

## 2016 Annual Town Meeting Warrant with Explanations

To: Lisa Huestis, a resident of the Town of Berwick in the County of York and the State of Maine.

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Berwick qualified by the law to vote in Town affairs, to assemble at the Town Hall on Tuesday, the 14<sup>th</sup> day of June, 2016, at 6:00 a.m. until 8:00 p.m. to act on Article 1 through 32 as set out below:

And to notify and warn said inhabitants to meet at the Town Hall in said Town on Wednesday the 15<sup>th</sup> day of June, 2016 at 6:00 p.m. to act on Article 33 through 49 as set out below, to wit:

### ARTICLE 1

To elect a Moderator to preside over the meeting.

### ARTICLE 2

To elect by secret ballot, one Selectman (who also serves as Assessor and Overseer of the Poor) for three years, and one School Board Member for MSAD #60 for three years, and one School Board Member for MSAD #60 for one year.

### ARTICLE 3

Shall the Town vote to adopt the proposed amendments to the Land Use Ordinance? (Exhibit A attached hereto).

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

### ARTICLE 4

Shall the Town vote to accept a dedication of land for highway purposes, pursuant to 23 MRSA 3025, made by John Corliss of a title in fee simple of Morning Dove Court so-called and to accept Morning Dove Court as a town way.

**NOTE:** Morning Dove Court is located on the north easterly side of Old Pine Hill Road and being more particularly shown on a plan entitled Final Subdivision Plan – Morning Dove Court Subdivision dated June 9, 2014 and recorded at the York County Registry of Deeds, Plan Book 367, Page 50. Ownership is being transferred to the town via Warranty Deed, a copy of which is attached to the Warrant as Exhibit B.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 2:1**

### ARTICLE 5

Shall the Town vote to use up to \$2,018,209 from estimated revenues to reduce the amount to be raised by taxation in Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 6

Shall the Town vote to raise and appropriate the sum of \$217,420 for the General Expense Account for Fiscal Year 2016/17, which begins July 1, 2016?

**NOTE:** This Account will be used to fund a variety of general expenses which are not easily classified from an accounting perspective under other departments, including a variety of required insurance premiums, audit services, legal services rendered by the Town Attorney, streetlights, traffic signals, interest on returned escrow balances, and miscellaneous expenditures requested from the Board of Selectmen.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 7

Shall the Town vote to raise and appropriate the sum of \$340,463 for the Town Administration Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 8

Shall the Town vote to raise and appropriate the sum of \$263,443 for the Town Clerk Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 9

Shall the Town vote to raise and appropriate the sum of \$151,867 for the Planning & Ordinance Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 10

Shall the Town vote to raise and appropriate the sum of \$77,650 for the Assessor's Office Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 11

Shall the Town vote to raise and appropriate the sum of \$102,740 for the Town Hall Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 12

Shall the Town vote to raise and appropriate the sum of \$1,570,054 for the Police Department Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 13

Shall the Town vote to raise and appropriate the sum of \$728,475 for the Fire Department Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 14

Shall the Town vote to raise and appropriate the sum of \$758,370 for the Public Works Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 15

Shall the Town vote to authorize the expenditure of all revenues received from the State of Maine Urban/Rural Initiative Program for Fiscal Year 2016/17 for road improvements as authorized by the Program with unspent balances to be carried forward each year?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 16

Shall the Town vote to raise and appropriate the sum of \$452,277 for the Refuse Disposal Account for Fiscal Year 2016/17, which begins July 1, 2016?

**NOTE:** This Account will be used to fund the operations of the Berwick Transfer Station during Fiscal Year 2016/17.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 17

Shall the Town vote to raise and appropriate the sum of \$107,591 for the Recreation Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 2:1**

ARTICLE 18

Shall the Town vote to raise and appropriate the sum of \$196,388 for the annual Fire Protection costs for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 19

Shall the Town vote to raise and appropriate the sum of \$36,897 to the Berwick Sewer District for Fiscal Year 2016/17, which begins July 1, 2016?

**NOTE:** The District indicates that their focus for the funds at this time is on assisting in repayment of the District's debt service as a result of repairing both pump stations.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 2:1**

ARTICLE 20

Shall the Town vote to appropriate the sum of **\$350,000** from Unassigned Fund Balance for Fiscal Year 2016/17 and authorize its use for road, bridge, and sidewalk construction and repairs, as well as Town parking lots and public ways, and including expenses for curbing, drainage and engineering fees when required, with the funds to be used in conjunction with the State of Maine Urban/Rural Initiative Program, and with unspent balances to be carried forward each year?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 21

Shall the Town vote to appropriate the sum of **\$50,000** from Unassigned Fund Balance for the purpose of investing in the capital purchase and replacement of Fire Department apparatus and vehicles for Fiscal Year 2016/17, which begins July 1, 2016, and place this amount into the Fire Department Capital account established for this purpose, with unspent balances to be carried forward each year until fully expended?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 22

Shall the Town vote to appropriate the sum of **\$30,000** from Unassigned Fund Balance to purchase a new Fire repeater and antenna and place this amount into the Fire Capital Equipment Reserve Account for Fiscal Year 2016/17, which begins July 1, 2016 with unspent balances to be carried forward each year until fully expended?

**NOTE:** The Department's current antenna/repeater was purchased and installed in 1996 with an estimated useful life of 10 years.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 23

Shall the Town vote to appropriate the sum of **\$30,000** from Unassigned Fund Balance for Fiscal Year 2016/17, which begins July 1, 2016, and authorize its use to invest in capital repairs, maintenance, and renovations of the Berwick Fire Station, and place this amount into the Fire Department's Capital account established for this purpose, with unspent balances to be carried forward each year until fully expended?

**NOTE:** The items to be address during fiscal year 2017 are updating the radio room and repair/replacement of the fire station driveway/parking pad.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 24

Shall the Town vote to appropriate the sum of **\$25,000** from Unassigned Fund Balance to replace the flooring in the former cafeteria/gym at the Doran School (potential future home of the Community Center) and place this amount into the Recreation Improvement Reserve Account for Fiscal Year 2016/17, which begins July 1, 2016 with unspent balances to be carried forward each year until fully expended?

**THE BOARD OF SELECTMEN VOTE 1:2**

## ARTICLE 25

Shall the Town vote to raise and appropriate the sum of **\$35,000** to purchase new capital equipment for the Fire Department for Fiscal Year 2016/17, which begins July 1, 2016 with unspent balances to be carried forward each year until full expended?

**NOTE:** This Account will be used to fund the purchase of seven sets of personal protective equipment, continue the replacement of the SCBA bottles and fire hose, and the replacement of portable radios.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

## ARTICLE 26

Shall the Town vote to raise and appropriate the sum of **\$25,000** to purchase a used backhoe for the Transfer Station for Fiscal Year 2016/17, which begins July 1, 2016, and place this amount into the Public Works Capital account established for this purpose, with unspent balances to be carried forward each year until fully expended?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

## ARTICLE 27

Shall the Town vote to raise and appropriate the sum of **\$94,000** as a contribution to the Berwick Library Association for Fiscal Year 2016/17, which begins on July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

## ARTICLE 28

Shall the Town vote to raise and appropriate the sum of **\$30,000** for Economic Development purposes for Fiscal Year 2016/17, which begins July 1, 2016 and place this amount into the account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** The Envision Berwick Committee working through the Town's Planning Department will contract for technical assistance, grant writing assistance, consultant assistance to develop financial options, purchase site amenities, allowance for printing and mailings, match grant funds, and to leverage other funding that the Town is eligible to apply for. Also, any grant match or any funds used to advance the implementation of the Comprehensive Plan, as Amended, will be approved by the Board of Selectmen.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

## ARTICLE 29

Shall the Town vote to authorize the use of interest money from the Lena Clark Trust Fund Interest Account when there are major repairs or maintenance needs at the Town Hall?

**NOTE:** The Trust Fund was established to take care of the Town Hall. Interest from the Trust Fund is in an Investment Account with LPL Investments through Kennebunk Investment Services. The interest balance as of June 30, 2015 was **\$28,670**, which was the close of the prior Fiscal Year. Interest funds are not used for every day repair or maintenance costs but instead are being allowed to accumulate for one time or major unforeseen repairs or expenses. Approval of this Article will authorize these kinds of expenditures from the Interest Account should it become necessary to make them during Fiscal Year 2016/17.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 30

Shall the Town vote to authorize the Town Manager, with Board of Selectmen approval, to balance the budget if necessary by transferring unencumbered appropriations from one account to another within the budget? **This authorization will remain in effect until rescinded by a future town meeting vote.**

**NOTE:** This Article will enable the Town to address unforeseen over-expenditures within participating departments or accounts, which otherwise may not be exceeded without further Town Meeting authorization, by drawing upon under-expenditures in other departments or accounts while still remaining within the overall Town budget cap. If authorized, this Article will enable the above-described outcome without further authorization from a special Town Meeting but only where the Board of Selectmen deems it appropriate.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

Financial Statement Relating to Article 31 & 32

The issuing of bonds by the Town of Berwick is one of the ways in which the Town borrows money for certain purposes. The following is a summary of the bonded indebtedness of the Town of Berwick as of the date of this referendum election:

Bonds Now Outstanding and Unpaid	\$	0
Interest to be Repaid on Outstanding Bonds	\$	0
Total to be Repaid on Bonds Outstanding	\$	0
Additional Principal Amount of Bonds Authorized But Not Yet Issued	\$	0

Total Additional Bonds to be Issued if Approved by Voters

Article 31	Fire Engines Bond	\$1,000,000
	Estimated of Potential New Interest on Such Additional Bonds	\$ 319,323
Article 32	Repairs to Town Hall Auditorium & Clock Tower	\$ 125,000
	Estimated of Potential New Interest on Such Additional Bonds	\$ 39,915
Total Additional Bonds to be Issued and Estimated Interest		
	If Approved by Voters	\$1,484,238

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters' ratification of the bonds may not be affected by an errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued and the total cost of principal and interest to be paid at maturity.

\_\_\_\_\_  
Stephen G. Eldridge  
Treasurer, Town of Berwick

ARTICLE 31

Shall a capital expenditure of a sum of money not to exceed \$1,000,000 be authorized for costs of purchasing and outfitting two new fire engines, said sum of money to be raised by the issuance of general obligation bonds and/or notes of the Town in a total aggregate principal amount of up to \$1,000,000, hereby authorized, with such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as the Municipal Officers shall determine? (Total estimated debt service of \$1,319,323 of which principal is \$1,000,000 and estimated interest, at rates ranging from 1.00% to 3.8843% depending on the year of maturity, over 20 years is \$319,323.)

The debt payment is anticipated to increase the property tax rate by \$0.12 cents after the first two and one half years of debt service payments being made from the Fire Department’s Pumper Replacement Reserve account.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 32

Shall a capital expenditure of a sum of money not to exceed \$125,000 be authorized for costs to provide structural engineering services and structural repairs to one of the outside walls in the Town Hall auditorium, purchase and install new windows for the Town Hall auditorium, and replace the clock movements and repair the clock faces on the Town Hall clock tower, said sum of money to be raised by the issuance of general obligation bonds and/or notes of the Town in a total aggregate principal amount of up to \$125,000, hereby authorized, with such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as the Municipal Officers shall determine? (Total estimated debt service of \$164,915 of which principal is \$125,000 and estimated interest, at rates ranging from 1.00% to 3.8843% depending on the year of maturity, over 20 years is \$39,915.)

The debt payment is anticipated to increase the property tax rate by \$0.02 cents after the first interest payment, which is being made from the Lena Clark Trust Account.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

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ARTICLE 33

Shall the Town vote to require all those who make and second motions at the Town Meeting to rise and identify themselves?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 34

Shall the Town vote to raise and appropriate the sum of \$20,000 for the General Assistance Account for Fiscal Year 2016/17, which begins July 1, 2016?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 35

Shall the Town vote to raise and appropriate the sum of **\$14,525** for the Community/ Agency Appropriations Account for Fiscal Year 2016/17, which begins July 1, 2016?

**NOTE:** This account will be used to make contributions to and at the request of the following outside agencies or purposes: COAST Bus Service, American Legion, Memorial Day, Holiday Decorations, and the Seacoast Shipyard Association.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 36

Shall the Town vote to appropriate the sum of **\$15,000** from Unassigned Fund Balance to replace the roof over the former cafeteria/gym at the Doran School (potential future home of the Community Center) and place this amount into the Recreation Improvement Reserve Account for Fiscal Year 2016/17, which begins July 1, 2016 with unspent balances to be carried forward each year until fully expended?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 37

Shall the Town vote to raise and appropriate the sum of **\$8,500** as the first lease payment for the purchase of a new police cruiser for Fiscal Year 2016/17, which begins July 1, 2016 and place this amount into the Police Capital Equipment account established for this purpose with unspent balances to be carried forward each year until fully expended and authorize the Board of Selectmen to enter into a lease purchase agreement on terms it deems appropriate with the balance to be repaid over a period of no longer than five (5) years?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 38

Shall the Town vote to raise and appropriate the sum of **\$16,000** for the purpose of replacing the Police Department's 2006 ATV for Fiscal Year 2016/17, which begins July 1, 2016 and place this amount into the Police Capital Equipment account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** The current ATV will either be traded in or put out to bid in the next surplus equipment bid process with the proceeds being deposited into the General Fund.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 39

Shall the Town vote to raise and appropriate the sum of **\$10,000** for the purpose of replacing the Police Department's IT Server for Fiscal Year 2016/17, which begins July 1, 2016 and place this amount into the Police Capital Equipment account established for this purpose with unspent balances to be carried forward each year until fully expended?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

#### ARTICLE 40

Shall the Town vote to raise and appropriate the sum of **\$15,000** to invest in capital repairs, maintenance, and renovations of the Berwick Public Works Garage and Salt Shed for Fiscal Year 2016/17, which begins July 1, 2016, and place this amount into the Public Works Capital account established for this purpose, with unspent balances to be carried forward each year until fully expended?

**NOTE:** This Account will be used to fund repairs, maintenance and renovations to the Berwick Public Works Garage and Salt Shed, which are expected to extend the life of those buildings. The capital repair anticipated to be completed during fiscal year 2017 is replacing the roof on the salt shed.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

#### ARTICLE 41

Shall the Town vote to raise and appropriate the sum of **\$12,000** and authorize the Board of Selectmen to purchase Map U-1, Lot 74 for Fiscal Year 2016/17, which begins July 1, 2016, and place this amount into the Recreation Improvement Reserve account established for this purpose, with unspent balances to be carried forward each year until fully expended? This includes the cost of the land as well as any closing costs associated with the purchase.

**NOTE:** This 2.7 acres of land is the PSNH parcel off Moulton Street and is currently a surplus parcel as determined by Eversource Energy, a New Hampshire corporation and current owner. The purchase of this parcel provides for land preservation, recreational and public access to the vistas downstream of the Salmon Falls River Dam.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

#### ARTICLE 42

Shall the Town vote to raise and appropriate the sum of **\$21,634** for Debt Service in Fiscal Year 2016/17 as authorized by the passage of Article 37 at the 1997 Annual Town Meeting?

**NOTE:** This Account will be used to fund one-half the cost for repayment of the Water Department Bond issued by the Federal Rural Development Agency for the new Water Treatment Plant. All other debt of the Town is in the Water Department Enterprise Fund Budget and is paid from revenues received by the Department.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

#### ARTICLE 43

Shall the Town vote to raise and appropriate the sum of **\$15,000** and authorize the Board of Selectmen to hold it in a Contingency Account and to use it to meet unanticipated expenses and emergencies that might occur during the Fiscal Year 2016/17, which begins July 1, 2016 and with unspent balances to be carried forward each year?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 44

Shall the Town vote to raise and appropriate the sum of \$19,700 for the Federal Stormwater Program for Fiscal Year 2016/17, which begins July 1, 2016 and place this amount into the account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** This Account will be used for the purpose of implementing State and Federal permitting requirements for discharges from municipal separate stormwater sewer systems (MS4s).

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 45

Shall the Town vote to raise and appropriate the sum of \$500 for Emergency Management for Fiscal Year 2016/17, which begins July 1, 2016 and place this amount into the account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** This Account will be used for the purpose of funding expenses like provision of shelter, food supplies and other associated costs during emergencies which occur within the Town.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 46

Shall the Town vote to raise and appropriate the sum of \$23,000 for the Unfunded Liabilities Account for Fiscal Year 2016/17, which begins July 1, 2016 and place this amount in the account established for this purpose with unspent balances to be carried forward each year until fully expended?

**NOTE:** This Account will be used to satisfy existing obligations to employees who have accrued compensated absences such as vacation time or sick time, if and when such entitlements must be paid out upon employee departure from the Town's staff. The Town's compensated absences balance as of June 30, 2015 was \$178,518.

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 47

Shall the Town vote to reallocate the remaining \$5,300 from the funds raised and appropriated for engineering cost associated with the Route 9 Bridge project as authorized by the passage of Article 39 at the 2013 Annual Town Meeting and instead authorize its use for road, bridge, and sidewalk construction and repairs, as well as Town parking lots and public ways, and including expenses for curbing, drainage and engineering fees when required?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 48

Shall the Town vote to charge interest on unpaid taxes at the rate of 7.00% per annum, and to set the date when taxes committed for Fiscal Year 2016-2017 (July 1, 2016 through June 30, 2017) become due and payable as October 17, 2016 and April 18, 2017, with said interest to be collected after October 18, 2016 and April 19, 2017, and allow the Tax Collector to accept prepayment of taxes prior to the Tax Commitment Date?

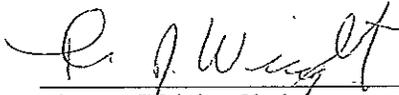
**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

ARTICLE 49

Shall the Town Vote to set an interest rate of 3.00% as allowed by state law as the rate to be paid to taxpayers who pay amounts in excess of amounts finally assessed and authorize any such interest paid or abatements granted to be charged against the annual overlay?

**THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

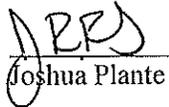
The June 14, 2016 Town Meeting Warrant is signed and approved as presented/amended by the Berwick Board of Selectmen at its meeting on the 19<sup>th</sup> day of April 2016.

  
\_\_\_\_\_  
Thomas Wright, Chairman

\_\_\_\_\_  
Vacant, Vice Chair

\_\_\_\_\_  
Edward Ganiere

  
\_\_\_\_\_  
Mark Pendergast

  
\_\_\_\_\_  
Joshua Plante

Board of Selectman, Town of Berwick, Maine

ATTEST:

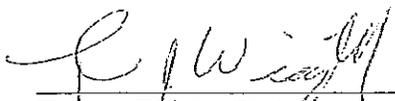
  
\_\_\_\_\_  
Patricia Murray, Town Clerk

CERTIFICATION OF PROPOSED CHANGES

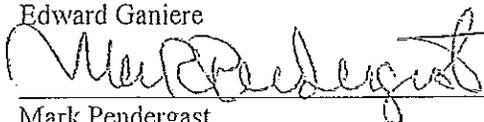
TO THE

BERWICK LAND USE ORDINANCE

We, the Selectmen of the Town of Berwick, do hereby certify that the attached proposed changes to the Berwick Land Use Ordinance is a true copy of the proposed changes to be posted with the Town Meeting Warrant and submitted to the voters of the Town of Berwick for their approval.

  
\_\_\_\_\_  
Thomas Wright, Chairman

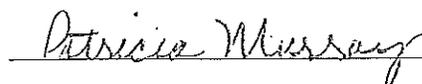
\_\_\_\_\_  
Edward Ganiere

  
\_\_\_\_\_  
Mark Pendergast

  
\_\_\_\_\_  
Joshua Plante

ATTESTATION OF LAND USE ORDINANCE CHANGES

Attest: A true copy of the proposed changes to the Berwick Land Use Ordinance as certified to me by the Municipal Officers of Berwick on the 5<sup>th</sup> day of April, 2016.

 4-19-16  
\_\_\_\_\_  
Patricia Murray, Town Clerk                      DATE

## Exhibit A

### 2.2 Definitions

Elderly Housing: A dwelling or group of dwellings and shared community space, providing shelter and services to elderly persons, which may include meals, housekeeping, transportation, recreational activities, personal-care assistance, and the like. Elderly persons shall mean a person 55 years old or older.

Fringe Financial: A lending institution that typically has but is not limited to the following features: the loans are for small amounts; the loans are typically due in 4 weeks or less; and associated finance charges exceed 100% APR. These businesses include but are not limited to payday and auto title loan services.

Workforce Housing: Dwelling units that may be purchased or rented for year-round occupancy by a working household whose income is between 50 % and 60% of the median income for the Town per most recent census data.

### 6.3 Dimensional Requirements.

Lots and principal buildings in all districts shall meet or exceed the following minimum requirements. 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. Additional requirements may be imposed by other provisions of this ordinance.

DIMENSIONAL REQUIREMENTS TABLE

<u>REQUIREMENTS</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>CI</u>	<u>RC/I</u>	<u>AP</u>	<u>V</u>
Minimum Lot Size with Public Sewer and Water in square feet	10,000	20,000	90,000	10,000	50,000	20,000	See Note 10
Minimum Lot Size with Septic in square feet	20,000	60,000	90,000	20,000	90,000	120,000	See Note 10
Minimum Lot Width in feet	100	150	300	100	200	300	See Note 10
Minimum Frontage in feet	100	150	300	100	200	300	See Note 10
Minimum Front Yard Setback in feet	25	50	75	25	50	75	See Note 10
Minimum Side Yard Setback in feet	25	25	50	15	25	50	See Note 10
Minimum Rear Yard Setback in feet	25	25	50	25	25	50	See Note 10

Maximum Building Height in feet	35	35	35	45	45	35	45
Maximum Lot Coverage percentage	50	35	20*	80	80	20	See Note 10
Shoreline Setback from River or Great Pond							25
Shoreline Setback from Wetlands and Streams							See Note 10
Shoreline Frontage							See Note 10

Notes:

1. The setback may be reduced to the average of like setbacks of the exiting structures on abutting properties.
2. The setback along a railroad spur may be waived for loading facilities that require rail access.
3. Two-family dwellings require twice the lot size as single-family dwellings. Multifamily dwellings require a minimum lot size which equal that required for the equivalent number of single family dwelling units.
4. No land in a deeded right of way may be used to meet any of the dimensional requirements of this ordinance.
5. The frontage requirement for lots on curves with a centerline radius of 100 feet or less may be reduced by 20 percent provided the lot width requirements are met.
6. For all structures side and rear setbacks may be reduced by the percentage that the non-conforming lot is less than the requirement.
7. For lots with public water and sewer in the R-2 District the front setback requirement may be reduced to 25 feet.
8. Additions to existing non-conforming buildings may be built to meet the existing line of non-conformity but may not be less than ten feet from a side or rear property line. However the non-conforming portion of the building shall not expand by 30 percent or more in volume or floor area during the lifetime of the structure. Average of the abutters (footnote #1 above) would apply if this average was less than ten feet.
9. One acre equals 43,560 square feet or 4,840 square yards.
10. All uses within the Urban Village Overlay District are exempt from dimensional requirements of the underlying C/I or R1 District and subject to the requirements established in Section 6.4. Uses within the Urban Village Overlay District that are located in the Shoreland Zoning District are subject to all applicable dimensional requirements of the underlying Shoreland zone pursuant to Section 14.15.

11. If more than one single family dwelling is located on a single lot, the lot size shall equal that required for the equivalent number of single family dwelling units. The dwelling units shall be placed on the lot and separated from one another in such a manner that if the lot were divided each dwelling unit would meet all dimensional requirements.

\* Lots containing only commercial or industrial uses may be allowed a maximum lot coverage percentage of 50%.

### 6.3.1 Residential Growth Limitation Provisions.

- A. Within the R-3 District, the number of residential building permits issued within any given subdivision during any calendar year, commencing the effective date of this ordinance amendment shall be limited to three (3), except as noted in Section 6.3.1.E below.
- B. Within the R-2 District the number of residential building permits shall be limited to 20 permits in any given subdivision within any given calendar year, if such subdivision is served by public water and sewer service (See Section 7.10, Sanitary Provisions and 7.19, Water Supply). The Planning Board may require the phasing of a project according to Section 13.6 of the Berwick Subdivision Regulations. Any subdivision within the R-2 District and not served by both water and sewer will be limited to three (3) building permits per calendar year per subdivision from the effective date of this ordinance amendment except as noted in Section 6.3.1.E., below.
- C. ~~Within the R-1 District, the number of residential building permits issued within any given subdivision during any calendar year commencing the effective date of this ordinance amendment shall be limited to ten (10).~~
- D. C. Within the RC/I District, the number of residential building permits issued within any given subdivision during any calendar year commencing the effective date of this ordinance amendment shall be limited to three (3), except as noted in Section 6.3.1.E., below.
- E. D. For those subdivisions either approved or pending (according to MRSA, Title 1, section 302) as of the effective date of this ordinance amendment, the limit on the number of permits to three (3) shall not apply, however those subdivisions either approved or pending as of the effective date of this ordinance amendment will be subject to a limit of nine (9) permits per calendar year.
- F. E. For determining number of permits to be issued; if a parcel is split or conveyed into 2 parcels 3 years prior to application for subdivision, the number of permits will be issued based on the parent parcel.

### 6.4 Village Overlay

Notes:

(5) The Planning Board may permit residential uses on the first floor of new buildings within the Village Overlay on a case by case basis when the application satisfies the following criteria:

- a. The first floor residential use is entirely made up of workforce housing or elderly housing.
- b. New residential uses within the village overlay do not exceed a 4:1 ratio of residential to non-residential use measured by constructed floor space. This statistic is tracked by the Planning Department and updated as new permits are issued.
- c. The proposed development application provides substantial improvements to the downtown area that serve to advance the principles defined in the Downtown Vision & Implementation Plan.

#### 7.10 ~~Sanitary Provisions~~ Sewage Provisions

A. When not serviced by the public sewerage system, the approval of building permit applications shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for sewage disposal.

B. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

C. Industrial or commercial waste waters may be discharged to municipal sewers only and in such quantities and/or of such quality as to be compatible with commonly accepted municipal sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to municipal treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The disposal of industrial or commercial waste waters by means other than the municipal sewerage system must comply with the laws of the State of Maine concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system.

D. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

E. Within the R-1 District, any new proposed subdivision shall be served by public sewer at the expense of the applicant or by negotiated agreement with the Berwick Sewer District. Within the R-1 District any new residential dwelling unit or commercial use requiring a building permit shall be served by public sewer.

~~F. Within the R-2 District any subdivision proposed following the effective date of this ordinance amendment and located within 2,500 of public sewer service shall be connected to that service.~~

G. When a lot is not serviced by public sewage disposal, or unless the lot is part of a cluster development served by a common subsurface disposal system, the following standards shall apply:

- a. Each proposed lot must be served by a septic system located within its boundaries.
- b. If the depth to a limiting factor, as defined by the above rules is less than 24 inches, both the septic system and a replacement system site must be located within each proposed lot. The reserve area shall be shown on the plan and restricted so it will not be built on.
- c. Septic systems serving a structure on one lot are not allowed to be located on abutting or neighboring lots.
- d. In no instance shall a disposal area be on a site that requires a New System Variance from the Subsurface Wastewater Disposal Rules.

#### 7.19 Water Supply.

A. Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met shall be submitted to the Code Enforcement Officer.

B. Within the R-1 District all subdivisions proposed after the effective date of this ordinance shall be served by public water. Any new residential unit (outside of an approved subdivision) or commercial use requiring a building permit and within 500 feet of the public water line shall be served by public water.

~~C. Within the R-2 Districts any subdivision proposed after the effective date of this ordinance amendment, and within 2,500 feet of a public water line shall be served by public water.~~

#### 7.23 Safety and Sanitation Provisions

All lots shall be maintained in a safe and sanitary condition and shall be kept free of accumulations of trash, garbage, refuse or other noxious materials which may constitute a fire hazard or a danger to health or safety. Any such condition shall be repaired, replaced, or removed.

#### 8.12 Agriculture and Animal Husbandry.

The following restrictions apply to agriculture and animal husbandry.

a. All pastures, barns, banyards and other areas where the livestock animals or fowl are kept, housed, fed or cared for shall be a minimum of 100 feet from the nearest dwelling other than the applicant's.

b. Uncovered manure shall be kept 150 feet from the nearest dwelling other than the applicant's and 300 from a well.

c. All feed and grain must be kept in enclosed rodent proof containers.

d. All paddocks, banyards or other enclosures must be adequately fenced to contain livestock, animals or fowl.

e. ~~The Planning Board may limit the number and species of animals to be kept at any one time after considering the size and layout of the lot, the size of adjacent lots, the presence of vegetative screening and buffer strips and the potential for noise, odor and vermin problems.~~

### 8.13 Owner Occupied Apartments.

~~The Planning Board may approve, after Conditional Use Review, The Code Enforcement Officer may approve the addition of one dwelling unit to an existing single family dwelling and which must comply with the following standards.~~

1. The existing dwelling unit must have a minimum of 1,200 gross square footage of living area to be considered for an accessory apartment. The accessory apartment shall not exceed 30 percent of the total living area of the building.

2. "Owner-occupied" means that either the principal dwelling unit or the accessory apartment is occupied by a person who has a possessory interest in the real estate, who bears all or part of the economic risk of decline in value of the real estate and who receives all or part of the remuneration, if any, derived from the lease or rental of the other dwelling unit.

3. A single family dwelling as contained in this section means the building proposed for conversion and any accessory building attached. Only one accessory apartment shall be permitted per lot. An owner-occupied apartment, however, shall not be allowed in a single family dwelling within an approved subdivision that contains a note or condition on the plan recorded in the York County Registry of Deeds that specifically allows only single family residential uses.

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

5. The dimensional standards found in Section 6.3 are waived with the exception of the standards for lot coverage, which can not be increased above set standards or that which is existing at the time of the proposed conversion, whichever is greater.

6. Any request for an accessory apartment shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed soil evaluator which demonstrates that a new system can be installed to meet the disposal needs of the dwelling units or the existing system has adequate capacity for the proposed use.

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

8. Upon approval by the Planning Board, the owner of the accessory apartment shall record within his/her deed at the York County Registry of Deeds that such dwelling shall be and is to remain "owner occupied" even upon future transactions.

### 8.24 Elderly Housing

A. Elderly Housing may qualify for a 50% reduction in minimum lot size requirement when the application satisfies the standards outlined below:

1.) All construction will be in conformance with all applicable Americans with Disabilities Act regulations.

2.) Sidewalks are required to be installed along any new roads and shall be constructed in conformance with Article 12.2.i. Design Guidelines Sidewalks in the Berwick Subdivision Regulations.

3.) All buildings and accessory structures shall be maintained in a safe, sanitary, nonhazardous manner. The condition of all buildings, structures, and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance ensuring that the property itself may be preserved safely, and so that hazards to the public health and safety are avoided.

4.) When three or more residential units are proposed; the applicant shall provide community and/or recreational opportunities for the residents. These community and/or recreational opportunities include but are not limited to common rooms, nature trails, and picnic areas.

5.) The development shall always remain as elderly housing, and any change to the residential use shall require conformance with all district dimensional requirements as prescribed in Article 6.3 Dimensional Requirements.

#### 10.4 Variances.

Variances may be permitted only under the following conditions:

A. Unless otherwise provided in this ordinance, variances are obtainable only for height, minimum lot size, minimum lot width, structure size, setbacks and open space requirements.

B. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.

C. The Board of Appeals shall not grant a variance unless it finds that all the following criteria are met:

1. That the land in question cannot yield a reasonable return unless a variance is granted;

2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

3. That the granting of a variance will not alter the essential character of the locality; and

4. That the hardship is not the result of action taken by the applicant or a prior owner. Such hardship may be found by the Board of Appeals where the Town of Berwick Land Use Ordinance, as applied to the applicant's property, substantially

destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put. Mere inconvenience to the property owner shall not satisfy this requirement. Neither financial hardship alone nor pleading that a greater profit may be realized from the applicant's property were a variance granted shall be sufficient evidence of unnecessary hardship.

D. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary, to this end.

E. Disability Variance. The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this section, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A., Section 4553 and the term "structures necessary for access to or egress from the property" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

F. Setback Variance for Single-Family Dwellings. An ordinance adopted under this subsection may permit a variance from a set-back requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
2. The granting of a variance will not alter the essential character of the locality;
3. The hardship is not the result of action taken by the applicant or a prior owner;
4. The granting of the variance will not substantially reduce or impair the use of the abutting property; and
5. That the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

14.15 Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

(1) See dimensional table below

	SP	RP	LR	SCI
--	----	----	----	-----

Minimum lot area (square feet.)	40,000	40,000	40,000	60,000
Minimum lot width (feet)	200	200	200	150
Minimum road frontage (feet)	200	200	200	150
Minimum shore frontage (feet)	200	200	200	300
Minimum front yard setback (feet)	50	50	50	25
Minimum side yard setback (feet)	25	25	25	15
Minimum rear yard setback (feet)	30	30	30	25
Maximum building height (feet)	35	35	35	45
Maximum lot coverage (percent)	10	10	20	70
Shoreline setback from river and great ponds	100	100	100	25
Shoreline setback from wetlands and streams	<u>75-100</u>	<u>75-100</u>	<u>75-100</u>	25

- (2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- (3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

~~NOTE: Municipalities may include provisions for clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.~~

## B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and ~~seventy-five (75)~~ 100 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the Shoreland Commercial Industrial District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area or eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

## P. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within ~~one hundred (100)~~ two hundred fifty (250) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within one hundred ~~seventy-five (75)~~ (100) feet

horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Article.

NOTE: ~~Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.~~

- (4) There shall be no new tilling of soil within ~~one hundred (100) feet,~~ two hundred fifty (250) feet horizontal distance, of the normal high-water line of a great pond classified GPA; within ~~seventy-five (75)~~ one hundred (100) feet, horizontal distance, from other water bodies; nor within ~~twenty-five (25)~~ one hundred (100) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this Article and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within ~~one hundred (100)~~ two hundred fifty (250) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within ~~seventy-five (75)~~ one hundred (100) feet, horizontal distance, of other water bodies, nor; within ~~twenty-five (25)~~ one hundred (100) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

(6) If fertilizer will be applied within one hundred (100) feet horizontal distance of the normal high-water line of the Salmon Falls River then best management practices will be utilized including the following:

1. Use phosphorus-free fertilizer, unless a soil test indicates a low phosphorus level, or when establishing a new lawn from seed.
2. Do not apply fertilizer between December 1 and April 1 or to frozen ground.
3. Do not apply fertilizer or pesticides if moderate to heavy rain is imminent or if the soil is saturated.
4. A filter strip of perennial vegetation shall be maintained along the normal high-water line of the Salmon Falls River at a width of ten (10) feet for average slopes of less than one (1) percent and proportionally up to at least twenty (20) feet for slopes of fifteen (15) percent

	RI	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
<b>RESIDENTIAL</b>										
*Single-Family Dwelling, including driveways	P	P	P	P	C	P	P	X	X	P(4+)
Cluster Development	X	C	C	X	X	X	X	X	X	X
Community Living Arrangement	P	P	P	P	C	P	X	X	X	X
Congregate Housing	C	C	C	C	C	X	X	C(6)	X	X
<u>Elderly Housing</u>	<u>C(13)</u>	<u>C(13)</u>	<u>X</u>	<u>C(13)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Mobile Home Parks	C	C	X	X	X	X	X	C(6)	X	X
Multi-Family Dwelling	C	C	X	C	C	X	X	5	X	X
Owner Occupied Apartment	P	P	P	P	C	C	C	X	X	X
Two-Family Dwelling, including driveways	P	P	P	P	C	P	P	X	X	P(4+)
Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI
<b>INSTITUTIONAL/PUBLIC</b>										
Cemetery	C	C	C	X	X	X	X	X	X	X
Church, Parish House	C	C	C	C	C	X	X	C	X	X
Club Facility	C	C	C	C	C	C	C	C	X	X
Educational Facility	C	C	C	C	C	X	C	C	X	X
Daycare Home	C	C	C	C	C	C	X	C	X	X
Medical Care Facility	C	C	C	C	C	X	X	C	X	X
Municipal Facility	C	C	C	C	C	C	C	C	X	X
Museum	C	C	C	C	C	C	C	C	X	X
Public Facility	C	C	C	C	C	C	C	C	X	X
Public Utility Facility	C	C	C	C	C	C	C	C	C	C
Essential services										
A. Roadside distribution lines (34.5kV and lower)	A	A	A	A	A	A	A(3)	A(3)	P(42) 10	P(42) 10
B. Non-roadside or cross-country distribution lines	A	A	A	A	A	A	P	P	C(42) 10	C(42) 10

involving ten poles or less in the shoreland zone	RI	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	A	A	A	A	A	A	C	C	C(12) 10	C(12) 10
D. Other essential services	A	A	A	A	A	A	C	C	C(12) 10	C(12) 10
Service drops, as defined, to allowed uses	A	A	A	A	A	A	A	A	A	A
<b>COMMERCIAL</b>										
Automobile Service/Motorcycle Repair Business	C(1)	C	C(1)	C	C	X	X	C	X	X
Bed and Breakfast	C	C	C	C	C	C	X	C	X	X
Boardinghouse	C	C	C	C	C	X	X	C	X	X
Bottle Club	X	C(1)	X	C	C	X	X	C	X	X
Campground	X	C	C	X	X	C	C	X	X	C
Commercial Mini-Storage	X	X	C(1)	X	C	X	X	X	X	X
Communication Tower(5)	X	C	C	C	C	C	X	X	X	X
Daycare Center	C	C	C	C	C	X	X	C	X	X
Finance, Insurance and Real Estate	C	C	C	C	C	C	X	C	X	X
Fringe Financial	X	X	X	X	C(14)	X	X	X	X	X
Function Hall	C	C	C	P	C	C	X	C	X	X
Golf Course	X	C	C	X	C	C	X	X	X	X
Hotel or Motel	C(1)	C(1)	C(1)	C	C	X	X	C	X	X
Inn	C(1)	C(1)	C(1)	C	C	X	X	C	X	X
Kennels	X	C	C	X	C	X	X	X	X	X
Marina	C	C	C	C	C	X	C	C	X	X
Medical Office	C	C	C	C	C	X	X	C	X	X
Neighborhood Convenience Store	C	C	C	C	C	C	X	C	X	X

	RI	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Professional Office	C	C	C	C	C	C	X	C	X	X
Recreation Facility	C	C	C	C	C	C	X	C	X	X
Restaurant	C	C	C(1)	C	C	X	X	C	X	X
Retail Business	C	C	C(1)	C	C	X	X	C	X	X
Service Business	C	C	C	C	C	X	X	C	X	X
Storage and/or Maintenance Facility	X	C	C	C	C	X	X	X	X	X
Wholesale Business	RI C(1)	R2 C	R3 C(1)	C/I C	RC/I C	AP X	LR X	SC/I C	RP X	SP X
Wireless Communications Facility	C(6) 5	C	C	C	C	C	C(6) 5	C(6) 5	X	X
Vehicle Sales	C	C	C(1)	C	C	X	X	C	X	X
<b>INDUSTRIAL</b>										
Auto Graveyard/Junkyard/Auto Recycling	X	X	X	X	C	X	X	X	X	X
Laboratory	C	X	X	C	C	X	X	C	X	X
Laboratory Research Facility	X	X	X	C	C	X	X	C	X	X
Light Intensity Industry	X	C	C	C	C	X	X	C	X	X
Industrial	X	X	X	X	C	X	X	X	X	X
Medium Intensity Industry	X	C(7) 6	C(1)	X	C	X	X	C	X	X
Mineral Industry	X	C	C	X	C	C	C	X	X	X
Mineral Exploration	A	A	A	A	A	A	A(10) 2	A(10) 2	A(10) 2	X
Sawmill	X	C	C	X	C	C	X	X	X	X
Warehousing; Storage; Distribution	X	X	X	C	C	X	X	C	X	X
Waste Facility	X	X	X	X	C	X	X	X	X	X
<b>MISCELLANEOUS</b>										
Agriculture	P	P	P	P	P	C	C	X	C	C

Animal Husbandry	X	C	P*	X	C	C	C	C	X	C	X	C	X
Forest Management	P	P	P	P	P	P	P	P	X	P	X	P	P
Private Pond with or without a dam	P	P	P	P	P	P	P	P	X	X	X	X	X
Timber Harvesting(4)	P	P	P	P	P	P	P	P	X	P	X	P	P
Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking, and non-motorized boating	A	A	A	A	A	A	A	A	A	A	A	A	A
Disturbed area greater than 1 acre (4-6)	P	P	P	P	P	P	P	P	P	P	P	P	P
Small, non-residential facilities for educational, scientific, or nature interpretation purposes	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP	C(++)		
Public and private recreational areas involving minimal structural development	C	C	C	C	C	C	C	C	P	C	C	C	C
Individual private campsites	P	P	P	C	P	P	P	P	P	P	P	P	P
Motorized vehicular traffic on existing roads and trails.	A	A	A	A	A	A	A	A	A	A	A	A	A
Clearing or removal of vegetation for activities other than timber harvesting	A	A	A	A	A	A	A	A	A	A	P(+) 2	P	P
Fire prevention activities	A	A	A	A	A	A	A	A	A	A	A	A	A
Wildlife management practices	A	A	A	A	A	A	A	A	A	A	A	A	A
Soil and water conservation practices	A	A	A	A	A	A	A	A	A	A	A	A	A
Surveying and resource analysis	A	A	A	A	A	A	A	A	A	A	A	A	A
Emergency operations	A	A	A	A	A	A	A	A	A	A	A	A	A
Structures accessory to allowed uses	P	P	P	P	P	P	P	P	A	C	C(++)		



Outdoor Wood Furnace(8)	C	P	P	P	C	P	P	C	P	C	X	X
Small Wind Energy System	C	C	C	C	C	C	C	C	C	C	X	C
Yard Sale	A	A	A	A	A	A	A	A	A	A	X	X

Notes:

- (1) Allowed only on major highways (Route 236 or Route 9) and subdivisions approved for commercial use.
- (2) Permit not required but must file a written "notice of intent to construct" with CEO.
- (3) State standards concerning Timber Harvesting must be adhered to.
- (4) See Section 8.22.
- (5) Must be installed on any existing tower, pole or structure capable of supporting such equipment.
- (6) Allowed on major highways (Route 236 or Route 9), or where public water and sewer services are available within 2,000 ft. of the property line.
- (7) Must comply with Maine Department of Environmental Protection, Chapter 150.
- (8) In RP, not allowed within 75 feet horizontal distance of the normal high-water line of Great Ponds, except to remove safety hazards.
- (9) Requires a permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- (10) Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- (11) See further restrictions in Section 15(4)(2).
- (12) Except when area is zoned Resource Protection due to floodplain criteria, in which case a permit is required from the Planning Board.
- (13) Except as provided in Section 15(4)(4).
- (14) Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- (15) See Article 7.22 of the Land Use Ordinance.
- (16) See Article 3.24
- (17) Subject to all parking and landscaping requirements established in Article 6.4

\* A use permit is not required however, performance standards in Section 8.12 must be met.

\*\* An Accessory Use of a Conditional Use shall also require Site Plan Review.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

MORNING DOVE COURT

The hereinafter-described parcel of land, located in the Town of Berwick, York County, State of Maine, situated on the northeasterly side of Old Pine Hill Road North, being a portion of lands John J. Corliss and Phan Soc Corliss, described in a deed from Kenneth L. Tibbetts and Evelyn R. Tibbetts, dated November 14, 2013, recorded at the York County Registry of Deeds in book 16733, page 81. The parcel being more particularly described as follows:

[Bearings in the following descriptions are based on Magnetic North in 2009].

BEGINNING at the southwesterly corner of the herein described tract, at a point in the northeasterly sideline of Old Pine Hill Road North at the southwesterly corner of the land of the grantor, being also the northwesterly corner of land now or formerly of Sandra Jean and Bradley Genaw, said point of beginning being marked by an existing 2" diameter iron pipe;

thence N 58°58'39" E, by said land of Jean and Genaw, 154.90 feet, to an existing 1-3/4" diameter iron pipe at a point of curvature at the northwesterly corner of lot #2 as depicted on the hereinafter referenced subdivision plan;

thence in a general northeasterly direction by a curve concave to the northwest, by said lot #2, 14.22 feet to a 4" by 4" granite bound to be set at a point of tangency, said curve having a chord bearing of N 56°56'27" E, a chord length of 14.21 feet, a radius of 200.00 feet and an included angle of 4°04'23";

thence N 54°54'16" E, by said lot #2, 92.93 feet, to a 4" by 4" granite bound to be set at a point of curvature at lot #4 as depicted on the hereinafter referenced subdivision plan;

thence in a general northerly direction by a curve concave to the west, by said lot #4, 121.98 feet to a 4" by 4" granite bound to be set at lot #5 as depicted on the hereinafter referenced subdivision plan, said curve having a chord bearing of N 04°58'53" E, a chord length of 107.13 feet, a radius of 70.00 feet and an included angle of 99°50'46";

thence in a general westerly direction by a curve concave to the south, by said lot #5, 118.95 feet to a 4" by 4" granite bound to be set at lot #3 as depicted on the hereinafter referenced subdivision plan, said curve having a chord bearing of S 86°22'42" W, a chord length of 105.14 feet, a radius of 70.00 feet and an included angle of 97°21'37";

thence in a general southwesterly direction by a curve concave to the southeast, by said lot #3, 52.86 feet to a 4" by 4" granite bound to be set at a point of reverse curvature, said curve having a chord bearing of S 16°03'58" W, a chord length of 51.61 feet, a radius of 70.00 feet and an included angle of 43°15'50";

thence in a general southwesterly direction by a curve concave to the northwest, by said lot #3, 112.65 feet to a 4" by 4" granite bound to be set at a point of tangency at lot #1 as depicted on the hereinafter referenced subdivision plan, said curve having a chord bearing of S 26°42'21" W, a chord length of 106.79 feet, a radius of 100.00 feet and an included angle of 64°32'36";

thence S 58°58'39" W, by said lot #1, 65.04 feet, to a 4" by 4" granite bound to be set at a point of curvature;

thence in a general northwesterly direction by a curve concave to the northeast by said lot #1, 50.17 feet to a 4" by 4" granite bound to be set in the northeasterly sideline of Old Pine Hill Road North, said curve having a chord bearing of N 73°07'05" W, a chord length of 44.52 feet, a radius of 30.00 feet and an included angle of 95°48'33";

thence S 25°12'48" E, by the northeasterly sideline of Old Pine Hill Road North, 83.47 feet, to the POINT OF BEGINNING, containing approximately 0.6245 acres (27,204 square feet).

The parcel described herein is depicted as "MORNING DOVE COURT" on a plan entitled "MORNING DOVE COURT (A RESIDENTIAL SUBDIVISION), OLD PINE HILL ROAD NORTH, BERWICK, MAINE, PREPARED FOR: JOHN L. & PHAN SOC CORLISS, MAILING ADDRESS: 1 CORLISS LANE, BERWICK, MAINE 03901", dated May 22, 2014, prepared by CIVIL CONSULTANTS, recorded at the York County Registry of Deeds in plan book 367, page 50

**WARRANTY DEED**

We, **John L. Corliss** and **Phan Soc Corliss**, of 1 Corliss Lane, Berwick, Maine 03901, for consideration paid, grant to **The Inhabitants of the Town of Berwick**, a municipality with a mailing address of 11 Sullivan Street, Berwick, Maine 03901, with warranty covenants, the land in Berwick, County of York, and State of Maine as more particularly set forth in Exhibit A attached hereto and incorporated herein. Said premises are conveyed for highway purposes pursuant to 23 M.R.S.A. §3025 voluntarily and without claim for damages.

See attached Exhibit A attached hereto.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
John L. Corliss

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Phan Soc Corliss

STATE OF MAINE  
COUNTY OF YORK

\_\_\_\_\_, 2016

Then personally appeared the above-named John L. Corliss and Phan Soc Corliss and acknowledged the foregoing instrument to be their free act and deed.

\_\_\_\_\_  
Notary Public's Name:  
My commission expires: