



# Office of Planning & Codes

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## Wiscasset Ordinance Review Committee Meeting Notes February 11, 2008

Members Present: Doc Schilke, Larry Lomison, Karl Olson, Jackie Lowell, Jeffrey Hinderliter (Town Planner).

1. Meeting Opens at 5:42 PM.

2. Items Discussed: Noise Ordinance (1-14-08 Draft), High Street Parking Amendments, Contract Zoning.

3. January 28, 2008 minutes approved.

4. Noise Ordinance (1-14-08 Draft). Jeffrey explains the ORC review history of this proposal and indicates he made all recommended amendments suggested by the ORC so this should be the final draft. Jeffrey also says that he would prefer to adopt a noise ordinance as part of the new ordinances. ORC feels that we have already worked on the noise ordinance and should not wait for the new ordinances. Also, it will offer more protection than our current ordinances do. Questions on 8.5 and 8.6 concerning enforcement- What will happen if the development is not in compliance after it is constructed? It's up to the applicant to represent compliance with the standards during the permitting phase. For example, the Point East project completed a sound study to represent compliance with sound standards. If, after construction, there is a noise complaint the CEO will be responsible for investigating it. The CEO may speak with the property owner or whoever is responsible for the property and discuss the complaint and resolution. The CEO may have to prove a violation exists before they tell the property owner there is a violation. This could prove to be difficult. Is there enough protection in the ordinance? There is more than we currently have but it is not 100% foolproof.

**RECOMMENDATION:** ORC approves Draft and recommends to submit to the Selectmen.

5. High Street Parking Amendments. Jeffrey explains proposed amendments. A resident on High Street and Lt. John Allen are proposing to restrict parking on High Street, between Lee Street and the Library, to the East side of the street only. Apparently, when vehicles are parked on both sides of High Street, two way traffic is impossible and one way traffic is difficult. Also, it is difficult to get public safety vehicles through High Street in case of an emergency. Jeffrey explained that it appears the Selectmen can amend the ordinance when dealing with parking regulations because of standards found in state law and local ordinance. ORC agrees that it appears the Selectmen can adopt traffic regulations but they question if they can add new language to the ordinance without town meeting approval. Also, if the Selectmen amend the ordinance without town meeting approval people may question this and not feel comfortable

with it. Jeffrey indicates he would rather have the ordinance language adopted so the standards are memorialized and are not lost as time passes. ORC questions whether they should leave the decision up to the Selectmen. ORC further discuss the ordinance adoption process.

**RECOMMEDATION:** Seek legal opinion on whether the Selectmen can adopt ordinance standards and amend the ordinance without town meeting approval.

6. Contract Zoning. Jeffrey explains that he is looking for the ORC's opinion on Contract Zoning. Basically, he wants to know if the ORC feels they should continue He mailed some information about Contract Zoning that might help the ORC decide if we should continue our review of Contract Zoning. ORC discuss believe Conditional Use Zoning may be a better option than Contract Zoning. Contract Zoning may have more legal issues. Jeffrey states that we will consider Conditional Use Zoning as part of the new ordinance development. ORC discuss variances and appeals. ORC feels that although we should not continue with