



Office of Planning & Codes

Wiscasset Ordinance Review Committee Meeting Notes January 25, 2010

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

1. Meeting Opens at 5:37 PM.
2. Agenda items discussed: New Shoreland Zoning
3. 11 January, 2010 meeting notes approved.
4. Karl Olson introduces new ORC member, Paul Foley
5. New Shoreland Zoning. Jeffrey introduced the new Shoreland Zoning Ordinance as recommended by the Department of Environmental Protection. Jeffrey begins by reviewing the current shoreland zoning map with the ORC. He shows where the districts are and describes what the districts mean. He points out areas where there appear to be odd separation of districts. Jeffrey moves on to discussing the new shoreland zoning ordinance. He will review the ordinance with the ORC and discuss the sections that should be given the most attention. Also, he says there are two primary processes with adopting new shoreland standards. First, we (with DEP's assistance) will need to create a new shoreland zoning map. Second, if we propose to adopt the new shoreland standards, we'll need to go through the current ordinance and pull out all the existing shoreland standards. The following was discussed:
 - Section 4B (pg. 1 -2): Standard authorizing Timber Harvesting Rules that may be repealed and those standards of the ordinance that should be removed. Jeffrey says the town has the option to keep the Timber Harvesting Rules and enforcement them or repeal them and leave them up to the State Forest Service to enforce. Discussed that this may change because of state budget cuts.
 - 9 (pg. 2): Review DEP's shoreland district names and think how we can apply zoning district names recognized by the town current shoreland zoning and those proposed in the comprehensive plan.
 - 12 (pg. 3 – 7): The nonconformance section is a very important section to review and a section that is often used. This section deals with nonconforming structures, lots and uses. Jeffrey explains what nonconformance means. A portion of one standard makes reference to the state septic system rules and we should review this because public sewer is available in some areas of the shoreland zone. Jeffrey explains the 30% expansion standard and there is another option to consider which involves a flat square footage amount as the maximum expansion. The square footage expansion standards is located in the shoreland zoning appendix and the town can choose either the 30% or the square footage standard.

- Discussion about how long it will take to adopt the new shoreland ordinances. It can be time consuming because of the length of time it takes to create the ordinance, the public hearings, DEP review, and shoreland zoning mapping. It also can be quite expensive because of the mailings and mapping.
- 13 (pg. 7 – 9): Discussed the establishment of Districts. Think of how each of these applies to current shoreland districts and potential areas that will have new or amended districts.
- Table 1 (pg. 11): This table lists land uses in the shoreland districts, shoreland districts, if the uses are permissible and who reviews them. Jeffrey asks the ORC to study this closely and look at what's permissible with and without a permit in each district, who (PB, ORC, LPI) reviews the permits and try to determine if the table should be amended. Check the shoreland definition section and the district descriptions for further clarification. Remember we must adopt the minimum standards. If we make any adjustments, we'll have to discuss these with DEP.
- 15 A & B (pg. 12 – 14): Import section to be reviewed- includes minimum lot size, shore frontage, setbacks, height, lot coverage, etc. Some of these, such as lot coverage, are not within our current ordinances so it is important to recognize these will be entirely new regulations.
- 15 C – T (pg. 15 – 28): These sections include regulations associated with specific land uses. When reviewing this, remember to associate these uses with the zoning districts. In other words, look at Table 1 to see if the use is permissible and who reviews it, then read about the use and see how it may or may not fit into the zoning district. We may be able to work with DEP to make adjustments to these standards and how they fit into certain districts. Note that some of the standards get into specific regulatory items such as setbacks and lot size (e.g. Campgrounds) that regulate beyond those standards in 15 A & B.
- 16 D & E (pg. 29 – 30): This section discusses procedure for PB review. What do we think of this (especially ORC members who are on the PB)? The time frame for processing the permits- too much or too little time? Add a reference to other types of PB review (e.g., site plan and subdivision).
- 16 H (pg. 31 – 34): This section deals with appeals and variances. We probably can't change this so most likely we'll leave it as-is.
- 17 (pg. 35 – 43): Important to review when trying to understand land uses and other terms in the shoreland ordinance. Meaning is very important because a term may be contrary to what you think it means.
- Appendix A (pg. 44 – 46): Alternate to nonconforming 30% structure expansion standards (C.1 a & b). Basically, the regular expansion limits expansion by 30% of the volume and square footage over the lifetime of the structure as it existed in 1989. The alternative deals with a cap on allowable square footage. Jeffrey says that he believes the 30% is a better option because it allows more flexibility and options for building expansions.
- What should we do with the SBII/MO District? Jeffrey believes we should include this as-is and provide references in the shoreland ordinance where applicable.

6. Adjourn 6:55 PM