



# Office of Planning & Codes

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## Wiscasset Ordinance Review Committee Meeting Notes December 10, 2007

Members Present: Pat Barnes, Doc Schilke, Larry Lomison, Karl Olson, Jackie Lowell, Jeffrey Hinderliter (Town Planner).

1. Meeting Opens at 5:35 PM.
2. Items Discussed: Noise Ordinance (Final Draft – 12/10/07), Contract Zoning (Final Draft and Option 2 – 12/10/07).
3. November 26, 2007 minutes approved.
4. Noise Ordinance – (12/10/07 Draft). Jeffrey opens meeting and discusses recommendations from the 11/13/07 meeting. Jeffrey states that he made the changes that were recommended at the previous meeting. Also, Jeffrey indicated that Larry had some additional items to discuss and since the ordinance is not on the fast track, we have a bit more time to consider this.
  - Discussion about whether the ordinance regulates noise reaching beyond abutting properties. 8.3 states noise is measured at the abutting property; therefore, this will protect properties beyond the abutting property.
  - What type of enforcement is available if a violation exists, could the CEO issue a stop work order? The Noise Ordinance provides enforcement by referring back to the regular ordinance and then to the land use enforcement provisions found in State Law. Jeffrey explains typical enforcement procedures.
  - 8.8: add Article/Section reference.
  - 8.8 c: why are these exempt? By the nature of there function.
  - 8.8 d & g: what if there was excessive use of trucks/trains/watercraft coming through town? We probably can't restrict vehicle traffic on public roads because it is governed by the State and Federal Government. Also, we may the Town may have some say through the Site Plan Review Ordinance. Where is noise from watercraft applicable-town line, shoreline? ORC continues discussion on exempting watercraft. ORC believes in adding "usual and customary noise generated by watercraft" and possibly adding a statement that would not exempt "regularly scheduled watercraft for industrial uses."
  - 8.8 h: add "not"
  - 8.8 k: delete "prior to" add "before"
  - **Recommendations:** ORC accepts the ordinance with the above-mentioned changes but 8.8 g, watercraft exemption , should be looked into further.

5. Contract Zoning (Option 2, Draft 2 – 12/10/07). Jeffrey explains the changes in this draft of the ordinance. Jeffrey explains the reasons the ORC is reviewing the ordinance. He also explains his thoughts on Contract Zoning and emphasizes that one of the most important aspects is administration of the contract. If the town does not have competent people administering the contract zoning agreement, it could prove to be more harmful than helpful. The ORC discuss the following:

- Would variances be a better idea? Chances are, if variances are applied correctly, granting a variance is very difficult. Conditional Use may be another alternative to contract zoning.
- Discuss how this will work and apply to current and future ordinances.
- Further discussion on the administration of contract zoning.
- Jeffrey recommends that the committee really apply some thought to this so they can try to see if the town should go into this direction.
- Speak with other planners about contract zoning.
- **Recommendation:** Continue contract zoning discussion at next meeting.

6. Other Business. ORC decides to cancel the 2<sup>nd</sup> meeting of the month (December 24). Jeffrey reminds ORC to work on the sections of the future land use ordinance that he mailed.

7. Meeting adjourns at 6:35 PM.