



# Office of Planning & Codes

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## Wiscasset Ordinance Review Committee Meeting Notes April 14, 2008

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

1. Meeting Opens at 5:35 PM.
2. March 24, 2008 meeting minutes approved.

Jeffrey opens the meeting and indicates the Shellfish Committee amended the Shellfish Conservation Ordinance to reflect the changes recommended by the ORC. Also, the Department of Marine Resources approved the amendments. ORC discuss whether further adjustments should be made and Jeffrey recommends that we leave the ordinance as is.

3. Nuisance Noise Ordinance (final draft). ORC discuss Nuisance Noise Ordinance and whether or not we should continue with this. Discussion includes the following:

- Jeffrey discusses Dennis Jumper's comments concerning the Nuisance Noise Ordinance and Noise Ordinance. Basically, Dennis does not feel comfortable with the Nuisance Noise Ordinance because the use of words such as unreasonable and unnecessary is not measurable and may be different from one person to the next. The ordinance is too vague. He feels that it would be a difficult ordinance to enforce by town officials and in court. The Noise Ordinance is better because it provides specific decibel measurements. Dennis recommends that we do not continue with the Nuisance Noise Ordinance. Jeffrey explains Dennis comments on the racetrack. Dennis believes we can apply regulations to the racetrack as long as the regulations do not prevent the racetrack from operating. We can adopt restrictions (e.g., time of day it can operate, properly functioning muffler) but when does it become a taking?) Dennis will check to see if there are state statutes dealing with nuisance related noise such as criminal statutes like disturbing the peace.
- Jeffrey asks ORC members to discuss their feelings concerning the racetrack.
- ORC discuss nonconforming issues. Has there been an expansion of the use? Jeffrey needs to check the Planning Board files.
- Understand how things change when towns grow.
- Requiring muffler's to be placed race cars is a common requirement.
- Some ORC members say they hear the vehicles but it does not bother them.
- Discuss how we can set a reasonable limit.
- ORC discuss whether we should continue with the Nuisance Noise Ordinance. They agree with Dennis comments that it is too vague. Discuss whether we should combine

both ordinances into one noise ordinance. Jeffrey attempts to explain the differences in both ordinances and why town's often separate nuisance related standards and zoning noise standards.

- ORC continues general discussion concerning both noise ordinances.
- **RECOMMENDATIONS:** ORC believes that we should not continue our consideration of the Nuisance Noise Ordinance. We should continue our work on the other noise ordinance (Noise Ordinance) and include a standard applying regulation to the racetrack.

4. Port and Harbor Ordinance Amendment (Article IV, 3.1). Jeffrey explains recent ORC consideration of amendments to the Port and Harbor Ordinance. Basically, the amendment we are considering tonight is the same one that initiated the complete revision of the Port and Harbor Ordinance to become the Coastal Waters Ordinance. Because we will continue to work on the Coastal Waters Ordinance and this will take more time, the sponsor of the original amendment (Clark Freeman) wanted to move forward with the original amendment. Jeffrey explains the amendment language is straight out of state statute and this allows mooring assignments to be transferred at the request or death of the assignee only to a member of the assignee's family and only for commercial fishing purposes. ORC question if we can include mooring assignments used for recreational boats. Jeffrey explains this is a controversial issue and he thinks this can be considered another time. Also, it appears the state law may not allow this because it says only commercial fishing purposes. ORC continue to discuss if recreational mooring assignments should be considered.

**RECCOMENDATION:** Delete parenthesis and ORC approve Port and Harbor Ordinance amendment 4-1. Recommend that it be placed on the June ballot.

5. Future Land Use Ordinance. Due to time constraints, Jeffrey states that we will consider this at our next meeting.

Adjourn 6:45 pm