



**TOWN OF SOUTH BERWICK  
BOARD/COMMITTEE APPLICATION**

*Committee desired:* ZONING BOARD OF APPEALS

**PERSONAL INFORMATION**

Name: SAMUEL FLINKSTROM Date: 25 OCT 2023  
Address: 380 MAIN STREET, 03908 email: SFLINKSTROM@GMAIL.COM  
Telephone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) 207-752-7259

**BUSINESS/EDUCATIONAL BACKGROUND**

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

2023-CURRENT: Happy Valley Beer & Wine Garden (Restaurant), Owner/Manager  
2015-CURRENT: Sefco (Engineering & Project Management), Owner/Manager  
2012-2015: Noresco (Engineering & Project Management), Project Manager  
2008-2012: Bachelor of Science in Mechanical Engineering, University of Vermont  
2004-2008: High School Diploma, Marshwood High School

**MUNICIPAL OFFICES HELD or PREVIOUS BOARD EXPERIENCE**

(In South Berwick or elsewhere)

Board/Committee	Appointment Date	Term Expiration
_____	_____	_____
_____	_____	_____

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

I WOULD LIKE TO HELP ENSURE THAT THIS BOARD CONTINUES TO OPERATE IMPARTIALLY, WITH EMPATHY, AND IN A MANNER CONSISTENT WITH ITS PURPOSE.  
I WOULD ALSO LIKE TO SEE THE BOARD ACT IN A COMMON SENSE MANNER WHEN INTERPRETTING ORDINANCES, AND UTILIZE PRECEDENTS WHERE APPROPRIATE AND POSSIBLE.

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

MY PROFESSION AS A GOVERNMENT CONTRACTOR AND PROFESSIONAL ENGINEER GIVE ME AN EXCEPTIONAL UNDERSTANDING OF NATIONAL AND LOCAL CODES AND ORDINANCES.  
MY EXPERIENCE IN FRONT OF THIS BOARD AS AN APPELLANT, AND AS AN APPLICANT IN FRONT OF THE PLANNING BOARD GIVE ME UNIQUE PERSPECTIVE AND UNDERSTANDING OF HOW THE BOARD OPERATES.

**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: 3

  
Applicant's signature



**South Berwick  
Town Council Meeting  
November 14, 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.

**Organizational**

1. The Clerk administered the oath of office to Councilors elect Mallory Cook and John James.
2. On a nomination by Mr. James, seconded by Mr. Minihan, Mallory Cook was unanimously elected as Chair for the ensuing year.

On a nomination by Mrs. Cook, seconded by Mr. Minihan, John James was unanimously elected as Vice-Chair for the ensuing year.

3. The Council discussed the rules for conducting its meetings.

On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to adopt Robert's Rules of Order and the Rules of Order & Procedure dated/adopted May 23, 2023, for the conduct of meetings.

4. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to sign the Policy for Treasurer's Disbursement Warrants for Employee Wages & Benefits.

**Approval of Minutes**

1. Town Council 10-24-23: On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to adopt the minutes as written.

**Treasurer's Warrant**

1. On a motion by Mrs. Cook, seconded by Mr. James, it was unanimously voted to sign the warrant dated November 9, 2023, in the amount of \$1,255,597.79. This warrant includes the monthly school payment.

**Reports & Presentations**

1. Denise Clavette, Economic Development Director, gave the Council an update on the Downtown Revitalization Plan. Mrs. Clavette stated that there has been an overwhelming response from the public and the committee is well-rounded with members from various backgrounds. During the Committee's initial meeting, it discussed goals, an action list, and potential improvement projects. The Downtown Revitalization Plan will incorporate other plans such as the Market Analysis and Downtown Traffic Study.

2. Manager Pellerin gave the Council an update on the MDOT project for traffic signals. The project has been revised and is being included in the State's 2024 work schedule.

**Public Comment**

None.

**New Business**

1. The Council reviewed the Town Hall Indoor Air Quality & Mold Assessment conducted by Sevee & Maher Engineers. The report showed no significant health issues. Notes were made that some areas of mold have developed around areas of moisture, such as the server room air conditioner. Old, extremely dirty carpeting should be cleaned if possible or removed and replaced. The lack of proper air handling in conjunction with the dirty carpets could create respiratory issues.

On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to accept the report from Sevee & Maher Engineers.

2. The Council discussed the Request for Qualifications/Proposals for Architectural and Engineering Services for the Town Hall Renovation. Mr. Pellerin noted that Ken Weston played a significant role in putting the document together. Mike Lassel was also involved to a lesser degree. Thank you, Ken & Mike.

Mr. Weston gave an overview of the document. It is a little more than a concept design, but less than a detailed design. The document is available on the Town's website on the Town Hall Project Page.

Mrs. Cook commented that it is a well-defined process and timeline. Mr. James noted it was well done.

3. The Council discussed the necessity of holding the regularly scheduled meeting on December 26<sup>th</sup>.

On a motion by Mr. James, seconded by Mrs. Costella, it was unanimously voted to cancel the meeting scheduled for Tuesday, December 26<sup>th</sup>.

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

-Highway: Paving is complete for the year. Have conducted the basin inspections. The culvert on Liberty St has been taken care of.

-Economic Development: The Downtown Revitalization Committee held its first meeting. Currently working on TIFs and the inventory piece of the Comp Plan update.

-Town Clerk: Have issued over 3100 transfer station stickers. The Election went well with a 32% turnout. Post-election duties will take a couple of months to complete. The office has begun issuing the 2024 dog tags.

-Library: The Friends made \$2100 at the Election Bake Sale. Working on a lantern program.

-Recreation: Fall programs are winding down. Working on ski and tubing trips. Also working on some indoor nighttime activities.

-Code/Planning: Have issued 1 plumbing permit and addressed 3 violations. Setting up the new filing system. The Samville Estates subdivision is moving forward, and a new midwife shop is scheduled to open in town.

-Assessing: Maps are being updated. The new data will then be updated on the GIS system. The beginning of the 3-year revaluation will be starting soon. Have only received three applications for the Assessing Tech position.

-Fire Dept: Has been quiet with only 7 calls. The Open House went well for a rainy day. Still looking for new recruits. Trucks have been serviced and inspected. Tanker 3 will be out for upgrades for several weeks. Working with the High School on making sure the generator is working properly. The High School is one of the regional shelters.

-Police Dept: Officer Legendre has several more weeks of school before returning. Two of our officers helped in Lewiston after the tragic shooting that took place a couple of weeks ago. Berwick Academy has asked the Dept. to conduct more CSI training classes.

-Transfer Station: Has been quiet. Cleaning up in preparation for winter. The new gates have been installed and have already been dented.

-Taxes/HR: Sent out 7 foreclosure notices; 6 are repeats. Open enrollment packages for benefits have been distributed to staff.

-Administration: Reminded everyone of the 2022/2023 Employee Nominations. Made note that the Code Admin has left, and Britney from the Clerk's office will be transferring to take the position. The Christmas Party will be held on Thursday, December 21<sup>st</sup> from 12-1.

Mr. Pellerin noted that the Town of Kennebunk has been working toward a new town hall for 8 years. The voters voted down the financing at the recent election and are back to step one.

### **Councilor Comments**

Congrats to Mallory and John on their re-election to the Council.

1. Ms. Cyr:

-Asked if the Home for the Holidays parade could be an agenda item for the next meeting.

-Happy Thanksgiving.

2. Mrs. Costella:

-The Veteran's Day celebration was phenomenal with over 70 people in attendance. The guest speaker, Col. Rooney, was fantastic.

3. Mr. Minihan:

-Thanked the Manager and staff for their hard work on the town hall project.

4. Mr. James:

-Congratulated Councilor Costella for her rendition of the National Anthem at the Veteran's Day celebration.

-Happy Thanksgiving.

5. Mrs. Cook:

-Happy & excited to start her 3<sup>rd</sup> term.

-Reminded everyone that this is the closing weekend for the Elf play at the high school. Shout out to her daughter for playing the Elf.

### **Executive Session**

1. On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to enter executive session at 7:38pm, pursuant to 1MRSA §405.6A, to discuss a personnel issue.

The Chair reported the following to the Clerk:

On a motion by Mr. James, seconded by Mrs. Cook, it was unanimously voted to end the executive session at 8:17pm.

### **Adjournment**

On a motion by James, seconded by Mrs. Cook, it was unanimously voted to adjourn the meeting at 8:17pm.

Attest:

Barbara Bennett, CCM



# A / P Warrant

South Berwick  
9:56 AM

Bank: KENNEBUNK - Operating

11/21/2023  
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	47473	95.14	11/14/23	31	0867 HANNAFORD
P	47474	184.84	11/15/23	31	1176 TREASURER STATE OF MAINE
P	47475	184.84	11/20/23	31	1176 TREASURER STATE OF MAINE
P	47476	52,786.62	11/20/23	31	0132 BUREAU OF MOTOR VEHICLES
R	47477	70.00	11/22/23	31	0891 2-Way Communications Services, Inc.
R	47478	306.30	11/22/23	31	0042 ADMIRAL FIRE & SAFETY
R	47479	61.98	11/22/23	31	0103 ASHLINE, KERA
R	47480	1,184.79	11/22/23	31	0771 ATLANTIC FUELS
R	47481	4,725.00	11/22/23	31	0855 Bellemore
R	47482	10,079.98	11/22/23	31	0012 BERNSTEIN, SHUR, SAWYER & NELSON
R	47483	154.79	11/22/23	31	0062 BUSINESS EQUIPMENT UNLIMITED
R	47484	3,427.52	11/22/23	31	0183 CENTRAL MAINE POWER
R	47485	12.99	11/22/23	31	1267 CHAGNON, KIRSTEN
R	47486	570.02	11/22/23	31	1150 CHAPPELL TRACTOR
R	47487	483.36	11/22/23	31	1158 CINTAS CORP
R	47488	240.00	11/22/23	31	1121 CONVENIENTMD LLC
R	47489	1,020.00	11/22/23	31	1206 COYOTE CLUB WILDERNESS EDUCATION
R	47490	576.00	11/22/23	31	0069 ELIMINATOR INC
R	47491	273.00	11/22/23	31	0230 FARWELLS AUTO SERVICE
R	47492	28.00	11/22/23	31	0164 FASTENER WAREHOUSE
R	47493	364.35	11/22/23	31	0056 FISHER AUTO PARTS, INC.
R	47494	750.00	11/22/23	31	0165 FREEMAN, CHUCK
R	47495	662.50	11/22/23	31	0045 GROUP DYNAMIC, INC.
R	47496	232.36	11/22/23	31	1072 Herc Rentals 187
R	47497	250.91	11/22/23	31	0695 Howard P. Fairfield, LLC
R	47498	705.35	11/22/23	31	1245 INGRAM LIBRARY SERVICES
R	47499	178.09	11/22/23	31	0079 JANETOS MARKET
R	47500	720.00	11/22/23	31	0952 LANCASTER, DAN
R	47501	716.81	11/22/23	31	0251 LAWSON PRODUCTS
R	47502	413.25	11/22/23	31	0127 MAINE MUNICIPAL ASSOCIATION
R	47503	6,812.03	11/22/23	31	0141 MAINE MUNICIPAL ASSOCIATION
R	47504	347.20	11/22/23	31	0082 MAINE RESOURCE RECOVERY
R	47505	19.85	11/22/23	31	0081 MAINE TURNPIKE AUTHORITY
R	47506	200.00	11/22/23	31	0228 MBW TRACTOR SALES
R	47507	6,107.98	11/22/23	31	0084 MICK BODYWORKS INC
R	47508	4,913.37	11/22/23	31	0455 MORTON SALT
R	47509	1,032.29	11/22/23	31	1300 NEW ENGLAND KENWORTH
R	47510	6.00	11/22/23	31	0128 NH EZ-PASS CSC
R	47511	540.33	11/22/23	31	0255 NORTHEAST HYDRAULICS INC
R	47512	3,519.06	11/22/23	31	0088 P GAGNON & SONS INC
R	47513	82.00	11/22/23	31	0172 PERMA-LINE CORPORATION
R	47514	1,765.94	11/22/23	31	0089 PIKE INDUSTRIES INC
R	47515	241.14	11/22/23	31	0915 PINE STATE ELEVATOR COMPANY
R	47516	779.52	11/22/23	31	0313 POIRIER GUIDELINES
R	47517	2,506.69	11/22/23	31	1237 PRC INDUSTRIAL SUPPLY
R	47518	211.89	11/22/23	31	0232 QUILL CORPORATION
R	47519	815.00	11/22/23	31	1133 REP ENTERPRISES GREENLAND
R	47520	22.17	11/22/23	31	0565 ROBINSON, PAT

**A / P Warrant**

South Berwick  
9:56 AM

11/21/2023  
Page 2

Bank: KENNEBUNK - Operating

Type	Check	Amount	Date	Wrnt	Payee
R	47521	5,730.04	11/22/23	31	1310 SEVEE & MAHER ENGINEERS, INC
R	47522	699.00	11/22/23	31	1309 SITUATIONAL FORENSICS LLC
R	47523	2,847.00	11/22/23	31	0195 SOUTHERN MAINE PLANNING & DEVLOPMENT, INC
R	47524	1,030.40	11/22/23	31	1024 STANLEY STEAMER
R	47525	49.99	11/22/23	31	0936 STAPLES-LIBRARY ACCOUNT
R	47526	9,264.00	11/22/23	31	0095 STELLAR NETWORKS
R	47527	632.00	11/22/23	31	0397 SULLIVAN TIRE CO.
R	47528	661.73	11/22/23	31	0097 VERIZON WIRELESS
R	47529	5,661.90	11/22/23	31	1308 W.S. DARLEY & CO
R	47530	2,370.06	11/22/23	31	0001 WIN WASTE INNOVATIONS
<b>Total</b>		<b>140,327.37</b>			

**Count**

Checks	58
Voids	0

Melissa Costella \_\_\_\_\_

John James \_\_\_\_\_

Jeff Minihan \_\_\_\_\_

Jessica Cyr \_\_\_\_\_

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

**APPROVED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**TOWN MANAGER** \_\_\_\_\_

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

<b>Meeting Date: 11/28/2023</b>	<b>UB #1</b>
<b>Agenda Item:</b> RFPO for Town Hall	
<b>Informational:</b>	
<b>Town Manager's Recommendation:</b>	
Approve for Town Manager to release the RFPO on Nov 29 <sup>th</sup> .	
<b>Requested Action:</b>	
Approve for the Town Manager to release the RFPO on Nov 29 <sup>th</sup> .	
<b>Vote</b>	

# Town of South Berwick

## REQUEST FOR QUALIFICATIONS/PROPOSAL for

## Architectural and Engineering Services for the Town Hall Renovation

### PART 1 – GENERAL

#### Project Information

Project: Design Services for Town Hall Renovation  
Town of South Berwick  
South Berwick, Maine

Project Site: Town Hall  
180 Main Street  
South Berwick, Maine

Owner: The Town of South Berwick

Owner's Agents: Timothy Pellerin, Jennier Janelle  
180 Main Street  
South Berwick, Maine

Telephone: (207) 384-3007  
Email: [jjanelle@sbmaine.us](mailto:jjanelle@sbmaine.us), [tpellerin@sbmaine.us](mailto:tpellerin@sbmaine.us)

#### Project Schedule

The work will begin as soon as a firm is selected, and a contract signed. The Town expects the process will engage a steering committee and a public presentation. It is anticipated the process will take approximately 4 months.

#### Solicitation Intent

The Town of South Berwick is seeking qualified, professional firms to provide design services outlined herein specific to Design Services for the Town Hall Renovation. This solicitation is open to all qualified firms eligible to do business in the State of Maine. Minority and women-owned firms and enterprises are encouraged to participate in this solicitation process.

#### Existing Facilities and Conditions

The existing town hall was constructed in 1926 as Saint Michael's Parochial School. The facility is an approximately 20,000 square foot, three story, flat roof, load-bearing brick structure. The building is located on Main Street in the central business district with proximity to Central Elementary School, local business, restaurants, services, and the post office.

The building is part of the South Berwick Village District on the National Register of Historic Places and is considered a Contributing Resource to the historic district. In the 1800s, the site was the home of Dr. Charles T. Trafton (1822-1888). St. Michael's School replaced the Trafton residence in 1926 and remained as such until 1968. The town of South Berwick bought the school for its town hall in 1974 for \$85,000.

The building was designed in the classical revival style set back from the street with a broad lawn in front. The façade is composed of thirteen bays, with twenty over twenty windows. The central bay is emphasized with a precast surround at the entry door. In 1980 the town dedicated the front lawn of the town hall to the memory of James Cleary and Raymond Collier, who died in Vietnam. The upstairs auditorium was named in honor of Richard P. Gagnon for his contributions to the community in 1991.

**Event Timeline**

Town Council review & approval of RFP	11/28/2023
Solicitation release	11/29/2023
Statements of qualifications due	12/20/2023 at 12:00 p.m.
Notification of shortlist	No later than 12/27/2023
(Mandatory) Informational meeting	01/03/2024 at 09:00 a.m.
Deadline for written questions	01/10/2024 at 12:00 p.m.
Response to questions by	01/17/2024
Formal proposals due	01/24/2024 at 12:00 p.m.
Interviews/oral presentations	Week of 02/05/2024
Award announcement	02/13/2024
Holiday closings	12/25/2023; 01/01/2024

**PART 2 – PROJECT DESCRIPTION**

**Project Overview**

The Town is seeking design services to better understand the renovation potential for the existing town hall. A prior study provided a square foot renovation cost for ~20,000 gross square feet. Analysis indicates ~11,600 net square feet is required to meet programmatic needs. The project intent is to frame a renovation scope of work that meets the programmatic needs, plans for future expansion, minimizes cost for surplus space, while providing comprehensive code, envelope and system upgrades at a budget that is roughly equivalent to new construction, so the town can evaluate a renovated town hall in its current location vs a new town hall at an alternate site.

**Scope of Services Sought**

The selected team, under the direction of a designated owner’s agent shall:

1. Confirm architectural program developed in a prior study. Full staff interviews have been done and are not required. Confirmation interviews can be facilitated,
2. Provide a concept design that lays out programmatic spaces efficiently, satisfies adjacency requirements and identifies surplus space,
3. Identify architectural features, existing conditions, and design opportunities that will make the renovation unique, relevant to the existing building, the community, and the functional requirements,
4. Identify potential systems to support the concept design including but not limited to mechanical, electrical, plumbing, sprinkler, fire alarm, telecommunications, and security. Develop systems to the level required for accurate cost estimating,
5. Provide an analysis of various HVAC systems to determine the most appropriate for the anticipated load, building type, and space uses,
6. Identify structural components that may require further analysis including roof structure as may be required for additional insulation, walls and foundation for structural integrity and floors for proposed loading conditions. Provide cost allowances where structural improvements are anticipated,
7. Review exterior wall, door, and roof systems. Provide recommendation and associated cost,
8. Review existing report for proposed site improvements. Recommend site improvements and associated costs,
9. Review existing proposals for elevator upgrades and replacement. Provide recommendation and associated cost,
10. Review existing proposals for window replacement. Provide recommendation and associated cost,

11. Provide energy modeling to support window recommendations, insulation strategy, and mechanical system loads,
12. Review existing code analysis. Develop code compliant solutions and associated cost,
13. Provide logistics plan for maintaining operations during construction such as temporary offices and or, phased renovation and associated cost,
14. Review existing cost estimate and provide detailed cost for proposed design broken down by discipline and trade. Include soft costs such as logistics, design fees, insurance, FF&E, AV and IT. Grand totals shall be Total Project Cost and shall include escalation to anticipated midpoint of construction. Evaluate new construction cost from existing reports, adjust and escalate as required so an “apples to apples” comparison can be made.

Deliverables:

1. Concept level floor plans illustrating program layout. Diagrams may be required to communicate scope areas, and level of renovation,
2. Concept level elevations, as required to demonstrate exterior scope of work and to facilitate quantifying scope items for cost estimating purposes,
3. Narrative description of proposed layout, scope items, system descriptions by discipline, and logistics plan,
4. Detailed cost estimate broken out by discipline to a level of detail supported by the design development,
5. Renderings as required to communicate to the public the proposed character of major public spaces,
6. Deliverables shall be assembled into a Final report.

Additional Services:

1. Should the renovation project be deemed viable by the Town Council based on the findings of this study; the Town shall have the option to extend the services of the selected firm to include full design and construction administration.

**Existing Documentation**

Refer to the Town of South Berwick Website; Town Hall Project Information page for existing documentation.

[https://www.southberwickmaine.org/government/town\\_council/town\\_hall\\_project\\_information.php](https://www.southberwickmaine.org/government/town_council/town_hall_project_information.php)

**Pertinent Information and Special Conditions**

Terms: The terms “must”, “shall” and “will” are used interchangeably in this document. All have the same meaning—they are denoting a basic requirement which the A&E firm must provide or perform, or they are denoting an action the owner or designated third party will perform.

**Form of Contract**

A letter contract Shall be used for the study phase of the project. Should additional services be selected The Town will an AIA contract for review and execution prior to the commencement of the additional work.

**Insurance**

Awarded firm will be expected to meet the minimum coverage requirements of \$1,000,000 liability insurance. No work will begin until the Owner’s Agent is in receipt of the certificate of insurance.

**PART 3 – SELECTION PROCESS**

**Selection Committee**

A committee will evaluate all qualifications submissions. The committee consists of the Town Council including the following:

1. Mallory Cook,
2. John James,
3. Jeffery Minihan,
4. Jessica Cyr,
5. Melissa Costella.

Ex-officio facilitation:

1. Timothy Pellerin, Town Manager,
2. Jennifer Janelle, Assistant Town Manger
3. Kenneth Weston, Volunteer
4. Michael Lassel, Volunteer

### **Selection Schedule**

The selection committee intends to adhere to the Event Timeline in undertaking this solicitation/selection process. Dates and times are subject to change as the process progresses.

### **Evaluation Process and Criteria**

Based upon the information presented in the qualifications submission, the committee will develop a shortlist of the most highly qualified candidates. Short-listed firms will then provide formal proposals and fee submissions and may be invited to individual interviews/oral presentations, following which the committee will identify the successful firm as that which can provide the greatest overall benefit to the owner. However, the Owner reserves the right to make its decision without benefit of oral presentations/interviews. Respondents' submissions will be evaluated based on the following broad criteria:

#### **Qualifications Criteria:**

1. Relevant credentials, qualifications and expertise of firm featuring the consultant team being proposed for this project.
2. Relevant and recent past project experience of the design team firm and its consultants. Of particular interest to the selection committee will be experience with renovation projects.
3. Demonstrated ability to complete projects of this nature within tight budget and schedule constraints while meeting high expectations regarding quality and customer service.
4. Ability and experience of the entire design team to provide truly sustainable and integrated design.

#### **Formal Proposal Criteria:**

1. Relevant experience of all key personnel proposed for this project, and the time commitment they will make to this project.
2. Experience with design of renovation projects to load bearing brick buildings of this era.
3. Client service in the form of candor, inclusiveness, ability to listen, and spirit of collaboration, and the degree to which all of the above meet or exceed the Town's expectations for functionality, enduring quality, ease of maintenance, and efficiency of operations at a competitive initial cost.
4. Respondent's demonstrated depth of knowledge and understanding of the project objectives and challenges and opportunities including the identification of key design issues and how they will be handled.
5. Respondent's ability to articulate a coherent, plausible approach to this project and its critical elements, using examples from relevant experience.
6. Ability of key personnel to work successfully with the community as perceived by the selection committee.

This is a quality-based selection process. The fee submission will be evaluated after the selection is made. Proposed fee structure may be subject to review and negotiation. Should the selected firm's fee be significantly higher than other qualified firms and negotiations are not successful in reconciling the variance to the satisfaction of the selection committee; the selection committee may choose the next most qualified firm.

### **Informational Meeting**

Finalists will be invited to attend a pre-proposal meeting. See the Event Timeline for date/time and location.

The purpose of this meeting is to provide finalists an opportunity to learn and ask questions about the selection process, clarify and/or receive additional information and details about the intent of this project, its scope, delivery process, and contractual framework, meet key players for the Owner, and visit the site.

## **Oral Presentations/Interviews**

Short-listed firms may be invited to make an oral presentation and to be interviewed by the evaluation committee. However, the owner reserves the right to make its decision without benefit of oral presentations/interviews.

If interviews/presentations are held, each short-listed firm will be forwarded additional information about their oral session following the announcement of the short-list and sufficiently prior to the oral session to permit advance preparation, including time and location information as well as the availability of any audio-visual support. This is the opportunity to demonstrate the depth of knowledge and understanding about this specific design effort and provide compelling evidence of the attributes that set your team apart from the other finalists.

Three areas to be addressed in the presentations:

- It is expected that the primary design architect and the architect's day-to-day point of contact be present and describe their specific experience that is directly relevant to this project. Other key team members may also describe their roles and the specific benefits they bring to this project.
- Describe specific techniques, processes, and/or commitments your design team will apply on this project to create a truly integrated design. Identify what commitment(s) the Owner needs to make to this design effort to achieve a truly integrated design.
- Describe your team's design approach and insights to this specific project using any combination of illustrations of your previous projects, observations about the town's intentions, the site, and the construction budget.

## **PART 5 – SUBMISSION REQUIREMENTS**

### **General Requirements**

All documents will be submitted as a **single attachment in PDF format** to [jjanelle@sbmaine.us](mailto:jjanelle@sbmaine.us). Attachments must not exceed 50 MB/each. The submission PDF document should be in the prescribed order in the Format requirements below. The information presented under each heading should confirm strictly to the information and/or issues requested.

### **Qualifications Submission**

**Cover Letter** – Provide a cover letter indicating the name of the firm(s) making the submission indicating why you're interested in being selected for the project. Include a description of why your firm is well suited for and can meet the needs of this project. Acknowledge receiving any addenda that may have been issued for this RFQ/P. The letter should be signed by the individual(s) authorized to bind the respondent or group to any statements or representations made therein and to represent the information presented as authentic.

**Business Information** – Provide a brief description of the firm's history, focus and vision.

**Relevant and recent experience** – Submit at least three, but no more than five, projects completed by the submitting firm(s) within the past seven years. Please emphasize successfully completed projects that are most similar to the proposed project (e.g., successful budget development; renovation of a load bearing brick building and/or having significant sustainable design features). Provide images of interior and exterior for each project submitted.

**Respondent's Team** - Identify Respondent's key personnel—briefly note relevant experience (e.g., with this facility type and/or municipal projects). It is important to indicate if the experience was with the current firm or a past firm (please identify the past firm as appropriate). Identify all major sub-consultant disciplines proposed for project team. Provide firm names if known.

### **Finalist Proposal Submission:** (Short-listed firms only)

Additional specific information concerning the content and format requirements for the proposal may be forwarded to the finalists selected to submit proposals. At minimum, the formal proposal shall contain the following:

**Executive summary** - Acknowledge receiving any addenda that may have been issued for this RFQ/P. The executive summary should be signed by the principal responsible of the firm.

**Relevant Credentials, Qualifications and Experience** - Provide resumes for all employees who will be assigned to this project; expand upon the information submitted with your qualifications package. Describe prior project experience that is most relevant to this specific project. List what projects these employees are currently working on and in what capacity. Note when their current responsibilities end. List any subconsultant firms to be engaged and provide similar information for their key personnel. Note each individual's recent (five years) experience on similar projects.

**Approach to this Project** – Provide a brief narrative outlining the significant challenges and/or opportunities of this project. Reference your experience on previous projects and how that experience fits this one. Identify the critical elements that need to be skillfully addressed in order to deliver a successful project; include any options worthy of exploration. This section can be seen as an opportunity for the respondent to illustrate that they understand the requirements, scope and intent of the project.

**Project Schedule** – Outline the key tasks overall. Include recommended durations for each; note approximate start/complete dates for the services requested in Section 2.3. Provide a schedule that will allow for the successful completion of the project that meets the town's programmatic needs and quality expectations.

**Deliverables** – Stipulate the specific deliverables your firm will provide to meet the needs of this project.

### **Fees**

The proposed fee submission should not be included in the proposal pdf. **The fee proposal is to be a separate PDF document.**

END OF DOCUMENT



**TOWN COUNCIL**

***Agenda Information Sheet***

<b>Meeting Date: 11/28/2023</b>	<b>NB #1</b>
<b>Agenda Item:</b> Christmas Parade	
<b>Informational:</b>	
December 2, 2023, The Parade will start at 3pm at the Rollinsford NH, American Legion, and end in South Berwick at the Church on Academy Street.	
<b>Town Manager's Recommendation:</b>	
To allow the Main Street to be shut down for the Christmas Parade.	
<b>Requested Action:</b>	
Make a motion to Allow the Road Closure needed for the Christmas Parade on Main Street on December 2 <sup>nd</sup> .	
<b>Vote</b>	



**TOWN COUNCIL**

***Agenda Information Sheet***

<b>Meeting Date: 11/28/2023</b>	<b>NB #2</b>
<b>Agenda Item:</b> Vehicle and Traffic Ordinance	
<b>Informational:</b>	
Requested by Council for Review	
<b>Town Manager's Recommendation:</b>	
Review, suggestions. Downtown revitalization and traffic lights to also consider.	
<b>Requested Action:</b>	
Council Wishes	
<b>Vote</b>	

Town of South Berwick, ME  
Wednesday, November 8, 2023

## Chapter 130. Vehicles and Traffic

### Article I. General Provisions

#### § 130-1. Definitions.

- A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by 29 M.R.S.A. § 1.<sup>[1]</sup>

[1] *Editor's Note: Laws 1993, c. 683, § A-1, repealed former 29 M.R.S.A. § 1. See now 29-A M.R.S.A. § 101.*

- B. As used in this chapter, the following terms shall have the meaning indicated:

#### **BUSINESS DISTRICT**

The territory contiguous to and including a highway when 50% or more of the frontage thereon is used for business purposes, specifically being the following areas:

<b>Name of Street</b>	<b>Location</b>
Main Street [Amended 10-10-2006]	From Academy Street to Butler Street
Portland Street	From Main Street to Colcord Street

#### § 130-2. Schedules, adoption and regulations.

- A. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this chapter, there is hereby established a system of schedules, appearing throughout this chapter, in which shall be entered all regulations after adoption. Such schedules shall be deemed a part of the section to which they refer. All regulations shall be adopted with reference to the appropriate schedule as indicated in the various sections of this chapter.
- B. As roads and subdivisions are accepted by the Town Council, all regulatory signs must be approved by the Town Council and added to the appropriate list(s) kept on record in the Town Clerk's Office and the Code Enforcement Office. Copies of each updated list shall be provided to the Town Council and the Police Chief after their update.  
[Added 9-24-2007]

### Article II. Traffic Regulations

#### § 130-3. Traffic control signals.

Traffic control signals shall be regulated as follows:

(Reserved)

## § 130-4. Speed limits.

[Amended 10-10-2006; 9-24-2007]

An inventory of streets and speed limits may be found in the Town Clerk's Office and the Code Enforcement Office at Town Hall.

## § 130-5. School speed limits.

[Amended 10-10-2006]

- A. School speed limits on state roads such as Route 236 and Route 4 are regulated solely by the State of Maine Department of Transportation. School speed limits on Town roads are regulated by the Town of South Berwick and set accordingly with Title 29-A: Regulations of Speed.
- B. Marshwood Great Works School located on Academy Street is posted for 15 miles per hour 300 feet in opposite east and west directions from the school's entrance and exit.  
[Amended 9-24-2007]

(1) Enforcement will be regulated as described in MRSA Title 29-A: School Zone.

## § 130-6. One-way streets.

[Amended 4-13-2009]

The following described streets or parts of streets shall hereby be designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits (Reserved)

## § 130-7. U-turns.

No person shall make a U-turn on any of the streets or parts of streets described:

Name of Street	Location (Reserved)

## § 130-8. Prohibited turns at intersections.

[Amended 10-10-2006]

No person shall make a turn of the kind indicated (right, left, all) at any of the locations described:

Name of Street	Direction of Travel	Prohibited Turn	Hours	Intersection
Main Street	Northwesterly	Left	All	From Dunkin Donuts parking lot
Paul Street	Southwesterly	Left	All	Main Street

## § 130-9. Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described:

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto
(Reserved)		

### § 130-10. Through streets.

Traffic control devices shall be installed on each street intersecting the through streets or parts of streets described:

Name of Through Street	Name of Entrance Street	Direction from Which Entering	Type of Traffic Control Device
(Reserved)			

### § 130-11. Stop intersections.

[Last amended 9-24-2007]

An inventory of stop intersections may be found in the Town Clerk’s Office and the Code Enforcement Office at Town Hall.

### § 130-12. Yield intersections.

[Amended 10-10-2006; 9-24-2007]

An inventory of yield intersections may be found in the Town Clerk’s Office and the Code Enforcement Office at Town Hall.

#### § 130-12.1. Speed tables.

[Added 10-10-2006; amended 9-24-2007]

The placement of speed tables shall be designated by the Public Works Director and the Town Manager. An inventory of speed tables may be found in the Town Clerk’s Office and the Code Enforcement Office at Town Hall.

### § 130-13. Vehicles over certain weights excluded.

Vehicles in excess of the weights indicated shall be excluded from the following streets or parts of streets, except for the pickup/delivery of materials on such streets:

Name of Street	Weight Limit	Location
Belle Marsh Road [Repealed 10-22-2013]		
Belle Marsh Road [Added 4-13-2010]	23,000 pounds	South to the York Town line
Boyd’s Corner Road [Added 4-13-2010]	23,000 pounds	East from the North Berwick Town line to Ogunquit Road
Brattle Street [Added 4-13-2010]	23,000 pounds	

<b>Name of Street</b>	<b>Weight Limit</b>	<b>Location</b>
Finson Road [Added 4-13-2010]	23,000 pounds	To the Wells Town line
Great Hill Road [Repealed 10-22-2013]		
Knight's Pond Road [Repealed 10-22-2013]		
Lords Lane [Added 4-13-2010]	23,000 pounds	
Ogunquit Road [Added 4-13-2010]	23,000 pounds	East to the York Town line
Oldfields Road	10 tons	Shorey Bridge
Old South Road [Added 4-13-2010]	23,000 pounds	
Pine Street [Added 4-13-2010]	23,000 pounds	
Rodier Road [Repealed 10-22-2013]		

## Article III. Parking, Standing and Stopping

### § 130-14. Applicability of article.

The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

### § 130-15. Parking prohibited at all times.

[Amended 8-8-1994; 9-21-1998; 5-24-1999; 6-27-2005]

No person shall park a vehicle at any time upon any of the streets or parts of streets described, except when necessary or in a case of an accident or emergency:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Any street or other area designated as a tow zone		
Academy Street [Added 10-10-2006]	Both	From a point starting at 31 Academy Street continuing south, southeast to the intersection of Wadleigh Lane Extension (with the exception of the marked parking spaces in front of the Middle School)
Academy Street [Added 10-10-2006]	Both	South, southeast from end of marked spaces to CMP Pole #33 on Rt. 236 side and the driveway for # 69 Academy Street on the sidewalk side
High Knoll Drive	West	In front of soccer/ball field
Jewett Avenue	East	All
Main Street	East	From the southern entrance of the Municipal Offices (Town Hall)

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Main Street [Added 10-10-2006]	East	From the intersection of Rt. 236 to the southern entrance of Town Hall
Main Street	West	In front of Dunkin' Donuts to a point 25 feet south
Norton Street [Added 9-24-2007]	Both	From the intersection of Goodwin Street to the intersection of Jewett Avenue
Norton Street	Both	From the intersection of Norton Street and Main Street to the intersection of Norton Street and Colcord Street and Railroad Avenue
Paul Street	South	From a point 150 feet east of Main Street to Highland Avenue
Railroad Avenue	Both	From Norton Street to Spring Street
Vine Street	Both	From Leighs Mill Bridge to Brattle Street, with the exception of space at cemetery and private property owned by the hydro co.
Wadleigh Lane [Added 10-10-2006]	Both	Entire length
Wadleigh Lane Extension [Added 10-10-2006]	Both	Entire length
Wadleigh Lane [Repealed 10-10-2006]		
Willow Drive	Both	All

## § 130-16. No stopping or standing.

No person shall stop or stand a vehicle in any of the following places:

- A. On a sidewalk.
- B. In front of a public or private driveway.
- C. Within an intersection.
- D. On a painted marking in the street or crosswalk.
- E. Alongside or opposite a street or highway excavation.
- F. On the roadway side of any vehicle stopped or parked parallel to the ditch or curb.
- G. Within 10 feet of any fire hydrant.
- H. On any public way such that the front of the parked vehicle is facing oncoming traffic in its lane.
- I. In a painted parking space such that the roadway side of the vehicle extends over the roadway side of the painted parking space, or in such a manner that the right side of a vehicle or portion thereof is three feet or more from the curb, sidewalk, or edge of the pavement.
- J. On any public way or area designated as a tow zone.  
[Added 6-27-2005]

## § 130-17. Parking prohibited certain hours.

No person shall park a vehicle between the hours specified of any day, unless otherwise indicated, upon any of the streets or parts of streets described:

Name of Street	Side	Hours/Days	Location
All streets	Both	12:00 midnight to 7:00 a.m. Nov. 30 through Mar. 31	Entire length (except physicians on emergency or professional calls)

### § 130-17.1. Off-street parking restrictions.

[Added 10-10-2006

No person shall park a vehicle in a Town-owned lot or driveway except as specified below:

Location of Lot	Hours	Description of use
Community Center	24 hours/day	Community Center parking only
Norton Street Lots [Amended 4-13-2009]	24 hours/day	No restriction
Park & Ride Lot	24 hours/day	Designated parking spots only
Paul Street Lot [Amended 4-13-2009]	6:00 a.m. to 12:00 midnight	2-hour parking; no overnight parking
Post Office Lot (excluding employees of the Bank and Post Office) [Amended 4-13-2009]	6:00 a.m. to 6:00 p.m. 6:00 p.m. to 6:00 a.m.	2-hour parking No restriction
Town Hall Driveway	24 hours/day	No parking
Town Hall Lot	24 hours/day	Municipal parking only; no overnight parking
Young Street Municipal Lot [Added 4-13-2009]	6:00 a.m. to 12:00 midnight	No restriction

### § 130-18. No stopping certain hours.

No person shall stop a vehicle between the hours specified of any day, unless otherwise indicated, upon any of the streets or parts of streets described:

Name of Street	Side	Hours/Days	Location
(Reserved)			

### § 130-19. No standing certain hours.

No person shall stand a vehicle between the hours specified of any day, unless otherwise indicated, upon any of the streets or parts of streets described:

Name of Street	Side	Hours/Days	Location
(Reserved)			

### § 130-20. Time-limit parking.

[Amended 10-10-2006; 9-24-2007]

Time limit parking shall be determined by the Public Works Director and the Town Manager. An inventory of time limit parking spaces may be found in the Town Clerk's Office and the Code Enforcement Office at Town Hall.

### § 130-20.1. Permitted parking.

[Added 4-13-2009]

Permitted parking shall be allowed in the following lot in accordance with the schedule and the policy set forth by the Town Council. Permits may be obtained in the Town Clerk's office and shall be valid for one year. Permits for ADA-approved residents will be made available as required by law.

Name of Lot	Number of Spaces
Young Street Municipal Lot	20

[1] *Editor's Note: See also Ch. 28, Parking Permits.*

### § 130-21. Angle parking.

No person shall park a vehicle upon any of the streets or parts of streets described, except at the angle designated and only within the painted stall lines. On all streets or parts of streets where angle parking is now or shall be authorized, all vehicles parked shall be parked with the front nearest the curb:

Name of Street	Side	Angle (degrees) (Reserved)	Location
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### § 130-22. Handicapped parking.

[Added 2-28-2000]

- A. No person shall park or cause to be parked and any motor vehicle or motorcycle in a parking space clearly marked as a handicapped parking space, unless that vehicle or motorcycle displays special registration license plated issued under 29-A M.R.S.A. §§ 521, 522, or 523, or a similar license plate or placard issued by another state.
- B. Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and which does not bear a special registration plate or placard issued under 29 M.R.S.A. § 252, 252A, or 252C,<sup>[1]</sup> or a similar plate issued by another state, shall be cited for a violation. A fine of not less than \$200 and not more than \$500 may be assessed. "Clearly marked" includes painted signs on pavement and vertical standing signs which are visible in existing weather conditions.

[Amended 10-10-2006]

[1] *Editor's Note: Laws 1993, c. 683, § A-1, repealed former 29 M.R.S.A. § 252, 252A, or 252C. See now 29-A M.R.S.A. §§ 521 and 523.*

- C. Private off-street parking areas; designated handicapped spaces.

(1) Where the owner of a private off-street parking area has entered into an agreement with the South Berwick Police Department for the enforcement of this section, as authorized under 30-A M.R.S.A. § 3009(1)(D)(2),<sup>[2]</sup> this section may be enforced in the private off-street area by the South Berwick Police Department.

[2] *Editor's Note: Laws 1997, c. 673, § 3, deleted former 30-A M.R.S.A. § 3009(1)(D)(2).*

- (2) Designated handicapped spaces shall be determined by the Public Works Director and the Town Manager. An inventory of handicapped spaces may be found in the Town Clerk’s Office and the Code Enforcement Office at Town Hall.  
[Added 10-10-2006; amended 9-24-2007]

### § 130-23. Fire lanes.

Any vehicle or motorcycle parked or stopped in a clearly marked fire lane, and not an emergency vehicle, shall be subject to a forfeiture of up to \$25.

### § 130-24. Tow zones.

[Added 6-27-2005]

The following locations shall be designated as tow zones:

Name of Street	Side	Location
Vine Street [Amended 10-10-2006]	Both, except in designated parking spaces	From a point starting at approximately 1,200 feet from Old Mill Road and continuing southerly to the Leighs Mill Bridge, this zone includes 25 feet from center line and continuing to the intersection of Brattle Street

### § 130-25. Loading zones.

The following locations shall be designated as loading zones:

Name of Street	Side	Location
Main Street [Amended 9-24-2007]	Both	From Academy Street to Butler Street. All (30 minutes only)
Paul Street	Both	From Main Street to a point 150 feet east thereof (15 minutes only)
Portland Street	Both	From Main Street to Colcord Street. All (30 minutes only)
Sewall Road	Both North	For 150 feet from the intersection of Sewall Road and Main Street (30 minutes only)

### § 130-26. Taxi stands.

The following locations shall be designated as taxi stands:

Name of Street	Side	Location
		(Reserved)

### § 130-27. Bus stops.

The following locations shall be designated as bus stops:

Name of Street	Side	Location
		(Reserved)



**TOWN COUNCIL**

***Agenda Information Sheet***

<b>Meeting Date: 11/28/2023</b>	<b>NB #3</b>
<b>Agenda Item:</b> Downtown Revitalization Advisory Committee	
<b>Informational:</b>	
<b>Town Manager's Recommendation:</b>	
<p>For the Town Council to appoint a Chair and Vice Chair for the Downtown Revitalization Advisory Committee, from the two council members on the committee. Jessica Cyr and Melissa Costella.</p> <p>Denise Clavette will be the Staff Liaison for the Committee.</p>	
<b>Requested Action:</b>	
<p>For the Town Council to appoint a Chair and Vice Chair for the Downtown Revitalization Advisory Committee, from the two council members on the committee. Jessica Cyr and Melissa Costella.</p>	
<b>Vote</b>	



ZONING

140 Attachment 1

Town of South Berwick

Table A  
Land Use

[Amended 10-23-2006; 9-8-2008; 5-11-2009; 4-10-2012; 11-26-2013; 5-12-2015; 1-10-2017; 1-14-2020; 8-17-2021; 9-14-2021]

Land Uses	R1, R1A	R2, R2A	R3	R4	R5	B1	B2	SP	RP	I1	I2	BR
Accessory <del>Apartment Dwelling Unit</del> *(6)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Adult Business Establishment	N	N	N	N	N	N	N	N	N	N	MSP	N
<del>Affordable Housing Development(10)</del>	<del>MSP</del>	<del>MSP</del>	<del>MSP</del>	<del>N</del>	<del>N</del>	<del>MSP</del>	<del>MSP</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>MSP</del>	<del>MSP</del>
Agriculture - Livestock	Y*	Y*	Y	Y	Y	SP	SP	SP	SP	Y*	Y*	N
Agriculture - Nonlivestock Nurseries, Greenhouses	SP	SP	Y	Y	Y	SP	SP	SP	N	Y	Y	MSP
Amusement Center	N	N	N	N	N	MSP	MSP	N	N	N	N	N
Aquaculture	N	N	N	N	N	N	N	SP	SP	SP	SP	N
Automobile Graveyards, Junkyards	N	N	MSP	MSP	N	N	N	N	N	N	N	N
Automobile Repair and Service	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Banks	N	N	N	N	N	MSP	MSP	N	N	Y(5)	Y(5)	MSP
Bed-and-Breakfast	SP	SP	SP	SP	N	SP	SP	SP	N	N	N	SP
Boat Landing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Campgrounds	N	N	MSP	MSP	MSP	N	N	N	N	N	N	N
Caregiver Retail Stores	N	N	N	N	N	MSP*(98)	N	N	N	MSP	MSP	N
Cemeteries	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y
Church/Other Place of Worship/Parish House/Rectory/Convent/Other Religious Institutions	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	N	N	MSP
Clubs/Fraternal Organizations	SP	SP	SP	SP	N	SP	SP	N	N	SP	SP	MSP
Cluster Housing and (1) Planned Unit Developments	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	N	N	MSP	MSP
Commercial Center	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Commercial Complex	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	N

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SOUTH BERWICK CODE

Land Uses	R1, R1A	R2, R2A	R3	R4	R5	B1	B2	SP	RP	I1	I2	BR
Commercial Recreation (2), including Indoor Recreation Facilities	MSP	MSP	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Community Living Arrangement	MSP	MSP	N	N	N	MSP	MSP	N	N	N	N	MSP
Congregate Housing	MSP	MSP	N	N	N	MSP	MSP	MSP	N	N	N	MSP
Day-Care Center	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	MSP	MSP	MSP
Docks, Piers, Wharves (Temp.)	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*
Docks, Piers, Wharves (Perm.)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Dormitory or Residence Hall	MSP( <del>7</del> (6))	MSP( <del>7</del> (6))	N	N	N	MSP( <del>7</del> )	MSP( <del>7</del> )	N	N	N	N	MSP( <del>7</del> )
Equestrian Facility	N	N	MSP	MSP	MSP	N	N	N	N	MSP	MSP	N
Essential Services	Y	Y	Y	Y	Y	Y	Y	SP	SP	Y	Y	MSP
Extractive Industry and Processing	N	N	MSP	MSP	N	N	N	N	N	MSP	MSP	N
Family Day Care	Y*	Y*	Y*	Y*	Y*	Y*	Y*	SP	N	Y*	Y*	SP
Forest Management Activities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Function or Banquet Hall	MSP( <del>8</del> )	MSP( <del>8</del> )	N	N	N	MSP( <del>8</del> )	N	N	N	MSP( <del>8</del> )	MSP( <del>8</del> )	N
Hazardous Waste Disposal Facility	N	N	N	N	N	N	N	N	N	N	N	N
Hotel/Motel	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	N
Individual Private Camps/Sites	N	N	Y*	Y*	Y*	N	N	SP	SP	Y	Y	N
Industrial Facilities	N	N	N	N	N	N	N	N	N	MSP	MSP	N
Inns	MSP( <del>7</del> )	MSP( <del>7</del> )	N	N	N	MSP( <del>7</del> )	MSP( <del>7</del> )	N	N	N	N	MSP( <del>7</del> )
Kennels	N	N	MSP	MSP	N	N	N	N	N	MSP	MSP	N
Landfills	N	N	N	N	N	N	N	N	N	N	N	N
Light Industry	N	N	N	N	N	N	N	N	N	MSP	MSP	N
Major Home Occupations	SP	SP	SP	SP	SP	Y	Y	N	N	Y*	Y*	SP
Manufactured Homes	Y	Y	Y	Y	Y	Y	Y	SP	N	N	MSP	Y
Marina	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	N	N	MSP
Medical Marijuana Cultivation / Growing Facility	N	N	N	N	N	N	N	N	N	MSP	N	N
Mini-Storage Facility	N	N	N	N	N	N	N	N	N	MSP	MSP	N
Minor Home Occupation	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	N	Y*	Y*	Y*
Mobile Home Park (1), must be on water and sewer	MSP	MSP	MSP	N	N	MSP	MSP	N	N	N	MSP	N

ZONING

Land Uses	R1, R1A	R2, R2A	R3	R4	R5	B1	B2	SP	RP	I1	I2	BR
Multifamily Dwellings (3)	MSP	MSP	MSP	N	N	MSP	MSP	N	N	N	MSP	MSP
Municipal Solid Waste Transfer	MSP	MSP	N	N	N	N	N	N	N	N	N	N
Neighborhood Convenience Store	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	N	N	MSP
Nonhazardous Solid Waste Processing Facility	N	N	N	N	N	N	N	N	N	MSP	MSP	N
Nursing Homes/Health Care Facility	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
On-Premises Signs	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*	Y*
Professional Offices	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Public Park	Y	Y	Y	Y	Y	Y	Y	SP	SP	Y	Y	SP
Public Recreational Facilities/Libraries/Museum/Civic Centers/Post Offices	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	N	MSP	MSP	MSP
Public Utilities, Sewer Collection/Treatment Facilities	MSP	MSP	MSP	MSP	N	MSP	MSP	MSP	MSP	MSP	MSP	MSP
Restaurant	MSP(2)	MSP(2)	MSP	MSP	N	MSP	MSP	MSP	N	MSP	MSP	MSP
Restaurant, Take-Out	N	N	N	N	N	MSP	MSP	N	N	Y(5)	Y(5)	N
Retail	N	N	N	N	N	MSP	MSP	N	N	Y(5)	Y(5)	MSP
Schools, Public/Private/Parochial	MSP	MSP	MSP	MSP	N	MSP	MSP	N	N	MSP	MSP	MSP
Seasonal Sale of Produce and Plants Grown Locally	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y*	Y
Service/Personal Service Establishments	N	N	N	N	N	MSP	MSP	N	N	Y(5)	Y(5)	SP
Single-Family Dwelling	Y	Y	Y	Y	Y	Y	Y	SP	N	N	MSP	Y
Sludge Spreading (4)	N	Y	Y	Y	Y	N	N	N	N	N	N	N
Timber Cutting	SP	Y*	Y*	Y*	SP	N	N	SP	SP	SP	SP	N
Transmission Tower	N	N	SP	SP	N	N	N	N	N	SP	SP	N
Two-Four Family Dwellings(9)	Y	Y	Y	Y	Y	Y	Y	SP	N	N	MSP	Y
Vehicle Sales	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Veterinary Services	N	N	MSP	MSP	N	N	N	N	N	MSP	MSP	MSP
Warehousing	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	MSP
Wholesale Distribution	N	N	N	N	N	MSP	MSP	N	N	MSP	MSP	N
Yard Sales	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

SOUTH BERWICK CODE

**Table A**  
**Land Use Index**

- (1) Also requires subdivision review under the South Berwick Subdivision Ordinance.
- (2) Within the R1 and R2 Districts must have frontage on Route 236 or Route 4.
- (3) May require subdivision review. Consult Town Subdivision Ordinance.
- (4) Requires review by the Maine DEP.
- (5) These uses will only be allowed when part of a commercial complex as defined.
- ~~(6)~~ ~~The Planning Board may approve, after a minor site plan review, the addition of one dwelling unit to an existing single-family dwelling which is unable to comply with the dimensional standards of this chapter.~~
- ~~(7)~~(6) These uses will only be allowed when on public water and sewer.
- ~~(8)~~(7) Within all districts, this use will only be allowed on properties that: a) have frontage on Route 236, south of the junction with Route 4; and b) have public or PUC-regulated water and public sewer.
- ~~(9)~~(8) As allowed within the B-1 Caregiver Overlay District. (appended) The district includes all B-1 properties currently within Main Street from Berwick Road to the Rollinsford border as adopted, and as amended by the Town.
- (9) When an existing home is on a parcel, 2 additional units may be added provided they meet the density requirements and appropriate soils exist where a public sewer system does not exist. If the land is currently vacant up to 4 units shall be allowed provided the soils will support the septic system when not on a public sewer system. When creating 3-4 new units, Subdivision requirements shall apply.
- ~~(10)~~ Only as it applies to Chapter 187 of Title 30-A, See Section 140-47

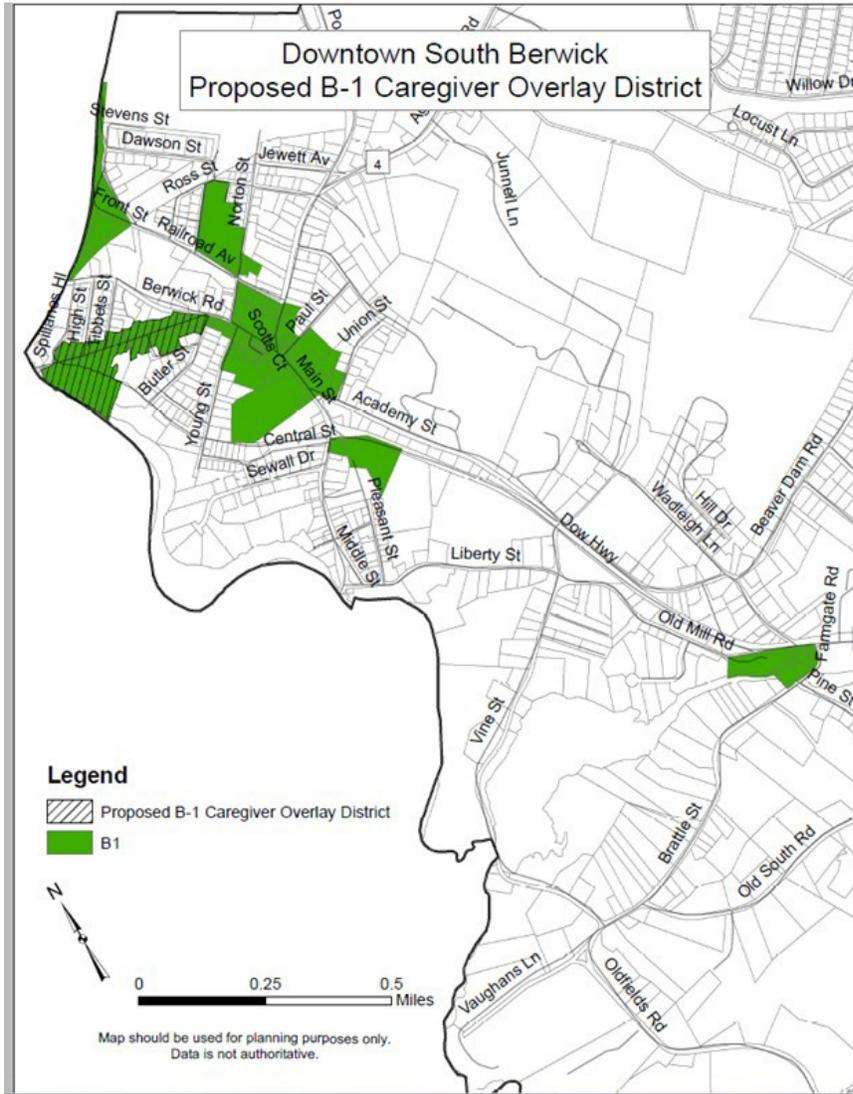
**KEY**

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

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ZONING



ZONING

140 Attachment 2

Town of South Berwick

**Table B**  
**Dimensional Requirements**  
**[Amended 4-13-2009; 5-11-2009]**

	R1	RIA	R2	R2A	R3	R4	R5	B1	B2	I and I2	BR
Residential minimum lot size <u>per unit</u> (square feet) <u>(Note 20)</u>											
Without sewer	40,000	80,000	40,000	80,000	80,000	120,000	120,000	NA	40,000	80,000	NA
With sewer <del>(Note 20)</del>	10,000	20,000	30,000	40,000	80,000	120,000	120,000	NA	10,000	80,000	NA
Single-family											10,000
Two- <del>Four</del> family											5,000
Multifamily											3,500 (19)
Congregate											5,000
Commercial minimum lot size (square feet)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	NA	(2)	80,000	10,000
Minimum street frontage (feet)											
Without sewer	100	200	125	200	200	300	300	NA	100	200	NA
With sewer	100	125	125	150	200	300	300	NA	100	200	70
Maximum street frontage											150
Minimum yard dimensions (feet)											
Front setback	20	50(4)	25	50(5)	50	50	50	NA	20	75	20 (18)
Side setback	15	25	25	25	25	50	50	NA	15	35	10
Rear setback	15	25	25	25	25	50	50	NA	15	35	15
Lot coverage (%)	30	30	25	25	20	20	15	NA	50	60	60
Height limitation (feet) [See footnote (16) and (17)]	35	35	35	35	35	35	35	NA	35	35	35

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Commented [I1]: Not sure why you tabbed this with Sewer that standard applies everywhere Residential development is allowed. I would move Note 20 to the top box since it will apply everywhere.

## SOUTH BERWICK CODE

**TABLE B**  
**Dimensional Requirements Index**

- (1) Commercial dimensional requirements in these districts shall be the same as for residential lots.
- (2) For the B2 Zone a commercial use must contain a minimum of 10,000 square feet if on sewer and 20,000 square feet without sewer. Other dimensional requirements shall remain the same as for residential uses.
- (3) There are no dimensional requirements in the B1 Zone except for height which shall be the same as the B2 Zone.
- (4) If on sewer in the R1A Zone the setbacks shall be: front, 20 feet; side, 15 feet; rear, 20 feet.
- (5) If on sewer in the R2A Zone the setbacks shall be: front, 25 feet; side, 20 feet; rear, 20 feet.
- (6) No portion of any lot created after the effective date or amendment of this chapter and lying within the Resource Protection District may be used to meet the dimensional requirements of other districts in which the remainder of the lot is situated.
- (7) If more than one principal building is constructed on a single parcel of land, all dimensional requirements shall be met separately for each principal building. The minimum lot size shall be multiplied by the number of dwelling units on the lot.
- (8) New building lots located at the end of culs-de-sac or along curves in a street may be designated so that they have at least 60 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for lot frontage in the zoning district and provided the radius of the curve is not more than 300 feet measured at the front lot line.
- (9) Driveways and parking areas may be located within any required setback area (except as noted in § 140-24), but shall not be located within six feet of the side or rear lot lines in all zones but the B1 Zone.
- (10) Additions to nonconforming buildings may be built to meet the line of existing non conformity, but may not be less than 10 feet from a side or rear property line.
- (11) All setbacks shall be measured from the property line to the nearest part of a building.
- (12) The depths of any yard abutting a public road shall conform to the front yard requirements.
- (13) All corner lots shall be kept free from visual obstruction for a distance of 25 feet measured along both street center lines.
- (14) Where a proposed structure is abutted on both sides by existing structures whose front setbacks are less than the required setback, the setback of the proposed structure may be reduced to that of the abutting structures.
- (15) An industrial use that is permitted under the provisions of this chapter may reduce its side and rear yard setbacks to a point that abuts a railroad tract or spur track.
- (16) These height requirements shall not apply to farm buildings, flagpoles, chimneys, ventilators, domes, water towers, church towers, tanks, windmill towers, or other structures or building accessory features usually erected at a height greater than the main roofs of building, provided that such structure or accessory feature is not for human habitation or occupancy and further provided that any structure or accessory feature higher than 35 feet is set back from all property lines a distance equal to its height. Special height requirements shall be reviewed by the Planning Board under site plan review.
- (17) The Board may increase the height of an industrial structure to a maximum of 55 feet upon a clear demonstration that this increase is required by the applicant due to the unique circumstances of the operation.
- (18) Refer to § 140-24D, Off-street parking and loading (nonresidential).
- (19) Multifamily residential structures shall contain no more than six dwelling units and require 3,500 square feet of lot space per dwelling unit, except structures on lots created before the effective date of this ordinance with less than 21,000 square feet of lot area may contain up to six dwelling units.
- (19)(20) Where 2-4 Single Family Dwellings are proposed, lot size requirements shall double per dwelling, and subdivision review shall apply when required by subdivision definition.

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1 § 140-46.1. Accessory ~~apartments.~~Dwelling Units

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

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

6 The use must comply with the following standards:

7 A. ~~The existing dwelling unit must have a minimum of 2,000 gross square footage of living area (cellars~~  
8 ~~are not to be included in such calculation) to be considered for an accessory apartment.~~ The  
9 accessory Dwelling Units~~apartment~~ shall not exceed 750 Square Feet~~30%~~ of the total living area of the  
10 building ~~and can be located within the existing building, attached to the existing building or standalone~~  
11 ~~provided all dimensional standards of the zone in which it is located can be met.~~

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

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

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

21 CE. The dimensional standards found in Table B1 must be adhered to.  
22 ~~are waived with the exception of the standards for lot~~  
23 ~~coverage, residential, which cannot be increased above set standards or that which exists at the time~~  
24 ~~of the proposed conversion, whichever is greater.~~

25 DF. The development must meet the shoreline frontage requirements outlined in Subsection A(2) of  
26 § 140-46.

27 EG. Any request for an accessory dwelling unit~~apartment~~ shall conform to all provisions of the Maine  
28 State Plumbing

29 Code and show proof of adequate water supply to serve the proposed unit, and no dwelling that is  
30 served by an on-site wastewater disposal system shall be modified to

31 create an accessory ~~dwelling unit~~apartment until a site evaluation has been conducted by a licensed ~~site~~  
32 ~~soil~~-evaluator

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

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

36 ~~G. An accessory dwelling unit is allowed on a lot that does not conform to the zoning ordinance provided~~  
37 ~~it does not further increase the nonconformity.~~

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38 ~~H. If the unit was built without approval from the town, it must still be allowed provided it meets the~~  
39 ~~requirements for an accessory dwelling unit under the code.~~

40 ~~I. When doing an ADU in the Shoreland zone areas, Shoreland zoning standards shall apply.~~

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

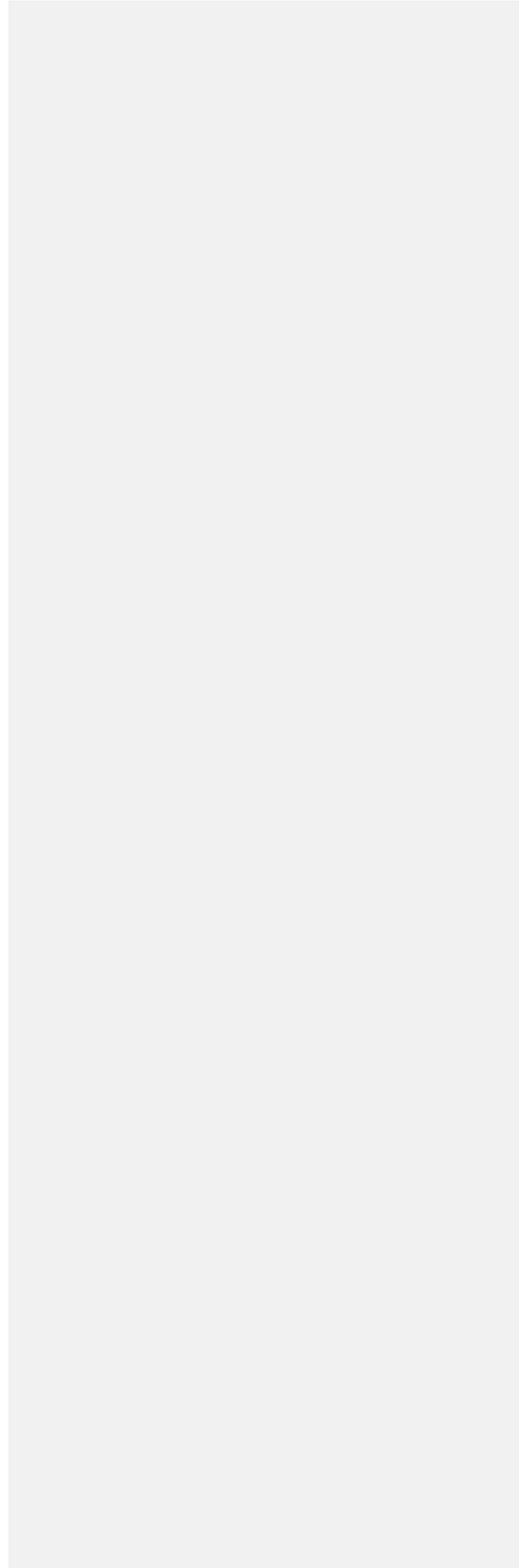
44 ~~I. When a dwelling which contains an approved accessory apartment is vacated by the owner, the~~  
45 ~~owner shall notify the Code Enforcement Officer within 60 days. The Code Enforcement Officer~~  
46 ~~shall then, in writing, either reconfirm or void the site plan permit for the accessory apartment.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

51 ~~J. Whenever the Planning Board approves an accessory apartment pursuant to this § 140-46.1, the~~  
52 ~~Board shall prepare a certificate indicating the name of the current property owner, identifying the~~  
53 ~~property by reference to the last recorded deed in its chain of title, indicating that the Board has~~  
54 ~~approved the addition of one accessory apartment to a single family dwelling and the date of such~~  
55 ~~1. Editor's Note: Table B is included as an attachment to this chapter.~~

56 ~~↕~~

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

| 60 of the date of Planning Board approval, or the approval shall be invalid.  
61



**TOWN COUNCIL**

***Agenda Information Sheet***

Meeting Date: 11/28/2023	<b>NB #</b>
<b>Agenda Item:</b> Schedule a Public Hearing	
<b>Informational:</b>	
<b>Town Manager's Recommendation:</b>	
<b>Requested Action:</b>	
Schedule a Public hearing for LD2003, suggested date would be 12/12/23.	
<b>Vote/</b>	

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2 tool is only meant for editing.

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3 § 140-9 **Definitions.**

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

5 **ABUTTERS**

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

8 **ACCESSORY APARTMENT-DWELLING UNIT**

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

12 **ACCESSORY USE OR STRUCTURE**

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

18 **ADT**

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

23 **AFFORDABLE HOUSING**

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

28 1. For rental housing, a development in which a household whose income does not exceed  
29 80% of the median income for the area as defined by the United States Department of  
30 Housing and Urban Development under the United States Housing Act of 1937, Public  
31 Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in  
32 the development without spending more than 30% of the household's monthly income on  
33 housing costs; and

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34 2. For owned housing, a development in which a household whose income does not exceed 120% of the  
35 median income for the area as defined by the United States Department of Housing and Urban Devel-  
36 opment under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as  
37 amended, can afford 51% or more of the units in the development without spending more than 30%  
38 of the household's monthly income on housing costs.

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

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

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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.

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**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.

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[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.

[Amended 6-15-2009]

82 **AUTHORIZED AGENT**

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

85 **AUTOMOBILE GRAVEYARD**

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

91 **AUTOMOBILE REPAIR GARAGE**

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

96 **AUTOMOBILE SERVICE STATION**

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

101 **BANK**

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

104 **BASAL AREA**

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

107 **BASAL AREA, RESIDUAL**

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

109 **BASE DENSITY**

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

112 **BASE FLOOD**

113 See Chapter 110, § 110-11.

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

115 **BASEMENT**

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

119 **BED-AND-BREAKFAST**

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

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122 more than 14 days.

123 **BOATHOUSE**

124 See Chapter 110, § 110-11.

125 [Amended 6-15-2009]

126 **BOAT LANDING**

127 See Chapter 110, § 110-11.

128 [Amended 6-15-2009]

129 **BODY OF WATER**

130 See Chapter 110, § 110-11.

131 [Amended 6-15-2009]

132 **BROOK**

133 See Chapter 110, § 110-11.

134 [Added 6-15-2009]

135 **BUFFER**

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

138 **BUILDING**

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

141 **BUILDING HEIGHT**

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

144 **CAMP**

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

148 **CAMPGROUND**

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

151 **CAREGIVER RETAIL STORE**

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

156 [Added 1-14-2020; amended 9-14-2021]

157 **CELLAR**

158 See "basement."

159 **CEMETERY**

160 Property used for interring the dead.

161 **CHANGE OF USE**

162 A change from one category in the land use table to another or the addition of a new category of use to  
163 an existing use.

164 **CHANNEL**

165 See Chapter 110, § 110-11.

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

167 **CHURCH**

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

170 **CIVIC CENTER**

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

174 **CLUB**

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

177 **CLUSTER DEVELOPMENT**

178 A development in which dimensional requirements may be reduced in order to promote the retention of  
179 open space.

180 **COASTAL WETLANDS**

181 See Chapter 110, § 110-11.

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

183 **CODE ENFORCEMENT OFFICER**

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

187 **COMMERCIAL CENTER**

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

191 **COMMERCIAL COMPLEX**

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

196 **COMMERCIAL RECREATION**

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

200 **COMMUNITY LIVING FACILITY**

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

204 **COMMUNITY SERVICES**

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

207 **CONFORMING USE**

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

209 **CONGREGATE HOUSING**

210 [Amended 4-10-2012]

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

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

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

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

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

228 **CONSTRUCTED**

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

232 **CORD**

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

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

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

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

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

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

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

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

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

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

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

267 **DWELLING, SINGLE-FAMILY**  
268 Any structure containing only one dwelling unit.

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

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

275 **EARTH**

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

277 **EQUESTRIAN FACILITY**

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

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

281 **ESSENTIAL SERVICES**

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

287 **EXCAVATION**

288 Any removal of earth from its original position.

289 **EXISTING RIGHT-OF-WAY**

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

292 **EXPANSION OF A STRUCTURE**

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

295 **EXPANSION OF USE**

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

298 **EXTRACTIVE INDUSTRY**

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

302 **FAMILY**

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

305 **FAMILY DAY CARE**

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

308 **FILLING**

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

310 **FLOOD**

311 See Chapter 110, § 110-11.

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

313 **FLOOD INSURANCE MAP**

314 See Chapter 110, § 110-11.

315 [Amended 6-15-2009]

316 **FLOODPLAIN**

317 See Chapter 110, § 110-11.

318 [Amended 6-15-2009]

319 **FLOODPROOFING**

320 See Chapter 110, § 110-11.

321 [Amended 6-15-2009]

322 **FLOOD, REGIONAL**

323 See Chapter 110, § 110-11.

324 [Amended 6-15-2009]

325 **FLOODWAY**

326 See Chapter 110, § 110-11.

327 [Amended 6-15-2009]

328 **FLOOR AREA, GROSS**

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

331 **FLOOR AREA, NET**

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

335 **FORESTER, LICENSED PROFESSIONAL**

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

337 **FOREST MANAGEMENT ACTIVITIES**

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

341 [Amended 6-15-2009]

342 **FOREST MANAGEMENT PLAN**

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

346 **FRESHWATER WETLANDS, MAJOR**

347 See Chapter 110, § 110-11.

348 [Amended 6-15-2009]

349 **FRESHWATER WETLANDS, MINOR**

350 See Chapter 110, § 110-11.

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

352 **FRONTAGE**

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

355 **FRONTAGE, SHORE**

356 See Chapter 110, § 110-11.

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

358 **FROST WALL**

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

361 **FUNCTIONALLY WATER-DEPENDENT USES**

362 See Chapter 110, § 110-11.

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

364 **FUNCTION HALL/BANQUET HALL**

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

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

370 **GRADE**

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

372 **GREAT POND**

373 See Chapter 110, § 110-11.

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

375 **GREENHOUSE**

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

377 **GUEST HOUSE**

378 See "hotel."

379 **HEALTH-CARE FACILITY**

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

383 **HEIGHT OF A STRUCTURE**

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

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

387 **HOME OCCUPATION**

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

391 **HOSPITAL**

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

396 **HOTEL**

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

401 **[Amended 5-11-2009]**

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

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

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

406 **INCINERATION**

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

409 **INDIVIDUAL PRIVATE CAMPSITE**

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

415 **INDUSTRIAL**

416 The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the  
417 extraction of minerals.

418 **INN**

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

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

424 **JUNKYARD**

- 425 A yard, field or other area used as place of storage for any of the following:
- 426 A. Discarded, worn-out or junked plumbing and heating supplies, household appliances and furniture.
- 427 B. Discarded, scrap and junk lumber.
- 428 C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap  
429 iron, steel and other scrap ferrous or nonferrous material.
- 430 D. Garbage dumps, waste dumps and sanitary fills.
- 431 E. Unserviceable, discarded, worn-out or junked motor vehicles and motor vehicle parts, unserviceable  
432 bikes, lawn mowers and other similar items.

433 **KENNEL**

434 Any place, building, tract or land, abode, enclosure or vehicle where three or more dogs or three or more  
435 cats are kept for any purpose for a fee. This definition shall also include dog day-care facilities, dog  
436 grooming and agility facilities for dogs.

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

438 **LANDFILL**

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

440 **LIGHT INDUSTRY**

441 Uses intended primarily for the conduct of light manufacturing, assembling and fabrication and for  
442 associated warehousing, wholesaling and service operations that do not depend primarily on frequent  
443 personal visits of customers or clients or a high number of truck and/or freight visits per day. Such uses  
444 should accommodate a broad spectrum of clean industries; but noticeable glare, noise, vibration, odor or  
445 other nuisances at the property lines of the property on which the use is situated are prohibited. Light  
446 industrial uses might include software or computer development, electronics assembly, book,  
447 publishing, science and research facilities, and microbreweries. Light industrial uses also include  
448 contractor services such as landscaping, lawn care, tree care, plumbing and heating where such services  
449 require facilities to store equipment, materials and vehicles.

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

451 **LOT**

452 A parcel or tract of land occupied or capable of being occupied by one or more principal use or building  
453 and the accessory buildings or uses customarily incidental to it, including such open spaces as are  
454 required by the chapter, having frontage upon a street, and existing deeded right-of-way or a new  
455 deeded right-of-way with a minimum fifty-foot width and with each principal building located on land  
456 identified as allocable to that building which meets the minimum dimensional requirement for that  
457 district as provided in this chapter.

458 **LOT AREA**

459 The total horizontal area within the lot lines.

460 **LOT, CORNER**

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

462 **LOT COVERAGE**

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

464 **LOT, INTERIOR**

465 Any lot other than a corner lot.

466 **LOT LINES**

467 The lines bounding a lot as defined below:

468 A. **FRONT LOT LINE**

469 (1) On an interior lot, the line separating the lot from the street or right-of-way.

470 (2) On a corner or through lot, the line separating the lot from either street or right-of-way.

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

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

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

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

476 **LOT OF RECORD**

477 A parcel of land, a legal description of which or the dimensions of which are recorded on a document or  
478 map on file with the County Registry of Deeds.

479 **LOT, SHOREFRONT**

480 See Chapter 110, § 110-11.

481 [Amended 6-15-2009]

482 **LOT, THROUGH**

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

487 **LOT WIDTH**

488 The horizontal distance between the side lot lines, measured at the front setback line.

489 **MANUFACTURED HOME**

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

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

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

496 **MANUFACTURING**

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

499

500 **MARIJUANA**  
501 As defined by Maine State Statute or rule.

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

503 **MARINA**  
504 See Chapter 110, § 110-11.

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

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

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

517 **MINERAL EXPLORATION**  
518 Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources  
519 which create minimal disturbance to the land and which include reasonable measures to restore the land  
520 to its original condition.

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

526 **MINI-STORAGE FACILITY**  
527 Fully enclosed structures with individual, secured units which are available for lease or rent by persons  
528 other than residents of the premises for the storage of nonhazardous goods not related to the sale or  
529 manufacture of goods on the same lot.

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

531 **MOBILE HOME**  
532 See "manufactured home."

533 **MOBILE HOME PARK**  
534 A parcel of land under unified ownership approved by the municipality for the placement of three or  
535 more "newer mobile homes." This does not apply to modular homes as described.

536 **MODULAR HOME**  
537 A home in which entire sections are constructed in a factory and shipped to their eventual location  
538 where very little on-site labor is required to piece the sections together.

539 **MOTEL**

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

542 **NEIGHBORHOOD CONVENIENCE STORE**

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

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

- 547 A. Primarily intended for immediate consumption;
- 548 B. Available upon a short waiting time;
- 549 C. Served over the counter rather than at a table; and
- 550 D. Prepackaged or presented in a manner that can be readily eaten off the premises where sold.

551 **NET RESIDENTIAL ACREAGE**

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

554 **NET RESIDENTIAL DENSITY**

555 The number of dwelling units per net residential acre.

556 **NOISE**

557 Related definitions:

- 558 A. dB(A) — The abbreviation designating both the unit of measuring sound level, the decibel, and the  
559 mode of measurement that uses the A-weighting of a sound level meter.
- 560 B. **DECIBEL (dB)**The practical unit of measurement for sound pressure level. The number of "decibels"  
561 of a measured sound is equal to 20 times the logarithm to the base of 10 of the ratio of the sound  
562 pressure of the measured sound to the sound pressure of a standard sound (20 micropascals),  
563 abbreviated "dB."
- 564 C. **LOUD AND UNREASONABLE NOISE**Any sound, the intensity of which exceeds the standards set  
565 forth in § 140-28 of this chapter.

566 **NONCONFORMING LOT OF RECORD**

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

569 **NONCONFORMING STRUCTURE**

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

573 **NONCONFORMING USE**

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

577 **NONHAZARDOUS SOLID WASTE**

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

580 **NONHAZARDOUS SOLID WASTE FACILITY**

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

584 **NORMAL HIGH-WATER LINE**

585 See Chapter 110, § 110-11.

586 [Amended 6-15-2009]

587 **NURSERY**

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

590 **NURSING HOMES**

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

593 **OFFICIAL BUSINESS DIRECTIONAL SIGN**

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

596 **PARKING SPACE**

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

599 **PERIOD OF OPERATION**

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

602 **PERSONAL SERVICE ESTABLISHMENT**

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

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

610 See Chapter 110, § 110-11.

611 [Amended 6-15-2009]

612 **PLANNED RESIDENTIAL DEVELOPMENT**

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

616 **PLANNED UNIT DEVELOPMENT (PUD)**

617 See "planned residential development."

618 **PRINCIPAL BUILDING**

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

620 **PRINCIPAL USE**

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

622 **PRIVATE ROAD**

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

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

629 **PROFESSIONAL OFFICES**

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

634 **PUBLIC PARK**

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

637 **PUBLIC RECREATION**

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

639 **PUBLIC SEWERS**

640 Those owned and operated by a public utility.

641 **PUBLIC UTILITY**

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

644 **RECENT FLOODPLAIN SOILS**

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

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

647 **RECREATIONAL VEHICLE**

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

651 **REGISTERED CAREGIVER**

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

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

654 **REGISTERED CAREGIVER ASSISTANT**

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

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

658 **RESTAURANT**

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

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

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

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

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

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

681 **RETAIL BUSINESS**

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

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

686 **RIPRAP**

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

689 **RIVER, STREAM OR BROOK**

690 See Chapter 110, § 110-11.

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

692 **SCHOOLS**

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

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

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

701 **SERVICE DROP**

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

704 A. In the case of electric service:

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

708 B. In the case of telephone service:

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

713 **SETBACK**

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

715 **SETBACK FROM WATER**

716 See Chapter 110, § 110-11.

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

718 **SHORELAND ZONE**

719 See Chapter 110, § 110-11.

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

721 **SIGNS**

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

725 **SIGN, EXTERNALLY ILLUMINATED**

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

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

729 **SIGN, INTERIOR**

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

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

733 **SIGN, INTERNALLY ILLUMINATED**

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

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

740 **SIGN, WINDOW**

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

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

747 **SLUDGE SPREADING**

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

750 **SOLID WASTE**

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

755 **SOUND LEVEL**

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

758 **SOUND LEVEL METER**

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

761 **SOUND PRESSURE LEVEL**

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

764 **STANDING**

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

767 **STORAGE**

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

769 **STREAM**

770 See Chapter 110, § 110-11.

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

772 **STREET**

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

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

780 **STRUCTURAL MODIFICATIONS**

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

783 **STRUCTURE**

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

788 **SUBDIVISION**

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

790 **SUBSTANTIAL IMPROVEMENT**

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

800 **SUBSTANTIAL START**

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

802 **SWIMMING POOL**

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

805 **TEMPORARY STORAGE FACILITIES**

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

809 **TIMBER HARVESTER**

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

811 **TIMBER HARVESTING**

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

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

814 **TRANSMISSION TOWER**

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

817 **TRIBUTARY STREAM**

818 See Chapter 110, § 110-11.

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

820 **UNDUE HARDSHIP**

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

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

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

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

826 **VARIANCE**

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

831 **VEHICLE SALES**

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

834 **VERMIN**

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

836 **VETERINARY HOSPITAL OR CLINIC**

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

839 **VOLUME OF A STRUCTURE**

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

842 **WAREHOUSE**

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

844 **WATER BODY**

845 See Chapter 110, § 110-11.

846 [Amended 6-15-2009]

847 **WATER CROSSING**  
848 See Chapter 110, § 110-11.

849 [Amended 6-15-2009]

850 **WATER-ORIENTED BUSINESS**  
851 See Chapter 110, § 110-11.

852 [Amended 6-15-2009]

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

855 [Amended 6-15-2009]

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

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

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

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

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

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

877

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2 tool is only meant for editing.

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3 § 140-47 **Planned residential development, cluster development (including modular and industrial**  
4 **housing), 2-4 residential units on a single parcel, multifamily development and mobile home parks.**

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

6 (1) To allow for concepts of housing development where variations of design may be allowed, provided that  
7 the net residential density shall be no greater than is permitted in the district in which the development is  
8 proposed. Notwithstanding other provisions of this chapter relating to dimensional requirements, the  
9 Planning Board, in reviewing and approving proposed residential developments located in the Town,  
10 may modify said provisions related to dimensional requirements to permit approaches to housing and  
11 environmental design in accordance with the requirements below and which further the goals of the  
12 South Berwick Comprehensive Plan. This shall not be construed as granting variances to relieve  
13 hardship.

14 (2) To allow owners a reasonable return on their holdings, in such a way that the majority of existing open  
15 field, pasture, wetlands, waterways, wildlife habitat, scenic vistas, historic and archaeological assets,  
16 rare flora and fauna, and notable stands of forest may remain unbuilt for future generations, all  
17 residential subdivision and planned unit development (PUD) proposals, regardless of size, may be laid  
18 out according to the cluster development standards below. The design shall result in the permanent  
19 retention of all natural, historical and cultural assets which have been identified by the Planning Board  
20 and which are consistent with the goals and policies of the South Berwick Comprehensive Plan.

21 (3) Toward this end the Board may require that residential subdivision and planned unit development  
22 proposals be laid out according to the standards below and in a manner consistent with the South  
23 Berwick Subdivision Ordinance.

24 (4) The Planning Board in making its determination whether or not clustering will be required shall  
25 consider the impacts that a nonclustered approach would have on the noted natural, historical and  
26 cultural resources. The Board and applicant shall refer to the Comprehensive Plan, the Town Open  
27 Space and Recreational Planning Map, the Salmon Falls River Greenbelt Plan, the South Berwick  
28 Conservation/Open Space Plan, and any other relevant documents, including the applicant's own  
29 environmental analysis of the site. The Board and applicant shall also examine the existing built  
30 environment of the area proposed for development, analyzing historical structures, working landscapes,  
31 architectural design and land use. Particular emphasis should be given to the placement and setbacks of  
32 all buildings in the area. **[Amended 1-12-2016]**

33 B. Application procedure.

34 (1) Submissions.

35 (a) All applicants proposing a subdivision, PUD, or mobile home park shall submit two plans for  
36 conceptual (sketch plan) review. One plan shall present the subdivision based on a conventional layout.  
37 The other plan shall be presented as a cluster development employing the standards as described in this  
38 section. The standards are not intended to discourage innovation, invention or creativity.

39 (b) The number of units/lots in the cluster subdivision, whether proposed as a single-family or multifamily  
40 development, shall in no case exceed the number of units/lots that could realistically be created in the  
41 standard subdivision.

42 (c) The applicant shall also submit a brief narrative (two pages) describing the opportunities and constraints  
43 of the site, the surrounding land uses, areas of abutting interest, and how the proposal fits into the  
44 Town's Comprehensive Plan and Open Space/Recreational Plans.

45 (2) The Planning Board and applicant may seek comments from the Conservation Commission, Historic  
46 Commission, Recreation Commission, any other Town boards and departments, and if appropriate, state  
47 agencies, at this time.

48 (3) Before proceeding to the preliminary plan stage of subdivision review as detailed in the South Berwick  
49 Subdivision Ordinance, the Board shall make a determination as to whether the preliminary plan is to be  
50 submitted for review as a cluster development or conventional subdivision. The Board shall require that  
51 the plan be clustered if the benefits of the cluster approach as outlined in the purpose section above, and  
52 taking into account comments from various boards and the applicant's own site analysis, will prevent the  
53 loss of natural and historical features without increasing the net residential density of the subdivision.

54 C. Basic requirements for cluster developments and PUDs.

55 (1) Cluster development and PUDs shall meet all requirements for a subdivision, the Street Acceptance  
56 Ordinance, the Post-Construction Stormwater Management Ordinance, and all other applicable Town  
57 ordinances, including the performance standards of this chapter. **[Amended 6-15-2009]**

58 (2) Each building shall be an element of an overall plan for site development. Only developments having a  
59 total site plan for structures will be considered. The developer shall illustrate the placement of buildings  
60 and the treatment of spaces, paths, roads, service and parking and in so doing shall take into  
61 consideration all requirements of this section and of other relevant sections of this chapter.

62 (3) The maximum number of dwelling units permitted on a tract of land, the total acreage allowed to be  
63 included in net density calculations (according to § **140-20**), less the land needed for roads (including  
64 shoulders and drainage ditches), shall be divided by the minimum lot size required in the district. The  
65 extent of soil types in the six categories listed in § **140-20** shall be certified by a registered soil scientist  
66 licensed in the State of Maine, on a high-intensity soil survey map. No building shall be constructed on  
67 soil classified as being "very poorly" or "poorly" drained.

68 (4) Common land within the proposed development shall be sufficient to conserve those resources which  
69 have been identified as being ecologically, historically or culturally important. Every building or lot  
70 within the cluster or PUD shall be within 1,000 feet of the common area unless the Planning Board  
71 determines that, in the particular circumstances of the proposed development, the purposes of § **140-**  
72 **47A** can be achieved with a different configuration. Where the development abuts a body of water, a  
73 usable portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

74 (5) The use of common driveways may be encouraged to prevent numerous entrances onto existing or  
75 proposed roads.

76 (6) Shore frontage shall not be reduced below the minimum normally required in the zone.

77 (7) Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar  
78 energy, natural drainage areas, and the existing built environment of the area, in accordance with an  
79 overall plan for site development.

80 D. Cluster development standards for single-family house lots.

81 (1) When required to cluster, developers shall reduce lot dimensional requirements to no less than outlined  
82 in the chart below:

**Minimal Dimensional Requirements for Clustering**

**Setbacks**

<b>District Lot Size</b>	<b>Lot Size</b>	<b>Frontage</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
3.0	30,000	150	30	25	25
2.0	20,000	125	30	25	25
1.0	15,000	125	25	20	20
0.75	12,500	125	20	20	20
0.5	10,000	100	20	20	20
0.25	7,500	75	20	10	10

83 (2) At a minimum, the total area of common land within the development shall equal or exceed the sum of  
 84 the areas by which the building lots are reduced below the minimum lot area normally required in the  
 85 district.

86 (3) The location of subsurface wastewater disposal systems and equivalent reserve systems shall be shown  
 87 on the plan. The reserve areas shall be restricted so as not to be built upon. Systems serving more than  
 88 two units or exceeding 540 gallons per day are not permitted.

89 E. Requirements for planned unit developments and multifamily developments. In addition to requirements  
 90 of § 140-47C, the following requirements apply to all proposals reviewed as a planned unit (PUD) or  
 91 multifamily development:

92 (1) Any application to construct three or more units may be submitted as a PUD or multifamily  
 93 development provided that the number of units proposed equals the number of units that could  
 94 reasonably be built under a standard subdivision plan. No building shall contain more than six dwelling  
 95 units. The limitations of this Subsection E(1) shall not apply to the conversion of a building existing on  
 96 February 25, 1999, to multifamily use in the B1 District.

97 (2) The distance between all multifamily buildings shall be no less than 50 feet. If a mixture of single-  
 98 family and multifamily units is proposed, the setbacks for the single-family structures shall conform to  
 99 the table above.

100 (3) All units shall have reasonable access to the common lands.

101 (4) All dwelling units in a planned unit development shall be connected to a public sanitary sewer system at  
 102 no expense to the Town.

103 (5) All dwelling units in a planned unit development shall be connected to a common water supply and

- 104 distribution system either public or private at no expense to the Town.
- 105 F. Dedication and maintenance of common open space and facilities for cluster and planned unit  
106 developments.
- 107 (1) Common open space shall be dedicated, in accordance with the following procedure, upon approval of  
108 the project. There shall be no further subdivision of this land, which shall only be used for  
109 noncommercial recreation, agriculture or conservation. However, easements for public utilities,  
110 stormwater management, or accessory structures for noncommercial recreation or conservation, may be  
111 permitted. **[Amended 6-15-2009]**
- 112 (2) All land for conservation and recreational purposes shall be:
- 113 (a) Owned jointly or in common by a condominium or homeowners' association;
- 114 (b) Owned by a trust (such as the Great Works Regional Land Trust) or association which has as its  
115 principal purpose the conservation or preservation of land in essentially its natural condition; or
- 116 (c) Deeded to the Town of South Berwick, subject to Town acceptance.
- 117 (3) The common open space shall be shown on the development plan and with appropriate notation on the  
118 face thereof to indicate:
- 119 (a) Common open space shall not be used for future building lots;
- 120 (b) The boundaries of the common open space; and
- 121 (c) The planned owner of the common land.
- 122 (4) An applicant for subdivision review under this section shall provide the Planning Board with copies of  
123 deed covenants for prospective purchasers, or conservation easements with the Town or land trust,  
124 describing land management practices to be followed by the party responsible for the common land.
- 125 G. General requirements for homeowners' associations.
- 126 (1) If any or all of the common open space is to be reserved for use by the residents, the declaration and  
127 bylaws of the proposed homeowners' association shall specify maintenance responsibilities and shall be  
128 submitted to the Planning Board for a determination of the adequacy of these maintenance  
129 responsibilities.
- 130 (2) Covenants for mandatory membership in the association, setting forth the owner's rights and interest and  
131 privileges in the association and the common land, shall be reviewed by the Planning Board and  
132 included in the deed for each lot.
- 133 (3) This homeowners' association shall have the responsibility of maintaining the common open space(s)  
134 and other common facilities until, and if, accepted by the Town.
- 135 (4) The association shall levy annual charges against all property owners to defray the expenses connected  
136 with the maintenance of open space, other common recreational facilities, common utilities, and Town  
137 assessments.
- 138 (5) The declaration and bylaws of the proposed homeowners' association shall specify the circumstances  
139 under which the association will become responsible for the maintenance of the common open space.
- 140 (6) The provisions of the Town of South Berwick's Chapter **108**, Post-Construction Stormwater

141 Management, shall be followed, including proper drainage easements and annual certification of  
142 maintenance of stormwater management facilities. [Added 6-15-2009]

143

144 Affordable Housing Provisions.

145 **A. ~~A.~~ Density requirements.** The municipality shall allow an affordable housing development where  
146 multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that  
147 is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3  
148 units. The development must be in a designated growth area of a municipality consistent with section  
149 4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district or  
150 other centrally managed water system and a public, special district or other comparable sewer system. The  
151 development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A,  
152 as applicable.

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153 **B. Long-Term Affordability**

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155 Prior to granting a certificate of occupancy or other final approval of an affordable  
156 housing development, a municipality must require that the owner of the affordable  
157 housing development (1) execute a restrictive covenant that is enforceable by a party  
158 acceptable to the municipality; and (2) record the restrictive covenant in the appropriate  
159 registry of deeds to ensure that for at least thirty (30) years after completion of  
160 construction:

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161 1. For rental housing, occupancy of all the units designated affordable in the development will  
162 remain limited to households at or below 80% of the local area median income at the time of  
163 initial occupancy; and

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165 2. For owned housing, occupancy of all the units designated affordable in the development will  
166 remain limited to households at or below 120% of the local area median income at the time of  
167 initial occupancy.

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169 **C. ~~B.~~ Water.** The owner of an affordable housing development shall provide proof in writing adequate  
170 potable water supply for each dwelling/unit.

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171 **D.C. Wastewater.** The owner of an affordable housing development shall provide proof in writing  
172 adequate sewer or SWWD for the site.

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174 **-A. Residential areas, generally: up to 4 dwelling units allowed**

175 1. Use allowed For any area in which residential uses allowed, South Berwick shall allow structures with up to 2 dwelling  
176 units per lot if that lot does not contain an existing dwelling unit, except that it shall allow up to 4 dwelling units per lot  
177 if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area as noted below:

178 a. A locally designated growth area, as identified in a comprehensive plan adopted pursuant to and consistent with  
179 the procedures, goals and guidelines of this subchapter or as identified in a growth management program certified  
180 under section 4347-A;

181 b. In the absence of a consistent comprehensive plan, an area served by a public sewer system that has the capacity  
182 for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated  
183 place or a compact area of an urban compact municipality as defined by Title 23, section 754.

184  
185 The town shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional  
186 dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

187  
188 B. The applicant must provide the Planning Board or Code Enforcement officer with a letter from South Ber-  
189 wick's Sewer District stating that the town can support the additional flow, if connected to public sewer.

190 C. The applicant must provide proof in writing that the Subsurface Waste Water Disposal onsite is adequate to  
191 support the additional flow, by a Licensed Plumbing Inspector. If a new system is deemed necessary, new  
192 plans must be prepared by a licensed site evaluator.

193 D. If the site is connected to public water supply, a letter from the Town of South Berwick's Water District stating  
194 that the town can support the additional flow created by each structure.

195 E. If the parcel is connected to a well, a letter of proof to access potable water is necessary.

196 F. Dimensional Requirements in Chapter 140, Attachment 2, Table B must be met.

197 G. On parcels with existing dwellings, two additional dwellings will be allowed as follows: One within the dwell-  
198 ing, one attached to an existing dwelling, or one detached.

199 H. On parcels that are vacant, four dwellings will be allowed.

200  
201  
202