

Legal Notice

**TOWN OF NORTH BERWICK
PUBLIC HEARING
TUESDAY, MARCH 15, 2022
6:35 P.M.
Room 212 Town Hall**

Referendum Questions For Annual Town Meeting

The North Berwick Board of Selectmen will hold a Public Hearing on Tuesday March 15, 2022 at 6:35 p.m. in the Town Hall Conference Room #212 pursuant to 30-A MRSA 2528 (5) on the proposed Zoning Ordinance amendments, Animal Control Ordinance amendments and Statutory Local Liquor Options located at 21 Main Street on the proposed Referendum Questions for the 2022 Annual Town Meeting. The questions to be presented to voters are:

Statutory Local Option Election Questions

Question #1: “Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sundays?”

Question #2: “Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on Sundays?”

Town Meeting Referendum Questions

Question #3: Shall an ordinance entitled “Proposed Zoning Ordinance Amendments to Enact Drinking Establishment Performance Standards” be enacted?

Question #4: Shall an ordinance entitled “Proposed Zoning Ordinance Amendments to Revise Driveway Definition” be enacted?

Question #5: Shall an ordinance entitled “Proposed Animal Control Ordinance Amendments” be enacted?

The Board of Selectmen encourages all interested persons to attend this Public Hearing.

Referendum Questions for Annual Town Meeting

Statutory Local Option Election Questions

Question #1: “Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sundays?”

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Town Meeting Referendum Questions

Question #3: Shall an ordinance entitled “Proposed Zoning Ordinance Amendments to Enact Drinking Establishment Performance Standards” be enacted?

Question #4: Shall an ordinance entitled “Proposed Zoning Ordinance Amendments to Revise Driveway Definition” be enacted?

Question #5: Shall an ordinance entitled “Proposed Animal Control Ordinance Amendments” be enacted?

Statutory Local Option Election Questions: Question #1: “Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on days other than Sundays?”

Question #2: “Shall this municipality authorize the State to issue licenses for the sale of liquor to be consumed on the premises of licensed establishments on Sundays?”

Town Meeting Referendum Questions:

Zoning Question #1: Shall an ordinance entitled “Proposed Zoning Ordinance Amendments to Enact Drinking Establishment Performance Standards” be enacted?

Proposed Zoning Ordinance Amendments to Enact Drinking Establishment Performance Standards

The Zoning Ordinance of North Berwick, Maine, is proposed to be amended to add the following new Section 5.2.23:

5.2.23 Drinking Establishment Standards

- A. Ownership:** An operator of a Drinking Establishment who does not own his or her property and who wants to operate a Drinking Establishment shall obtain written permission from the property owner.
- B. Security and oversight requirements:**
 - 1. Alarm Systems - Drinking Establishment shall have door and window intrusion alarms with audible and police notification components.
 - 2. Exterior security lighting – Drinking Establishment shall have spot lights with motion sensors covering the full perimeter of the facility.
 - 3. Video surveillance – Drinking Establishment shall have recorded video surveillance covering the entire exterior. The recorded video surveillance shall operate 24 hours a day, seven days a week. Records of surveillance shall be kept for a minimum of 30 days.
 - 4. Locks – Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).
- C. Compliance with health and safety codes:** The structure where a Drinking Establishment is operated shall meet all applicable requirements of the Town's building, electrical, fire, and other health safety and technical codes. The structure where a Drinking Establishment is operated shall be constructed of building materials approved by the Code Enforcement Department and Fire Chief, or their designees.

D. Setbacks from Sensitive Uses: Unless otherwise permitted by 28-A M.R.S. § 701, No Drinking Establishment shall be allowed within 300 feet of any existing public or private school, school dormitory, church, chapel, or parish house (each a “Sensitive Use”), with the distance measured from the main entrance of the premises of the Drinking Establishment to the main entrance of the Sensitive Use by the ordinary course of travel. Applicants for any Sensitive Use proposed within the 300-foot setback of an existing Drinking Establishment shall be required to sign a form, which may be obtained from the Code Enforcement Department, which indicates that they are aware that an existing Drinking Establishment is located within the setback area.

Intent:

Due to a recent review of the Maine Liquor Laws, the Town of North Berwick is now required to either allow for all types of liquor to be served in all establishments and not limit the type of establishment if the town allows any consumption on premises. This Zoning Ordinance change establishes standards for Drinking Establishments that are consistent with other standards contained within the Zoning Ordinance.

Zoning Question #2: Shall an ordinance entitled “Proposed Zoning Ordinance Amendments to Revise Driveway Definition” be enacted?

**Proposed Zoning Ordinance Amendments
to Revise Driveway Definition**

The Zoning Ordinance of North Berwick, Maine, is proposed to be amended by removing the words shown in strikethrough form and adding the words shown in underline form to the definition of “Driveway” in Article 3, Section 3.2, as follows:

Driveway: a vehicular access-way ~~less than five hundred (500) feet in length~~ serving up to two single-family dwellings or one two-family dwelling, ~~or less, except that in the Shoreland Zoning Districts, a driveway is a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.~~ a driveway is a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Intent: To remove the length restriction for a residential driveway except in the Shoreland Zoning districts as required by the State of Maine Mandatory Shoreland Zoning Law.

Animal Control Ordinance Question #1: Shall an ordinance entitled “Proposed Animal Control Ordinance Amendments” be enacted?

Proposed Animal Control Ordinance Amendments

The Town of North Berwick Animal Control Ordinance is proposed to be amended by removing the words shown in strikethrough form and adding the words shown in underline form, as follows:

...

1.10 Duty to dispose of waste: It shall be a violation of this Ordinance for any owner to fail to immediately remove and dispose of any feces left by the owner’s dog on any sidewalk, street or publicly owned property.

~~1.10~~ 1.11 Violations: Any person found in violation of sections 1.1, 1.2, ~~and~~ 1.3 or 1.10 shall be subject to a fine of not less than \$10.00 and not more than \$100.00 for each offense. Any fine collected shall inure to the Town of North Berwick.

~~1.11~~ 1.12 If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

...

Intent: To amend the ordinance to require any person who owns, possesses or controls a dog to properly clean up their dog’s feces on any publicly owned property including streets, sidewalks.