



Office of Planning & Codes

Wiscasset Ordinance Review Committee Meeting Notes March 12, 2007

Members Present: Pat Barnes, Doc Schilke, Joe Piccirillo, Karl Olson, Larry Lomison, Jeffrey Hinderliter (Town Planner).

Guests: Peter Arnold (Chewonki), John Allen (Wiscasset Police Department).

1. Meeting Opens at 5:35 PM.
2. February 26, 2007 Meeting Notes Approved.
3. Items Discussed: Coastal Waters Ordinance (Draft 5), Sex Offender Ordinance (Draft 1) and Small Wind Energy Systems Ordinance (Draft 3).
4. Coastal Waters Ordinance. The following Coastal Waters Ordinance standards were discussed.
 - Confusion regarding Person and Commercial Enterprise definitions and how they apply to mooring permits. For example, it would appear that if we exclusively use Person in 5.1, this could exclude education and non-profits from securing mooring permits. To resolve this, ORC recommends inserting “or Commercial Enterprises” after Persons in the appropriate ordinance sections.
 - Definition of Commercial Enterprise should say non-profit, not for-profit.
 - ORC discusses whether the number of allowable mooring permits should be limited. The ORC decides the following additional language is acceptable and to insert something like the following into section 5.3: “Applicants may only apply for a single mooring space, and may not submit or hold multiple applications within the same category or spaces except in special circumstances. Applicants may apply for more than one mooring assignment each year provided each application is a separate category. The Selectmen shall be responsible for determining if an applicant can successfully establish their mooring permit request qualifies as a special circumstance.
 - ORC discusses standard 5.1 and if mooring permits can be transferred to heirs or spouses as they are transferred for Commercial Fishing purposes. The ORC does not reach a consensus on this issue and decides to submit to the Selectmen with the current wording.
 - **RECOMMENDATIONS:** Develop draft 6.

5. Sex Offender Ordinance. The ORC discusses the Sex Offender Ordinance with Wiscasset Police Office, John Allen.

- John explains his position on why we need an ordinance that restricts residence for certain sex offenders.
- Would this ordinance violate constitutional rights and be legally challenged? John explains his position on this question. He believes that it is important to get the protection the ordinance would offer in place and we should not wait for the legislators to make a decision or to see the results of potential legal action against those town's that have sex offender ordinances in place.
- John gives some statistics in association with sex offender residences: At least 13 live in town and at least 3 work in town. 468 offenders live within a 10 mile radius of the town's boundaries. 431 offenders live within a 5 mile radius of the town's boundaries.
- State law indicates what offenders are required to follow the sex offender registry laws.
- Do we currently have or have had problems with sex offender living within the areas the proposed area the ordinance could restrict? John explains where some offenders live and the potential risks.
- ORC and John discuss the different types of sex offender classifications and what offenders should be included with this ordinance. John believes we should not include 10-year registrants because most of these offenses are misdemeanors.
- What does an offender living close to a restricted area actually prevent? What if an offender drives or walks to a restricted area? John and Jeffrey explain what they believe the purpose behind the distance from restricted areas means and the ordinance includes restrictions on residency and loitering.
- The proposed ordinance should include language that regulates sex offenders who have committed similar crimes in other states.
- The state does not have laws similar to the proposed ordinance.
- John believes that the property owner's who rent property within one of the residency restriction zones should be responsible for checking with the police department, prior to renting to tenant, for the purpose of determining if the tenant is a sex offender regulated under this ordinance.
- Town notification to regulated sex offender could include a copy of the ordinance and map of the restricted areas once the sex offender notifies the Police they will be residing in town.
- ORC questions why people who are guilty of other felonies are not regulated like sex offenders.
- John and Jeffrey will prepare a general map showing the restricted areas.
- **RECOMMENDATIONS:** Continue discussion and develop regulated area map.

6. Small Wind Energy Conversion Systems. Due to limited time, the ORC and Peter Arnold briefly discuss the Wind Energy Ordinance.

- Jeffrey opens the meeting with a discussion of the previous meeting and the comments from Peter Arnold.

- Jeffrey states based on the previous meeting concerning this ordinance, it appeared that the ORC preferred the wording within Draft 3. A number of the changes Peter recommended were acceptable but for the most part the ordinance as written looked good.
- **RECOMMENDATIONS:** Jeffrey to develop 4th Draft reflecting the comments from previous meetings and present on 3/26/06.

7. Meeting Adjourned at 7:00 PM