

2019 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 11th day of June, 2019, at 8:00 a.m. until 8:00 p.m. to act on Article 1 through 44 as set out below:

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 Members for MSAD #60 for three years.

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 adopt the proposed amendments to the Land Use Ordinance regarding Adult Use Marijuana? (Exhibit B attached hereto).

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 5

Shall the Town vote to adopt the proposed amendments to the Littering and Animal Waste Ordinance? (Exhibit C attached hereto).

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 6

Shall the Town vote to use up to **\$2,714,355** from estimated revenues to reduce the amount to be raised by taxation in Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 7

Shall the Town vote to raise and appropriate the sum of **\$304,981** for the General Expense Account for Fiscal Year 2019/20, which begins July 1, 2019?

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 8

Shall the Town vote to raise and appropriate the sum of \$389,331 for the Town Administration Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 9

Shall the Town vote to raise and appropriate the sum of \$282,342 for the Town Clerk Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 10

Shall the Town vote to raise and appropriate the sum of \$124,759 for the Planning & Ordinance Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 11

Shall the Town vote to raise and appropriate the sum of \$113,153 for the Assessor's Office Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 12

Shall the Town vote to raise and appropriate the sum of \$154,850 for the Town Hall Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 13

Shall the Town vote to raise and appropriate the sum of \$10,000 for the General Assistance Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 14

Shall the Town vote to raise and appropriate the sum of \$1,721,149 for the Police Department Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 15

Shall the Town vote to raise and appropriate the sum of \$969,414 for the Fire Department Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 16

Shall the Town vote to raise and appropriate the sum of \$980,526 for the Public Works Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 17

Shall the Town vote to authorize the expenditure of all revenues received from the State of Maine Urban/Rural Initiative Program for Fiscal Year 2019/20 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 18

Shall the Town vote to raise and appropriate the sum of **\$450,250** for the Refuse Disposal Account for Fiscal Year 2019/20, which begins July 1, 2019?

NOTE: This Account will be used to fund the operations of the Berwick Transfer Station during Fiscal Year 2019/20.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 19

Shall the Town vote to raise and appropriate the sum of **\$132,342** for the Recreation Account for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 20

Shall the Town vote to appropriate the sum of **\$92,855** for Debt Service to cover this appropriation for Fiscal Year 2019/20, which begins July 1, 2019 and as authorized by the passage of Article 31 & 32 at the 2016 Annual Town Meeting?

NOTE: The voters approved the issuance of general obligation bonds up to \$1,000,000 for two fire trucks and up to \$125,000 for new windows in the Town Hall auditorium and repair of the Town Hall clock.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 21

Shall the Town vote to raise and appropriate the sum of **\$24,450** for the Community/Agency Appropriations Account for Fiscal Year 2019/20, which begins July 1, 2019?

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 Citizen Recognition Dinner, Memorial Day, Holiday Decorations, and the Seacoast Shipyard Association.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 22

Shall the Town vote to raise and appropriate the sum of **\$196,388** for the annual Fire Protection costs for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 23

Shall the Town vote to appropriate the sum of **\$250,000** from Unassigned Fund Balance for Fiscal Year 2019/20 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 24

Shall the Town vote to raise and appropriate the sum of **\$350,000** for 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 25

Shall the Town vote to appropriate the sum of **\$34,000** from the Lena Clark Trust account for the purpose of continuing the electrical upgrades necessary at the Town Hall and place this amount into the Town Building Capital Reserve account for Fiscal Year 2019/20, which begins July 1, 2019 with unspent balances to be carried forward each year until fully expended?

NOTE: This is phase three of the electrical upgrades needed at Town Hall. It will consist of replacing the electrical panels throughout the Town Office which is currently using fuses and change them to breakers and to refinish the auditorium floor.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 26

Shall the Town vote to appropriate the sum of **\$30,000** to purchase an access control system for the Town Hall and Public Works Garage and place this amount into the Town Building Capital Reserve account for Fiscal Year 2019/20, which begins July 1, 2019 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 **\$23,000** as the first lease payment for the purchase of two new police cruisers for Fiscal Year 2019/20, which begins July 1, 2019 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 28

Shall the Town vote to raise and appropriate the sum of **\$35,000** to purchase a stainless-steel dump body to prolong the life of a 2000 plow truck for Fiscal Year 2019/20, which begins July 1, 2019 and place this amount into the Public Works Capital Vehicle 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 29

Shall the Town vote to raise and appropriate the sum of **\$37,000** for Fiscal Year 2019/20, which begins July 1, 2019, and authorize its use to continue addressing storm drainage system outfall issues identified by the Maine DEP during an audit of the Town's stormwater drainage system, and place this amount into the Planning Capital Reserve account established for this purpose with unspent balances to be carried forward each year until fully expended?

NOTE: If approved these funds will be used for the design work on outfall 8 located on First Street and the eventual repairs as determined by the design work.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 30

Shall the Town vote to raise and appropriate the sum of **\$213,160** in interest and principal for Debt Service in Fiscal Year 2019/20 as authorized by the passage of Article 5 at the November 6, 2018 Election?

Note: The voters approved the issuance of general obligation bonds not to exceed \$6,000,000 for the design, construction and improvements of a new fire station and the design, construction and improvements for a police department building renovation.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 31

Shall the Town vote to raise and appropriate the sum of **\$21,634** for Debt Service in Fiscal Year 2019/20 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 in 1999. There are ten more years of payments on this bond.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 32

Shall the Town vote to raise and appropriate the sum of **\$10,000** 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 2019/20, which begins July 1, 2019 and with unspent balances to be carried forward each year?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 33

Shall the Town vote to raise and appropriate the sum of **\$109,000** as a contribution to the Berwick Library Association for Fiscal Year 2019/20, which begins on July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 34

Shall the Town vote to raise and appropriate the sum of **\$24,000** for the Federal Stormwater Program for Fiscal Year 2019/20, which begins July 1, 2019 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 35

Shall the Town vote to raise and appropriate the sum of **\$15,000** for Economic Development purposes for Fiscal Year 2019/20, which begins July 1, 2019 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 36

Shall the Town vote to raise and appropriate the sum of **\$1,000** for Emergency Management for Fiscal Year 2019/20, which begins July 1, 2019 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 37

Shall the Town vote to raise and appropriate the sum of **\$90,000** for SCBA, Personal Protective Gear, Mobile Radio, AIS Heart Monitor and Virta V-100 Simulator for Fiscal Year 2019/20, which begins July 1, 2019 and place this amount in the 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 38

Shall the Town vote to raise and appropriate the sum of **\$20,000** for the for Fiscal Year 2019/20, which begins July 1, 2019 and four consecutive fiscal years following for fuel tank replacement at Public Works as required by DEP?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 39

Shall the Town vote to raise and appropriate the sum of **\$5,600** for Customer Service Window Replacement for Fiscal Year 2019/20, which begins July 1, 2019?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 40

Shall the Town vote to raise and appropriate the sum of **\$15,000** for the Unfunded Liabilities Account for Fiscal Year 2019/20, which begins July 1, 2019 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 current balance in this account is **\$118,000** and the Town's compensated absences balance as of June 30, 2018 was **\$228,133**.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 41

Shall the Town vote to raise and appropriate the sum of **\$25,000** for the for Fiscal Year 2019/20, which begins July 1, 2019 and consecutive fiscal years for grant matching funds to be placed into this account and carried forward each year?

NOTE: This funding will be used for 20% matching funds for KACTS (Kittery Area MPO), MDOT (Maine Dept. of Transportation) road programs, and Community Development Block Grants if awarded.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 42

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 Quadripoint Investment Management. The interest balance as of June 30, 2017 was **\$77,598**, 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 2019/20.

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 43

Shall the Town vote to charge interest on unpaid taxes at the rate of **8.00%** per annum, and to set the date when taxes committed for Fiscal Year 2019-2020 (July 1, 2019 through June 30, 2020) become due and payable as October 14, 2019 and April 16, 2020, with said interest to be collected after October 15, 2019 and April 17, 2020, 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 44

Shall the Town Vote to set an interest rate of **4.00%** 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?

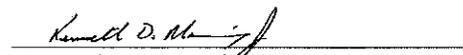
THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

The June 11, 2019 Town Meeting Warrant is signed and approved as presented/amended by the Berwick Board of Selectmen at its meeting on the 9TH day of April, 2019.

Thomas Wright, Chairman


Edward Ganiere, Vice Chair

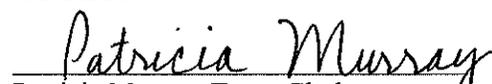

Rebecca England


Kenneth D. Manning, Jr.


Mark Pendergast

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, Chair


Edward Ganiere, Vice Chair


Rebecca England


Kenneth D. Manning, Jr.


Mark Pendergast

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 9th day of April, 2019.

 _____ 4-9-2019
Patricia Murray, Town Clerk Date

EXHIBIT A

Amendments for June 2019
Part A

1. Allow Low Impact Industrial in SC/I and reduction in SC/I dimensional requirements.

Low Impact Industrial	X	C*	C*	C*	C*	X	X	<u>C</u>	X	X
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	SP	RP	LR	SC/I
Minimum lot area (square feet.)	40,000	40,000	40,000	60,000 <u>10,000</u>
Minimum lot width (feet)	200	200	200	150 <u>100</u>
Minimum road frontage (feet)	200	200	200	150 <u>100</u>
Minimum shore frontage (feet)	200	200	200	300 <u>100</u>
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	100	100	100	25

EXHIBIT A

2. Addressing Note 1 and 10 in the dimensional requirements.

Notes:

1. In C/I, R1, R2, & RC/I the setback may be reduced to the average of like setbacks of the existing structures on abutting properties.

10. All uses within the Village Overlay District are exempt from dimensional requirements of the underlying C/I or R1 District, except the 25' setback requirement from the river, and are subject to the requirements established in Section 6.4. ~~Uses within the 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.~~

3. Subdivision & Land Use Ordinance change to private dead-end roads.

All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards. If this development is located in the R2, R3, AP zone and has a cul-de-sac or dead-end design, it shall not be accepted as a public way except if the road is part of a subdivision approved before the year 2019 and is still considered active by the Planning Department.

Dead-End Streets.

3. If the development is located in the R2, R3 or AP Zone, Dead end streets shall remain private until connectivity to other streets may occur except if the road is part of a subdivision approved before the year 2019 and is still considered active by the Planning Department. If the street is connected to another street making it a through way with a second means of egress to a public way and built to town standards it may be petitioned to become a public way.

7.21 Access to Lots.

H. If the development is located in the R2, R3 or AP Zone, dead end streets shall remain private until connectivity to other streets may occur except if the road is part of a subdivision approved before the year 2019 and is still considered active by the Planning Department. If the street is connected to another street making it a through way with a second means of egress to a public way and built to town standards it may be petitioned to become a public way.

4. New Definitions for terms on our Use Table & Use Table changes

Mineral Industry: Manufacturing, processing, and storage of industrial minerals.

Industrial Minerals: Naturally occurring rock or minerals used as raw materials for building, manufacturing, and agriculture. Examples include aggregates, clay and cement.

Parking facilities: A structure or land used for off-street parking of vehicles.

EXHIBIT A

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Motorized vehicular traffic on existing roads and trails.	A	A	A	A	A	A	A	A	A	A
Surveying and resource analysis	A	A	A	A	A	A	A	A	A	A
Emergency operations	<u>A</u>									
Signs	A	A	A	A	A	A	A	A	A	A
Yard Sale	A	A	A	A	A	A	A	A	A	A

5. Amendment to Animal Farm

Animal Farm: Any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

The follow standards apply to all districts except the R2 & R3 Zones:

Cattle: One bovine animal unit per acre of cleared hay-pasture land.

Horse: 1.5 animal units per acre of cleared hay/pasture land.

Sheep: Three animal units per acre of cleared hay/pasture land.

Swine: Two animal units per acre of cleared land.

Roosters: Are not allowed in the R1 District.

Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animal

EXHIBIT B

Amendments for 2019
Part B – Marijuana

1. Definition changes primarily to align with new State changes.

Drug store: means an establishment primarily engaged in the retail dispensing of prescription drugs and may offer nonprescription drugs, medical aids and convenience goods, but shall not permit the sale or distribution of ~~medical~~ **Adult Use Marijuana**. The definition of drug store includes a pharmacy.

Marijuana, Adult Use: Marijuana that is cultivated, manufactured, distributed or sold by a marijuana establishment for adults 21+ as defined by Maine Title 28-B.

Marijuana Cooperative: Two or more Medical Marijuana caregivers **or Adult Use cultivators** claiming a location as a primary residence in order to conduct ~~medical~~ marijuana home production. ~~Medical~~ Marijuana cooperatives are considered ~~medical~~ Adult Use Marijuana Production Facilities if marijuana is grown by an Adult Use cultivator and considered a Medical Marijuana Production Facilities if it is grown by a Medical Marijuana caregiver under the Berwick Land Use Ordinance.

Medical Marijuana Home Production: Cultivating, processing and/or storing of **Adult Use** or Medical Marijuana ~~by a qualifying patient at a person's~~ primary year-round residence. ~~for use by a~~ ~~qualifying patient.~~ This use shall be considered an accessory use.

Marijuana Production Facility, Adult Use: A facility used for cultivating, processing, and/or storing **Adult Use Marijuana by an Adult Use cultivator at a location which is not their primary year-round residence or their patient's primary year-round residence.**

Marijuana Store, Adult Use: A facility licensed under Maine Title 28-B to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Recreational Marijuana Retail: Means the cultivation, manufacture, distribution or selling of marijuana by a retail marijuana establishment for recreational consumption ~~as referenced in MRS 7, Section 2442~~

2. Use table amendments, allowing Recreational Marijuana Storefronts and Production Facilities in RC/I.

Recreational Marijuana Retail+	X	X	X	X	X	X	X	X	X	X
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+ Recreational Marijuana Retail is prohibited until the laws at the State level are determined, after that point, the Planning Board will review the Recreational Marijuana Retail definition and Land Use Table.

EXHIBIT B

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Medical Marijuana Cooperatives	X	X	X	X	C*	X	X	X	X	X
<u>Marijuana Production Facility, Adult Use</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marijuana Store, Adult Use</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

3. Separate marijuana uses – especially extraction/processing i.e. butane

Medical or Recreational Marijuana Production Facility: A facility used for cultivating, ethanol extraction, and/or storing marijuana by a marijuana caregiver or for recreational purposes at a location which is not the medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence. **Butane extraction is considered an Industrial Use and also is considered an Explosive Materials and shall follow Section 7.3.**

4. 8.25 changes

(Reminder to staff to change in table on contents)

8.25 Medical Adult Use & Medical Marijuana..... 105

8.25 Adult Use & Medical Marijuana

8.25.1. Purpose: The purpose of this section of the ordinance is to ensure that all cultivation, processing, storage, and distribution of **adult use &** medical marijuana does not have an adverse impact on the health, safety, and general welfare of the residents of the Town of Berwick, ME...

8.25.2. Exemptions: As an accessory use, **Adult Use &** Medical Marijuana Home Production shall be allowed in any qualifying patient’s residence or...

8.25.3. Location:

Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are allowed in the R3 Zone only on properties which have frontage on Route 9 or 4.

Adult Use & Medical Marijuana Production Facilities and Dispensaries cannot be within 1,000 feet of:...

8.25.5. Security

A. All growing of ~~medical~~ marijuana within a commercial production facility shall occur inside and only within a completely enclosed structure. This does not apply to home growing of ~~medical~~ marijuana.

EXHIBIT C

Town of Berwick Littering and Animal Waste Ordinance

1. Authority

This ordinance is enacted under Town of Berwick's home rule land use ordinance enactment authority pursuant to 30-A M.R.S. § 3001. Penalties established hereunder are established on the basis of authority granted to the Town 30-A M.R.S. § 3001 (4).

2. Purpose

The purpose of this ordinance is to prohibit waste and litter from being discarded improperly within the limits of the Town of Berwick. This behavior endangers the public health and negatively impacts the free utilization and enjoyment of the Community.

3. Definitions

Animal Waste: Waste matter eliminated from the bowels; excrement, feces, etc.

Litter: Any discarded, used or consumed substance or waste material, whether made of any metal, glass, plastic, rubber, paper, synthetic material or combination of materials, including, but not limited, to any bottle, can, jar, unlit or discarded cigarette, unlit or discarded cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings, brush or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material.

Litter Receptacle: A container suitable for the depositing of litter, including, but not limited to trash cans and recycling bins.

4. Prohibitions

A. Litter

No person shall throw, drop, deposit, discard, dump or otherwise dispose of or discard litter in any manner or amount:

1. In or on any public highway, road, street, alley, public right of way or other public lands or upon any privately owned property except when placed in designated litter receptacles.
2. In any fresh water lake, river, or stream, or on ice over these waters. When litter is thrown or discarded from a water craft, both the operator of the watercraft and the person actually disposing of the litter are in violation of this Ordinance.
3. From a trailer or vehicle that is constructed, loaded or uncovered in such a way that the load may drop, sift, leak or otherwise escape. This provision applies to vehicles or trailers carrying trash, rubbish or other materials that may be

EXHIBIT C

considered as litter. For any violation of this subparagraph, both the operator of the vehicle and any other person responsible for the litter are in violation of this Ordinance. Any litter from a commercial vehicle shall be deemed to have been done for a commercial purpose.

4. No person shall throw or deposit any commercial or noncommercial leaflet in or upon any vehicle. It shall not be unlawful for a person to hand distribute to another person, without any charge, any noncommercial leaflet or other literature provided that the recipient is willing to accept said materials.

B. Disposal of Animal Waste

An owner, caretaker, or other person responsible for an animal must remove and dispose of any animal waste any feces left by an animal on any sidewalk, street, public property through use of a plastic bag or similar container. This subparagraph does not apply to animal waste produced on private property provided that the owner of such private property consents to the same, nor does it apply to any person who, by reason of any mental or physical handicap, is unable to comply with the requirement of this subparagraph.

5. Penalties and Fines

Any law enforcement officer shall have authority to enforce the provisions of this Ordinance. Fines and penalties shall be imposed in the following manner:

A. A person who disposes of less than 15 pounds or less than 27 cubic feet of litter is subject to a fine of not more than \$500 nor less than \$50 for the first violation and not more than \$1000 nor less than \$500 for any subsequent violations. A person charged with a first violation of less than 15 pounds or less than 27 cubic feet of litter may waive all court action by payment of a fine at the municipal offices within 30 days of the alleged violation.

B. A person who does not dispose of Animal Waste properly will be fined \$25 upon the first offense, \$50 for the second offense and \$200 for the third offense.

C. A person who disposes of more than 15 pounds or more than 27 cubic feet of litter is subject to a fine of not more than \$1000 nor less than \$500 for the first violation and not more than \$2000 nor less than \$1000 for any subsequent violations.

D. A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for commercial purposes is subject to the penalties under 38 M.R.S. § 349.

E. A law enforcement officer may require the offending party to remove unlawfully discarded litter or animal waste and dispose of it in an approved manner in lieu of penalty with a written warning.