



Wiscasset Ordinance Review Committee

Meeting Notes
February 28, 2011

Members Present: Karl Olson, Doc Schilke, Jackie Lowell, Larry Lomison,

Others Present: Consultant Bob Faunce (Lincoln County Planner); Jeffrey Hinderliter (Town Planner), Rick Lang (Code Enforcement Officer), Bill Phinney, Ed Polewarczyk (Selectman), 2 unidentified males

1. Meeting Opens at 5:10± PM.

2. January 24, 2011 meeting notes approved.

3. Agenda items discussed:

- Jeffrey Hinderliter updated committee on status of Downtown Business District including my edits of the zone description. Lomison asked if there was a requirement to notify abutters. Phinney asked same question. Hinderliter said no. Lomison moved to establish a policy to notify abutters including those on the opposite sides of roads. Second. Passed 4-0.
- Hinderliter introduced the changes to the proposed sign ordinance which no includes a digital sign section. Lomison suggested changing “30 days per calendar year” in Section 10.1 to 90 consecutive days to be in agreement with the temporary business license article. Looking at the map of the district, Lang noted that the Quik Stop on Route 27 and the Town Office were not really historic areas. Consensus was that any changes to district boundaries would be made after the selectmen’s review and/or hearings.
- In section 12.7, consensus was to make it total of all signs per lot rather than business.
- We reviewed latest draft shoreland zoning maps.
- Faunce started review of the proposed table of land uses in the various shoreland districts. It was noted that the blank cells would be filled in with “NO” on the final table. Made decisions on items “Harvesting a wild crop . . .” thru “Agriculture”.
- General discussion about the idea that the recently completed shoreland “Village Waterfront District” (VWD) will be sent to & approved by the voters while we are still working on the overall Shoreland District ordinance. The VWD is one of seven (currently) shoreland districts. The formats for VWD and the overall Shoreland ordinance are different and thus the VFD will have to be morphed & incorporated into the overall shoreland district ordinance.

9. Adjourn- 7:15± PM

Prepared by K. Olson, Chair

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Table 20-14 Land Uses in the Shoreland Zone

*Use as listed in the DEP Shoreland Zoning Guidelines
 Not presently addressed in ordinance - recommended treatment
 Changes recommended by ORC*

Uses	SP	RP	SR	SB	SBII	MO	VW
Harvesting a wild crop such as salt marsh hay or blueberries	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Motorized vehicular traffic on existing roads and trails and snowmobileing</i>	Yes	Yes	Yes	Yes	No	No	No
<i>Forest management activities except for timber harvesting & land management roads</i>	Yes	Yes	Yes	Yes	No	No	No
<i>Timber harvesting</i>	Yes	CEO ¹⁹	Yes	Yes	No	No	No
<i>Clearing or removal of vegetation for activities other than timber harvesting</i>	CEO ⁸	CEO ⁸	Yes	Yes	CEO ⁸	CEO	Yes
<i>Fire prevention activities</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Wildlife management practices</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Soil and water conservation practices and archaeological sites</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Mineral exploration that disturbs 100 sf or more of ground area</i>		CEO	CEO	CEO	Yes ²⁰	No	No
<i>Mineral extraction including sand and gravel extraction</i>	No	No	No	No	No	No	No
<i>Surveying and resource analysis</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Emergency operations</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Agriculture</i>	Yes	PB		No	No	No	No
<i>Aquaculture</i>	PB	SE			PB		PB
<i>Principal structures and uses</i>							
<i>One-family residential including driveways</i>	PB ²²	SE ^{2,27}	PB ¹⁴	Yes	PB		CEO
<i>Two family residential, including driveways</i>				Yes	PB		CEO
<i>Multi-unit residential</i>			No	Yes	PB		
<i>Commercial</i>			No ²⁸	Yes			
<i>Industrial</i>			No	Yes			
<i>Governmental</i>			PB/No	Yes	PB		PB
<i>Institutional</i>			No	Yes			
<i>Non-residential, low-intensity facilities for educational, scientific, or nature interpretation purposes</i>	PB ²²	SE	Yes	Yes	CEO ⁵		PB ¹²
<i>Uses and structures accessory to permitted uses</i>	CEO	SE	CEO	Yes	CEO		CEO
Uses and structures accessory to uses and structures permitted by the Planning Board	PB	PB			PB	PB	PB
Uses similar to allowed uses	Yes ³	Yes ³					
<i>Piers, docks, wharfs, breakwaters, causeways, marinas, bridges over 20 feet in length and other structures and uses extending over or below the normal high-water line or within a wetland</i>							
<i>Temporary</i>	CEO ²⁹	CEO ²⁹	CEO ²⁹	CEO ²⁹		CEO ²⁹	
<i>Permanent (remain in water for at least 7 months in any year)</i>	PB	SE	PB	PB	PB ¹⁷		PB ¹⁷
Functionally water-dependent structures which remains for at least 7 months in any consecutive 12 month period	PB			PB	PB	PB	PB
Structures for any permitted use which remain for less than 7 months in any consecutive 12 month period	CEO	CEO		PB			CEO
Temporary structures (less than 7 months per year)	CEO	CEO			CEO		
Structural development in a recreational area				PB			PB
Structural development not exceeding 500 sf that is located in and accessory to a recreational area approved by the Planning Board	PB	PB		PB	CEO ⁵		
Structural development not exceeding 500 sf that is ancillary to functionally water-dependent recreational areas	PB	PB		PB		CEO	
<i>Conversions of seasonal residences to year-round residences</i>	LPI	LPI					

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<i>Home occupations</i>	LPI	LPI					
<i>Private sewage disposal systems for allowed uses</i>	LPI	LPI	LPI ¹³				
<i>Essential services</i> except public utilities, including sewage collection and treatment facilities	PB ²⁴	PB ²⁴	PB	PB	PB	PB	PB
<i>Roadside electrical distribution lines</i>	CEO ²⁴	CEO ²⁴	Yes ¹²	Yes ¹²	Yes ¹²	Yes ¹²	Yes ¹²
<i>Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</i>	PB ²⁴	PB ²⁴	CEO	CEO	CEO	CEO	CEO
<i>Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</i>	PB ²⁴	PB ²⁴	PB	PB	PB	PB	PB
Public utilities, including sewage collection and treatment facilities	PB	SE	PB	Yes	PB	PB	PB
<i>Service drops, as defined, to allowed uses</i>	Yes	Yes			CEO	CEO	CEO
<i>Public and private parks and recreational areas involving minimal structural development</i> with minimum lot size of 40,000 sf and minimum shore frontage of 200 feet	PB	SE	Yes	Yes			PB ^{16,23}
Public parks and recreational areas					PB		PB
Recreational trails					PB	PB	PB
Recreational areas					PB		
<i>Individual, private campsites</i>	CEO	CEO					
<i>Campgrounds</i>		No	PB	Yes			
<i>Roads</i>	PB	SE ²⁶			PB		PB ²³
<i>Driveways</i>	PB	SE			CEO	CEO	CEO
<i>Land management roads</i>							
<i>Filling and earth moving of <10 cubic yards</i>	CEO	CEO			Yes	Yes	Yes
<i>Filling and earth moving of >10 cubic yards</i>	PB	SE	CEO	CEO	Yes ⁴	Yes ^{4,7}	Yes ^{4,7}
Retaining walls					CEO ⁶	PB	CEO ¹⁵
Signs	Yes	Yes	Yes	Yes	CEO	CEO	CEO
Nursing, convalescent homes			No	PB			
Elderly congregate housing			No	PB			
Professional buildings			No	PB			
Routine maintenance operations					Yes	Yes	Yes
Electric utility substation and facilities existing as of ____					Yes	Yes	Yes
Professional, business and general offices				PB	PB		PB
Restaurants, eating establishments and drinking establishments				PB	PB		PB
Meeting and convention halls, community center or community hall				PB	PB		
Hotels and motels and ancillary services customary to the primary use				PB	PB		PB
Low-impact industrial uses				PB	PB		
Retail and service establishments without automobile gas pumps				PB	PB		PB
Theaters				PB	PB		
Banking and financial services				PB	PB		PB
Laundry services ancillary to the primary use of another permitted use such as hotel and/or marina, but excluding independent commercial laundry facilities and dry cleaning facilities				PB	PB		
Indoor recreation and family amusement establishments				PB	PB		PB
Intermodal transportation facilities				PB	PB		PB
Parking areas		No ²⁵			PB		PB
<i>Parking structures</i>				PB			PB
Personal services				PB	PB		PB
Business services				PB	PB		PB
Communication studios, broadcast and receiving facilities				PB	PB		PB
Self-storage facilities, only within buildings or structures existing on the date of the adoption of this Article				PB	PB		
Spa, health club or similar facility				PB	PB		PB

Museum, art gallery or similar facility				PB	PB		PB
Warehousing and wholesaling including marine products				PB	PB		PB
Marine repair services and machine shops				PB	PB	PB	PB
Harbor and marine supplies and services and ships supply				PB	PB		PB
Boatbuilding and facilities for construction, maintenance and repair of vessels				PB	PB		PB
Marinas with ancillary services customary to the primary use	PB			PB	PB	PB	PB
Marine museums and aquariums				PB	PB		PB
Indoor and/or outdoor boat storage facilities				PB	PB		PB ¹¹
Public and private schools, colleges, universities and trade schools and ancillary services, including dormitories, customary to primary use				PB	PB		PB ¹²
Nursery schools, kindergartens and day care facilities				PB	PB		
Day nurseries			No	PB			
Yachting or sailing clubs, and schools which give marine or nautical instruction				PB			PB
Clinics				PB	PB		PB
Churches				PB	PB		PB
Private clubs or fraternal organizations				PB	PB		PB
Studios for artists and craftspeople				PB	PB		PB
Boat storage facilities				PB		PB	
Boatbuilding and facilities for construction, maintenance and repair of vessels				PB		PB	
Commercial marine transport and excursion services including ferries, captained chartered services, sport fishing and water taxis				PB		PB	
Warehousing and cargo handling facilities				PB		PB ¹⁸	
Fishing, recreational and commercial berthing						PB	
Public landings						PB	
Commercial fisheries activities excluding fish processing plants				PB		PB	
Marine and marine-related uses and activities				PB		PB	
Professional offices ¹⁰				PB		PB	
Seasonal, non-attached buildings or structures on existing piers							CEO
Convenience store				PB			PB
Boardwalks							PB

¹ Limited to providing services to a permitted use

² The Planning Board may issue a permit for construction of a single-family residence in a Resource Protection District if the applicant demonstrates that all of the following conditions are met.

- a. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.
- b. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District which defined such areas in March, 1993.
- c. The proposed location of all buildings, sewage disposal systems and other improvements are:
 - i. Located on natural ground slopes of less than 20; and
 - ii. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the

100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance. If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be 1/2 the width of the 100-year floodplain. For purposes of this subparagraph, "floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot in height and "velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

- d. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.
- e. All structures, except functionally water dependent structures, are set back from the normal high-waterline or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

3 Planning Board or CEO approval required if use is similar to a use requiring Planning Board or CEO approval

4 If required by state or federal government agency order

5 PB approval if > 500 sf

6 CEO approval if setback at least 25 feet from a coastal wetland or the high water line of Hilton Pond; otherwise PB approval

7 Otherwise PB approval

8 Unless use requires PB approval

9 If temporary in nature (i.e. not to remain for more than 12 consecutive months) and not of a size and scale to permit use as a warehouse meant to serve as a distribution, or wholesale center; or storage facilities particular to the marina service businesses including, but not limited to, storage facilities for the fuel and petroleum products or repair parts used in the routine servicing of marina customers and storage facilities for consumer waste or consumer retail products normally associated with a full-service, waterfront marina and boatyard.

10 Professional offices that support marine-related activities, marine research, education and laboratory facilities, restaurants and other eating and drinking establishments provided the use shall have no adverse impact on any adjacent water body or wetland. In determining that no adverse impact will occur, the Planning Board shall require proof from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, access to water, flood plain management, archaeological and historic resources and functionally water-dependent uses. Any use permitted in this section may only be established within buildings or structures existing as of the effective date of this ordinance

11 Indoor storage only

12 Marine-related only

13 Provided that all subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size and shall be setback no less than 100 horizontal feet from the normal high water mark of a water body. This requirement shall not be reduced by variance. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules. Subsurface waste disposal systems shall require a soils report, prepared by a State-Certified soil scientist or geologist based on anon-site investigation. Suitability considerations shall be based primarily on

- criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.
- 14 Lots must have minimum 150 feet shore frontage, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water elevation; excepting those Lots or Deeds or Plans of Record on the effective date of this ordinance.
- 15 Planning Board approval if within twenty-five (25) feet of the upland edge of a coastal wetland
- 16 Marine-related only
- 17 Including bridges not exceeding 20 feet
- 18 If temporary in nature (i.e. not to remain for more than 12 consecutive months) and:
- a. not of a size and scale to permit use as a warehouse meant to serve as a distribution, or wholesale center; or,
 - b. storage facilities particular to the marina service businesses including, but not limited to, storage facilities for the fuel and petroleum products or repair parts used in the routine servicing of marina customers and storage facilities for consumer waste or consumer retail products normally associated with a full-service, waterfront marina and boatyard.
- 19 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
- 20 Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- 21 In RP not allowed in areas so designated because of wildlife value.
- 22 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- 23 Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
- 24 See further restrictions in Section ____ (15(L)(2))
- 25 Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
- 26 Except as provided in Section ____ (15(H)(4)).
- 27 Single family residential structures may be allowed by special exception only according to the provisions of Section ____ (16(E)), Special Exceptions. Two-family residential structures are prohibited.
- 28 Except for commercial uses otherwise listed in this Table.
- 29 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- 30 Permit not required but must file a written "notice of intent to construct" with CEO.