

**South Berwick Town Council
Public Hearing**

April 09, 2024

Chair Mallory Cook opened the hearing at 6:30pm. Councilors present included Vice Chair John James, Jeffrey Minihan, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance. Police Chief David Ruger and Fire Chief Nick Hamel were also present to answer any questions.

The purpose of the hearing was to receive public comment on the proposed Budget for Fiscal Year 2025.

No one in the audience or on zoom wished to comment.

The hearing closed at 6:33pm.

Attest:

Tyanne Giambusso, Town Clerk

**South Berwick
Town Council Meeting
April 09, 2024**

Chair Mallory Cook called the meeting to order at 6:34pm. Councilors present included Vice Chair John James, Jessica Cyr, and Melissa Costella. Town Manager Tim Pellerin and Assistant Town Manager Jennifer Janelle were also in attendance.

Approval of Minutes

1. Town Council 03-26-24: On a motion by Vice Chair James, seconded by Chair Cook, it was unanimously voted 5-0 to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Chair Cook, seconded by Councilor Costella, it was unanimously voted 5-0 to sign the warrant dated April 3, 2024, in the amount of \$950,930.04.

Reports & Presentations

1. Peter MacGovern from Oak Point Associates gave an update on the Town Hall Renovation Study. He and his team are two weeks into field work. They have created a floor plan and a prioritized list of needs. Next update will be at the next council meeting on 4/23/2024.

Public Comment

1. Pat Robinson 46 Brattle St – On behalf of the Conservation Committee, sponsoring the well water testing will be held at Town Hall, Wednesday 5/8/2024 7-12pm. You can pick up a kit at the Town Hall.

Unfinished Business

1. Spirit of America Award nominations are due by June 30th. No action taken.

2. On a motion by Chair Cook, seconded by Vice Chair James, it was unanimously voted 5-0 to approve the Fiscal Year 25 draft Expense Budget increase of \$829,717, for a total of \$10,088,474.

On a motion by Chair Cook, seconded by Vice Chair James, it was unanimously voted 5-0 to approve the Fiscal year 25 draft Revenue Budget increase of \$150,555, for a total of \$4,767,489.

3. On a motion by Chair Cook, seconded by Vice Chair James, it was unanimously voted 5-0 to for Town Warrant, to appropriate \$200,000 from the Undesignated Fund for the Great Works Regional Land Trust for the Salmon Falls Tidal Water property as written and proposed.

New Business

1. On a motion by Vice Chair James, seconded by Chair Cook, it was unanimously voted 5-0 to approve the Liquor License Renewal for Spring Hill Inc.

2. On a motion by Vice Chair James, seconded by Chair Cook, it was unanimously voted 5-0 to approve the Special Amusement Permit for Spring Hill Inc.

3. On a motion by Chair Cook, seconded by Councilor Cyr, it was unanimously voted 5-0 to approve up to \$200 from the TIF fund to purchase refreshments for the Downtown Revitalization Plan Committee's Public Workshop on 5/16/2024.

On a motion by Chair Cook, seconded by Vice Chair James, it was voted 4-1 to approve up to \$200 from the TIF fund to provide childcare at the Downtown Revitalization Plan Committee's Public Workshop on 5/16/2024.

4. On a motion by Chair Cook, seconded by Vice Chair James, it was unanimously voted 5-0 to set the Annual Town Meeting for Tuesday, May 21, 2024, at 6pm at the Town Hall, on the 3rd Floor.

5. On a motion by Chair Cook, seconded by Vice Chair James, it was unanimously voted 5-0 to approve the Town Meeting Warrant for Fiscal Year 2024/2025.

Town Manager's Report

- **Public Works** Finished blasting Thurrell Road. On May 22nd, the crew will start crushing the ledge to make gravel for the road and stockpile. Installed motor in grader. Patching potholes. Chipped blown down limbs from last storm. April 4/4-4/5 storm- 24 hours of plowing.
- **Police Department** 3 Arrests. 3 Accidents. 11 Traffic stops. Reserve Sgt. Pelkey is working hard to get the instructors for the Community Police Academy that will commence in the middle of May and will go until the end of June. Applications are starting to come in for the class.
- **Fire Department** 59 Calls in the last two weeks and 152 YTD. As always, communication and cooperation between town departments was excellent, with Asst. Chief Delcourt taking the lead for storm-related communications. The storm produced 44 calls for service, mostly for trees and wires down. Firefighters logged over 350 hours of total duty time during the storm and the clean-up days that followed. Firefighters staffed the station from 7:00PM on 4/3 through 7:00PM on 4/4. Assistant Chief Delcourt will be taking a leave of absence starting April 10th. He will be in North Carolina helping Pratt & Whitney with opening a new plant. A big thank you to Ray for everything you have done for our community.
- **Code Enforcement** 21 Building Permits. 3 Plumbing Permits. 7 Expired Building Permit letters went out on Wednesday 4/3.
- **Planning** Workshop was cancelled for 4/3, 2024 due to storm. The next meeting will be a workshop on April 17, 2024- Discussion is Performance Standards for Table A. No Projects in front of the Planning Board currently.
- **Library** Lorena held a paper making event last Tuesday, 4/2. There was a good group consisting of mostly adults, which is good. On May 4th Lorena will be hosting the 2nd Annual Fairy House program.
- **Recreation/Senior Center** Powderhouse Hill opened and sold 66 tickets. Egg Hunt / Touch-a-Truck was held on the 30th. There were about 160 kids. The police department sent an officer with a cruiser, the fire department brought a couple fire trucks, and Public Works joined with a bucket loader and large dump truck. Summer Camp registration opened up for residents April 1st. Camp is a little over half full. Registration for non-residents opened April 8th. The seniors enjoyed Easter dinner and entertainment on May 27th. It was a lunch and learn regarding Medicare. Wednesday 4/10 they will be having Chinese Food from the Continental Restaurant in Somersworth.
- **Assessing** The new leased vehicle has arrived, a blue Hyundai Ioniq 5. It will be lettered soon, but in the meantime, it will have the Planning magnet. Now that we are past April 1, ownership changes will be frozen until after the tax bills go out. KRT staff have been pulled for a couple of weeks to help other Towns with their permit passes.
- **Town Clerk** VPH (voter participation history) was turned on for the 3/5 primary. Tyanne will be working on this in the coming weeks. There has been an increase in wedding applications. The first Monday opening was steady.
- **Transfer Station** New employee, Kenny Freeman, has started at the Transfer Station and is working full-time, and Jay and I have another interview scheduled for this Thursday. Mixed paper is still a problem. More signage has been put up. New Problem- Food waste is being dumped in the leaf pile. Signs have been put up and staff is monitoring. Scheduling for the brush pile to be chipped. Refrigerators, televisions, and tires to be picked up.
- **Economic Development** Downtown Revitalization Plan Advisory Committee met April 1st. Primary focus of the meeting was to review the draft plan to date and the outcome of the community survey, over 275 surveys completed. This made South Berwick's response one of the highest, if not the highest seen for Downtown Revitalization Plans at Wright-Pierce. Denise is working with KACTS, Stephanie Carver, to set up meeting with Maine DOT on next steps after the planning and engineering phase is completed (the \$520,000 grant). Eastern Trail- Public meeting on the Eastern Trail Connectivity Project will be April 30th from 6:30 – 8 pm at the Eliot Town Hall. This project is for the future expansion of the trail, and involves the communities of Kittery, York, Eliot, South Berwick and North Berwick in partnership with the Eastern Trail Alliance.
- **Assistant Town Manager/Finance/HR** 8 Business Meetings and 24 Staff Meetings. ADP- New payroll system has a tentative go live date of May 21st. Linda and Jen have two meetings per week scheduled with them. CMP linesman tour of town for a look at options for the downtown revitalization project. Finalizing annual report with Dawn.

- **Town Manager** 11 Business Meetings and 35 Staff Meetings. Oak Point Town Hall Kick-off Meeting. Downtown Façade Grant application reviews. Call with Pam Buck- sewer district wastewater treatment facility grant. Several storm preparation meetings. Met with citizen/ex-employee who gave positive feedback on the changes in the Town Clerks office. Meetings with attorneys on the Marijuana Ordinance 146 67.1 caregivers retail store. 2 meetings with HR consultant on personnel matters. 2 meeting with legal on 2 pending potential court cases. Handled 3 citizen complaints- One on a mailbox and two on dangerous building conditions. Worked on the Town Warrant and Town Report. SMPDC Planning/Personnel, Hannah Bonine emailed to let us know that she will no longer be our planner as of the end of the month putting our contact null and void. Paul Schumacher, SMPDC's Executive Director has stepped in as our replacement planner to keep the contract in place in the meantime. A plan for a replacement is in the works and will be announced later. Downtown Traffic Improvement Project- Initial conversations with SMPDC/KACTS staff, is that MaineDOT is submitting a "bundled" application for Congressionally Directed Spending (CDS) – formerly known as "earmarks" for the South Berwick Traffic Improvements and Pedestrian Safety project scope as defined in the Sebago Technics report The CDS application will be requesting \$6 million for the South Berwick project; Route 236 corridor. If MaineDOT gets the funding, MaineDOT would contribute 10% of the project funding; and the Town of South Berwick would be responsible for \$600,000. The CDS application needs 3 letters of support. one will be from KACTS, one from the Town (Tim Pellerin), and we are asking Mark Lawrence to be our third. If funding is approved, the local match of \$600,000 is already part of the funding earmarks requested from the Punkintown TIF District in the FY25 budget. Customer Experience Surveys are being submitted and I am enjoying all of the positive feedback about all the staff vs the typical complaints I receive. I will be on vacation next week.

Councilor Comments

1. Melissa Costella: Wanted to have a future discussion about CMP and proactive tree clean up and what we can do for future during storms. Town Manager Pellerin said we as a town are doing all we can and suggested speaking to Public Officials to escalate the concerns to Augusta as we are dealing with a public utility.
2. Jessica Cyr: Attended the EMA Meeting, it was well coordinated as well as informative. She appreciates all the work put into storm prep. She was made aware of all the hard work many people put into emergency management. She was very impressed with the professionalism. The potential grant was great news and is pleased the project is being put into conjunction with 236. Comprehensive Plan Public Information Session on Thursday at 6. "be there or be square"
3. John James: Councilor side - Public Works did a great job with maintaining the roads during the storm. Chief Hamel also did a fantastic job working through the storm. Personal side – Married my son yesterday it was a great honor and fun to do, I wouldn't have been able to with ease without the help of our Town Clerk, Tyanne Giambusso, "Thank you my family appreciates it"
4. Mallory Cook: Apologizes to Anthony and Mary, please put the Planning Board Appointment's on the next agenda. Thank you to all staff and crews involved during the storm for all their hard work and flexibility. The community support is great during storms.

Adjournment

On a motion by Vice Chair James, seconded by Chair Cook, it was unanimously voted 5-0 to adjourn the meeting at 7:27pm.

Attest:

Tyanne Giambusso, Town Clerk

A / P WarrantSouth Berwick
11:58 AM

Bank: KENNEBUNK - Operating

04/17/2024
Page 1

Type	Check	Amount	Date	Wrnt	Payee
P	48201	174.84	04/08/24	65	1176 TREASURER STATE OF MAINE
P	48202	14,718.94	04/10/24	65	0132 BUREAU OF MOTOR VEHICLES
P	48203	318.79	04/10/24	65	0204 READY REFRESH
P	48204	7,985.45	04/11/24	65	0182 CARD MEMBER SERVICE
P	48205	174.84	04/16/24	65	1176 TREASURER STATE OF MAINE
P	48206	14,937.40	04/16/24	65	0132 BUREAU OF MOTOR VEHICLES
R	48207	298.50	04/17/24	65	0891 2-Way Communications Services, Inc.
R	48208	236.68	04/17/24	65	0042 ADMIRAL FIRE & SAFETY
R	48209	46.09	04/17/24	65	1288 ALLEGRA
R	48210	27,128.16	04/17/24	65	0005 ALLEN'S DRILLING AND BLASTING
R	48211	430.00	04/17/24	65	0002 ALLIED EQUIPMENT LLC
R	48212	33.00	04/17/24	65	1356 ANGELL, CAMDEN
R	48213	43,087.46	04/17/24	65	0059 ANTHEM BLUE CROSS BLUE SHIELD
R	48214	468.25	04/17/24	65	1325 AT&T MOBILITY
R	48215	2,032.81	04/17/24	65	0771 ATLANTIC FUELS
R	48216	209.32	04/17/24	65	0054 BAKER & TAYLOR
R	48217	2,656.64	04/17/24	65	0011 BERGERON PROTECTIVE CLOTHING LLC
R	48218	26,509.64	04/17/24	65	0132 BUREAU OF MOTOR VEHICLES
R	48219	1,250.00	04/17/24	65	0018 BURKE'S TREE SERVICE LLC
R	48220	313.68	04/17/24	65	0062 BUSINESS EQUIPMENT UNLIMITED
R	48221	695.00	04/17/24	65	1302 CAI TECHNOLOGIES
R	48222	162.05	04/17/24	65	0739 Carver, Charles
R	48223	428.84	04/17/24	65	1150 CHAPPELL TRACTOR
R	48224	576.88	04/17/24	65	0325 CHUTE, RICHARD
R	48225	479.46	04/17/24	65	1158 CINTAS CORP
R	48226	67,320.68	04/17/24	65	0612 City of Sanford
R	48227	1,051.60	04/17/24	65	0142 COLONIAL LIFE & ACCIDENT INS.
R	48228	222.00	04/17/24	65	0535 D.M. BURNS SECURITY INC.
R	48229	203.19	04/17/24	65	0497 DELCOURT, RAY
R	48230	200.00	04/17/24	65	0911 FADDEN CUSTOM PEST SERVICES LLC
R	48231	563.93	04/17/24	65	0230 FARWELLS AUTO SERVICE
R	48232	267.82	04/17/24	65	0036 FIRE TECH & SAFETY OF NE, INC
R	48233	401.72	04/17/24	65	0056 FISHER AUTO PARTS, INC.
R	48234	3,629.00	04/17/24	65	0450 GC-AAA FENCES INC.
R	48235	6,806.00	04/17/24	65	0600 GRANITE STATE GATE SYSTEMS
R	48236	200.00	04/17/24	65	0440 GREAT WORKS REGIONAL LAND TRUST
R	48237	842.57	04/17/24	65	0052 HAMEL, NICHOLAS
R	48238	350.04	04/17/24	65	0867 HANNAFORD
R	48239	60.00	04/17/24	65	1337 HORRIS, MELANIE
R	48240	562.50	04/17/24	65	1315 HR MAINE CONSULTING
R	48241	7,948.36	04/17/24	65	1291 HSE FIRE SAFETY EQUIPMENT
R	48242	6.00	04/17/24	65	0463 INFORME
R	48243	60.13	04/17/24	65	0079 JANETOS MARKET
R	48244	484.00	04/17/24	65	0217 JD POWER AND ASSOCIATES
R	48245	78.69	04/17/24	65	0765 KADENS
R	48246	550.29	04/17/24	65	0251 LAWSON PRODUCTS
R	48247	100.00	04/17/24	65	1095 LEXISNEXIS RISK SOLUTIONS
R	48248	1,216.50	04/17/24	65	0179 MAINE DEPARTMENT OF INLAND FISHERIES AND

A / P Warrant

South Berwick
11:58 AM

Bank: KENNEBUNK - Operating

04/17/2024
Page 2

Type	Check	Amount	Date	Wrnt	Payee
					WILD LIFE
R	48249	130.00	04/17/24	65	0534 MAINE HUMANITIES COUNCIL
R	48250	85.00	04/17/24	65	0139 MAINE MUNICIPAL ASSOCIATION
R	48251	6,484.42	04/17/24	65	0141 MAINE MUNICIPAL ASSOCIATION
R	48252	23.30	04/17/24	65	0081 MAINE TURNPIKE AUTHORITY
R	48253	517.93	04/17/24	65	1061 NEGM ELECTRIC, LLC
R	48254	38.43	04/17/24	65	1300 NEW ENGLAND KENWORTH
R	48255	66.47	04/17/24	65	0158 OMNI SERVICES INC.
R	48256	54.43	04/17/24	65	0944 O'REILLY FIRST CALL
R	48257	3,982.14	04/17/24	65	0088 P GAGNON & SONS INC
R	48258	136.96	04/17/24	65	0089 PIKE INDUSTRIES INC
R	48259	255.25	04/17/24	65	0915 PINE STATE ELEVATOR COMPANY
R	48260	12,393.91	04/17/24	65	0572 PINE TREE WASTE, INC
R	48261	195.91	04/17/24	65	0545 POWERPLAN-NORTRAX, INC.
R	48262	400.00	04/17/24	65	1070 PRECISION ROOFING LLC
R	48263	116.99	04/17/24	65	0252 REDS SHOE BARN
R	48264	377.50	04/17/24	65	1217 SEACOAST FUEL INJECTION, INC
R	48265	361.50	04/17/24	65	0483 SEACOAST PRINTING INC.
R	48266	78,983.21	04/17/24	65	0203 SOUTH BERWICK WATER DISTRICT
R	48267	5,747.00	04/17/24	65	0195 SOUTHERN MAINE PLANNING & DEVLOPMENT, INC
R	48268	2,950.50	04/17/24	65	0895 Stalker Radar Applied Concepts Inc.
R	48269	98.50	04/17/24	65	0936 STAPLES-LIBRARY ACCOUNT
R	48270	8,014.46	04/17/24	65	0095 STELLAR NETWORKS
R	48271	780.15	04/17/24	65	0397 SULLIVAN TIRE CO.
R	48272	228.40	04/17/24	65	0827 Treasurer, State of Maine DR&Vital Statistics
R	48273	185.76	04/17/24	65	1130 UNITED AG & TURF
R	48274	8,273.10	04/17/24	65	0366 US BANK CORPORATE TRUST BOSTON
R	48275	382.61	04/17/24	65	0097 VERIZON WIRELESS
R	48276	6,131.28	04/17/24	65	1306 WRIGHT-PIERCE
Total		375,872.85			

Count

Checks	76
Voids	0

Melissa Costella _____ John James _____

Jeff Minihan _____ Jessica Cyr _____

Mallory Cook _____

APPROVED _____

DATE _____

TOWN MANAGER _____



South Berwick Outside

A Plan for Open Space

Town Council Presentation

SMPDC & SB Conservation Commission

April 23rd, 2024

Agenda

Why update the 2012 plan

Plan update process

Definition of open space

Plan priorities

Next steps

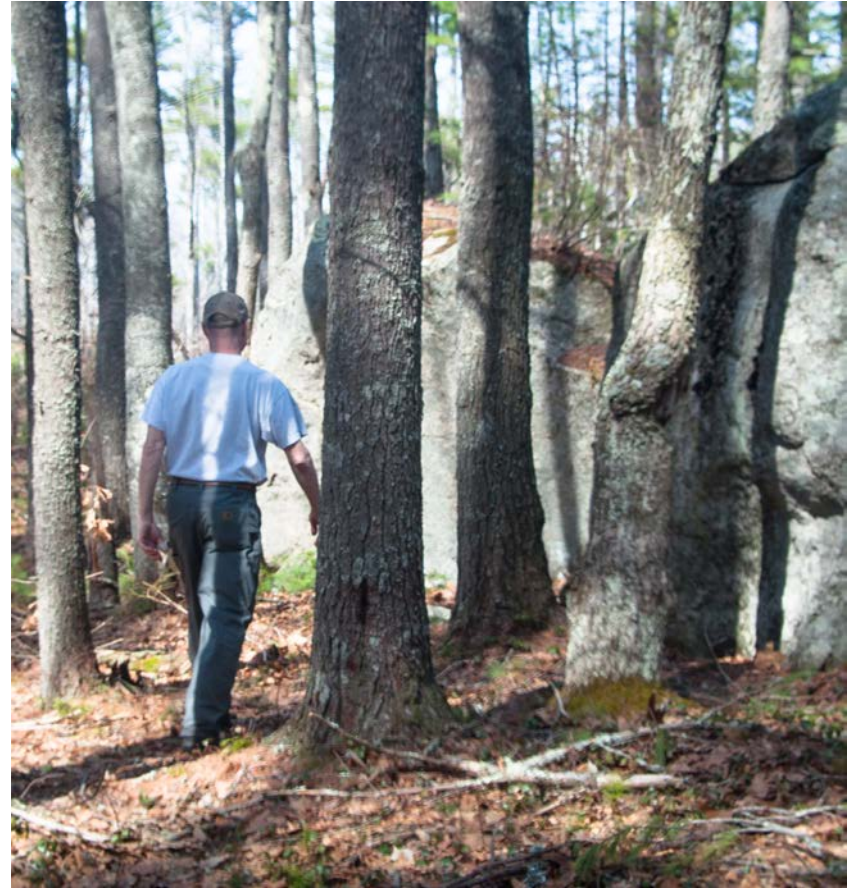
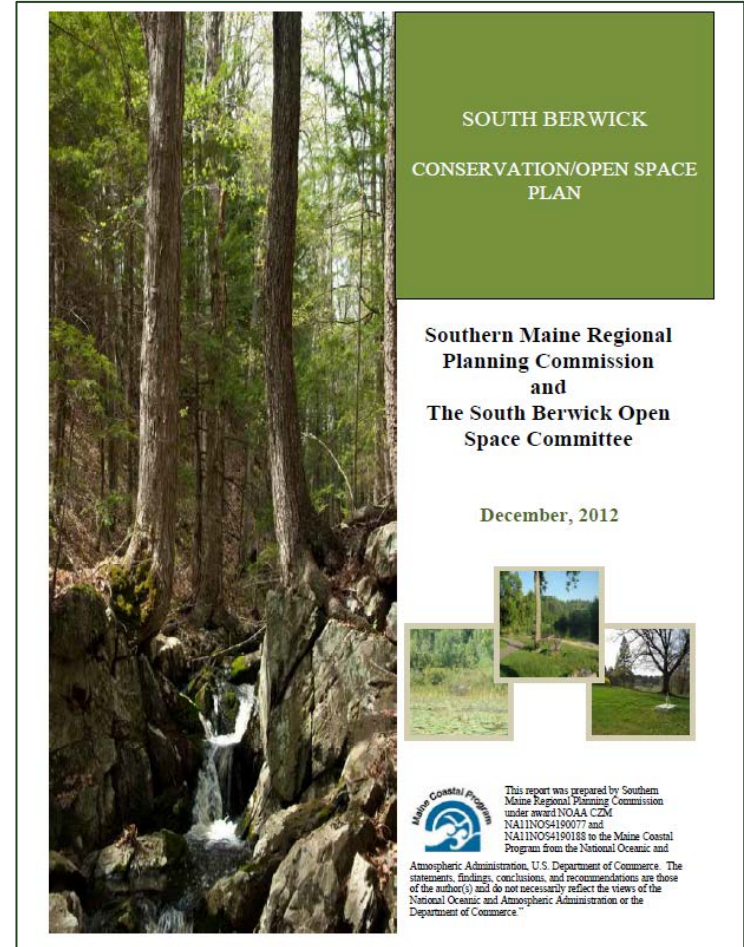


Photo Credit: GWRLT

2012 Open Space Plan

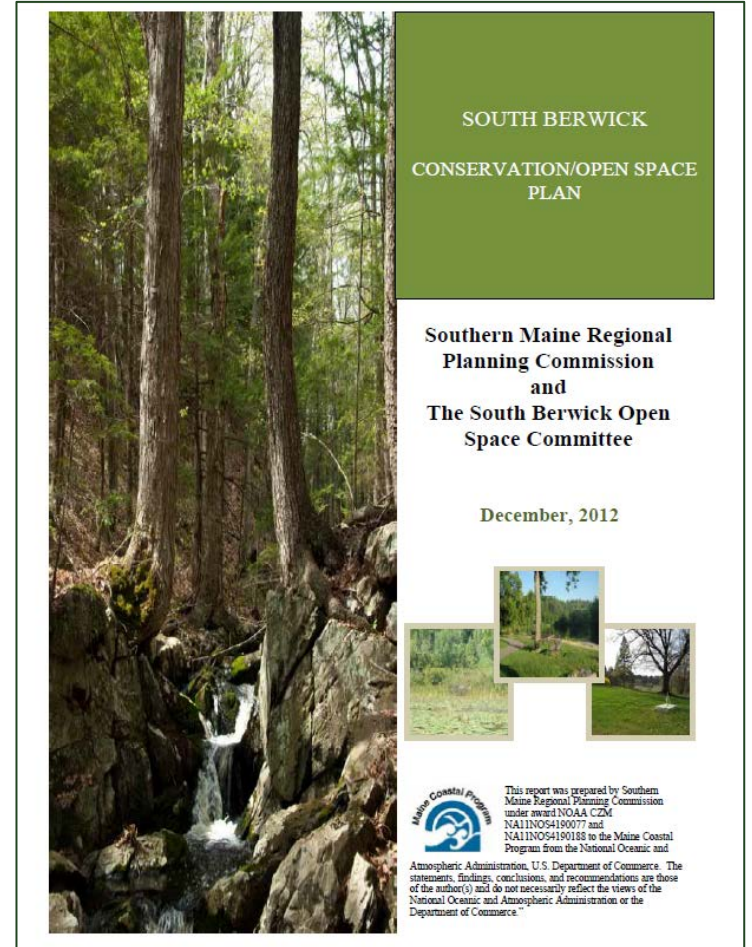
Outline goals and strategies to:

- 1) Increase the conservation through funding & partnerships
- 1) Maintain current conserved areas & increase access & recreation opportunities
- 1) Provide tools & information to town decision makers such as planning board



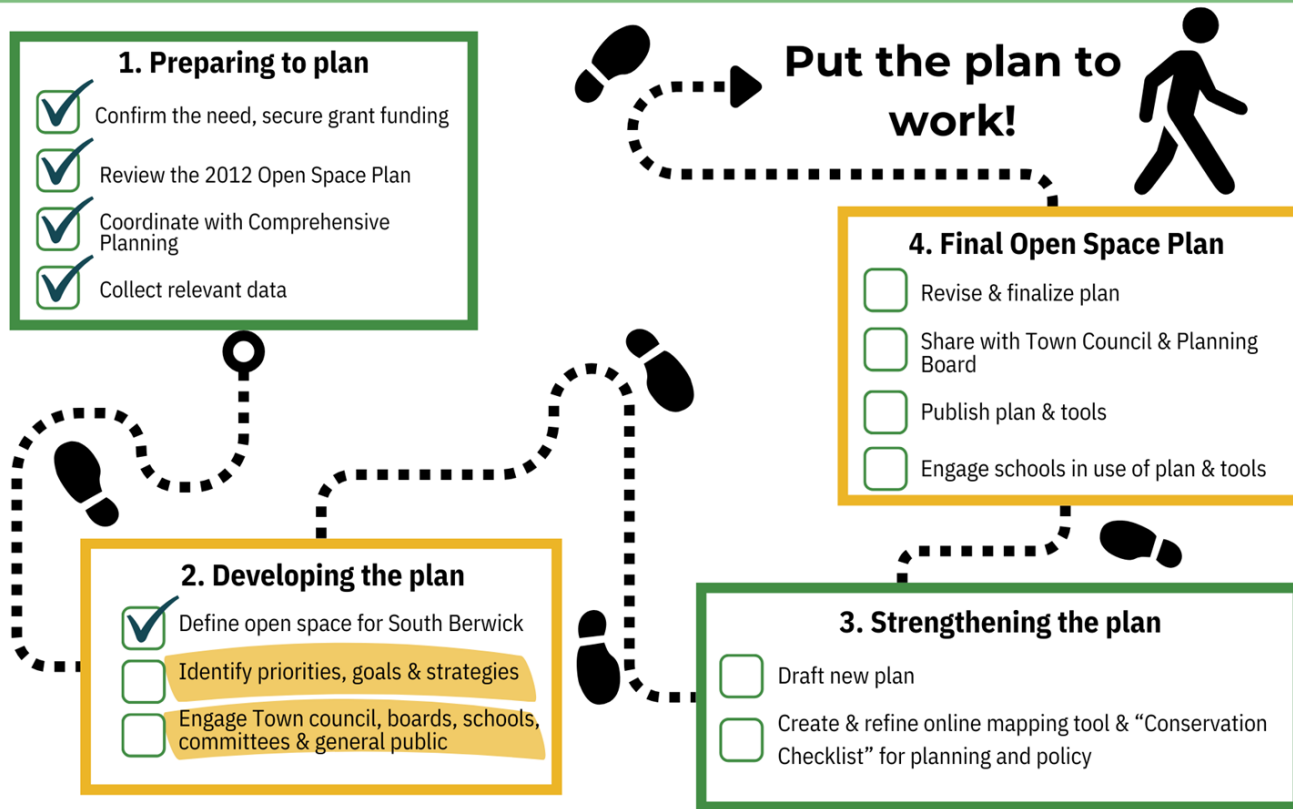
Need for update

- New Comprehensive plan
- Changing conditions in South Berwick
- Need for new, better tools
- New science and data available



SOUTH BERWICK'S PATH

UPDATING THE 2012 OPEN SPACE PLAN



Open Space Definition:

The constellation of undeveloped and lightly developed areas that keep South Berwick healthy and thriving.

Open spaces occur on public and private lands and within developments. They encompass nature preserves, farms and forests, rivers and ponds, shorelines and trails, undeveloped land, and public parks and recreation areas.

Together, these places provide a home for wildlife, help ensure clean water, enhance our economy, and create recreational opportunities for everyone.

Most of all, open space is a reflection of our collective commitment to preserve the lifestyles, livelihoods, and landscapes that make our Town unique for future generations.

Draft Plan Priorities



Clean Water

Maintain or improve the quality of the water running through our aquifers, rivers, and ponds to support clean drinking water, opportunities for recreation, and healthy aquatic habitats.

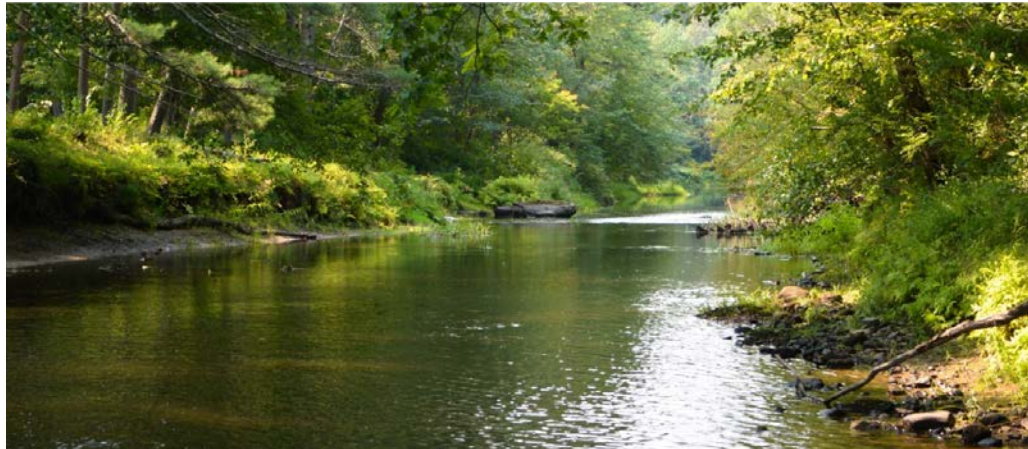


Photo Credit: GWRLT

Thriving Wildlife

Protect habitat, ensure safe passage along waterways and roads, and enhance the diversity of our wildlife, including sensitive species.



Photo Credit: GWRLT

Resilience to Change

As our climate warms and storms become more extreme, reduce the risk of flooding and erosion, protect against fires, alleviate the impacts of drought, and provide for shade and cooling.



Photo Credit: GWRLT

Healthy community

Increase opportunities for year-round recreation, public gathering in places of scenic beauty and cultural importance, and shade and cooling.



Photo Credit: GWRLT

Growing our economy

Support local businesses by attracting more visitors and supporting the sustainable use of open space for farming, hunting, fishing, and timber production.



Photo Credit: South Berwick
Tri Town Farmers Market

Next:

Draft goals and strategies

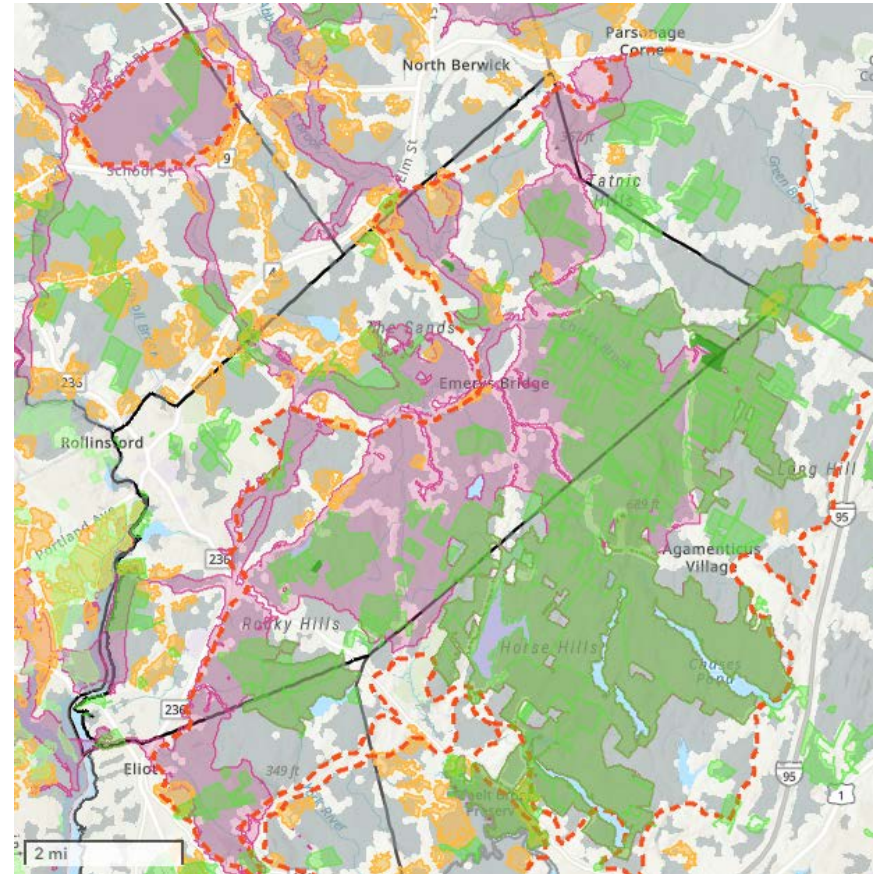
Identify areas to focus strategies using mapping tool + priorities

Incorporate goals and strategies from:

- 2012 Open Space Plan
- Updated Comprehensive Plan
- Other local planning efforts (Downtown Revitalization Plan, ET Feasibility Study)

Coordinate with regional partners:

- Eliot and Berwick open space planning
- Great Works Regional Land Trust
- Piscataqua Region Estuaries Partnership





Contact Us

Pat Robinson, Chair, Conservation Commission

prnel@comcast.net

Karina Graeter, SMPDC

kgraeter@smpdc.org



South Berwick Outside

A plan to protect & enjoy the open spaces that make living in our town special

What's happening?

The South Berwick Conservation Commission is working with the Southern Maine Planning and Development Commission to update the Town's 2012 Open Space Plan, with funding from the Piscataqua Region Estuaries Partnership.

How we are defining *open space*

The constellation of undeveloped and lightly developed areas that keep South Berwick healthy and thriving. Open spaces occur on public and private lands and within developments. They encompass nature preserves, farms and forests, rivers and ponds, shorelines and trails, undeveloped land, and public parks and recreation areas. Together, these places provide a home for wildlife, help ensure clean water, enhance our economy, and create recreational opportunities for everyone. Most of all, open space is a reflection of our collective commitment to preserve the lifestyles, livelihoods, and landscapes that make our Town unique for future generations.

SOUTH BERWICK'S PATH

UPDATING THE 2012 OPEN SPACE PLAN

1. Preparing to plan

- ☒ Confirm the need, secure grant funding
- ☒ Review the 2012 Open Space Plan
- ☒ Coordinate with Comprehensive Planning
- ☒ Collect relevant data

Put the plan to work!



4. Final Open Space Plan

- ☐ Revise & finalize plan
- ☐ Share with Town Council & Planning Board
- ☐ Publish plan & tools
- ☐ Engage schools in use of plan & tools

2. Developing the plan

- ☒ Define open space for South Berwick
- ☐ Identify priorities, goals & strategies
- ☐ Engage Town council, boards, schools, committees & general public

3. Strengthening the plan

- ☐ Draft new plan
- ☐ Create & refine online mapping tool & "Conservation Checklist" for planning and policy

Fall 2023



Winter 2024



PLAN PRIORITIES

Clean water: Maintain or improve the quality of the water running through our aquifers, rivers, and ponds to support clean drinking water, opportunities for recreation, and healthy aquatic habitats.

Thriving wildlife: Protect habitat, ensure safe passage along waterways and roads, and enhance the diversity of our wildlife, including sensitive species.

Resilience to change: As our climate warms and storms become more extreme, reduce the risk of flooding and erosion, protect against fires, alleviate the impacts of drought, and provide for shade and cooling.

Healthy community: Increase opportunities for year-round recreation, public gathering in places of scenic beauty and cultural importance, and shade and cooling.

Growing our economy: Support local businesses by attracting more visitors and supporting the sustainable use of open space for farming, hunting, fishing, and timber production.



*Photos courtesy
of the Great Works
Regional Land Trust*

Contact

Jane Brekke

South Berwick Conservation Commission
jcesapb@gmail.com

Pat Robinson

South Berwick Conservation Commission
prnel@comcast.net

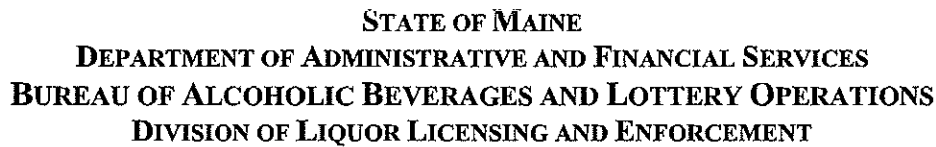


TOWN COUNCIL
Agenda Information Sheet

Meeting Date: April 23, 2024	UB #1
Subject	
Appointments of 2 New Planning Board Members: Anthony Palazzetti & Mary Hussey	
Information	
Seat term to expire June 30, 2024, Alt Seat term to expire June 30, 2025 If appointed, Mr. Palazzetti's term would expire June 30, 2024 If appointed, Mrs. Hussey's term would expire June 30, 2025	
Staff Comments/Recommendation	
Requested Action	
Council wishes	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: April 23, 2024	NB #1
Agenda Item: Liquor License renewal for Odd Fellows Tavern	
Informational:	
There have been no issues reported.	
Town Manager's Recommendation:	
Requested Action:	
Motion and vote to approve the liquor license renewal for Odd Fellows Tavern.	
Vote	



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Legal Business Entity Applicant Name (corporation, LLC): Odd Fellows Maine LLC	Business Name (D/B/A): Odd Fellows Tavern
Individual or Sole Proprietor Applicant Name(s):	Physical Location: South Berwick 18 Portland Street Maine 03908
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: 38 Tamarack Drive South Berwick, ME 03908	Email Address: oddfellowsmaine@gmail.com
Telephone # Fax #: 207-704-0382	Business Telephone # Fax #: 732-664-2271 (cell)
Federal Tax Identification Number: 84-3981092	Maine Seller Certificate # or Sales Tax #: # 1204736
Retail Beverage Alcohol Dealers Permit:	Website address: oddfellowsmaine.com

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 5/13/24
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: \$ 420,686.03 Beer, Wine or Spirits: \$ 309,414.26 Guest Rooms: ✓
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- ☒ Restaurant (Class I, II, III, IV) ☐ Class A Restaurant/Lounge (Class XI) ☐ Class A Lounge (Class X)
- ☐ Hotel (Class I, II, III, IV) ☐ Hotel – Food Optional (Class I-A) ☐ Bed & Breakfast (Class V)
- ☐ Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV) ☐ Auxiliary ☐ Mobile Cart
- ☐ Tavern (Class IV) ☐ Other: _____
- ☐ Qualified Caterer ☐ Self-Sponsored Events (Qualified Caterers Only)

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

Corporate/State/employee docs Vendor Records.
18 Portland Street SB, Maine 38 Tamarack Drive South Berwick, Maine

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Gregg Sessler	01/17/1979	E. Liverpool, Ohio
Kristin Sessler	08/24/1981	Toms River, NJ

Residence address on all the above for previous 5 years

Name	Address:	
Gregg Sessler	38 Tamarack Drive	South Berwick Maine
Kristin Sessler	38 Tamarack Drive	South Berwick Maine

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Beartain LLC / Jim Flynn 36 Vaughans Lane South Berwick, ME

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available:

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

TWO indoor dining rooms, outdoor patio. Lockable Liquor storage
closet. Bar seating for 10-14 people. Keg/cold storage in walk-in.
Two upstairs reach in coolers for beer and wine. Bottle display at
the bar.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Central School

Distance: 500 ft.

Section II: Signature of Applicant(s)

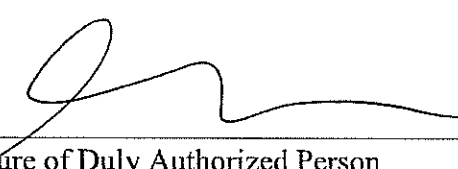
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/1/24


Signature of Duly Authorized Person

Kristin Sessler
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

Gregg Sessler
Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

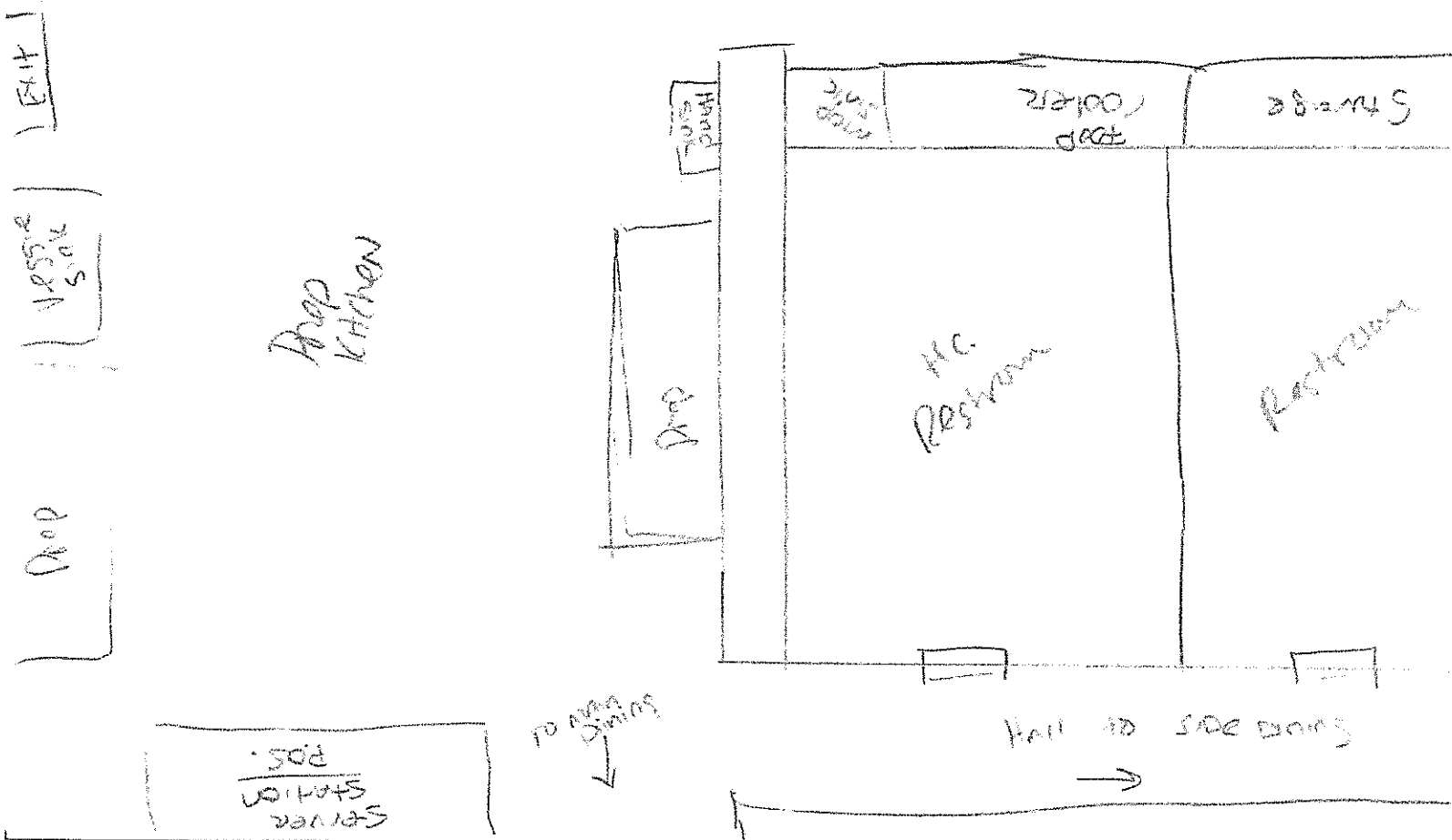
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

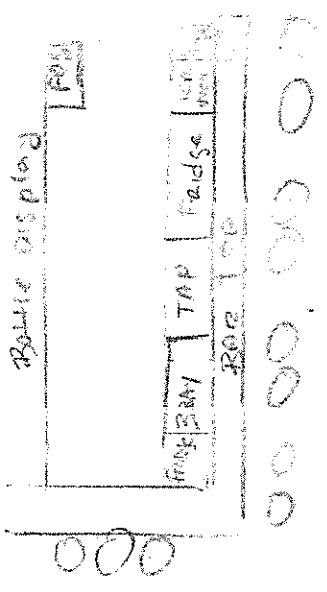
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

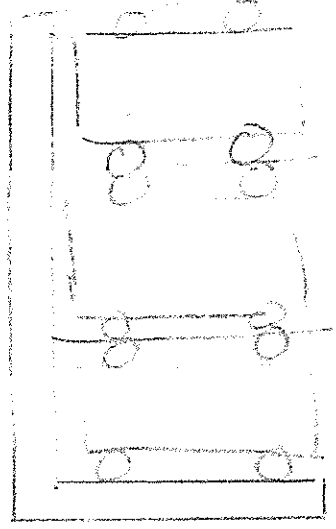
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Attached





COFFEE MAKING ROOM



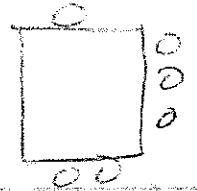
Exit to patio



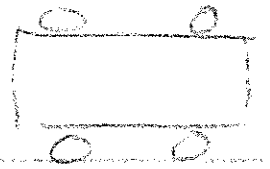
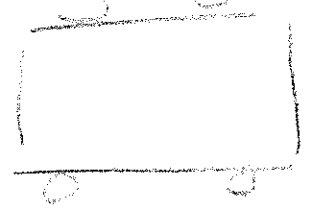
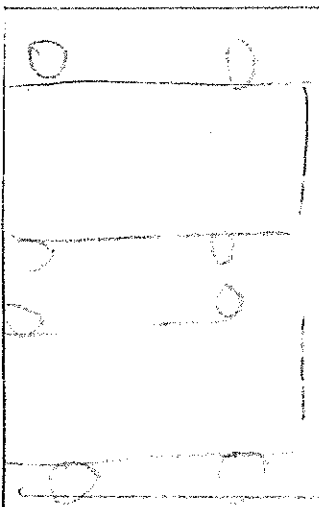
Alt. Reception

Kitchen

Side Dining



Front Door
Side Dining



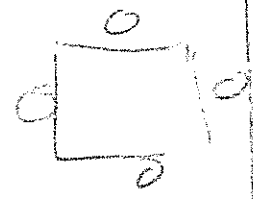
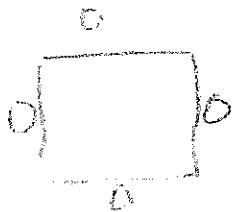
Fence

Rope Barrier

Exit



Patio



FENCE

Back Door

PIZZA
counter

Rolling
line

NO
Kitchen
NO Alcohol
Storage

counter

Food
counter

Food
counter

Hand
Sink



TO
main
dining room

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: ODD FELLOWS MAINE LLC
2. Doing Business As, if any: Odd Fellows ~~Tavern~~ Tavern
3. Date of filing with Secretary of State: 12/12/2019 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Gregg Sessler	38 Tomrack Drive ^{SOUTH BERRICK ME}	1/17/79	member	50%
Kristin Sessler	38 Tomrack Drive ^{SOUTH BERRICK ME}	8/24/81	member	50%

(Ownership in non-publicly traded companies must add up to 100%.)

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: April 23, 2024	NB #2
Agenda Item: 55th Annual Professional Municipal Clerk's Week Proclamation	
Informational:	
May 5 through May 11, 2024, will be the 55th Annual Professional Municipal Clerks Week. Initiated in 1969 by IIMC and endorsed by all its members throughout the United States, Canada and 15 other countries, the week is a time of celebration and reflection on the importance of the Clerk's office.	
Town Manager's Recommendation:	
Make a motion to accept the 55th Annual Professional Municipal Clerk's Week Proclamation.	
Requested Action	
Town Council to pass a motion as stated above.	
Vote	

Proclamation

54th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

May 5 - 11, 2024

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, We, South Berwick Town Council, do recognize the week of May 5 through May 11, 2024, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Tyanne Giambusso, her staff Kandice Thompson, Briella Ford, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 23rd day April 2024

Town Council Chair
Mallory Cook

Attest:

Town Council Vice Chair
John James

Attest:

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 4/23/2024	NB #3
Agenda Item: Town Hall Roof	
Informational:	
A new roof leak has been identified on the left of the Stage; 3 rd floor of Town Hall. After the recent storm a piece of rubber from the roof was found in the back parking lot.	
Recommendation:	
Requested Action:	
Informational Only	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: 4/23/2024	NB #4
Agenda Item: Historic Commission	
Informational:	
Per Council's request to review ordinance	
Recommendation:	
Requested Action:	
First reading, Council Wishes	
Vote	

Chapter 84

HISTORIC DISTRICTS

ARTICLE I General Provisions

§ 84-1. Purpose.

§ 84-2. Definitions.

ARTICLE II Historic District Commission

§ 84-3. Establishment; membership;
terms; bylaws; expenditures.

§ 84-4. Duties.

ARTICLE III Establishment of Districts

§ 84-5. Qualifications.

§ 84-6. Effect on other regulations;
applicability.

§ 84-7. Designation of districts, sites or
landmarks; expansion of
districts.

ARTICLE IV Certificates of Appropriateness

§ 84-8. When required; majority vote;
building permit.

§ 84-9. Application procedure.

§ 84-10. Administrative procedure.

§ 84-11. Standards of evaluation.

§ 84-12. Maintenance requirements.

ARTICLE V Administration

§ 84-13. Conflict with other provisions.

§ 84-14. Violations and penalties;
enforcement.

[HISTORY: Adopted by the Town Council of South Berwick 3-13-1989 . Amendments noted where applicable.]

GENERAL REFERENCES:

Building construction — See Chapter 60.

Zoning — See Chapter 140.

Floodplain management — See Ch. 77.

Historic District Bylaws — See Chapter A145.

ARTICLE I
General Provisions

§ 84-1. Purpose. [Amended 8-26-1991]

This chapter is adopted in accordance with the Charter of the Town of South Berwick and pursuant to the legislative authority vested in the Town by virtue of 30-A M.R.S.A. §§ 3001 through 3007, 4301, and 4351 through 4359, and the acts amendatory thereto, for the purpose of preserving, protecting, and enhancing buildings and places or areas within the Town which possess particular historical, cultural and economic welfare of the residents and visitors to the Town. To achieve these purposes, it is intended that historic districts and related regulations shall be used:

- A. To prevent inappropriate alterations of buildings of historic or architectural value.
- B. To prevent the demolition or removal of designated sites or landmarks and significant historic structures within designated districts whenever a reasonable alternative exists or can be identified.
- C. To preserve the essential character of designated districts by protecting relationships of groups of buildings and structures and archeological sites as defined by the Maine Historic Preservation Commission. [Amended 9-14-2009]

§ 84-2. Definitions. [Amended 8-26-1991]

As used in this chapter, the following words and terms shall have the following meanings:

ALTERED — Includes the words "rebuilt," "reconstructed," "rehabilitated," "restored," "repainted," and "demolished" or any other change to the exterior facade of a structure.

BUILDING — A combination of materials forming a shelter that may be used for persons, animals, or property.

CODE ENFORCEMENT OFFICER — A person appointed by the Town Manager to administer and enforce this chapter.

COMMISSION — The Commission acting as the Historic District Commission established in § 84-3.

CONFLICT OF INTEREST — Direct or indirect pecuniary benefit to any person or member of the person's immediate family (i.e., grandfather, father, wife, son, grandson) or to his employer or the employer of any member of the person's immediate family, or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorizes and requires him to act. "Conflict of interest" shall also be defined in accordance to 30-A M.R.S.A. § 2605, as amended.

CONSTRUCTED — Includes the words "built," "erected," "enlarged," "installed," "moved," "reconstructed," "rehabilitated," "restored," and "altered."

DEMOLITION — The razing of any structure or any exterior architectural feature, or the permanent removal of architectural trim elements. [Amended 9-14-2009]

DISTRICT — See "historic district."

ERECTED — See "constructed."

EXTERIOR ARCHITECTURAL FEATURE — The architectural style and general arrangement of the exterior of a building or structure, including but not limited to the kind, roof color and texture of the building materials; the type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc.; and the location and treatment of any vehicular access or parking space.

HISTORIC (adjective) — Important in or contributes to history.

HISTORIC DISTRICT — A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objectives united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this chapter as appropriate for historic preservation. Such historic districts may also comprise individual elements separated geographically but linked by association.

HISTORIC LANDMARK — Any improvement, building or structure of unique historic architectural significance to the Town of South Berwick, relating to its heritage, cultural, social, economic or political history or which exemplifies important events in local, state, or national history as may be designated in accordance with this chapter.

HISTORIC SITE — Any parcel of land of special significance in the history of the Town of South Berwick and its inhabitants or upon which an historic event has occurred and which has been designated as such in accordance with this chapter.

HISTORY (noun) — A record of events, as of the life or development of a people, country, institution, etc.

IMPROVEMENT — Any place, structure, building, fixture, object, landscape, or topographical feature which in whole or part constitutes an exterior betterment, adornment or enhancement of any real property.

LANDMARK — See "historic landmark."

MATERIAL — A substance or substances out of which a building or structure is constructed.

PERSON — Includes an individual, a corporate or unincorporated organization or association and the Town of South Berwick.

SITE — See "historic site."

STRUCTURE — A combination of materials other than a building, including but not limited to walls, fences, walks, parking lots or driveways.

ARTICLE II
Historic District Commission

§ 84-3. Establishment; membership; terms; bylaws; expenditures.

- A. An Historic District Commission, whose members shall be appointed by the Town Council, is hereby established.
- B. The Commission shall consist of five members, who shall be residents of South Berwick. Appointments shall be made on the basis of demonstrated interest, ability, experience and desire to promote historic preservation in the Town within the meaning of § 84-1 of this chapter. As far as possible, the membership should include professionals in the disciplines of architecture, history, architectural history, planning archaeology, urban design or other related fields; a builder and at least two owners of historic landmarks, sites or of property within the historic district. [Amended 9-14-2009]
- C. Three members of the Commission shall be initially appointed to serve terms of three years; one shall be appointed to serve a term of two years; and the remaining members of the Commission shall be appointed to serve terms of one year. All appointments thereafter made shall be for terms of three years, except in those instances in which the appointment is made to fill a vacancy in an unexpired term, in which case the appointment shall be for the remainder of the unexpired term. [Amended 9-14-2009]
- D. Advisory members. The Town Council may appoint persons to serve in an advisory or consulting capacity on a temporary basis at the Council's pleasure.
- E. The Commission shall elect a Chairman, Vice Chairman, and Secretary annually from among its membership.
- F. The Commission shall adopt bylaws or additional operating procedures consistent with the intent of this chapter and of the state enabling legislation and the Charter of the Town of South Berwick. Said bylaws shall be submitted to the Town Council for review.
- G. The Commission may expend funds for the purposes of historic preservation in the Town of South Berwick, in accordance with the annual Town budget. Such expenditures may include salaries or other compensation for clerical and technical assistance or consultants if approved in the Town budget. The Commission may, with the approval of the Town Council, accept grants, donations or gifts of services and may hold or expend the same as approved by the Town Council.

§ 84-4. Duties.

The Commission shall have the following duties which shall be exercised in accordance with the South Berwick Charter and applicable provisions of the Maine Revised Statutes Annotated:

- A. Make recommendations to the Town Council for establishing historic districts, historic sites or historic landmarks, according to procedures listed in §§ 84-6 and 84-7 of this chapter. [Amended 8-26-1991]
- B. Review all proposed additions, reconstruction, alteration, or construction of any property designated as an historic site or landmark or located within a designated historic district, and issue a certificate of appropriateness in accordance with the procedures outlined in §§ 84-8 and 84-9. Review all proposed demolitions or removals of any property located within the B1, B2, and BR Districts and

any designated historic district, and issue a certificate of appropriateness in accordance with the procedures outlined in §§ 84-8 and 84-9. [Amended 8-14-2000 ; 9-14-2009]

- C. Review all proposed National Register nominations for properties within the Town's borders.
- D. Serve in an advisory role to local government officials regarding local historical and cultural resources and act as a liaison between local government and those persons and organizations concerned with historic preservation.
- E. Conduct or initiate a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.
- F. Work to provide continuing education on historic preservation issues to local citizens.

ARTICLE III
Establishment of Districts

§ 84-5. Qualifications.

To be eligible for designation as an historic district, historic site or historic landmark, an area or property shall possess one or more of the following characteristics:

- A. Buildings, structures, or sites importantly associated with significant historic personages and/or historic events.
- B. Buildings, structures, structural remains and sites which illustrate examples of historical architectural styles valuable for study of a period or method of construction or a single notable structure representing the work of a master builder, designer or architect.
- C. Structures, buildings and sites which contribute to the visual continuity of the historic district.
- D. Those sites, buildings, structures or areas on or eligible for inclusion on the National Register of Historic Places.

§ 84-6. Effect on other regulations; applicability.

- A. Uses permitted; no changes required. This chapter does not alter the existing land use regulations in the South Berwick Zoning Ordinance,¹ which continues to apply to the land and buildings located within the historic district. However, exterior alterations to the buildings and structures, including walls, fences, steps and paint color, and any new buildings or structures within the district shall require a certificate of appropriateness as described in § 84-9.
- B. Passage of this chapter shall not require any existing or future owner or renter of property to make any exterior changes to his building(s). The provisions of this chapter shall apply only to new exterior alterations proposed by the owner or renter of property with the exception for basic maintenance. The basic maintenance requirement as stated in § 84-12B of this chapter shall apply to owners of structures, sites and landmarks within the historic district.

§ 84-7. Designation of districts, sites or landmarks; expansion of districts. [Amended 8-26-1991 ; 11-22-1999]

Designation of historic districts, historic sites and historic landmarks may be accomplished by amending Subsection A of this section according to the procedure outlined in § 84-10F and in accordance with this section.

- A. The following are designated as historic districts, historic sites and historic landmarks:
 - (1) Village Center Historic District. The location and boundaries of the South Berwick Village Center Historic District are shown on an Official Historic District Map, dated June 15, 1999, attached to this chapter as Appendix A and further identified on a list of included properties in accordance with the 1999 South Berwick Property Tax Maps, attached to this chapter as Appendix A-1.²
 - (2) Liberty Street Historic District. The location and boundaries of the South Berwick Liberty Street

1. Editor's Note: See Ch. 140, Zoning.

2. Editor's Note: Appendixes A and A-1 are included at the end of this chapter.

Historic District are shown on an Official Historic District Map, dated June 15, 1999, attached to this chapter as Appendix B and further identified on a list of included properties in accordance with the 1999 South Berwick Property Tax Maps, attached to this chapter as Appendix B-1.³

- (3) Conway Railroad Turntable. The location and boundaries of the Conway Railroad Turntable site are shown on an Official Historic District Map attached to this chapter as Appendix C.⁴
- B. Designation of historic districts, historic sites and historic landmarks may be initiated as follows:
- (1) By the Town Council, provided that a majority of the Council has voted.
 - (2) By the Planning Board, provided that a majority of the Board has voted.
 - (3) By the Historic District Commission, provided that a majority of the Commission has voted.
 - (4) By the written petition of a number of voters equal to at least 10% of the registered voters of the Town and following the provisions of the Town Charter, Article VIII, Section 2.
 - (5) By an application to the Historic District Commission by an individual who owns property which he or she considers to be an historic site or landmark.
- C. Consent. Property may be designated an historic site or landmark only with the written consent of the property owner(s). A new or expanded historic district may be designated only with written consent of the majority of the property owners within the proposed district or expansion.
- D. Recommendation. The Historic District Commission will formulate recommendations after researching proposed historic districts, landmarks, or sites to determine if the district, landmark or site meets the criteria in this chapter and if consent has been obtained in accordance with Subsection C. The Historic District Commission shall make written recommendations regarding designation to the Town Council. The Town Council shall also seek written recommendations from the Planning Board and Town Planner.
- E. Application. To initiate the designation of an historic district, landmark or site, a written application containing the information required by these following subsections shall be completed and directed to the Chair of the Historic District Commission. A copy shall also be filed with the Town Clerk.
- (1) Designation and establishment of structures, buildings and sites. Applications for the designation of historic structures, buildings and sites shall include the following:
 - (a) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the structure or site, including consideration of scale, materials, workmanship and spatial qualities, as relevant;
 - (b) A concise statement of how the building, structure or site meets the review criteria of § 84-5 above; and
 - (c) Interior and exterior photographs of the structure or a site map illustrating significant details described in this section.
 - (2) Designation of districts. Applications for the designation of historic districts shall include the following:

3. Editor's Note: Appendixes B and B-1 are included at the end of this chapter.

4. Editor's Note: Appendixes C and C-1 are included at the end of this chapter.

- (a) A concise statement of the remaining physical elements which make this area an historic district and a description of building types and architectural styles;
 - (b) A concise statement of how the district meets the review criteria of § 84-5;
 - (c) A justification of the boundaries of the proposed district;
 - (d) A definition of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures; and
 - (e) A map showing all structures in the district with the identification of contributing structures.
- (3) Expansion of an existing district. Applications for the expansion of existing historic districts shall include the following:
- (a) A concise statement of the physical elements that justify expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district and a description of building types and architectural styles and periods represented;
 - (b) A concise statement of how the expansion of an existing district meets the review criteria of § 84-5;
 - (c) A justification of the expanded boundaries of the district;
 - (d) A definition of the types of structures, buildings, and sites that do not contribute to the significance of the district and an estimate of the percentage of noncontributing ones in the historic district's proposed expansion area; and
 - (e) A map showing all structures in the proposed expansion area with the identification of contributing structures.

ARTICLE IV
Certificates of Appropriateness

§ 84-8. When required; majority vote; building permit.

- A. A certificate of appropriateness issued by the Commission shall be required for any of the following:
- (1) Any change in exterior appearance of any building, structure, site or landmark in the historic district by addition, reconstruction, or alteration.
 - (2) New construction of a principal or accessory building or structure visible from a public street where such building or structure will be located in an historic district. This also includes signs, walls and fences.
 - (3) Any demolitions or removals of buildings or structures in the historic district, or the B1, B2, or BR zoning districts. [Added 8-14-2000 ; amended 9-14-2009]
 - (4) Any alteration to an archeological site as defined by the Maine Historic Preservation Commission. [Added 9-14-2009]
- B. A majority vote of at least three regular members of the Commission shall be required to issue a certificate of appropriateness. [Amended 9-14-2009]
- C. In the historic district, B1, B2, or BR zoning districts, the Code Enforcement Officer shall not issue a building permit for any construction, alteration, demolition or removal until a certificate of appropriateness has been issued by the Historic District Commission. [Amended 8-14-2000 ; 9-14-2009]

§ 84-9. Application procedure.

- A. Applications for a certificate of appropriateness may be obtained from the Code Enforcement Officer. Completed applications shall be submitted to the Code Enforcement Officer, who shall promptly transmit them to the Commission for consideration. When the Commission acts on the application, it shall be returned to the Code Enforcement Officer.
- B. The application shall state the location, use and the nature of the matter for which such certificate is sought and shall contain at least the following information or documentation unless any items are waived by the Commission.
- (1) The applicant's name, address and interest in the property, such as owner or lessor. The application and all exhibits shall be dated at the time of submission to the Code Enforcement Officer.
 - (2) The owner's name and address, if different from the applicant's.
 - (3) The address or location of the property.
 - (4) The present use and zoning classification of the property.
 - (5) A brief description of the construction, reconstruction, remodeling, alteration, maintenance, demolition or moving, requiring the issuance of a certificate of appropriateness.
 - (6) A drawing or drawings indicating the design, texture, color (example: shingles) and the location of any proposed alteration or new construction for which the certificate is required. As used

herein, "drawings" shall mean plans and exterior elevations drawn to scale, with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the buildings, including materials and textures, including samples of any brick, shingles or siding proposed to be used. Drawings shall be clear and drawn to scale.

- (7) Photographs (snapshots) of the buildings involved and of immediately adjacent buildings.
- (8) A site plan indicating any proposed changes involving walls, walks, accessory buildings, signs and outdoor light fixtures, including all exterior equipment and appurtenances located on the roof, in the walls and on the ground.
- (9) A description of the project which shall include a statement as to why the structure or building to be demolished does not contribute to the district, site or landmark.

§ 84-10. Administrative procedure.

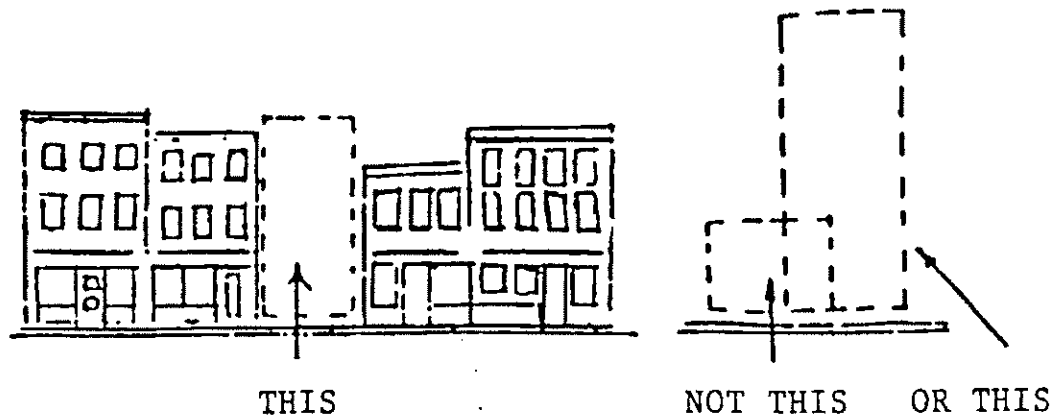
- A. Notice to owner. Within 15 days after the filing of an application for a certificate of appropriateness, the Commission shall inform the following persons by mail of the application and meeting date: the applicant, owners of abutting property, the Old Berwick Historical Society and the Commission's consultants and professional advisors, if any. For purposes of this notice, the owners of property shall be considered to be those against whom taxes were assessed on the prior April 1. Failure of any person to receive notices shall not necessitate another hearing or invalidate any action by the Commission. The placement or replacement of business signs is exempt from this requirement. **[Amended 9-14-2009]**
- B. The South Berwick Code Enforcement Officer will promptly advise the Historic District Commission of all activities which he/she is or becomes aware of that come within the areas of responsibility assigned to the Commission by the chapter.
- C. Hearing. At the request of the applicant or any other person receiving notice under § 84-10A above or where the Commission deems it necessary, a public hearing or hearings on the application shall be conducted by the Commission. Written comments from interested persons shall be accepted in the event that a hearing is not held.
- D. Action. The Commission shall determine whether the proposed construction, reconstruction, alteration, moving or demolition is appropriate or inappropriate within 30 days of the public hearing or within 45 days of the receipt of the completed application, whichever comes first. If the Commission determines the proposal is appropriate, it shall immediately approve a certificate of appropriateness and return it to the Code Enforcement Officer for issuing of the necessary permits. If the Commission determines that a certificate of appropriateness should not be issued, it shall advise the applicant, in writing, through the Code Enforcement Officer, of any changes which would secure the approval of the Commission and withhold denial for 30 days, in order that the applicant may adopt such proposed changes. The Code Enforcement Officer shall notify the applicant of the decision and furnish him a copy of the reasons and the recommendations, if any, as appearing in the records of the Commission.
- E. Appeals jurisdiction. The Zoning Board of Appeals established in accordance with Title 30-A M.R.S.A. Sections 2691 and 4353 may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Historic District Commission or from the Code Enforcement Officer in the administration of this chapter. **[Amended 12-18-1989]**
- F. Amendment. An amendment to this chapter may be adopted by:

- (1) The Town Council following the provisions of the Town Charter, Article II, Section 3, Subsection VI, if the amendment is initiated by the Town Council, Planning Board or Historic District Commission or property owner as provided in § 84-7B(1), (2), (3) and (5) as provided in this chapter.
- (2) A special Town meeting following the provisions of the Town Charter, Article VIII, Section 2, if the amendment was initiated by a written petition in accordance with § 84-7B(4) above.
- (3) In either case, the Town Council shall hold a public hearing on the proposed amendment as required by Article VIII, Section 2, or by Article II, Section 11, of the Town Charter. The Planning Board and the Historic District Commission shall report its recommendation regarding the proposed amendment at the public hearing.

§ 84-11. Standards of evaluation.

- A. The standards and requirements contained in this section and in the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings, 1992 Revision, shall be used in review of applications for certificates of appropriateness and specifically as to procedures before demolition can take place. Design considerations and structural factors related to maintaining historic structures in good condition shall be the Commission's primary areas of focus. (A copy of the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings is available in the Town Clerk's office.) [Amended 9-14-2009]
- B. Visual compatibility factors. Within the historic district, new construction and existing buildings and structures, including additions, which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related, generally in terms of the factors below. Although a new building may be different in its shape or style, its relative proportions should match those of its neighbors.
 - (1) Height. The height of proposed building shall be compatible with adjacent buildings within 20% of the existing average height. (See Figure 11-1.) This section is an additional restriction on building heights to those of the South Berwick Zoning Ordinance.⁵

5. Editor's Note: See Ch. 140, Zoning.

**Figure 11-1**

- (2) Width. The width of proposed buildings shall be compatible with adjacent buildings and reflect the characteristic rhythm of facades along the street. If the site is large, the mass of the facade can be broken into a number of smaller bays. (See Figure 11-2.)

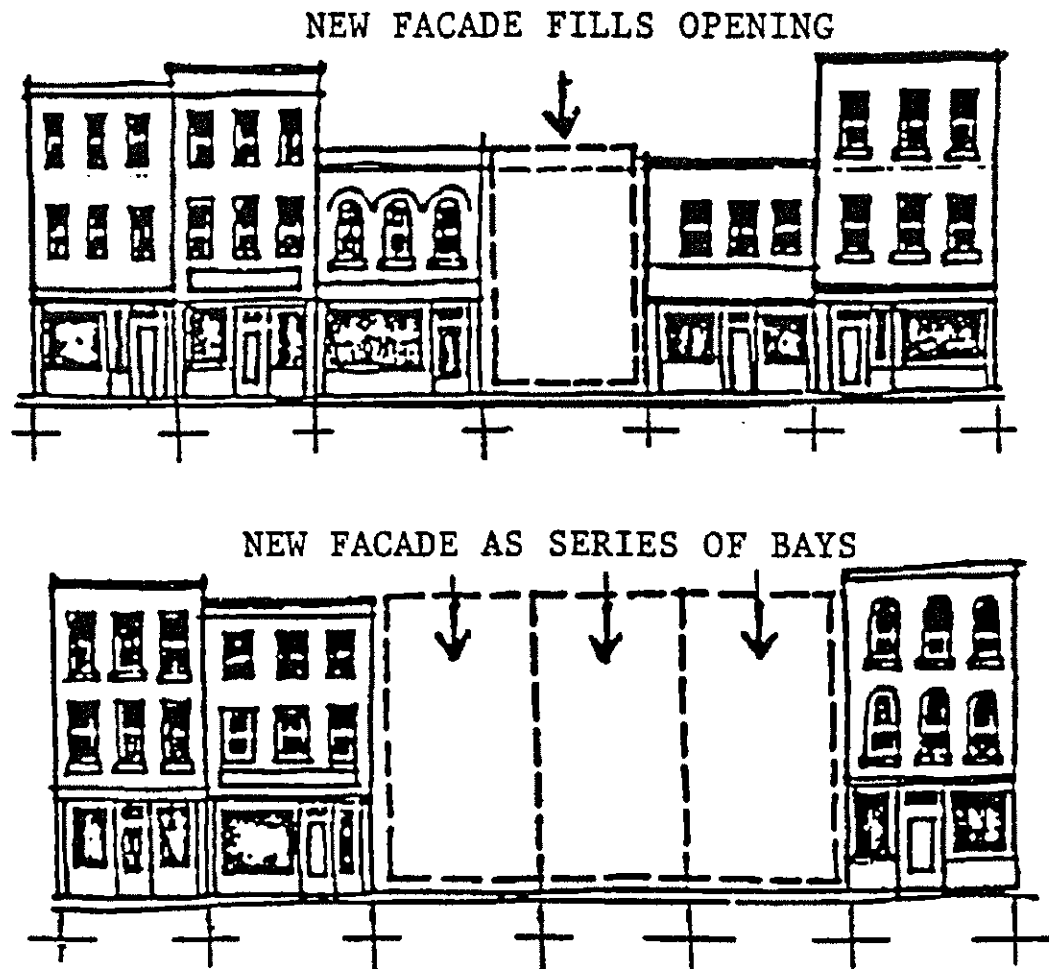


Figure 11-2

- (3) Window proportions. The window proportions (height versus width) shall be visually compatible with those of other windows in the same building and in other adjacent historic buildings of the same period. In the case of large plate glass display windows on a ground floor, the large surface of glass can be divided into a number of smaller panes consistent with shop front windows of the historical period which the building represents or, in the case of new buildings, compatible with the window size of adjacent historic buildings, where appropriate. Also, the ratio of window area to solid wall shall be similar to those on surrounding facades. Rhythms which carry throughout the block should be incorporated into new facades. Window pane sizes and proportions should be contemporary with the building. (See Figure 11-3.)

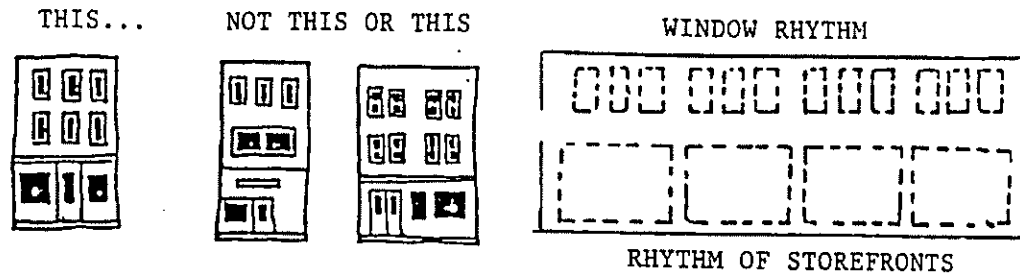


Figure 11-3

- (4) Roof forms. The roof pitch employed on new buildings shall be similar to those found on adjacent buildings. If a gable-type roof, its orientation to the street shall be the same as in neighboring buildings. Roofing materials shall be consistent with that of adjacent structures in color, type, material or a compatible substitute which is historically accurate.
- (5) Directional expression or mood. Alterations shall respect the directional expression of the original building and new construction shall be related harmoniously to its immediate neighbors. "Directional expression" refers to the basic vertical or horizontal design emphasis, while most colonial buildings of the late 1700s and early 1800s are nondirectional. (See Figure 11-4.)



Figure 11-4

- (6) Materials and textures. New construction shall utilize materials and textures which are visually compatible with adjacent facades. If there is a predominant material in the immediate area, it shall be used. Many different materials on a single structure or closely related group of structures can lead to visual confusion and a chaotic appearance. Alterations and new buildings should not stand out against the others, if the harmony of a traditional New England village streetscape is to be maintained. Matching materials and strength and continuity to street facades. Alterations to an existing building shall simulate as closely as possible the color and texture of that building. This is especially important in brickwork. (So-called "used brick" shall generally be avoided if it includes any painted bricks.) Mortar color and thickness of joint shall match those of the original building.
- (7) Details. All existing architectural details shall be maintained to the fullest extent practicable. When removal is unavoidable, replacement with similar features shall be encouraged. Although exact replication is often not possible or economically feasible, a simpler feature made of traditional materials can be appropriate. Poor or cheap imitations made of synthetic material shall be avoided, especially when not in scale or in the same architectural tradition. Details may include cornices; frames and moldings around windows, doors and building corners; lintels; arches; wrought iron work; chimneys, etc. Any substitutions must be approved by the Historic District Commission. [Amended 9-14-2009]
- (8) Signs. In addition to the dimensional requirements for signs contained in the Zoning Ordinance,⁶ all new or replacement signs located within the historic district shall be made from wood or

6. Editor's Note: See Ch. 140, Zoning.

metal, and all new sign illumination shall be from shielded external sources directed onto the sign to avoid glare. Signs which are attached to or parallel with the facade shall be located only between the top of the ground floor windows and the bottom of the second floor windows to maintain an orderly appearance, adding strength to the appearance of the district as a whole.

- (9) Demolition approval criteria. The criteria for approving proposals to demolish any building, historic site or landmark within the historic district or to demolish or remove any building within the B1, B2, or BR zoning district are that a sixty-day public notice period be declared by the Historic District Commission immediately after receiving a demolition proposal from any property owner, at any regular or specially scheduled meeting of the Commission. At the end of this sixty-day period, demolition criteria shall be deemed met, and the Commission shall then issue a certificate of appropriateness to demolish the building(s) or landmark(s) or to relocate the building(s) or landmark(s) if a willing buyer who is able to finance the costs of purchase and removal has been found. In addition to providing an opportunity for buildings or landmarks to be relocated rather than demolished, the sixty-day period also allows time for the Commission to make a photographic survey of the building(s) interior and exterior or landmark(s) and to examine alternative ways to meet the owner's needs (such as by replacing interior walls and floors or demolishing everything except the street-front facade). The owner or applicant for a demolition proposal shall be required to meet with the Commission to discuss any such alterations. [Amended 8-14-2000 ; 9-14-2009]

§ 84-12. Maintenance requirements.

- A. Ordinary maintenance permitted. Nothing in this chapter shall be interpreted to prevent the ordinary maintenance or repair of any exterior feature of any structure, site or landmark in the district which does not involve a change in the design, material or appearance.
- B. Essential maintenance required. Owners of buildings within the historic district shall not permit their properties to fall into a serious state of disrepair which may result in deterioration of any exterior architectural feature so as to produce, in the judgment of the Commission, a detrimental effect upon the character of the historic district or the structure in question or which could lead to a claim that demolition is necessary for public safety. This basic maintenance requirement applies to exterior walls and other vertical supports, roof and other horizontal members, exterior chimneys and waterproofing of exterior walls, roofs and foundations, including broken windows and doors.

ARTICLE V
Administration

§ 84-13. Conflict with other provisions.

This chapter shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this chapter imposes a higher and/or stricter standard, the provisions of this chapter shall prevail.

§ 84-14. Violations and penalties; enforcement.

- A. Violations. A person violating any provision of this chapter shall be guilty of a civil violation and shall be punished by a fine of not less than \$100. Each day that a violation continues shall be deemed a separate offense. All penalties collected hereto shall inure to the Town of South Berwick.
- B. Additional remedies. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. If the Code Enforcement Officer finds that any provision of this chapter is being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

