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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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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**

- 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.

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.~~

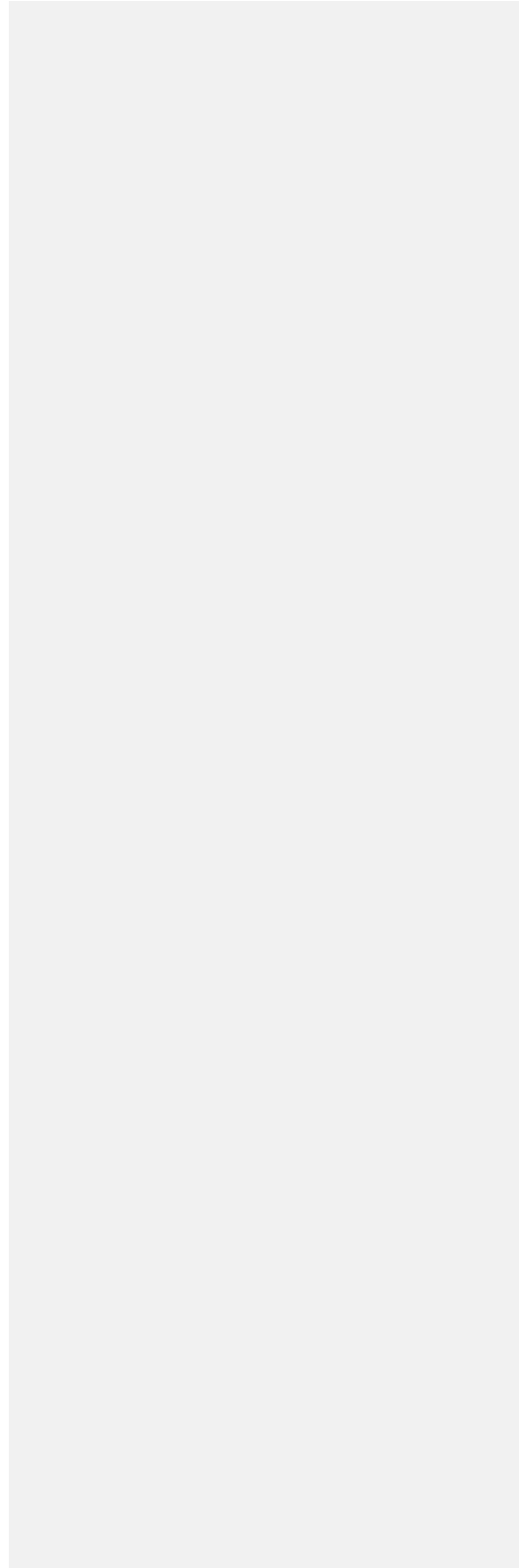
44 ~~I. When a dwelling which contains an approved accessory apartment is vacated by the owner, the~~  
45 ~~owner shall notify the Code Enforcement Officer within 60 days. The Code Enforcement Officer~~  
46 ~~shall then, in writing, either reconfirm or void the site plan permit for the accessory apartment. 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.  
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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.

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**

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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.

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201  
202

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

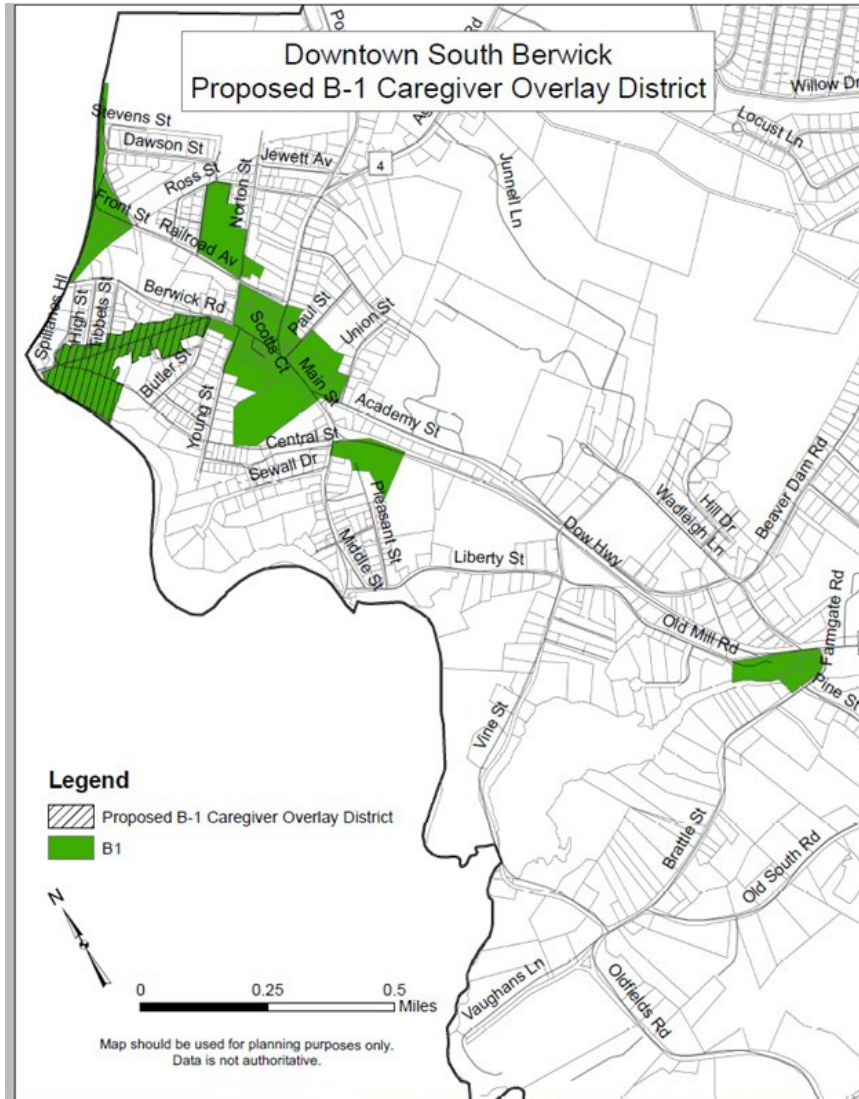
**KEY**

- 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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