the unique circumstances of the property and not to the general  
825 conditions of the neighborhood.

826 C. That the granting of a variance will not alter the essential character of the locality.

827 D. That the hardship is not the result of action taken by the applicant or a prior owner.

828 **VARIANCE**

829 A relaxation of the terms of this chapter. Variances permissible under this chapter are limited to  
830 dimensional and area requirement. No variance shall be granted for the establishment of any use  
831 otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the  
832 immediate or adjacent areas.

833 **VEHICLE SALES**

834 Any business which involves a parking or display area for the sale of new or used cars, trucks,  
835 motorcycles, campers, farm equipment, recreational vehicles, mobile homes or similar products.

836 **VERMIN**

837 Animals, birds or insects capable or acting as a host for, or carrier of, germs.

838 **VETERINARY HOSPITAL OR CLINIC**

839 A building used for the diagnosis, care and treatment of ailing or injured animals, which may include  
840 overnight accommodations. The boarding of healthy animals shall be considered a kennel.

841 **VOLUME OF A STRUCTURE**

842 The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the  
843 exterior faces of these walls and roof.

844 **WAREHOUSE**

845 A structure or room for the storage, deposit or stocking of merchandise or commodities.

846 **WATER BODY**

847 See Chapter 110, § 110-11.

848 **[Amended 6-15-2009]**

849 **WATER CROSSING**  
850 See Chapter 110, § 110-11.

851 **[Amended 6-15-2009]**

852 **WATER-ORIENTED BUSINESS**  
853 See Chapter 110, § 110-11.

854 **[Amended 6-15-2009]**

855 **WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS**  
856 See Chapter 110, § 110-11.

857 **[Amended 6-15-2009]**

858 **WHOLESALE DISTRIBUTION**  
859 On-premises storage, repacking, sale and/or distribution of goods to customers engaged in the business  
860 of reselling or conveying the goods to others. This definition shall not include the sale and/or  
861 distribution of commodities to consumers on a retail basis.

862 **YARD**  
863 The area of land on a lot not occupied by the principal building.

864 **YARD, FRONT**  
865 The area of land between the front lot line and the nearest part of the principal building.

866 **YARD, REAR**  
867 The area of land between the rear lot line and the nearest part of the principal building.

868 **YARD SALE**  
869 The activity of selling or offering to sell household or personal articles (such as, but not limited to,  
870 furniture, tools, or clothing) on the lot on which the owner of the articles resides, provided that such  
871 activity occurs on no more than twelve days during any calendar year commencing on or after January  
872 1, 1994. Any such activity occurring on more than twelve days per calendar year shall constitute a retail  
873 store. Any such activity commenced prior to the adoption of this chapter (10-25-1993) shall not  
874 constitute a lawful nonconforming use under § 140-5 of this chapter and can occur only as permitted  
875 pursuant to this definition. The term "yard sale" shall include garage sales, porch sales, tag sales, and the  
876 like.

877 **YARD, SIDE**  
878 The area of land between the side lot line and the nearest part of the principal building.

879





**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: 9/12/23</b>	<b>NB #5</b>
<b>Agenda Item: Highway Truck</b>	
<b>Informational:</b>	
<p>The Parks and Recreation truck, a 2005, F250 4x4 Crew Cab has lived its useful life, and is no longer road worthy. To repair this 18-year-old truck it would cost roughly \$14,350, to replace the Cab and rebuild the front end. The Public Works director has been hauling the trailer from place to place, and the employee mowing has also been driving the mower down the street to the next job location.</p>	
<b>Town Manager's Recommendation:</b>	
<p>It is the Recommendation of the Town Manager and Public Works Director to purchase a new/used truck not to exceed \$40,000 to be able to haul the equipment needed for Parks and Recreation. In the Highway CIP account there is \$58,000 slated for a payment for new plow trucks, and the chassis for these plow trucks will not be available until next fiscal year, therefore freeing up those funds for the current fiscal year.</p>	
<b>Requested Action:</b>	
<p>To make a motion to reallocate up to \$40,000 in the Highway CIP account to be used for a replacement Parks and Recreation Truck.</p>	
<b>Vote</b>	