

6.4 Village Overlay District – **Hybrid** Form-Based Code District

The purpose of **the Hybrid** Form-Based Code is to:

- Allow for a diversity of appropriate and compatible uses within a zoning district
- Provide a more concise process for design, review and approval of structures.
- Deliver a development outcome that is more consistent with a traditional pedestrian oriented street development pattern

Berwick’s Form-Based Code zoning district is the Village Overlay District which overlays portions of the R1, SC/I and C/I Zoning Districts.

FIGURE 1. – Map of Village Overlay District– See the Town of Berwick’s Zoning Map at berwickmaine.org/maps as the map may be amended from time to time.

6.4.1 General: Purpose and Intent

- A. The Village Overlay District is intended to promote the development of the former tannery site, which is bounded by Sullivan Street, Wilson Street and School Street. The establishment of the Village Overlay District is consistent with the vision presented in the Comprehensive Plan which includes the Berwick Downtown Vision Report and Implementation Plan.
- B. The Village Overlay District will utilize the former tannery site, transforming it into a new village center that repurposes older buildings and allows for new buildings that will offer economic and commercial opportunities while also recognizing the Town’s industrial past. The reuse of the industrial buildings along with new buildings, a new street, and new public and private spaces will become the foundation of a thriving downtown.
- C. The Form-Based Code establishes standards for use and design of new and existing buildings, including size, height and required features as well as criteria related to roads, sidewalks, parking areas and open space.

6.4.2 Village Overlay District

- A. Objectives
 1. The Village Overlay District will improve and expand Berwick’s downtown and provide connections to the open spaces and adjacent residential neighborhoods.
 2. The Village Overlay District will allow for repurposing of existing former industrial buildings for commercial and residential uses, thereby allowing for a core downtown area of higher density, mixed use, buildings including low-impact industry, offices, retail and other commercial businesses and multifamily housing.

3. Continuous open space (known as a greenway) will run through the former tannery site connecting the recreational river area and the downtown neighborhoods to the community open space near the former Estabrook School.
4. The Village Overlay District will have a tight network of streets, including a new main street, with wide sidewalks, street trees and buildings set close to the street or with frontage on pleasing outdoor public spaces. A greenway connects public open spaces and the downtown to adjacent neighborhoods.
5. A wide range of residential buildings; including single-family, two-family, town houses or row houses and apartment houses will be allowed in the district.

6.4.2.1 Design Standards

A. Key Design Features of the Village Overlay District:

- 3 to 4 story mixed use buildings on Main Street with front façade detailing
- Active interaction between public and private spaces
- Increased density
- Increased availability of on-street parking
- Wide sidewalks
- Street trees
- Small off-street parking areas
- Public commons, outdoor spaces for restaurants and open space for civic activities
- Well defined corner buildings at the Main Street intersections with Wilson and Sullivan Streets.
- Greenway connectivity between the downtown, the river and surrounding neighborhoods
- Underground power and utilities

6.4.2.2 Main Street Design Standards

*Refer to Figure 2 and Figure 3

The new street to be designated Main Street shall run east to west through the former tannery site, connecting to School Street at its eastern end and to Sullivan Street, ~~approximately opposite of Eleanor's Street,~~ at its western end.

Minimum Right-of-Way Width	60 feet
Curb face to curb face	40 feet
Minimum Traveled Way Width	24 feet total paved driving lanes (12-feet for each direction) Refer to Figures 2 and 3
Parking Lanes	Parallel, 8 feet wide, paved, total length of street except for pedestrian crossings and intersections
Minimum Sidewalk Width	8 feet
Minimum Grade	.5%
Minimum Angle of Street Intersections with School and Sullivan Streets	90 degrees
Pedestrian crossing	<ul style="list-style-type: none"> • Raised where feasible: approximately same height as the curb • Use pavers or material different in color and texture than the travel lanes but must be ADA-friendly. • Provide bump outs at pedestrian crossings to shorten length of travel from sidewalk to sidewalk. • Granite curbing
Landscaping	Provide street trees every 25 feet on center in tree grates or as necessary to allow for ample growth
Street Lighting	Lighting fixture types to be similar along Main Street, School Street and Sullivan Street See Figure 6.4.2.4 Street Lighting
Access	To minimize curb-cuts, access to parking areas and driveways servicing buildings both new and existing, shall be shared.
Utilities	All utilities, including power, shall be installed underground.

FIGURE 2.- MAIN STREET SECTION A- without planting strip along road

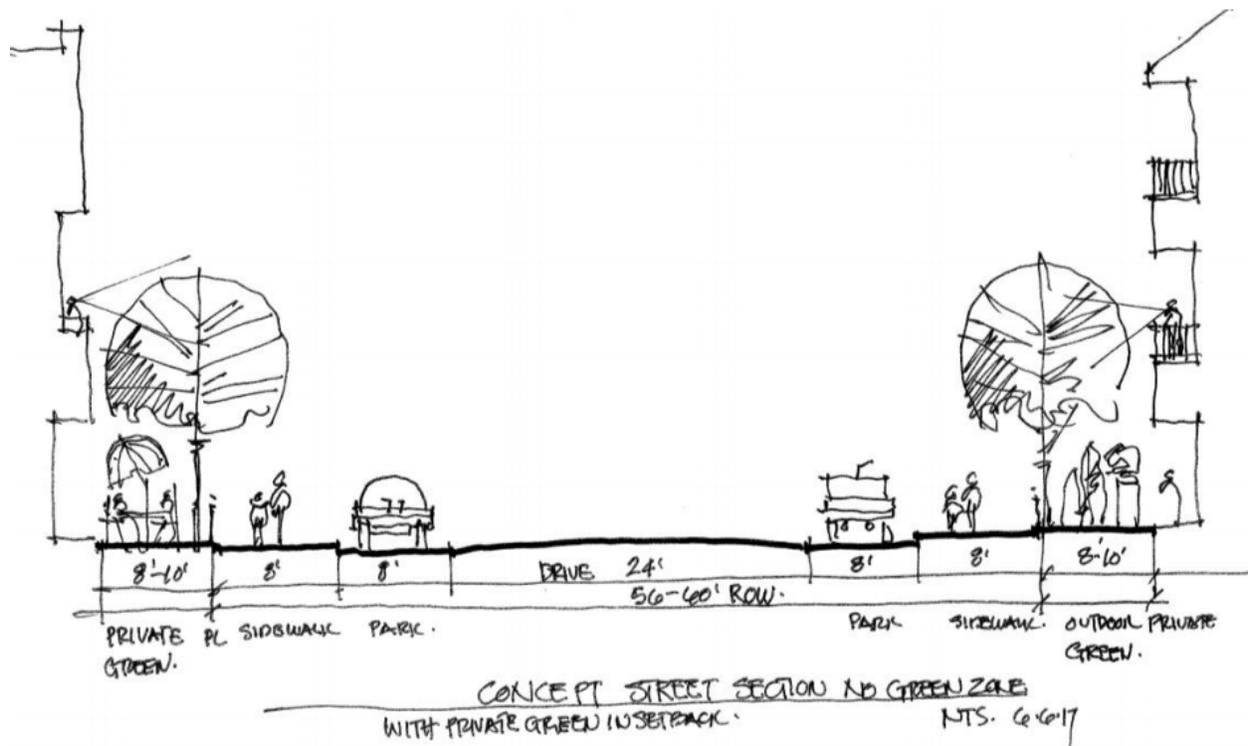
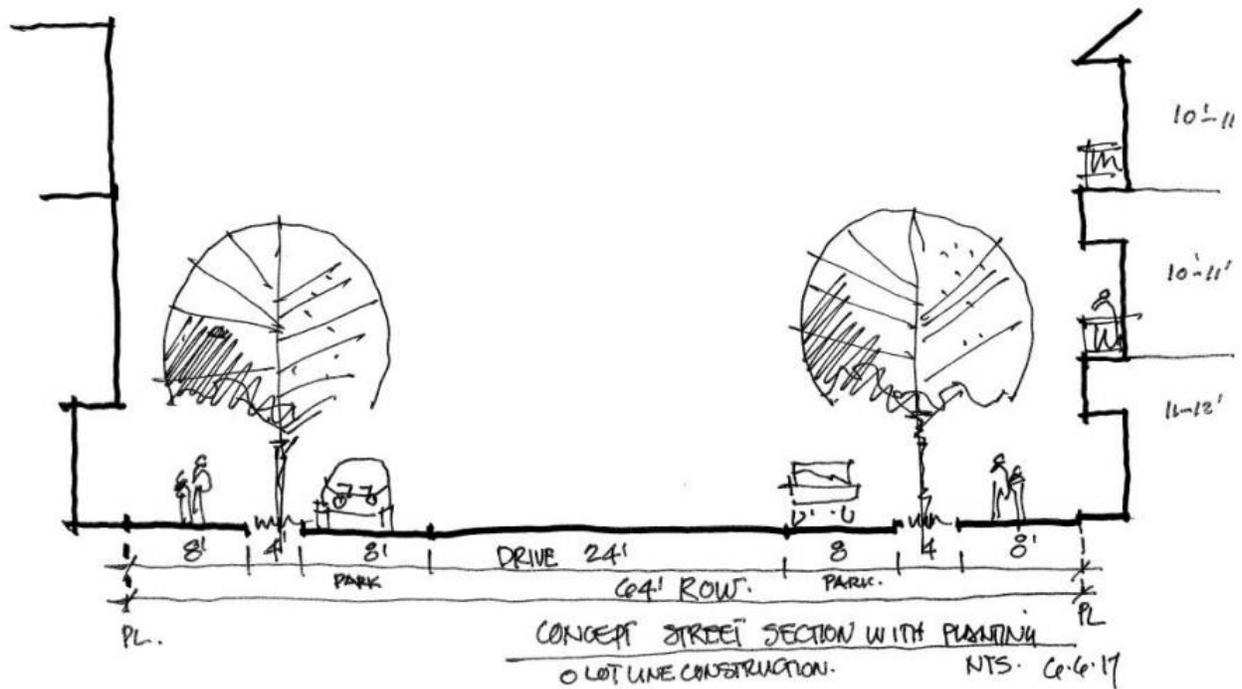


FIGURE 3. MAIN STREET SECTION B- with planting strip along road



6.4.2.3 **Access** Additional Streets

As redevelopment occurs within the former tannery site, portions of Sullivan Street, Wilson Street and School Street that abut the former tannery site shall be subject to new development and design standards. As parcels that abut the above-mentioned streets and others within the district are redeveloped, the following design standards shall apply

<u>Minimum Sidewalk Width</u>	<u>6 feet</u>
<u>Pedestrian crossings</u>	<ul style="list-style-type: none"> • Use materials different in color and texture than the travel lanes but must be ADA-friendly. • Granite curbing
<u>Access</u>	To minimize curb-cuts, access to parking areas and driveways servicing buildings both new and existing, shall be shared.
<u>Landscaping</u>	Provide street trees every 25 feet on center in tree grates or as necessary to allow for ample growth
<u>Street Lighting</u>	Lighting fixture types to be similar along Main Street, School Street and Sullivan Street See Figure 6.4.2.4 Street Lighting
<u>Utilities</u>	Utilities, including power, shall be located underground.

6.4.2.4 Street Lighting

All new street lighting added along Main Street, Sullivan Street, Wilson Street and School Street shall be in a style similar to Figure 4 below. Street lighting along Main Street must also include accessory arms for hanging banners and decorations.

FIGURE 4. - CONCEPT SITE LIGHTING-

Lighting Type	
 <p>Gooseneck</p>	Gooseneck Street Lamp LED Black post with candy cane arm *Approved light fixture for Main Street
	All other site and exterior building lighting are subject to Planning Board approval.
	All exterior lights shall have full cut off/fully shielded luminaries approved by the International Dark-Sky Association.

6.4.2.5 Open Space

- A. Redevelopment of the former tannery site requires 25% of the total site (comprised of the area bounded by Wilson Street, Sullivan Street, Saw Mill Hill and School Streets, excluding the area between Back Street, Sullivan Street and Saw Mill Hill) to be open space. This open space will be a combination of larger spaces suitable for public/civic events, greenways and smaller more intimate spaces. Refer to Section 6.4.4 Open Space/Greenways.

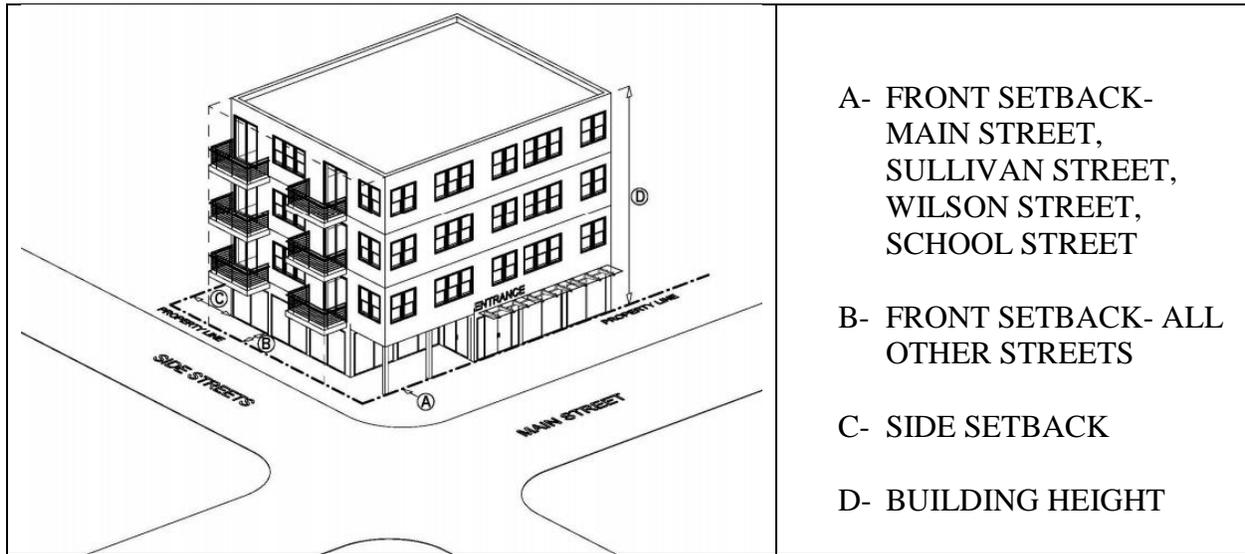
6.4.2.6 Building Standards and Features

- A. ~~New buildings shall be oriented to the street on which they have frontage, with large windows, covered entries, easy pedestrian access, and little to no setback from the street for business/commercial uses.~~ Buildings with first floor residential units shall be set back with small yards and/or porches and primary entrances facing the street. While not required, garages are encouraged for residential structures but shall be located in back of or to the side of the buildings.
- B. Building designs and construction shall meet all current energy codes and strive for near net zero. See Section 6.4.6 Energy and Sustainability.
- C. Best practices for storm water management and low-impact design are required. See Section 6.4.7 Storm water.
- D. Building materials, including siding and trim, shall be reviewed and approved by the Planning Board and shall be found consistent with the Design Guidelines as adopted by the Town.
- E. Residential uses on the first floor of a building shall be allowed in nonconforming structures in existence prior to May 12, 2015. However, first floor residential uses of nonconforming structures shall not be allowed if the building's footprint is expanded by 10% or more.
- F. All first-floor residential uses in new buildings with frontage on the new main street shall be reviewed by the Planning Board as a conditional use; and be Consistent with the terms of the Comprehensive Plan, which includes the Berwick Downtown Vision Report and Implementation Plan.
- G. **New residential construction shall** 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. This ratio pertains to the 7.7-acre parcel formerly known as Prime Tanning and structures contained with frontage on Wilson Street, School Street, and Sullivan Street.

6.4.3 Dimensional Requirements

The following Figures and Tables set forth the dimensional requirements and design standards for structures, parking and external elements within the Village Overlay District.

Figure 5: VILLAGE OVERLAY DISTRICT BUILDING PLACEMENT



- A- FRONT SETBACK- MAIN STREET, SULLIVAN STREET, WILSON STREET, SCHOOL STREET
- B- FRONT SETBACK- ALL OTHER STREETS
- C- SIDE SETBACK
- D- BUILDING HEIGHT

BUILDING PLACEMENT (PRINCIPAL BUILDING)		
Front Setback: Main Street, Sullivan Street, Wilson Street and School Street	0 feet to 5 feet setback for non-residential uses except for restaurants which propose outdoor dining which shall have a front setback of between 10 and 15 feet. 5 feet to 15 feet setback for residential uses depending on whether porches or front yards or both are proposed. Buildings with frontage on Access Streets may be set back as needed to accommodate a drive through.	A
Front Setback: All other streets	Equal to the average setback for existing buildings within the same block.	B
Front Setback, Secondary Street: (Corner Lot)	0 feet to 10 feet setback for non-residential uses except for restaurants which propose outdoor dining which shall have a setback between 10 and 15 feet. 5 to 10 feet for residential uses	B
Side Setback:	0 to 5 feet (2)	C
Rear Setback:	10 feet minimum (2)	
Frontage Build out:	75% minimum at front setback	

Notes:

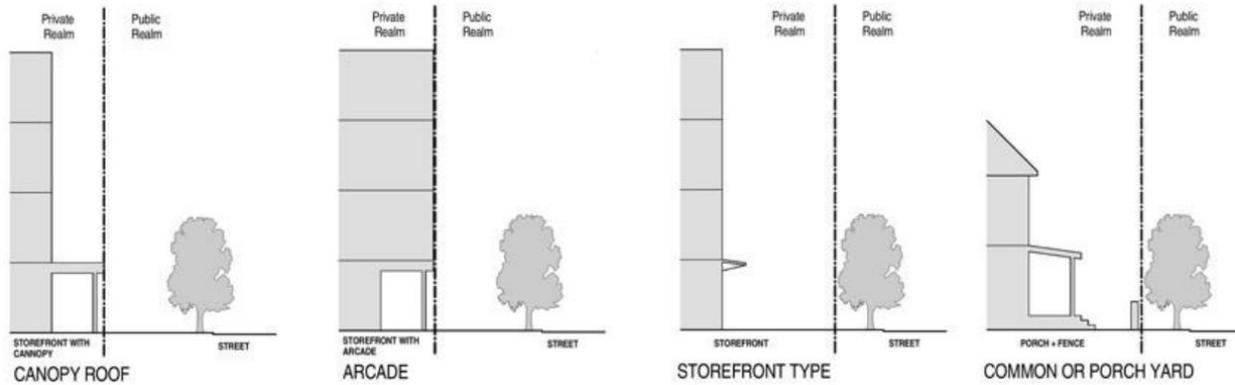
- (1) Building height shall not exceed immediately adjacent existing residential buildings by more than one story unless the existing building will be separated from the proposed building by more than 50 feet.
- (2) When a building is constructed adjacent to an existing single-family residence, the applicable side or rear setbacks shall not be less than 10 feet.

LOT OCCUPATION		
Maximum lot coverage	95%	
Lot Width	18 feet minimum, 150 feet maximum	

BUILDING FORM (PRINCIPAL BUILDING)		
Maximum building footprint	15,000 square feet	
Building Height:	2 story minimum, maximum of 4 stories/45 feet excluding unlivable attic space or as approved by Berwick Fire Department (see Note (1) above)	D
Entries	Primary entry door is encouraged along ground story facade facing the street on which the building has frontage.	
Façade Windows	20% -70% - first floor commercial uses must have 70% except for professional offices or financial or insurance services offices	
Front Façade Wall	Blank lengths of wall exceeding 12 linear feet are prohibited.	
Roof type	Gable, hip, flat	

BUILDING PLACEMENT (ACCESSORY)	
Front setback:	Principal building setback + 20 feet at minimum
Side setback:	0 feet minimum
Rear setback:	5 feet minimum

FIGURE 6: BUILDING SECTION- FRONTAGE TYPES



EXTERNAL ELEMENTS	
Fencing (residential):	A front yard fence, a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, wire, or barbed wire is allowed.
Access:	A vehicle entry way to a parking or loading area shall be a maximum width of 18 feet. Pedestrian access from parking areas, garages or parking structures shall exit directly to a frontage line except for underground parking accommodations.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Landscaping:	Landscaping is encouraged but shall not be an impediment on streets, sidewalks or travel ways. Street trees are encouraged. See Section 6.4.5

PARKING	
Residential	Vehicle parking areas shall be located only on driveways, in garages or designated parking areas and shall not extend into the street right of way or sidewalk. Residential parking areas and/or garages shall be located to the rear of the building whenever possible or to the side if rear location isn't achievable. Screening and/or fencing is required for parking areas along a street. Parking areas larger than 10

	spaces require additional landscaping. See Section 6.4.3
Commercial	No on-site or off-street parking (see Section 6.4.3.2 below) is required for certain commercial uses, see Section 6.4.3. However, if on-site or offstreet parking is required or is to be provided, such parking shall be located to rear of the property to the greatest extent possible. Parking to the side is limited to no more than 40% of the lot width. Screening and/or fencing is required for parking areas along a street. Parking areas larger than 10 spaces require additional landscaping. See Section 6.4.3.
Low-Impact Industrial	Parking shall be located to rear of the property to the greatest extent possible. Parking to the side is limited to no more than 40% of the lot width. Screening and/or fencing is required for parking areas along a street. Parking areas larger than 10 spaces require additional landscaping. See Section 6.4.3.

6.4.4 Parking

Article 7.7 for parking requirements shall apply except as noted below.

6.4.4.1 Parking Waivers

The Planning Board may waive or adjust all requirements for parking within the Village Overlay District when it is not possible or in the best interest of the Town to meet the requirements.

6.4.4.2 Definitions

For the purposes of the Village Overlay District, the following definitions apply:

Off-street parking means parking located in a parking area or lot which is shared with other buildings and is not located on the lot for which the use is proposed

On-site parking means parking provided on the same lot as the building for which the proposed use is located.

On-street parking means parking along either a proposed or existing street.

6.4.4.3 General Parking Standards for Commercial, Office, Mixed-Use or Multi-family Structures in the Village Overlay District

- ~~A. On street parking along the new main street shall be parallel parking only.~~
- ~~B. All off street or on site surface parking areas shall be located to the rear of the building. If this is not possible, as determined by the Planning Board, the parking area shall be to the side of the building.~~
- ~~C. No off street or on site surface parking area may contain greater than 30 parking spaces.~~
- D. All off-street and on-site surface parking areas which are not located behind a building or are located along a street must be screened from the street (see Section 6.4.6 Landscaping).
- E. Any off-street or on-site parking area which contains greater than 10 spaces is required to have additional landscaping (see Section 6.4.5 Landscaping)
- F. Shared parking is encouraged. A plan describing how shared parking would work is required as part of application that proposes such parking.

6.4.4.4 Parking Standards for Certain Uses

- A. Retail uses located on the first floors of mixed-use buildings are not required to have on-site parking. If on-site parking is proposed for a retail use, the standards in 6.4 shall apply.
- B. Restaurants are not required to have on-site parking if they will seat 40 or fewer people. If on-site parking is proposed for such a restaurant use, the standards in 6.4 shall apply.

6.4.5 Open Space/Greenways

A. Objectives

The Village Overlay District shall include open spaces both public and private. Open space means landscaped green areas designed for a purpose such as civic gatherings, outdoor performances, playgrounds, or sitting. These open spaces may or may not also contain hardscaped or paved walkways, seating areas, performing areas or sidewalks. Open space which may include a walkway and primarily exists to connect from one place to another is a greenway. A continuous greenway shall connect the former tannery site to the Salmon Falls River to the south and to the open space adjacent to the former Estabrook School to the north. Such greenway may connect along the way to other open space.

Redevelopment of the former tannery site within the Village Overlay District requires 25% of the total site (comprised of the area bounded by Wilson Street, Sullivan Street, Saw Mill Hill and School Streets, excluding the area between Back Street, Sullivan Street and Saw Mill Hill) to be open space.

Developers shall coordinate with the Town on locations of open space, greenways and connections to adjacent community spaces, seating areas, residential housing and playgrounds.

B. Key Design Features

1. Sustainably landscaped, using drought-tolerant and when possible, native plantings
2. Shade trees
3. Benches
4. Continuous greenway through former tannery site
5. Green infrastructure and best practices storm water management, such as rain gardens to manage and filter storm water
6. Places to sit, play and gather for all ages
7. Public art

6.4.5.1 Design Standards

- A. Greenways or paved/hardscaped walkways must be a minimum of 8 feet wide.
- B. The required continuous greenway shall connect the public park at the intersection of Saw Mill Hill and School Streets to the Town owned land on Wilson Street adjacent to the former Estabrook School.
- C. Open space shall comprise 25% of the former tannery site comprised of the area bounded by Wilson Street, Sullivan Street, Saw Mill Hill and School Streets, excluding the area between Back Street, Sullivan Street and Saw Mill Hill.
- D. All open space which includes seating shall have either trees or shrubs to provide shade and/or a sense of enclosure.
- E. Shade trees shall be installed along greenways whenever feasible, as determined by the Planning Board.
- F. Greenways and open space shall be included on site plans and landscape plans submitted for consideration by the Planning Board.

6.4.6 Landscaping

A. Objectives

This section consists of landscaping and screening standards for use throughout the Village Overlay District. The Town of Berwick recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Promote the reestablishment of vegetation in more densely settled areas for aesthetic, health, and urban wildlife reasons;
- Reduce storm water runoff pollution, temperature, and rate and volume of flow;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;

- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind.

B. Key Design Features

- Diversity of street trees
- Shade trees within the open spaces and along the continuous greenway
- Purpose-driven landscaped open spaces
- Landscaped parking areas
- Fencing • Hardscaped or paved walkways

6.4.6.1 Design Standards

Landscape plans shall be submitted for all projects for the Planning Board's review and approval.

A. Screening for Parking Lots

All parking lots not located behind a building or located along a street shall be screened as follows:

1. By trees and/or shrubs at least six feet tall, composed of at least 50% evergreen plantings, in numbers as determined by the Planning Board or;
2. By a fence between five and six feet tall, constructed of a material matching the finishes of surrounding buildings or;
3. By a combination of a fence four feet tall, constructed of a material matching the finishes of surrounding buildings, and deciduous trees and shrubs

B. Screening for Service and Loading Areas

1. All service areas for dumpsters, compressors, generators and similar items shall be screened as follows:
 - a. By a fence six feet tall, constructed of a material matching the finishes of surrounding buildings, surrounding the service area except for the necessary ingress/egress.
2. All areas to be used for loading that are not located within a parking area or that are not located behind a building shall be screened as follows:
 - a. By a fence six feet tall, constructed of a material matching the finishes of surrounding buildings, screening it from the street.

C. Landscaping for Parking Lots

All parking lots with more than ten parking spaces must:

1. Plant shade trees within planting strips at least four feet wide around the perimeters of the parking area at 15-20 foot intervals or

2. Provide a four foot wide interior planting strip within the parking area and plant shade trees at 15-20 foot intervals.
3. Shade trees shall have at minimum 1.5 inch caliper as measured six inches from the ground

D. Street Trees

1. Street trees shall be of a diversity of deciduous species to avoid decimation in the event of a disease or a pest and shall be non-fruit bearing
2. Street tree species shall be native when possible but shall be tolerant of salt and drought. Tree gators are required for the first several years after a tree is installed.
3. Street tree species chosen shall not be known for weak branching structure or a propensity for shallow roots that may cause sidewalk/walkway heaving.
4. Street trees shall have at minimum two inches caliper as measured six inches from the ground.

E. Types of Plantings (Trees, Shrubs, Perennials, Ornamental Grasses)

1. Native plants are preferred
2. Invasive species as defined by the State of Maine are prohibited
3. Herbaceous perennials and ornamental grasses are encouraged
4. Low maintenance, drought-tolerant plants are encouraged

F. Installation and Maintenance

1. All planting beds and strips shall be mulched either with compost or with a natural-colored bark mulch. No dyed mulches such as orange or red are permitted.
2. All trees shall have tree gators installed to provide moisture during their first years of being planted.
3. Any tree, including a street tree, shrub or plantings that are part of a plan, reviewed and approved by the Planning Board which does not survive for one full year after installation shall be replaced by the applicant at the applicant's cost.
4. Even if drought-tolerant, all plantings will require water at least occasionally the first year or two after planting in order to survive.
5. While plantings should be drought-tolerant, drip irrigation may be used if regulated by a timer and conditions. Irrigation may not be run indiscriminately.

6.4.7 Energy and Sustainability

- A. Site design and building placement shall be attentive to the surrounding environment including sun, wind and shade patterns related to existing buildings.

- B. Buildings must be built to meet IEEC2015 standards. Building designs and construction shall meet all current energy codes. Energy efficiency with a goal of near net zero is strongly encouraged.
- C. Use of solar power, geothermal, and other alternative and sustainable power sources are encouraged.

6.4.8 Storm water

- A. All applications in the Village Overlay District shall be required to comply with the Town of Berwick's storm water regulations as found in Berwick's Zoning Ordinance.
- B. Green roofs, rain gardens, bioretention cells and other such low impact development is both strongly encouraged and preferred.

6.4.9 Application and Process

6.4.9.1 Application

- A. All applications must include:
 - 1. Village Overlay District application form.
 - 2. Site plans which meet the requirements of Article 9.8 and in addition must show:
 - a. All greenways, open space and sidewalks, both proposed and existing
 - b. The footprint of all existing abutting buildings
 - c. All existing or proposed utilities
 - d. All on-site parking, loading and service areas
 - 3. Building elevation drawings showing all four sides of the building including details such as windows, doors, trim, etc.
 - 4. A materials list to include the type of siding, roofing and trim.
 - 5. Landscape plan as a separate plan if a parking area and/or open space area, either public or private is proposed. Such plan shall include a planting list and hardscaping and/or fencing details.
 - 6. A storm water management plan prepared in accordance with Article 7.17 if required.
- B. The Planning Board may request additional plans or reports as they deem necessary at any time during the approval process.

6.4.9.2 Process

A. Prior to submitting the application, the Applicant shall meet with the Code Enforcement Officer and the Town Planner/Planning Consultant to discuss the application.

B. The process as described in Article 9.8 Conditional Use Permits and Site Plan Review shall be followed unless otherwise noted.

C. The Planning Board may, at the Applicant's expense, hire an engineer, consultant or other professional to review the plans. The Applicant shall be given an estimate of the cost of such services and shall submit that sum to the Town before being placed on the agenda for further discussion with the Planning Board. Any funds remaining after the Town has paid the review bill in full shall be remitted to the Applicant. If the Planning Board requires additional review or the funds are not sufficient to complete the review, the Applicant shall submit the necessary funds before being placed on the Planning Board agenda. No building permit may be issued until all review costs have been submitted in full by the Applicant to the Town.

6.4.9.3 Waivers

A. Submission Requirements.

1. The Planning Board may waive a submission requirement when it is shown by the Applicant that the circumstances of the site proposed for development are such that the requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect abutting landowners or the general health, safety and welfare of the Town and where the waiver would not have the effect of nullifying the intent and purpose of the official zoning map, any ordinance, or the Comprehensive Plan.

2. The Applicant shall submit a written request and the reason for the waiver at the time of application submission.

3. The Board shall consider and accept or reject each waiver request separately. Each approved waiver request and the special circumstances which the Board considered before granting the waiver shall be included in written Findings of Fact.

B. Dimensional Requirements

1. Any request for variance of any dimensional requirements under this Ordinance shall be subject to the requirements for applications for variance under the Town's Zoning Ordinance and as required by 30-A M.R.S. § 4353(4) or any successor statute and shall be decided by the Town's Zoning Board of Appeals.

Personal Sawmill: A machine for sawing logs into lumber able to be moved from lot to lot, similar to a trailer, not to exceed 30 **50** horsepower.

Sawmill: A mill or machine for sawing logs into lumber, may be located in a structure and used as a commercial operation, or is greater than 30 **50** horsepower.

8.25.3. Location: Marijuana Establishments are allowed in the **RC/I &** R3 Zone only on properties which have frontage on Route 9 or 4

8.25.8 Permits

A. The number of Conditional Use permits granted for in each zone as of June 9, 2020 shall be the limit of permits granted in each zone. The number of Conditional Use permits in each zone shall be tracked and monitored by the Town of Berwick Community Development & Planning Office. This provision shall be reviewed by the Berwick Planning Board and amended as needed on an annual basis.

B. Marijuana Testing Facilities are exempt from the limit.