

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR
APRIL 19, 2011

(tape recorded meeting)

Present: Vice Chairman Judy Colby, Pam Dunning, Chairman David Nichols, Ed Polewarczyk and Town Manager Laurie Smith

Absent: Bob Blagden

1. Call to Order

The chairman called the meeting to order at 7 p.m.

2. Pledge of Allegiance to the Flag of the United States of America

3. Public Hearing on the following ordinances proposed to be amended, adopted or deleted on the June 2011 Ballot:

a) Village Waterfront Ordinance (Article VI). Zoning changes to the downtown waterfront

Town Planner Jeffrey Hinderliter explained the purpose of this zoning amendment was to adopt zoning standards more appropriate for a portion of the downtown business district adjacent to the water, to provide flexibility, and to provide zoning that will provide economic development. He described the area involved and summarized the changes dealing with minimum lot size, setback, and additional permitted uses. Hinderliter explained that this ordinance would be integrated into the new shoreland zoning ordinance when that is adopted. Ed Polewarczyk commented that there were a number of subjective terms in the ordinance, which would be difficult to enforce; that to add a permitted use would require an ordinance amendment; and that the common standards should be removed from this ordinance and combined with standards in other ordinances. Hinderliter said the standards in this ordinance were a DEP requirement. The glossary in the proposed ordinance will be integrated into the general glossary but with notations indicating relevance to the VW Ordinance.

b) Sign Ordinance (Article III). Complete revision of the sign ordinance

Hinderliter said the purpose of revising the sign ordinance was to establish standards that would maintain and encourage business activity and economic development while enhancing and protecting the physical appearance of Wiscasset. He listed the primary changes to the ordinance dealing with definitions, non-conformance, exempted signs, number of allowable business directional signs, standards for temporary and temporary advertising signs, common signage, digital signs, total area, and maintenance and removal standards. He added that specific standards are included for the downtown sign district.

In response to a question, Hinderliter said there was a section providing standards for internally illuminated signs. There were comments on the five-day limitation for yard sale signs. A change had been made as a result of the last public hearing that would require removal of the signs the day after the event. Ed Polewarczyk asked whether the three-year period for bringing signs into conformance with the ordinance was legal. Hinderliter said the economic benefit of the sign could be an issue, which would have to be decided by the court. In response to Polewarczyk's additional questions, Hinderliter said yard/garage sale, community, and charitable/non-profit signs over four square feet would require a permit and fee and the quantity is not limited. Trail markers, historic, preservation or cultural signs although exempt from requiring a permit, will require approval by the sign control officer to ensure that they are appropriate. Polewarczyk also commented on the location of several items that should be moved to the downtown sign district

section of the ordinance. In response to his question, Hinderliter said that a yearly permit would allow four temporary advertising signs at any one time for 30 consecutive days.

Code Enforcement Officer Rick Lang recommended approval of the ordinance as it would be an improvement over the current ordinance even though changes may be needed in the future. He added that fees would be established by the selectmen.

c) Downtown Business and Residential Zoning Districts (Article VI, section DD1 and EE1).
Extension of the Downtown Business District

Hinderliter said this amendment would require only a map change and a description of the Downtown Business District to which ten lots, two of which are town-owned, would be added, expanding that district. The amendment would adopt zoning standards more appropriate for a portion of the downtown village, provide more flexibility, opportunity and options for current and future property-owners and provide zoning regulations that would promote economic development. The changes to the formerly residential zone would include no minimum lot size, no setback, additional permitted uses and parking standards, which are provided, not required.

There were a number of comments from the public urging that this article be withdrawn from the warrant and the matter referred to the ORC for further consideration. Because the district change had been prompted by the request for a change in zoning of The Ledges, an overlay district for only that building was suggested to eliminate the need for a change in zoning for the residential and historic properties in the proposed extension. John Reinhardt said the historical association was concerned with the impact this zoning change would have on the historical beauty of Wiscasset, and he submitted letters on behalf of the Lincoln County Historical Association and Historic New England, asking that Wiscasset reconvene the Historical Preservation Commission to finish Article XIII - Historical Preservation Ordinance

d) Temporary Business Ordinance/Temporary or Seasonal Business Ordinance (Article II and IX)

Hinderliter said the intent of this ordinance was to regulate temporary business activities and to resolve the conflict between two similar existing ordinances. The changes include the increase in number of days a temporary business may operate, a change in the municipal official administering the ordinance from Town Manager to Code Enforcement Officer, the requirement of a fee, exclusion from minimum lot size, providing adequate toilet facilities, repair of damage, and clarifying compliance with the Sign Ordinance. The proposed ordinance exempts business activities on the Main Street Pier and school properties. In response to a question regarding the number of days per year a business may operate, Hinderliter said the permit would be product-oriented, not individual-oriented.

e) Shellfish Conservation Ordinance (Article X). Changes to conservation time

The proposed amendment was initiated by the Shellfish Committee and will clarify the conservation time by including specific dates when conservation time begins and ends.

The Public hearing closed at 8:28 p.m.

4. Approval of Treasurer's Warrant: April 12, 2011 and April 19, 2011

Pam Dunning moved to approve the Treasurer's Warrant of April 12. Vote 4-0-0. Pam Dunning moved to approve the Treasurer's Warrant of April 19. Vote 4-0-0.

5. Approval of Minutes: April 5, 2011 and April 12, 2011

Pam Dunning moved to approve the minutes of April 5, 2011 as amended. Vote 4-0-0. Judy Colby moved to approve the minutes of April 12, 2011 as amended. Vote 4-0-0.

6. Special Presentations or Awards - None

7. Committee Appointments:

Summary of Appointments due on June 30 from Town Clerk and a new application for the Waterfront Committee were given to the board.

The chairman read the newspaper ad inviting volunteers for the Fourth of July committee to call Laurie Smith or Lisa Garman at the town office.

David Nichols moved that in accordance with the Board Rules, the Selectmen appoint Pam Dunning and Judy Colby to serve as the subcommittee appointment committee. Vote 4-0-0.

8. Public Comments

Gene Stover, member of the RSU Board and advisor to the Wiscasset Educational Research Panel, as well as past member of many town committees and boards, complained about a letter from a parent of children in the Wiscasset Schools that was read by a selectman at the previous meeting. He said the letter complained about the link to the WERP website on the town's website and criticized WERP for distributing false or inaccurate information about the RSU. In defense of WERP, Stover said WERP had acquired the information from five sources: Central Office of the Superintendent, the RSU Finance Committee, the Department of Education, elected representatives and information from the internet. Stover said he could not understand why the link to WERP's website was removed from the town's website when the town allows many other organizations to have links. He added that WERP's mission was to explore all Wiscasset's options for providing a quality education for all of our students at a fair and reasonable cost to the taxpayer; it was not to remove Wiscasset from the RSU. Stover said he felt the selectman should have read and answered the letter personally, rather than airing it in public.

Susan Blagden complained that the town office phone was always answered electronically and she asked that the phone be answered in person.

John Allen apologized to the board for his lack of professionalism at previous meetings and his criticism of the selectmen when they were doing the best they could with the information they had. He announced his retirement from the police force in a month. Chairman Nichols thanked Allen for his 25 years of service. Town Manager Smith thanked Allen for his help during the transition between town managers and said that he had always gone out of his way to do his best despite retirements and turnovers in the police department. She said he has always had the department's interest at heart and she wished him the best of luck.

9. Department Head or Committee Chair Report

Waterfront Committee recommendation of vendors to the Main Street Pier:

A. Frank Sprague for Sprague Lobster

Pam Dunning moved that the Board of Selectmen approve Frank Sprague's application. Vote 4-0-0.

10. Unfinished Business

A. Doug White special amusement permit for July Oxxfest

Judy Colby moved to revoke the permit for Doug White regarding the July Oxxfest event. Vote 4-0-0.

B. Review of Town Warrant for June 14, 2011

Pam Dunning moved to remove Article 60 on the Residential District from the warrant. Vote 4-0-0.

Motions to delete Articles 55, 56, 58 and 59 from the warrant failed for lack of a second. **Judy Colby moved to accept the warrant with the amendment (Article 60) removed. Vote 3-1-0.**

11. New Business

A. Open Airport bids to install fencing and motorized vehicle gates:

Ervin Deck, Airport Manager, said the funding for this project had already been raised and appropriated and is part of the airport's capital carry-over funds. **Pam Dunning moved that the Board of Selectmen approve installing a fence and motorized vehicle gate system at the Wiscasset airport. Vote 4-0-0.** Deck explained there are four access points at the airport; there will be sliding gates at two accesses, an electrical gate or a vertical lift gate at the other two. Tree lines will act as a natural barrier and boulders will create a blockage to stop vehicles. Three bids were submitted as follows:

Round Hill Fence and Security, Inc.	\$82,160.50
Aroostook Fence Co.	96,950.00
Northern Pride Communications, Inc.	59,620.00

Because this is a federal contract, Deck will review the bids with the consultant before awarding the bid.

David Nichols moved that the Board of Selectmen authorize Airport Manager, Ervin Deck, to award the lowest qualified bidder. Vote 4-0-0.

B. Request by The First Congregational Church to use the Town Common on July 22 and 23 for Summerfest.

Pam Dunning moved to authorize The First Congregational Church to use the Town Common on July 22 and 23 for Summerfest. Vote 4-0-0.

C. Set Public Hearing Date for Annual Town Meeting

David Nichols moved that the Board of Selectmen will hold a Public Hearing on Tuesday, May 10, 2011 at the Wiscasset Community Center at 7 p.m. to discuss all the warrant articles for the Annual Election/Town Meeting voted by secret ballot on June 14, 2011. Vote 4-0-0.

12. Town Manager's Report

A. Update regarding Tidal Power Project

A memo from Peter Arnold, Wiscasset Tidal Resources Project Coordinator, updated the selectmen on this project. As part of the project, it will be necessary to determine the impact on the environment, specifically on fish and birds, before a turbine is placed in the water. A device placed in the water last fall indicated that fish had traveled from the Saco River to the Sheepscot, and additional study will be made of the baby salmon when that migration happens in early May. The harbormaster boat will be used for the UMO biologists doing additional data collection near

the Westport bridge. Plans are also being formulated to gather baseline information about birds that use this area.

B. Update regarding restitution from Clerk theft case

Smith said a check for \$578.57 had been received from the Department of Corrections as part of the \$1,000 owed to the town, the deductible on the insurance policy. The balance of \$90,000 will be paid to the insurance company.

C. Lincoln County Planner Ordinance project update

A memo was received from Bob Faunce, Lincoln County Planner, regarding his work with the Ordinance Review Committee. The ORC will be focusing on the Site Plan and Subdivision ordinances, work partly funded by the DOT, as soon as the Shoreland Zoning Land Use Table is completed.

Bill Phinney said he had attended the ORC meetings over the last 18 months, and since the county planner had taken over in mid-February, it had been impossible to keep up with what was going on with the committee. He added that after rushing half way through the Shoreland ordinance, the committee dropped it and moved on to the subdivision ordinance because Faunce's DOT funding for assisting the town with its subdivision and site plan ordinance has to be spent by the first of July. In view of the requested revision of the Downtown District ordinance earlier in the meeting, Mr. Phinney asked that the board review what the ORC is doing, set policy and give the committee some clear direction as to priorities.

D. General Update

Smith and Harbormaster Peter Dalton had met with Wiscasset Yacht Club representatives who are in general agreement regarding the availability of some parking at their lot this summer during the roadwork on Main Street.

Pam Dunning moved to go into executive session pursuant to Title 1 MRSA 405 (4)(A) to discuss personnel matters. Vote 4-0-0.

The board exited executive session at 9:35.

13. Other Board Business

David Nichols said that the motion to remove the WERP link from the town website at the previous meeting had been made illegally, as only votes on special meeting agenda items may be taken at a special meeting. Pam Dunning asked that all links be removed from the website until a policy is developed to determine what links will be allowed.

Judy Colby said she felt the letter read on April 12 questioned her honesty and integrity. She said she had consulted with MMA and was assured there was no conflict of interest in her serving as a Wiscasset selectman and a member of WERP. A copy of her letter to the Wiscasset Newspaper and the Lincoln County News was given to the selectmen.

14. Adjournment

At 9:43 p.m., **Judy Colby moved to adjourn the meeting. Vote 4-0-0**