

WISCASSET PLANNING BOARD  
MINUTES, APRIL 13, 2009

Present: Al Cohen, Chairman Steve House, Jackie Lowell, Lester Morse, Karl Olson and Peter McRae

Absent: Tony Gatti, Jill Lorom, and Ray Soule and Town Planner Jeffrey Hinderliter

1. Call meeting to order

Chairman House called the meeting to order at 7 p.m.

2. Consideration of March 23, 2009 minutes

Karl Olson moved to approve the minutes as printed. Vote 6-0-0.

3. Central Maine Power Company - Preliminary Site Plan Review for Service Building, Lot 1, Ferry Crossing Industrial Park, Old Ferry Road

Dan Spaulding asked that the board set a public hearing date for this application if it felt a public hearing was necessary. He pointed out that there are only two abutters, Maine Yankee and Ferry Road Development. He was advised that a public hearing was not optional.

In response to Al Cohen's question, Spaulding said that the property was under a purchase and sale agreement. The closing date was April 1, but a closing had not taken place. Karl Olson said that the board would require a copy of an extension of the P&S to complete the application.

Al Cohen noted that the town was currently suing Ferry Road Development, owner of the property because the town has not been paid \$250,000 that was due last fall. He said he could not vote to set a public hearing when the selectmen were filing a lien on the property, and it might not be possible for CMP to close on the property. Rickie Shaw and Mark Dawson, representatives of CMP, said they were unaware of the situation. Al Cohen suggested that pressure should be put on Ferry Road development to resolve the issue.

Dan Spaulding said that if the public hearing were delayed, CMP would miss the construction season and would not go ahead with the project in Wiscasset. He reviewed the project consisting of a 7200-square foot building with the required 75-foot setback. He described the stormwater plan, which has been submitted to the DEP. Lighting on the perimeter and on the building will be focused downward and as many trees as possible will be saved. There will be a 65-foot pole and antenna for radio communications. The building will house an office, warehouse space and four bays for trucks. Mark Dawson said CMP hoped to go out to bid on April 29 with a May 13 deadline. The contract would be awarded at the end of May.

Steve House suggested that a public hearing could be tentatively scheduled. Karl Olson said that the board requires only an extension of the purchase and sale agreement; that

it is not up to the board to determine good title. He said that if questions arose at the public hearing regarding the title, the chairman should disallow them as not germane.

Al Cohen moved to ask the Town Attorney whether the board has the right to go forward with what we know and what we don't know. Dawson asked whether the board approved in general the plans as described. There was no opposition to the plans as shown. Karl Olson moved the question. Vote 5-1-0 (Lowell opposed). Karl Olson moved to rule the application as complete and schedule a public hearing for April 27 subject to information received from the Town Attorney. Vote 5-0-1 (Cohen abstained).

Mark Dawson asked whether the communications tower would be classified as an essential service or whether it would require a communications tower permit. Al Cohen recommended that CMP obtain a letter from the airport indicating that it had no objection. Mark Dawson said a permit application would require a big effort for just a pole, adding that the ordinance was designed to deal with microwave towers. In response to Dawson's question, Karl Olson said the requirements for a permit included elevation drawings, landscaping plan, photo simulation, topo map, and narrative. The chairman said that because Jeffrey Hinderliter had suggested the communications tower would be considered an essential service, the board would get back to CMP with a decision.

CMP will send an updated purchase and sale agreement for the Town Attorney's review.

#### 4. Other Business

Robert Taylor, owner of Big Top Produce in Brunswick, would like to open a similar operation in Wiscasset on the property next to the Irving station owned by the Skillins. The open-air market would handle about 30 items and be half the size of the Brunswick market. It would be open four days a week during the summer. The canopy and tables would remain overnight, although the produce would be trucked to Brunswick. The turning lane on Route 1 at this point would facilitate access to the property.

Steve House said the Town Planner had indicated this could be considered under the 2000 sq. ft. waiver. Mr. Taylor was advised to meet with the Town Planner and submit an application for the next meeting.

Karl Olson moved to approve the Findings of Fact on Old Dogs Development, LLC. Vote 5-0-1 (Cohen abstained).

With regard to the Maine Heritage Village Findings of Fact, Peter McRae said an explanation was needed for the 12 buildings on site, not all of which were on the plan. Steve House said he would like to get an opinion from Jeffrey Hinderliter on the additional buildings, which would require additional parking. Karl Olson said that there is no formula for calculating parking for exhibit space, which is the purpose of some of the buildings. He added that the application was not meant to show everything on the plan. Peter McRae moved to table the Findings of Fact. Vote 5-0-1 (Olson abstained).

#### 5. Adjourn

Al Cohen moved to adjourn at 7:59 p.m. Vote 6-0-0.