

Legal Notice

TOWN OF NORTH BERWICK PUBLIC HEARING THURSDAY, February 9, 2023 - 6:30 P.M. TOWN HALL ROOM 212

Planning Board Proposed Zoning and Subdivision Ordinance Amendments Public Hearing

The Planning Board will hold a Public Hearing in the Town Hall Room 212 room, pursuant to 1.5.3 of the North Berwick Zoning Ordinance and Subdivision Ordinance Amendments. The Public Hearing will be held on the following Proposed Amendments to Zoning Ordinance & Subdivision Ordinance:

Proposed Zoning Amendments to include;

1. Article 4.2.c.2 – Shoreland Zoning. Amendment ordinance to reduce setback requirement of principal and accessory structures from 100 feet to 75 feet to be consistent with State of Maine DEP requirements.
2. Table 4.3 – Amend Dimensional Requirements Table to reflect changes to Shoreland Zoning Setbacks proposed in the ordinance change
3. Article 5.2.10 - Recreational Vehicles. Amend ordinance to require a permit to utilize a Recreational Vehicle as a dwelling for more than 90 days and no more than 120 days in a calendar year.
4. Article 5.2.24 – Solar Energy Performance Standards. Amend Ordinance to adopt performance standards for the development of Residential, Commercial and Utility Solar Energy Systems.
5. Table 4.2 – Amend Land Use Table in accordance with the proposed changes to the ordinance: specifically Residential, Commercial and Utility Solar Energy Systems.
6. Article 3 – Definitions. Amend the ordinance definition specifically to include a definition of Solar Energy System; Residential, Commercial and Utility.
7. Zoning Map – Rezone an area on Company Woods Road from Industrial to Residential I to allow residential housing opportunities on parcels of land in a residential neighborhood.

Subdivision Ordinance Amendments;

1. Article 6.3 – Submissions – Amendment Minor Subdivision submission requirements from a reproducible, stable based, transparent original to a format acceptable to the York County Registry of Deeds.
2. Article 8.3 – Submissions – Amendment Major Subdivision submission requirements from a reproducible, stable based, transparent original to a format acceptable to the York County Registry of Deeds.

Copies of the proposed amendments can be viewed in the Code Enforcement Office during regular scheduled hours or on the Town’s website: townofnorthberick.org.

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

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

Proposed Zoning Amendment
Amend Shoreland Zoning Setback from 100' to 75'

Currently reads:

4.2.c. Principal and Accessory Structures within Shoreland Zones

- (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 one hundred (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 General Development I District the setback from the normal high-water line shall be at least seventy five (75) 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.

Proposed Language:

4.2.c. Principal and Accessory Structures within Shoreland Zones

- (2) All new principal and accessory structures shall be set back at least ~~one hundred (100)~~ **seventy five (75)** feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and ~~one hundred (100)~~ **seventy five (75)** 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 General Development I District the setback from the normal high-water line shall be at least seventy five (75) 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.

Intent: To amend the Shoreland Zoning minimum setback from 100 feet to 75 feet to be consistent with current Maine Department of Environmental Protection Standards developed for Shoreland Zoning.

Table 4.3 DIMENSIONAL REQUIREMENTS

Lots in all districts shall meet or exceed the following minimum requirements. (Additional area may be required by other provisions of this ordinance.)

	see notes all zones	Resrc prot. distr. (i)	Shrlnd limit. resid. dist.	Shrlnd Gen. devel.	Shrlnd stream prot.	Comm II & Industrial	Resid. distr. 1	Resid. distr. 2	Farm & Forest	Vill. Ctr. & Comm'l	Vill. A distr.	Vill. B distr.	Vill. C overlay	*Aquifer Protection Zone A&B
Minimum lot size (sq.ft.) without public water & sewer	j, p	a,o,r	60,000 o,r, *	40,000 o,r,s,	60,000 o,r, *	40,000 k	40,000 k	80,000	160,000 *	20,000 k, m	20,000 k	30,000 k	20,000 k, m	4 Acres (174,240)
" With public water & sewer	p	o, r	o, r	o,r,s	o, r					10,000 k, m			10,000 k, m	und. distr.
Minimum road frontage (feet)	b,e		200	100	100	100	150	200	300	25	100	125	und. distr.	300
Minimum shore frontage (feet)	b	q	200(q)	200(q)	200(q)	200	200	200	300	200	200	200	200	und. distr.
Minimum yard dimensions (feet) Front setback	c		50	50	50	50/30 (1)	50	80	100	10	35	50	50	und. distr.
Side setback	l		25	20	20	100/20 (d,g,2 Indus)	35	60	75	0 (d)	20 (g)	25 (g)	und. distr.	und. distr.
Rear setback			25	25	25	20(d,g)	50	60	75	10 (d)	25 (g)	30 (g)	und. distr.	und. distr.
Rear setback when abutting a Residential Use Only applies to Commercial and Industrial Uses			30	30	30	100(g)	60	75	100	10	30	35	25	und. distr.
Shoreland setback from normal high water	t		100 75	75(n)	100 75	200	100 75	100 75	100 75	75		100 75	100 75	und. distr.
Maximum lot coverage Residential for structures	h		10%	70%	25%	25%	10%	5%	5%	80%	25%	25%	30%	und. distr.
" Non-residential for structures	h		10%	70%	40%	50%	20%	10%	10%	80%	40%	40%(l)	35%	und. distr.
Max. buidling height (feet)			35	35	35	35	35	35	35	35	35	35	35	35
Max. floor to area ratio (FAR)										240%				

(1) 50/30 = 50 feet from abutting residential lot
30 feet from abutting non-residential lot

(2) 100/20 = 100 feet from abutting residential district
20 feet from abutting non-residential district

* See Aquifer Protection District Requirements

**Proposed Zoning Ordinance Amendment 2023
Recreation Vehicles**

Currently Reads:

5.2.10 Recreational Vehicles

A recreational vehicle is a vehicle or vehicular attachment which is designed for temporary sleeping or living quarters for one or more persons, and which is not a dwelling. The term may include pick-up campers, travel trailers, tent trailers, and motor homes. In order to be considered as a vehicle and not as a structure subject to this Ordinance, the building code, and federal manufactured housing standard, the unit must:

- a. remain with its tires on the ground;
- b. posses a current registration sticker or papers from any State Division of Motor Vehicles; and
- c. not be occupied as a dwelling for more than ninety consecutive days, or more than 120 days in any calendar year, unless the vehicle is located in a licensed campground.

Proposed to Read:

Add 5.2.10.d

d. A Code Enforcement Officer permit shall be required to utilize a Recreational Vehicle as a dwelling and not located within an RV park for more than 90 consecutive days or more than 120 days in a calendar year. This permit shall be required for anyone who allows a recreational vehicle to be utilized as a dwelling for more than 1 consecutive week on their property. Cost of said permit shall be established by the Board of Selectmen. The property owner will be responsible to provide the Code Enforcement Officer with evidence of potable water and sewage disposal as part of the application process.

Intent: To require a permit for the usage of a Recreational Vehicle as a dwelling and not located within an RV park for more than 90 consecutive days or more than 120 days in a calendar year

Proposed Zoning Ordinance Amendment 2023

Solar Energy Performance Standards

5.2.24 Solar Energy Performance Standards

A. Purpose. The purpose of these provisions is to regulate a solar energy system, allow the town to be informed of the placement of a solar energy system, preserve and protect public health and safety, allow for orderly development of land, and protect property values.

B. Standards

1. A residential solar system (RSS), is allowed in all Zoning Districts and shall:
 - a. Comply with the setback and height requirements of the zoning district in which the system is to be installed.
 - b. Comply with the provisions of all applicable requirements of the Town's building, electrical, fire, and other health safety and technical codes.
 - c. Be installed so as not to cause any wire or wireless communication signal disturbance.
 - d. Be sited to prevent glare onto abutting properties, structures, and roadways.
2. Commercial Standards. A commercial solar system (CSS) and utility solar system (USS) shall:
 - a. Comply with the requirements of Conditional Use review.
 - b. Comply with the setback and height requirements of the zoning district in which the system is to be installed; however, the Planning Board may require additional setbacks and buffers from existing abutting residential uses to minimize impacts from the project.
 - c. Comply with the provisions of all applicable requirements of the Town's building, electrical, fire, and other health safety and technical codes.
 - d. Ground-mounted system.
 1. Secure all ground-mounted electrical and control equipment to prevent unauthorized access. The system shall be enclosed within a minimum six (6) foot tall fence with locking gate and Knox-Box[®] to provide emergency access. The type of fence shall be appropriate for security, screening, and/or other purposes and shall be similar to and/or compatible with the style of fences used within one-thousand (1,000) feet of the property boundary.
 2. A ground-mounted system shall comply with the standards specified in 5.2.24.1.
 - e. Install all electrical wire and utility connections, except for transformers and controls, underground to the greatest practical extent. The Planning Board shall consider prohibitive costs and site limitations if asked to waive this standard.
 - f. Limit exterior lighting to that required for safety and operational purposes.
 - g. All signs shall meet the town's sign ordinance.

- h. Be appropriate to the surroundings and minimize environmental and visual impacts on adjoining properties, including:
 - 1. Screening ground-mounted installations from view by abutting residential properties, using vegetation, topography, and/or fencing.
 - 2. Using a manufactured finish appropriate to and compatible with the surroundings, with reflective characteristics that minimize negative visual impacts to the greatest practical extent.
- i. Shall plant native, non-invasive groundcover, which is low-maintenance, drought resistant, and non-fertilizer dependent, under and between rows of solar panels to prevent soil erosion. The Planning Board may require a performance guarantee for CSS projects.
- j. Be removed if it has not produced power for a period of twelve (12) consecutive months. In the event of a natural disaster, act of violence, or other event which results in the absence of electrical generation for twelve (12) months, by the end of the twelfth (12th) month of nonoperation the applicant shall demonstrate to the Town that the project shall be substantially operational and producing electricity within twenty-four (24) months of the event. If such demonstration is not made to the Town's satisfaction, the decommissioning shall be initiated eighteen (18) months after the event.
- k. A performance guarantee approved by the Town Manager shall be provided prior to initiating construction. The performance guarantee shall provide adequate funds to cover the total cost of decommissioning. Every five (5) years after the start of construction, updated proof of the cost of decommissioning shall be submitted to the Town Manager. If the amount of the current performance guarantee is inadequate to cover the total cost of decommissioning, the applicant shall provide a new performance guarantee to the Town in an amount which is adequate to cover the total cost of decommissioning.
- l. A USS shall be required to meet these additional standards:
 - 1. Shall not be sited on active or non-active agriculture and or farmland. Solar development shall not be located on soils which are most suitable for agriculture (based on the Soil Suitability Guide or Land Use Planning In Maine). Sites of unusable land are better. (See 5.2.24.B.1.3)
 - 2. Shall minimize impacts on active farmland including, but not limited to, fencing, use of waterways, obstructions created by placement of structures and/or overhead collection lines, division of larger fields into smaller or irregularly shaped fields, need for extensive areas of cut and fill, among other factors that create a burden or unreasonable impact on active farming activities.
 - 3. Shall encourage siting on unproductive land and previously disturbed land to the greatest extent possible. All topsoil disturbed during construction shall be stockpiled and returned to the site.

4. Shall locate access roads and overhead collection lines along the edge of agricultural fields in areas next to field boundaries and hedgerows and in nonagricultural portions of the site. Access roads that are proposed to be constructed through agricultural fields shall be level with the adjacent field surfaces, where possible.
5. Shall demonstrate how the site shall be restored to its original state, including surface grade, soil, and vegetation, as part of removal of infrastructure and decommissioning.
6. Shall not be sited on properties where public sewer and water services can be extended and a compact pattern of residential development can feasibly be developed in conformance with the purpose of the zoning.
7. Shall minimize impacts on nearby existing residential development and/or residential zones, including, but not limited to siting, fences, buffers, and/or screens.
8. Shall locate access roads and overhead collection lines to minimize impacts on nearby existing residential development and/or residential zones.
9. Shall demonstrate that stormwater, erosion control, and landscape plans maintain water quality and minimize export of sediment, phosphorus, and other contaminants from the site in support any waterbody or wetland.
10. A performance guarantee approved by the Town Manager shall be provided prior to initiating construction. The performance guarantee shall provide adequate funds to cover the total cost of the planting of native, non-invasive groundcover, which is low-maintenance, drought resistant, and non-fertilizer dependent, under and between rows of solar panels to prevent soil erosion. This performance guarantee is in addition to the performance guarantee for the decommissioning of the site.

Article 3 - Definition:

SOLAR ENERGY SYSTEM

A solar collection system used to capture, convert, and supply electrical energy or thermal power, and consisting of one (1) or more freestanding, ground, roof, or wall mounted, solar arrays or modules, or solar related equipment, intended to reduce consumption of utility and/or fuel-generated power.

A. RESIDENTIAL SOLAR SYSTEM (RSS) - Intended for residential uses where the power generated is utilized only for the single family residential property upon which is it sited.

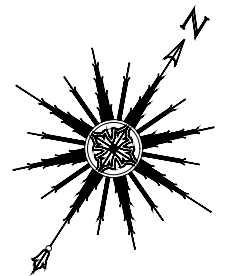
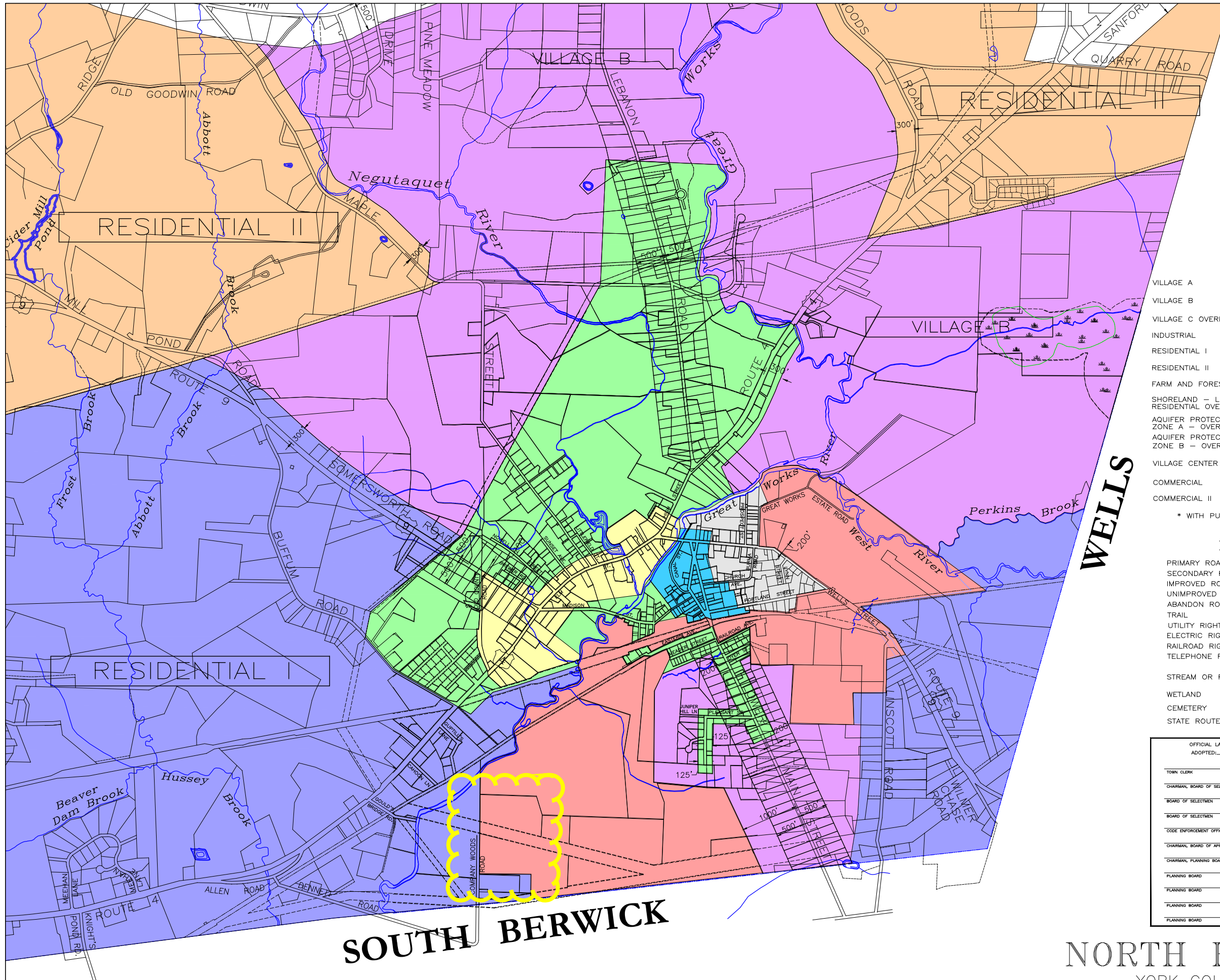
B. COMMERCIAL SOLAR SYSTEM (CSS) - Intended for a multifamily dwelling, multifamily dwelling above the ground floor of a mixed use development, mobile home park, convalescent, rest, or nursing home, residential care or congregate care facility, institutional use, recreational use, commercial or industrial use, or rural use, a CSS may be up to twenty thousand (20,000) square feet in surface area with a rated nameplate capacity of up to two-hundred-fifty (250) kilowatts (kW) The Planning Board may waive the size limits for surface area and nameplate capacity if the applicant demonstrates to the Board's satisfaction that the additional surface area and/or nameplate capacity is needed to meet the energy requirements for intended onsite use.

C. UTILITY SOLAR SYSTEM (USS) - Intended for off-site utility grid use, a USS is larger than twenty-thousand (20,000) square feet in surface area with no limit on the rated nameplate capacity.

Intent: To adopt performance standards for the siting and development of Solar Energy Systems.

Village Center	Village A,B	Resrce protect	Shorel'd Lim.Res	Shorel'd Stream	Shorel'd General	Residen Dists.	Farm/ Forest	Commc'l Dist.	Commc'l II	Indust. Dist.
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MEDICAL MARIJUANA Home Cultivation – Medical and Personal Recreation	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Medical Marijuana Dispensary	CU	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Medical Marijuana Counseling Office	CU	NO	NO	NO	NO	NO	NO	NO	CU	CU	CU
SOLAR ENERGY SYSTEMS Residential Solar System	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Commercial Solar System	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Utility Solar System	CU	CU	CU	CU	CU	CU	CU	NO	CU	CU	CU



	MINIMUM SIZE SQ. FEET	MINIMUM FRONTAGE FEET
VILLAGE A	20,000	100
VILLAGE B	30,000	125
VILLAGE C OVERLAY	20,000 10,000*	100
INDUSTRIAL	40,000	100
RESIDENTIAL I	40,000	150
RESIDENTIAL II	80,000	200
FARM AND FOREST	160,000	300
SHORELAND - LIMITED RESIDENTIAL OVERLAY	60,000	200
AQUIFER PROTECTION ZONE A - OVERLAY	60,000	200
AQUIFER PROTECTION ZONE B - OVERLAY	60,000	200
VILLAGE CENTER OVERLAY	20,000 10,000*	25 25
COMMERCIAL	20,000	25
COMMERCIAL II	40,000	100

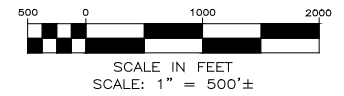
* WITH PUBLIC WATER AND SEWER SERVICES

LEGEND

PRIMARY ROAD	=====
SECONDARY ROAD	=====
IMPROVED ROAD	=====
UNIMPROVED ROAD	=====
ABANDON ROAD	=====
TRAIL	-----
UTILITY RIGHT OF WAY	=====
ELECTRIC RIGHT OF WAY	=====
RAILROAD RIGHT OF WAY	=====
TELEPHONE RIGHT OF WAY	=====
STREAM OR RIVER	~~~~~
WETLAND	
CEMETERY	
STATE ROUTE	

OFFICIAL LAND USE DISTRICT MAP
ADOPTED: _____

TOWN CLERK	_____	DATE	_____
CHAIRMAN, BOARD OF SELECTMEN	_____	DATE	_____
BOARD OF SELECTMEN	_____	DATE	_____
BOARD OF SELECTMEN	_____	DATE	_____
CODE ENFORCEMENT OFFICER	_____	DATE	_____
CHAIRMAN, BOARD OF APPEALS	_____	DATE	_____
CHAIRMAN, PLANNING BOARD	_____	DATE	_____
PLANNING BOARD	_____	DATE	_____
PLANNING BOARD	_____	DATE	_____
PLANNING BOARD	_____	DATE	_____

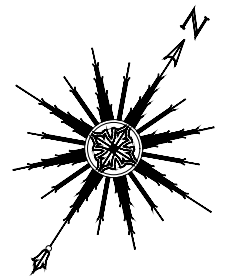
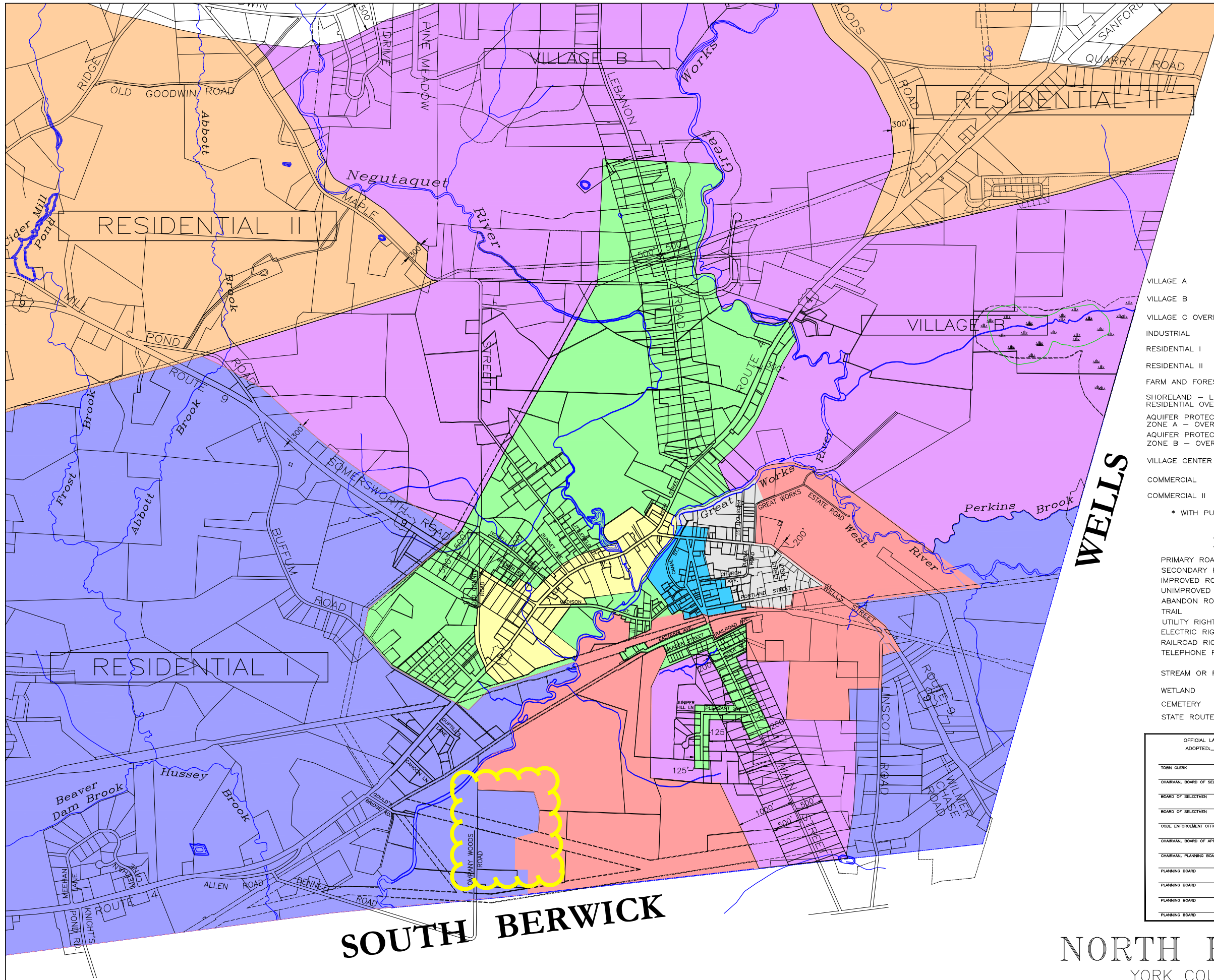


SOUTH BERWICK

NORTH BERWICK
YORK COUNTY MAINE

THIS MAP WAS COMPILED FROM EXISTING AVAILABLE PROPERTY MAPS, LAND USE MAPS AND USGS MAPS. IT IS A PLANNING TOOL ONLY. IT IS NOT TO BE USED FOR PROPERTY CONVEYANCE OR AS A BASIS FOR LEGAL TORT. THE INFORMATION SHOWN SHOULD NOT BE A SUBSTITUTE FOR ACTUAL FIELD INVESTIGATION.
APRIL 2019

CURRENT LAND USE DISTRICTS 2022



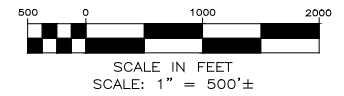
	MINIMUM SIZE SQ. FEET	MINIMUM FRONTAGE FEET
VILLAGE A	20,000	100
VILLAGE B	30,000	125
VILLAGE C OVERLAY	20,000 10,000*	100
INDUSTRIAL	40,000	100
RESIDENTIAL I	40,000	150
RESIDENTIAL II	80,000	200
FARM AND FOREST	160,000	300
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VILLAGE CENTER OVERLAY	20,000 10,000*	25 25
COMMERCIAL	20,000	25
COMMERCIAL II	40,000	100

* WITH PUBLIC WATER AND SEWER SERVICES

LEGEND

PRIMARY ROAD	=====
SECONDARY ROAD	=====
IMPROVED ROAD	=====
UNIMPROVED ROAD	=====
ABANDON ROAD	=====
TRAIL	-----
UTILITY RIGHT OF WAY	=====
ELECTRIC RIGHT OF WAY	=====
RAILROAD RIGHT OF WAY	=====
TELEPHONE RIGHT OF WAY	=====
STREAM OR RIVER	~~~~~
WETLAND	
CEMETERY	
STATE ROUTE	

OFFICIAL LAND USE DISTRICT MAP ADOPTED:	
TOWN CLERK	DATE
CHAIRMAN, BOARD OF SELECTMEN	DATE
BOARD OF SELECTMEN	DATE
BOARD OF SELECTMEN	DATE
CODE ENFORCEMENT OFFICER	DATE
CHAIRMAN, BOARD OF APPEALS	DATE
CHAIRMAN, PLANNING BOARD	DATE
PLANNING BOARD	DATE
PLANNING BOARD	DATE
PLANNING BOARD	DATE



SOUTH BERWICK

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APRIL 2019

PROPOSED LAND USE DISTRICTS 2023

Subdivision Ordinance Change 2023

Strike out = remove language

Underline and bold = add language

6.3 Submissions.

a. The subdivision plan for a Minor Subdivision shall consist of one ~~reproducible, stable-based transparent~~ original **in a format acceptable to the York County Registry of Deeds** to be recorded at the Registry of Deeds, and two copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Two copies of all information accompanying the plan shall be submitted along with one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information.

8.2 Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border one on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two ~~reproducible, stable-based~~ originals **in a format acceptable to the York County Registry of Deeds** to be submitted, one to be recorded at the Registry of Deeds, and the second to be submitted to the Planning Board for file, in addition two copies of the Final Plan shall be submitted. Two copies of all information accompanying the plan shall be submitted along with one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information. The application for approval of the Final Plan shall include the following information:

Intent: To place into ordinance the requirement that submissions for recording of plan must be in a format acceptable to the York County Registry of Deeds.