

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR
SEPTEMBER 4, 2012

Preliminary Minutes

Tape-recorded meeting

Present: Judy Colby, Bill Curtis, Chair Pam Dunning, Vice Chair Ed Polewarczyk, Jeff Slack and Town Manager Laurie Smith

1. Call to Order

Chair Pam Dunning called the meeting to order at 7 p.m.

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

3. Approval of Treasurer's Warrant: August 28, 2012 and September 4, 2012

**Judy Colby moved to approve the Treasurer's Warrant of August 28, 2012. Vote 5-0-0.
Judy Colby moved to approve the Treasurer's Warrant of September 4, 2012. Vote 5-0-0.**

4. Approval of Minutes: August 21, 2012 and August 28, 2012

**Ed Polewarczyk moved to approve the minutes of August 21, 2012 as amended. Vote 4-0-1.
Ed Polewarczyk moved to approve the minutes of August 28, 2012. Vote 5-0-0.**

5. Special Presentations or Awards

Chair Pam Dunning presented Alex Diamond, an LCTV volunteer for the past two years, with the Volunteer Appreciation Award for outstanding commitment to the Town of Wiscasset, its residents and the surrounding community and his dedication in providing audio-visual services in cooperation with LCTV. Town Manager Laurie Smith presented Diamond with a gift certificate for Le Garage. Diamond thanked Dunning for the award and said LCTV's work is important and provides 1,000 hours of coverage of Wiscasset meetings and events.

6. Appointments - none

7. Public Comment

Dot Holbrook brought to the board's attention a newspaper article outlining a Maine law that addresses the problem of seniors losing their homes because of inability to pay property taxes. She said she could not afford her taxes and others were in the same situation. The new law does not mandate the program but allows towns to adopt a tax deferral program with certain conditions such as 10 years' residency, owner must be at least 70 years of age and income does not exceed 300% of federal poverty level. Smith said under the program the town would lien but not foreclose on the property until the senior no longer lives in the property and then would allow 45 days for payment of taxes. Sue Varney will be contacting other towns to see if they have adopted this program.

In discussion of the program, the following points were made: relatives or heirs to the property would have only 45 days to pay the taxes, which could be substantial, depending on how many years' taxes were due; deferred tax liability may exceed the value of the property; other programs such as reverse mortgages, circuit-breaker based programs or other means by which the elderly could remain in their homes should be investigated; and the Town would have to look at potential receivables issues. Smith recommended that not only this State program should be investigated, but also other programs available to seniors and suggested a fair might be held to advise the elderly of their options with legal and financial resources available. The board will review the State option and discuss it as well as other programs at a future meeting.

8. Department Head or Committee Chair Report

A. Selectman Slack regarding the RSU Withdrawal sub-committee request: In response to Slack's question about what information the board needed with regard to the request for a sub-committee, Pam Dunning said that while the town had spent considerable money on a study detailing what would have to be done to bring the schools up to code with various options, and the Withdrawal Committee would determine the cost of joining another RSU, an AOS or a stand-alone school system, the main question was what the townspeople wanted for a future school system (K-8, all three schools open, K-12 in two schools, or tuition students out) and the cost of each alternative. Dunning suggested a non-binding referendum to determine what the voters preferred. Ed Polewarczyk said determining which option the voters want would not be needed immediately, as the withdrawal agreement may not be voted on until November 2013.

Judy Colby suggested that a survey be conducted by mail to determine which option the voters preferred rather than a non-binding referendum. She said this would be the responsibility of the sub-committee. She added that the Withdrawal Committee should appoint the sub-committee and when the Withdrawal Committee had finished with the withdrawal agreement, the sub-committee would become a selectmen's committee and continue its work. Polewarczyk said there should be some criteria for the members of the committee and specifics as to the committee's outcome. Bill Curtis recommended that a member of the Budget Committee be on the sub-committee. Cliff Hendricks asked that the cost of each option be included in the survey.

Slack said a rough draft of the withdrawal agreement will be ready the end of September. The completed agreement, which will be voted on, will include the estimated expense for the first year and provision for a superintendent. The Withdrawal Committee will be meeting with the consultants on September 5, 2012.

9. Unfinished Business - none

10. New Business

A. Review draft Subdivision and Site Plan Ordinance: Town Planner Misty Gorski presented draft copies of the two ordinances that had been recommended by the Ordinance Review Committee and approved by the Planning Board. When approved by the Selectmen, public hearings will be held and the ordinances will be presented to the town for a vote.

Gorski summarized the uses that would be approved under the Subdivision Ordinance and said the changes to it included the new State Subdivision Standards, which she listed. Included in this ordinance is a provision for open space subdivisions in compliance with the Comprehensive Plan which requires these subdivisions in the yet-to-be-approved Rural 1 and Rural 2 Districts.

The Site Plan Review Ordinance covers commercial structures and uses, change of use and multi-family residential. Although not required by law, most towns adopt a site plan review ordinance to avoid negative impacts on the neighborhood or the town. The process for Planning Board approval has been changed to reduce the number of meetings required by an applicant and to allow some approvals to be handled by the Planning Office.

If the ordinances are to be scheduled for the November ballot, they will have to be approved at the next meeting in order to allow sufficient time for public hearings. If changes are required and voting is delayed, public hearings would be held in March or April for a June vote. Selectmen with questions will meet with Gorski before the next meeting, and any unresolved issues will be brought to the next meeting.

B. Discussion of Credit Card Payment option: In response to customer requests, Treasurer/Tax Collector Shari Fredette has investigated options for accepting credit card payments in the office.

The town's software company, Harris Computers, is offering a Cash Receipt/PayPort Credit Card Interface that will save the Town setup costs, reduce staff training time, meet industry regulations and State of Maine law. The complete system would cost \$1,205 including the annual maintenance fee of \$150. Customers will be charged a \$1 fee for transactions less than \$40 or 2.5% of transactions more than \$40. Smith said the costs for the system were not budgeted and would come from contingency funds. Ed Polewarczyk said he was concerned with the budget and recommended waiting until after the September 11 vote. **Jeff Slack moved that the town proceed with credit card payment options. Vote 4-1-0.**

C. Alna Transfer Station Contract: Smith reported that the Alna Selectmen had requested information before signing the Transfer Station contract. Specifically, their concern was that the fee schedule would remain constant until the following year's contract was signed. They also requested information on how mandatory recycling had affected the cost and/or savings to the Transfer Station. **Judy Colby moved that the Town will not make changes to the Transfer Station Contract during a contract year with other municipalities. Vote 5-0-0.** Smith will advise both Alna and Westport Island of the vote and provide them with additional information on the Transfer Station operations, which she summarized for the board.

11. Town Manager's Report

Smith said the Lincoln County Commissioners' caucus for municipal officers regarding the Lincoln County Budget would be held on Thursday, September 13, 2012 at 7 p.m., which is the only opportunity to elect members to the budget committee for the County. She encouraged all selectmen to attend.

Smith reminded the board of the Museum in the Streets' invitation to an open house on Friday, September 7 from 5 to 7 p.m. at the Maine Art Gallery. An open house for the public will be held on September 8.

MMA will be holding its annual convention business meeting on October 3 at 1:45 p.m. and has asked that a delegate be selected from the town to vote on behalf of the board. **Ed Polewarczyk moved that the Board authorize the Town Manager to vote on behalf of the Board. Vote 5-0-0.**

A notice of the Maine Yankee Community Advisory Panel has been received. The meeting on spent nuclear fuel storage and removal will take place on September 20 from 3:30 to 5:30 at the Davis Island Grill and will include a public comment period.

The meeting with Edgecomb and the DOT has been scheduled for Wednesday, September 26, at 6 p.m.

12. Other Business

The Bath Road Master Plan meeting will be held on October 4 from 6 to 8 p.m.

13. Adjournment

At 8:50 p.m., **Judy Colby moved to adjourn the meeting. Vote 5-0-0.**

CERTIFICATE OF APPOINTMENT
(Title 30, M.R.S.A. 2253)

MUNICIPALITY OF WISCASSET

To **JEAN HUBER**, of Wiscasset, in the County of Lincoln, and State of Maine:
There being a vacancy in the position of **APPEALS BOARD MEMBER**, the Board of Selectmen for the Municipality of Wiscasset does, in accordance with the provisions of the laws of the State of Maine, hereby appoint you as an **APPEALS BOARD MEMBER** within and for the Municipality of Wiscasset.

Given under our hand this 31th day of December, 2012.

STATE OF MAINE
COUNTY OF LINCOLN, ss

_____, 2012.

Personally appeared the above named **JEAN HUBER** who has been duly appointed by the Board of Selectmen as a **APPEALS BOARD MEMBER** in said Municipality, and took oath necessary to qualify him to discharge said duties for the term specified above according to law.

Before me,

Municipal Clerk

ECONOMY

Goals

1. Promote an economic climate that increases job opportunities and overall economic well-being.
2. Encourage the development of good jobs in and around Wiscasset as well as a diversified economic base and commercial use of the harbor and airport.
3. Move toward a tax base of light industry, commercial and residential uses.
4. Develop tourism, industry, business, homes and services while protecting the historic and rural character of the Town.

Policies	Strategies	Responsibility/Priority
<p>1. Waterfront. Launch the waterfront redevelopment process. Make the central village waterfront a tourist magnet with additional retailing and lodging centered around rail, tour boat and marina developments.</p> <p><i>The village remains one of the gems of Maine, as a place to live or to visit. Maintaining its historic character is essential, while retaining its vital economic role in the town and region.</i></p>	<p>A. Waterfront Catalyst. Investigate a mechanism that would be a catalyst for the waterfront redevelopment. Explore the formation of a Regional Port Authority, and/or an application for the Main Street Maine Program. <i>(See Historic and Archaeological Resources inventory, P. 1-17.)</i></p> <p>B. Transportation Links. Encourage inter-modal transportation links – cruise, tour/ferry boat dock and passenger rail station.</p> <p>C. Large, Paved Parking Areas. Avoid large, paved parking areas at or near the water's edge.</p> <p><i>Because waterfront property is too valuable to be used for new parking areas, the Town should not create large, paved parking areas at or near the water's edge. This is not the correct use of this unique real estate, which will be more productively developed for commercial projects, public access and facilities that specifically promote a working waterfront.</i></p> <p>D. Private Parking Requirement. Through standards in the Zoning Ordinance, require that new development along the riverfront provide its own parking.</p>	<p>EDD/Medium</p> <p>EDD/Ongoing/High</p> <p>PB/Town Meeting/High</p> <p>TP/ORC/PB/Town Meeting/High</p>

Policies	Strategies	Responsibility/Priority
	<p>E. Marina. Encourage a privately owned and operated marina, possibly on the Main Street Pier.</p> <p>F. Cruise Ships. Attract cruise ships to Wiscasset by initiating a modest marketing effort to those companies that operate small ships in the New England/Canada range (<i>See also the Transportation section of Goals, Policies and Strategies, 2.C., p. 11-26.</i> 11-32)</p> <p>G. Riverfront Access Road. Create a pedestrian walkway. Allow limited vehicle access for maintenance purposes.</p> <p>H. Waterfront Policing. Assist in the waterfront redevelopment effort by continuing to maintain a safe and peaceful climate on the waterfront.</p>	<p>EDD/High</p> <p>EDD/Medium</p> <p>TC/Selectmen/ Town Meeting/High</p> <p>Police/Ongoing</p>
<p>2. Historic Village. Preserve the historic nature of the village, both in terms of individual structures and overall ambience, and enhance its role as a service and cultural center for the region's residents. Make it a destination for visitors.</p>	<p>A. Historic Preservation Ordinance. Adopt a Historic Preservation Ordinance, as recommended in this plan, and then use it to market the village as a visitor destination point.</p> <p>B. Parking. Expand the availability of parking by negotiating with private property or commercial businesses to use lots in the peak tourist season. (<i>See also the Transportation section of Goals, Policies and Strategies, 1.C. p. 11-25.</i>)</p> <p>C. Railroad Avenue. Work with MDOT, the owner of the railroad right of way, for use of Railroad Avenue for parking.</p>	<p>TP/ORC/PB/Town Meeting/High</p> <p>EDD/Medium</p> <p>EDD/High</p>
<p>3. Route 1 Corridor. Develop the Bath Road south of the Historic Overlay District for retailing, lodging and service businesses that are not appropriate for the Historic Overlay District, while maintaining the flow of traffic, a style and scale</p>	<p>A. Access Management Rules. Continue to work with Maine DOT to establish rules for access and curb cuts that maintain the traffic flow on the Bath Road south of the Historic Overlay District. Include the consideration of service roads, bridges, and other flow-enhancement strategies. Implement the access recommendations of the Transportation Committee.</p>	<p>TC/ TP/ORC/PB/Town Meeting/High</p>

Bike + Ped Plan

Figure 9 Access Along the River in Wiscasset Village

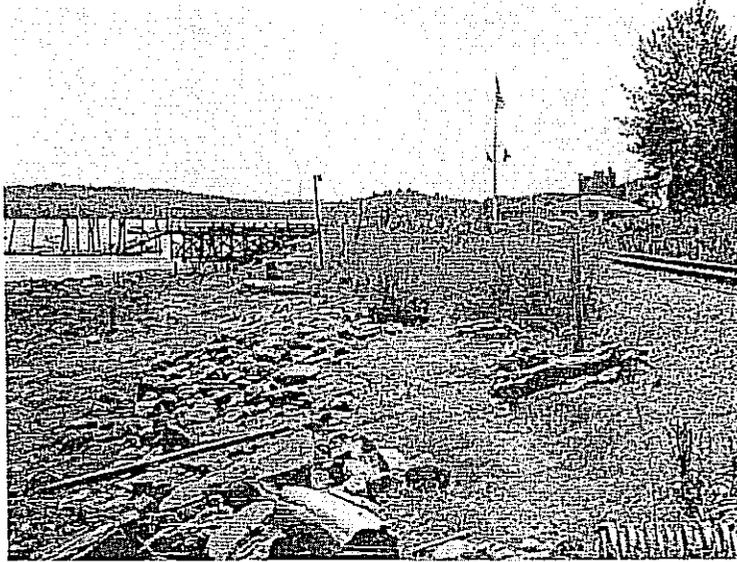
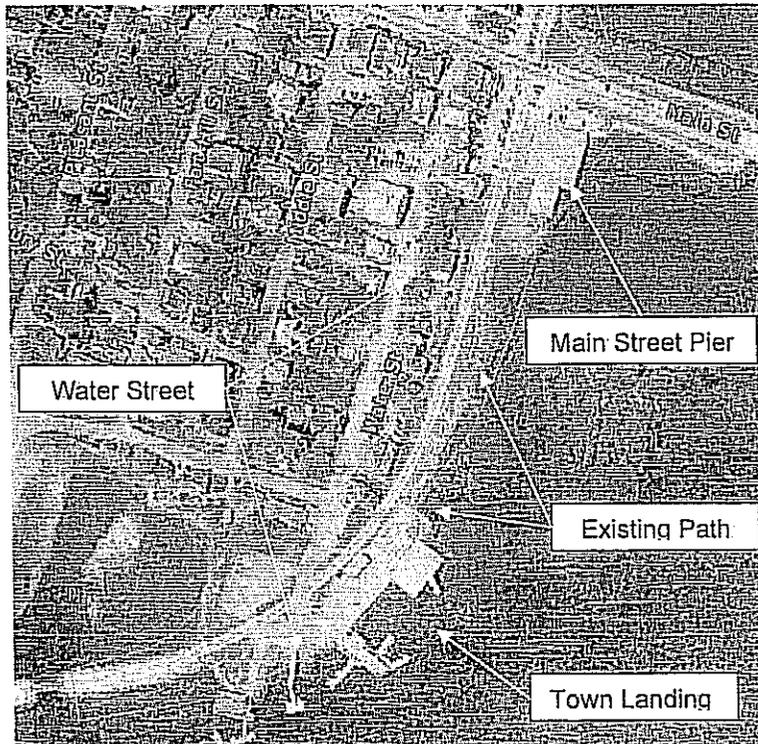


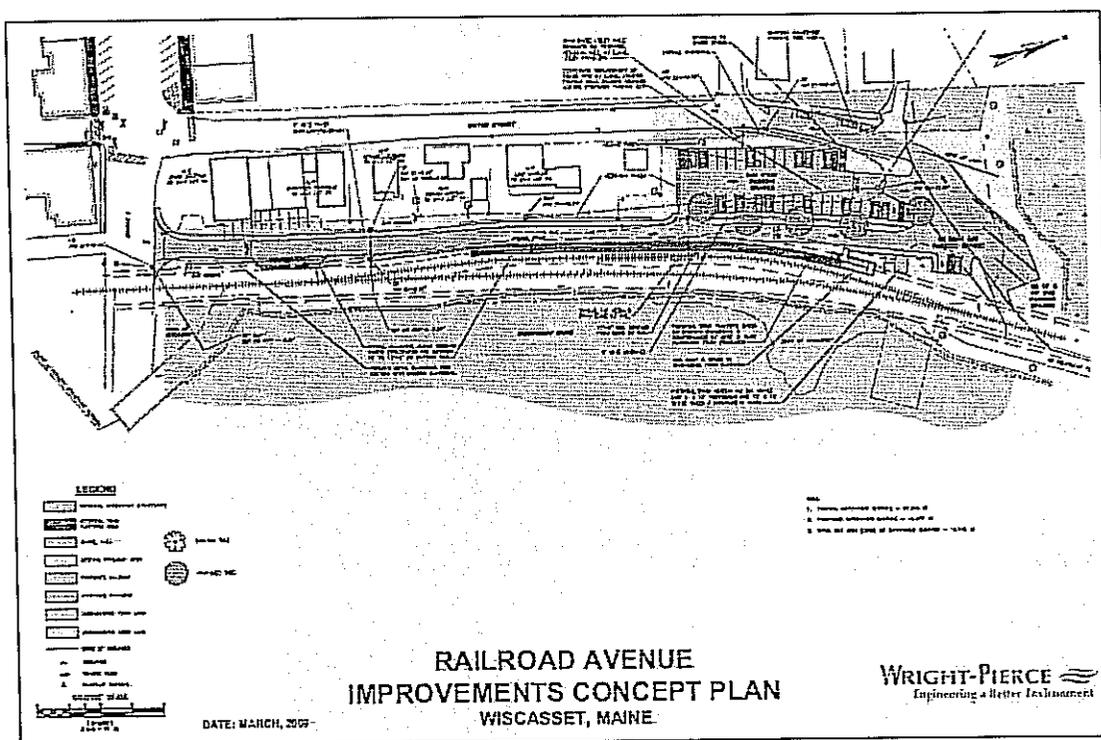
Figure 10 Wiscasset Town Landing and Main Street Pier



A long-standing desire of the Town of Wiscasset has been to redevelop property leased by the Maine Eastern Railroad from the state north of Main Street along Railroad Avenue. Wright-Pierce Engineers was

retained to prepare a development plan with additional parking, pedestrian improvements along Railroad Avenue and a new railroad station. The plan, which is presented as Figure 11, includes 39 vehicle parking spaces, three tour bus parking spaces, a small train station, a pedestrian walking area on the west side of Railroad Avenue and an interstate bus passenger loading area, creating the first true intermodal passenger facility in Lincoln County. The parking area, train station and intermodal facility were all included as recommendations in the 2006 Comprehensive Plan and the project is a high priority for Wiscasset. The town is currently seeking potential funding sources to implement the development plan.

Figure 11 Railroad Avenue Parking Area, Railroad Station and Pedestrian Improvements



Concurrent with the preparation of this bicycle-pedestrian study and plan, the community has been working to expand and encourage better utilization of an extensive system of public trails. As presented in Figure 12, all of the trails, including the Water Trail, are accessible from public roads. Figure 13 presents details on the locations of these trails.

Section 4

Existing Plans and Ordinances and Budgeting

Wiscasset does not currently have a bicycle and/or pedestrian plan. The 2006 Comprehensive Plan recommended applying for state and/or federal funds to construct a bike recreational trail but did not identify a location. The plan made the following recommendations for sidewalks:

- Create a capital improvement plan that includes maintenance of sidewalks, curbs and crosswalks
- Provide human crossing assistance for pedestrians on Main Street
- Negotiate with landowners to build a pedestrian/bicycle bridge to White's Island and Birch Point
- Build a sidewalk on the south side of Tucker's Hill and Fore Street to connect Lee Street and High Street sidewalks, the new Birch Point bridge, the Middle Street sidewalk and the Water Street sidewalk.
- Create a new Bath Road crosswalk to connect the municipal building with the county courthouse, bank and Subway shop
- Build a sidewalk on the west side of Bath Road connecting the Lee Street sidewalk, the Municipal Building, the Gardiner Street sidewalk and the Washington Street sidewalk
- Restore the washed-out cribwork on the waterfront outboard of the railroad tracks in order to create a waterfront esplanade from the Main Street Pier to Memorial Pier (Town Landing)

Neither the Subdivision Ordinance nor the Site Plan Review ordinance require a developer to consider bicycle or pedestrian needs when planning projects. If a developer does propose a sidewalk, however, it must be a minimum four feet in width with a three foot esplanade separating it from the adjacent street.

The town does not have a separate sidewalk capital improvement or maintenance budget. Such work is included in the "Road and Sidewalks Construction and Repair" budget, which was allocated \$150,000 for FY09. According to the Road Commissioner, very little of the budget is expended on sidewalk construction or repair.

Section 7

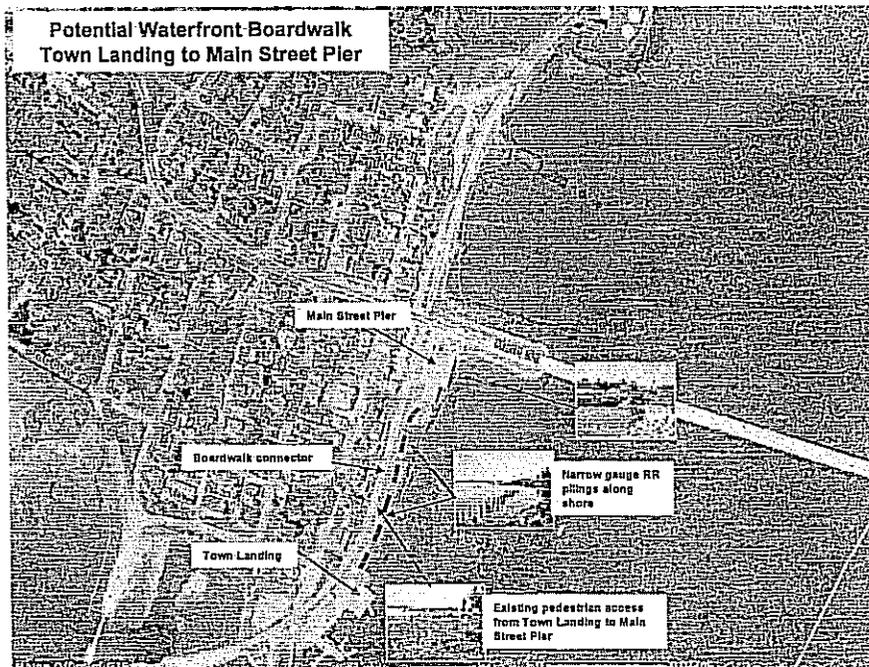
Proposed Facilities and Upgrades to Existing Facilities

The following is a *prioritized* list of recommended new facilities and improvements to existing facilities. In addition to these facilities, it is recommended that suitable signage such as that presented in Figure 27 be installed on all applicable roads.

1. Sheepscot River Boardwalk

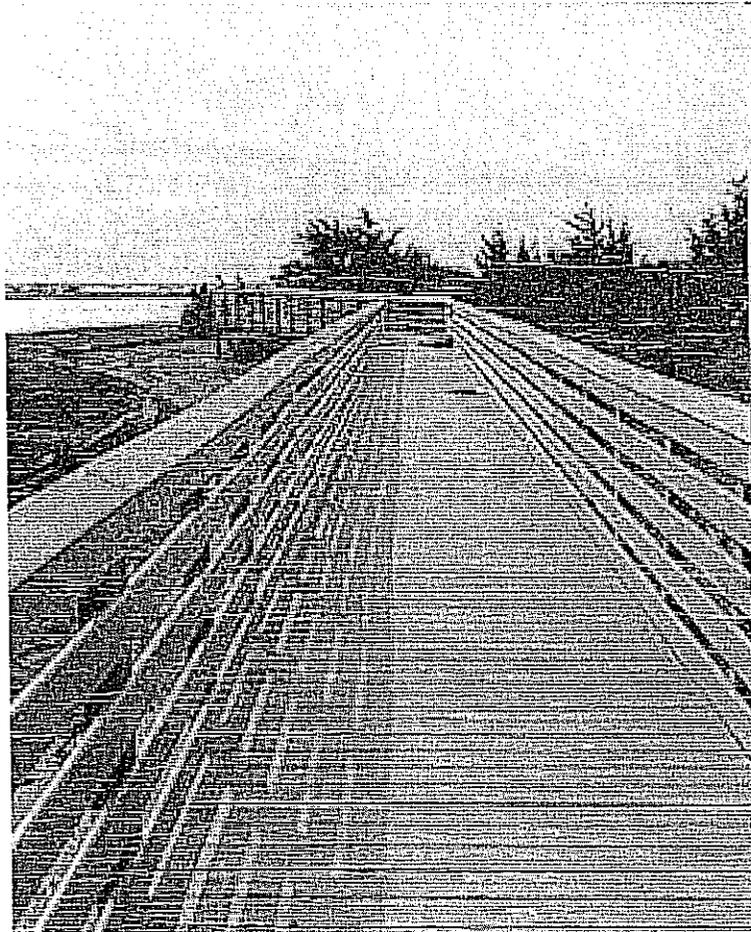
The highest priority project is a boardwalk connector between the Main Street Pier and the Town Landing, as shown in Figure 16. It would provide to the public visual access to the Sheepscot River, something that is now limited due to the railroad right of way. At least one privately owned parcel is required to construct a boardwalk so ownership issues will need to be resolved before this project proceeds. In addition, the project will

Figure 16 Sheepscot River Boardwalk



require a local shoreland zoning permit, a Natural Resources Protection Act Permit from the Department of Environmental Protection and, potentially, a permit from the Army Corps of Engineers. Figure 17 is a photo of the type of boardwalk that might be considered along the Sheepscot River.

Figure 17 Typical Riverfront Boardwalk



2. *Route 218 Paved Shoulders*

Route 218 between Hooper Street and the Sheepscot River Bridge in Alna is part of the East Coast Greenway so, in addition to local bicyclists, many vacationing bicyclists use Route 218. The combination of heavy truck traffic, gravel shoulders and poor pavement in places creates an unpleasant and potentially unsafe riding experience.



Town of Wiscasset

9a.

MEMORANDUM

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: Senior Tax Programs
Dt: September 13, 2012

At our last meeting Dot Holbrook brought forward information regarding an optional Senior Tax Deferral program. I have attached to this memo an article that appeared in the Maine Townsman in October of 2010 relative to this program. I have also attached the state statute which allows Municipalities to establish other forms of local tax relief for senior citizens and copies of the Town of Cumberland's program.

[Back](#)

Debate Over Senior Property Tax Deferrals

(from *Maine Townsman*, October 2010)
by Douglas Rooks

Kathleen Chase served for 16 years as the assessor for Wells. Back in the 1980s, when property values along the Route 1 commercial zone began skyrocketing, she came across an elderly woman who was trying to hold onto her home and large plot of land, but couldn't afford to pay the escalating property taxes.

"In the course of a few years, the value of her property went from \$160,000 to \$800,000," Chase said. "She was trying to pay a \$7,500 tax bill with an income of less than \$25,000. She was legally blind and she had no family to help."

This was back when the state's circuit breaker tax relief program had started, and for a few years "that worked just fine," Chase said. But when state revenues began declining, the Legislature capped reimbursements and the woman ultimately sold her property and moved away.

Chase decided that, if she ever had a chance to do something for people like that elderly woman, she would. This year, she did.

In her second term as state representative for Wells, she became ranking minority member on the joint Taxation Committee. From that post, she convinced her committee colleagues, and then the full Legislature, to unanimously adopt her bill, LD 1121, which authorizes municipalities to adopt tax-deferral programs for seniors. Wells is now one of the towns considering such an ordinance.

But the prospect of a new locally administered property tax relief program concerns some municipal officials – and the debate over whether, and how, to design such programs has just gotten started.

In general, tax assessors like Chase have the most sympathy for elderly residents who feel they are being taxed beyond their ability to pay. She notes that the criteria to qualify for tax deferrals is fairly stringent – seniors must be 70 or over, have lived in their homestead for at least 10 years, and have incomes less than 300 percent of federal poverty guidelines.

Property taxes are deferred, not forgiven, and the heirs or property buyer must pay the full amount, plus interest, when the resident dies or the property is sold.

QUESTIONS FROM TAX COLECTORS

Tax collectors, however, have many questions about the program. Vera Parent, Tax Collector for Peru and president of the Maine Municipal Tax Collectors and Treasurers Association, wonders whether the existing system couldn't serve elderly taxpayers in this situation.

"There are no limits on the town's ability to abate taxes," she said. "There are other ways to handle the situation some taxpayers find themselves in."

Others wonder whether, if the Legislature considers this such a high priority, it couldn't create a state program to accomplish the same end, without asking towns and cities to take it on.

As it happens, the state did authorize such a program not long after the circuit breaker was enacted, but only a handful of taxpayers are still enrolled. When Chase first proposed her bill, it took the form of reopening applications to this nearly forgotten state program, enacted in 1989, that helps pay the property tax bills for seniors in exactly this situation.

David Ledew, director of Maine Revenue Services' property tax division, said 175 taxpayers signed up for the program before the Legislature, amid falling revenues, suspended enrollment.

"They reopened applications briefly twice, but then closed them for good," Ledew said.

In its peak year, fiscal 1992, the state was reimbursing municipal \$132,000 for 158 taxpayers who had taxes deferred. As residents died or sold their properties enrollment dwindled to just 14 taxpayers by fiscal 2005. Only seven

GOING DOWN

In 1989, the Legislature approved a state-run plan to help seniors with their property taxes, administered by the Maine Revenue Services. Initially, it was somewhat popular, but participation dwindled over time.

Fiscal year	Number participating	Avg. tax bill
1991	73	\$1,089.92
1992	158	\$835.72
1993	113	\$909.98
1994	90	\$1,260.26
1995	75	\$1,392.17
1996	70	\$1,340.64
1997	64	\$1,322.83
1998	56	\$1,361.54
1999	50	\$1,104.50
2000	48	\$1,047.08
2001	35	\$1,239.23
2002	30	\$1,394.50
2003	25	\$1,606.20
2004	23	\$1,690.09
2005	14	\$1,874.64
2006	14	\$1,995.07
2007	14	\$1,968.14

(Source: Maine Revenue Services Department)

remain today, and their cases need to be administered each year.

In the meantime, concern about excessive property taxes rises each time there's a real estate boom – including the latest that ended with the 2008-09 recession – and various solutions are offered.

Chase and Ledew both said that by January of this year, when the Taxation Committee was again discussing the held-over bill, there

was no possibility of a state appropriation.

The state also enacted significant reductions in the circuit breaker tax relief program for individuals, reducing the maximum reimbursement from \$2,000 to \$1,600. The Legislature cut the Homestead Exemption from \$13,000 to \$10,000, only half of which is reimbursed by the state.

By that time, Chase had decided a local program might work better anyway.

"There's a reluctance among some people, particularly elderly people, to get involved in a state program. They're more comfortable with something closer to home," she said.

Ledew essentially said there are some reasons why a state program might work better, at least under the original design.

"In theory, this could be administered more efficiently at the state level. The state has expertise and knowledge, and can do things that municipalities are not as familiar with," he said.

Before the Legislature cut back, MRS planned to add staff to handle applications and write rules – hiring that was never carried out.

Ledew said a lack of reliable funding has been a problem for senior deferrals and other state tax relief programs, including municipal revenue sharing.

He noted that in the mid-1990s, tax-deferral reimbursements were briefly cut to 90 percent, which prompted a number of taxpayers to leave the program.

Municipal and state budgets are fundamentally different in the way they are constructed, Ledew said.

"When the state faces a revenue shortfall, it starts looking for somewhere to cut, and that usually means everything," he said.

Municipalities, by contrast, "start with a budget plan, and then assess the taxes to pay for it," he said. Towns may cut back programs, but look at funding them first before making that decision. Under these circumstances, it seems a better bet that a municipal tax deferral program will continue as envisioned than one administered and funded by the state.

TOWNS HAVE A CHOICE

The new law permits, but does not require, municipalities to run their own property tax deferral programs. It became effective in July and towns are now discussing whether they want to participate. Among municipal officials, opinions differ about the need for and practicality of the program.

Assessors like Chase tend to be the most supportive. They often

work with annual or periodic revaluations of property and see the effects of dramatic rises in the assessed value of commercial property or shoreline lots on the coast and interior lakes.

Tax collectors, who would administer the program, have more reservations. Paul Labrecque, Lewiston's tax collector, said situations where elderly taxpayers face unaffordable tax bills are rare. Over two decades, he can think of only a half dozen cases where substantial abatements were requested. Applications for poverty exemptions are even rarer.

Labrecque is concerned about the ability of municipalities to administer such programs. "The way I read this, the municipality has to file a lien on the property every year," he said. "Otherwise, the claim isn't legal."

Ledew confirms that this is the case – each year, the state files a list with the county registries. That recurring work is something for municipalities that don't have managers or that elect their tax collectors and treasurers to consider, before enacting local ordinances.

"If you have new people on the job, without the institutional memory, it could be an issue," Ledew said.

Labrecque said that Lewiston does set up payment plans and finds other ways to help people pay taxes. "We'll work with them to the umpteenth degree if they ask."

Whether many elderly taxpayers are "taxed out of their homes" can be seen in different lights. Some observers, such as Rep. Chase, say that most people would rather sell and move than ask for what they see as a form of charity. It is this group, supporters say, who would be most likely to use the deferral program.

INTEREST IN BELGRADE

Dennis Keschl, town manager of Belgrade, says there is considerable interest among the board of selectmen in offering a deferral program. Last year, Belgrade was one of a number of towns setting up a program, authorized by the state the previous year, that allows seniors to volunteer to work for the town and be forgiven up to \$750 of their tax bills.

"We have a lot of lakefront and typically those lots have greatly increased in value," he said. "We don't expect to have dozens of applicants – maybe there would just be two or three – but it may really help certain individuals."

Keschl has seen how some elderly residents struggle on fixed incomes. He recalled one case when a couple whose home had been in the family for seven generations had to come up with \$11,000 for a drilled well.

"I don't know how they did it, and now the well is contaminated, too," he said. "We're trying to help them raise enough money so

they can afford to buy a filter."

A committee will begin meeting shortly with the goal of writing an ordinance that can be considered at the 2011 Town Meeting. Figuring out how budget for the program, and whether there need to be any additional eligibility requirements, will be part of the discussion, Keschl said.

Another municipality actively considering a program is Wells. Selectmen Chairman Bob Foley said it was clear after an initial meeting in July that, "We like the concept of the program and see the need."

There are a number of issues that need to be addressed, however. One is that Wells has a number of homesteads where ownership has been transferred to a family trust or other legal entity, but whose residents – with lifetime tenancy – might be eligible.

"I don't see that the state law addresses that situation, so we might have to," he said.

There are also instances where mobile homes are located on leased lands, or where the owners have an agreement to convey the property to a land trust. "We don't want to discourage people from applying but we have to make sure we're covered legally," he said.

LOCAL BUDGET IMPACT?

Perhaps the biggest municipal concern is how deferred taxes will be reflected in the annual budget.

"At some point, the program should pay for itself," said David Ledew at MRS. "There will be enough properties exiting the program and producing revenue for the town to balance the ones being enrolled."

Ledew acknowledged that the break-even point "is somewhat hypothetical." In some towns, it might take four years to reach, in others 10 or more.

In Lewiston, Labrecque wonders whether smaller towns might have more difficulties finding the right balance.

"We have a revenue stream of \$45 million so it's hard to see much of an impact there," he said. "But what about a town with a much smaller budget?"

Ledew thinks one advantage of a local program is that it's easier to keep tabs on the properties enrolled. In one case, a taxpayer involved in the state program moved to a nursing home but the property remained unsold and deteriorated for years before the taxpayer died.

"We were concerned about whether we'd even get our money back. We did, barely, but that's the kind of situation you need to watch,"

he said.

Douglas Rooks is a freelance writer from West Gardiner and regular contributor to the Townsman, drooks@tds.net

,

5-20-10 Property tax deferrals will help seniors

Maine's law, signed by Gov. John Baldacci on Wednesday, will take effect on July 12.

The Associated Press

AUGUSTA — Senior citizens' fears of losing their homes because of growing property taxes prompted a new law authorizing deferred payments for eligible homeowners, sponsors said Wednesday.

Rep. Kathleen Chase, the bill's sponsor, said that in her southern Maine district a retired woman saw her home's value rise from \$161,000 to \$800,000,

triggering a sharp increase in property taxes.

"She called me up in tears, very upset, and didn't know what to do," said Chase, R-Wells. Without any alternative, the woman's 151-acre parcel was sold and developed by a drug store chain, Chase said.

The bill, celebrated Wednesday by Gov. John Baldacci with a formal signing ceremony, authorizes towns and cities to allow property tax deferrals for homeowners who are at least 70 years old, have lived in their home for at least 10 years, and have a household income of less than 300 percent of the federal

poverty level.

The taxes could be deferred until the homeowner dies or the home is sold. Then the taxes would have to be repaid within a set period, along with interest at a rate of 0.5 percent above the annually established rate for delinquent taxes.

The premium would help towns recoup administrative costs, said Chase, a former tax assessor.

While the bill doesn't mandate such programs, Chase and the bill's co-sponsors said they're

convinced there's a demand and many towns have already expressed an interest in allowing deferrals.

"Many elderly residents of fixed incomes, especially those in lake and coastal communities, just want the ability to stay in the homes they have worked so hard to maintain," Baldacci said.

Maine's law, which takes effect July 12, is a modified version of what several other states have already done, Chase said.

5-20-10 Tax deferral law will help seniors stay in their homes

When a home's value rises but a senior's ability to pay doesn't, this is a solution.

There are good reasons for Maine communities to rely on the property tax for funding local government. It is a stable source of revenue, and unlike income and sales taxes, it doesn't fluctuate wildly when the rest of the economy ebbs and flows.

But it can also be an unfair tax, because it puts a value on a piece of property regardless of its owner's ability to pay. This has been especially hard for elderly people who would like to stay in their now-valuable property, but don't have the money to pay the taxes without selling their home.

A bill designed to address the problem was passed by the Legislature this spring and was signed into law by Gov. Baldacci on Wednesday. It's a small measure that could make a big difference in people's lives.

The new law allows cities and towns to adopt ordinances permitting a taxpayer to defer what he or she owes

until they die or sell the house.

To be eligible for the program, the homeowner has to be at least 70 years old, have lived in the home for at least 10 years, and have an income that is no greater than three times the poverty level.

This is fair to the municipalities which can depend on eventually collecting the taxes owed, and it's fair to other taxpayers, who will not have to pay higher rates to subsidize a neighbor.

But mostly it is better for elderly homeowners who have found that there is a big difference between property value and money in the bank. This way they can stay where they want to be and not be forced to sell their home until health or other reasons require it.

With all the pressures that come with age, this law will provide some comfort.

36 §6271. MUNICIPAL AUTHORITY

36 §6271. MUNICIPAL AUTHORITY

1. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible homestead" means the owner-occupied principal dwelling, either real or personal property, owned by a taxpayer and the land upon which it is located. If the dwelling is located in a multiunit building, the eligible homestead is the portion of the building actually used as the principal dwelling and its percentage of the value of the common elements and of the value of the tax lot upon which it is built. The percentage is the value of the dwelling compared to the total value of the building exclusive of the common elements, if any. [2009, c. 489, §5 (NEW) .]

B. "Federal poverty level" means the nonfarm income official poverty line for a family of the size involved, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2. [2009, c. 489, §5 (NEW) .]

C. "Household income" has the meaning set out in section 6201, subsection 7. [2009, c. 489, §5 (NEW) .]

D. "Program" means a tax deferral program adopted by a municipality pursuant to subsection 2. [2009, c. 489, §5 (NEW) .]

E. "Tax-deferred property" means the property upon which taxes are deferred under this chapter. [2009, c. 489, §5 (NEW) .]

F. "Taxes" or "property taxes" means ad valorem taxes, assessments, fees and charges entered on the assessment and tax roll. [2009, c. 489, §5 (NEW) .]

G. "Taxpayer" means an individual who is responsible for payment of property taxes and has applied to participate or is currently participating in the program under this chapter. [2009, c. 489, §5 (NEW) .]

[2009, c. 489, §5 (NEW) .]

2. **Authority.** The legislative body of a municipality may by ordinance adopt a property tax deferral program for senior citizens, referred to in this section as "the program." Upon application by a taxpayer, a municipality may defer property taxes on property if the following conditions are met:

A. The property is an eligible homestead where the taxpayer has resided for at least 10 years prior to application; [2009, c. 489, §5 (NEW) .]

B. The taxpayer is an owner of the eligible homestead, is at least 70 years of age on April 1st of the first year of eligibility and occupies the eligible homestead; and [2009, c. 489, §5 (NEW) .]

C. The household income of the taxpayer does not exceed 300% of the federal poverty level. [2009, c. 489, §5 (NEW) .]

An application, information submitted in support of an application and files and communications relating to an application for deferral of taxes under the program are confidential. Hearings and proceedings held by a municipality on an application must be held in executive session unless otherwise requested by the applicant. Nothing in this paragraph applies to the recording of liens or lists under subsection 3 or any enforcement proceedings undertaken by the municipality pursuant to this chapter or other applicable law.

The municipality shall make available upon request the most recent list of tax-deferred properties of that municipality required to be filed under subsection 3. The municipality may publish and release as public information statistical summaries concerning the program as long as the release of the information does not jeopardize the confidentiality of individually identifiable information.

[2009, c. 489, §5 (NEW) .]

3. Effect of deferral. If property taxes are deferred under the program, the lien established on the eligible homestead under section 552 continues for the purpose of protecting the municipal interest in the tax-deferred property. Interest on the deferred taxes accrues at the rate of 0.5% above the otherwise applicable rate for delinquent taxes. In order to preserve the right to enforce the lien, the municipality shall record in the county registry of deeds a list of the tax-deferred properties of that municipality. The list must contain a description of each tax-deferred property as listed in the municipal valuation together with the name of the taxpayer listed on the valuation. The list must be updated annually to reflect the addition or deletion of tax-deferred properties, the amount of deferred taxes accrued for each property and payments received.

The recording of the tax-deferred properties under this subsection is notice that the municipality claims a lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county registry of deeds in connection with the recording. For a property deleted from the list, the recording serves as notice of release or satisfaction of the lien, even though the amount of taxes, interest or fees is not listed.

[2009, c. 489, §5 (NEW) .]

4. Notice. The State Tax Assessor shall prepare a one-page notice of the effect of the deferral of property taxes under this section, of the right of the municipality to file a tax lien mortgage pursuant to chapter 105 and that the deferred taxes become due and payable as established in subsection 5. This notice must have a readability score, as determined by a recognized instrument for measuring adult literacy levels, equivalent to no higher than a 6th grade reading level. A municipality that adopts the program shall provide a copy of this notice to each taxpayer applying to the program at the time of application and shall also annually provide to each taxpayer in the program, in lieu of a property tax bill, a copy of this notice together with an accounting of taxes deferred and interest accrued.

[2009, c. 489, §5 (NEW) .]

5. Lien. When it is determined that one of the events set out in subsection 6 has occurred and that a property is no longer eligible for property tax deferral under this chapter, the municipality shall send notice by certified mail to the taxpayer, or the taxpayer's heirs or devisees, listing the total amount of deferred property taxes, including accrued interest and costs of all the years and establishing a due and payable date. For events listed in subsection 6, paragraphs A, B and C, payment is due within 45 days of the date of the notice. When the event listed in subsection 6, paragraph D occurs, the total amount of deferred taxes is due and payable 5 days before the date of removal of the property from the State. The municipality shall include in the notice a statement that the lien enforcement procedures pursuant to chapter 105, subchapter 9 apply.

If the deferred tax liability of a property has not been satisfied by the date established pursuant to this subsection, the municipality may enforce the lien according to procedures in chapter 105, subchapter 9.

Partial payments accepted during the 18-month redemption period provided for in section 943 may not interrupt or extend the redemption period or in any way affect foreclosure procedures.

[2009, c. 489, §5 (NEW) .]

6. Events requiring the payment of deferred tax and interest. Subject to subsection 7, all deferred taxes and accrued interest must be paid pursuant to subsection 5 when:

A. The taxpayer dies; [2009, c. 489, §5 (NEW) .]

B. Some person other than the taxpayer becomes the owner of the property; [2009, c. 489, §5 (NEW) .]

C. The tax-deferred property is no longer occupied by the taxpayer as a principal residence, except that this paragraph does not apply if the taxpayer is required to be absent from the eligible homestead for health reasons; or [2009, c. 489, §5 (NEW) .]

D. The tax-deferred property, a mobile home, is moved out of the State. [2009, c. 489, §5 (NEW) .]

[2009, c. 489, §5 (NEW) .]

7. Election to continue deferral. If one of the events listed in subsection 6 occurs, and the ownership of the eligible homestead is transferred to another member of the same household, the transferee may apply to the municipality for continuation of the deferral of taxes if the transferee meets the conditions in subsection 2, paragraphs B and C.

[2009, c. 489, §5 (NEW) .]

8. Repeal of program. A municipality that has adopted the program under this section may discontinue it through the same procedure by which the program was adopted; however, any taxes deferred under the program continue to be deferred under the conditions of the program on the date it was ended.

[2009, c. 489, §5 (NEW) .]

SECTION HISTORY

2009, c. 489, §5 (NEW) .

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Special Session of the 125th Maine Legislature, is current through December 31, 2011, and is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

36 §6232. MUNICIPAL AUTHORITY

36 §6232. MUNICIPAL AUTHORITY

The legislative body of a municipality may by ordinance adopt a program to provide benefits to persons with homesteads in the municipality. A municipality may choose to restrict the program to persons who are at least 62 years of age. [2005, c. 395, §4 (NEW) .]

1. Conditions of program. Except as provided in subsection 1-A, a program adopted under this section must:

A. Require that the claimant has a homestead in the municipality; [2005, c. 395, §4 (NEW) .]

B. Provide benefits for both owners and renters of homesteads; and [2005, c. 395, §4 (NEW) .]

C. Calculate benefits in a way that provides greater benefits proportionally to claimants with lower incomes in relation to their property taxes accrued or rent constituting property taxes accrued. [2005, c. 395, §4 (NEW) .]

[2007, c. 635, §1 (AMD) .]

1-A. Volunteer program. A municipality may by ordinance adopt a program that permits claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 by volunteering to provide services to the municipality. A program adopted under this subsection does not need to meet the requirements of subsection 1, paragraph B or C. Benefits provided under this subsection must be related to the amount of volunteer service provided. Benefits received under this subsection may not be considered income for purposes of Part 8. A municipality may by ordinance establish procedures and additional standards of eligibility for a program adopted under this subsection.

[2007, c. 635, §2 (NEW) .]

2. Relationship to state program. Benefits received under a program adopted by a municipality under this section are in addition to benefits provided under chapter 907. A municipality may, but is not required to, provide that:

A. Benefits under the program are equal to a percentage of the benefits received by the claimant under chapter 907; [2005, c. 395, §4 (NEW) .]

B. The amount of benefits received under the program may not exceed 50% of property taxes or rent constituting property taxes paid on a homestead; or [2005, c. 395, §4 (NEW) .]

C. The amount of benefits received under the program together with benefits received under chapter 907 may not exceed 60% of property taxes or rent constituting property taxes paid on a homestead. [2005, c. 395, §4 (NEW) .]

[2005, c. 395, §4 (NEW) .]

3. Repeal of program. A municipality that has adopted a program under this section may repeal it through the same procedure by which the program was adopted.

[2005, c. 395, §4 (NEW) .]

SECTION HISTORY

2005, c. 395, §4 (NEW) . 2007, c. 635, §§1, 2 (AMD) .

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:



PROPERTY TAX RELIEF SENIOR CIRCUIT BREAKER PROGRAM

Who Can Participate?

- a. The applicant shall be 67 years of age or more.
- b. The applicant shall have a homestead in the Town of Cumberland at the time of the application and for the entire year prior to the date of application.
- c. The applicant has received a refund under the provisions of Chapter 907 of 36 M.R.S.A. (State Circuit Breaker)
- d. The applicant has been a resident of the Town of Cumberland for at least ten years.

How do I participate

- Persons seeking to participate in the Property Tax Assistance Program shall submit a written application to the Town Assessor no later than January 15th.
- The Town Manager shall provide an application form for the program, which shall include, the applicant's name, homestead address, contact information and proof and amount of refund under Chapter 907 of Title 36 (State Circuit Breaker Program).
- The Town Manger shall review and determine if the application is complete. The Town Manager's decision on eligibility to participate in the Program shall be final.

How much of a Refund is Available From the Town?

- Eligibility shall be the lesser of the following amounts:
 - a. The amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (State Program) or
 - b. Available monies in the Town Circuit Breaker fund
 - c. \$750.00
- The Town Manager shall report to the Town Council at their first meeting in December each year the projected payments and number of eligible applicants requesting assistance for the program fund.

Limitations

- Only one qualifying applicant per household shall be entitled to payment under this Program each year.
- In the event that a lack of funding, the request will not carry over to the next year or create any right to additional payments on account of the application which resulted in no payment or less than full payment.

You must Apply each year to get a Refund!

TOWN OF CUMBERLAND

PROPERTY TAX ASSISTANCE ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 67 years of age and over who reside in the Town of Cumberland. Under this program, the Town of Cumberland will provide supplemental cash refund payments to those individuals who qualify as Cumberland resident beneficiaries of the State of Maine Residents Property Tax Program pursuant to Chapter 907 of Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person's dependents as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Town Manager, after review of a complete application under Section 4 of this Ordinance, to be eligible for a refund payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 67 years of age or more at the time of application.
- b. The applicant shall have a homestead in the Town of Cumberland at the time of the application and for the entire year prior to the date of application.
- c. The applicant has received a refund under the provisions of Chapter 907 of 36 M.R.S.A.
- d. The applicant has been a resident of the Town of Cumberland for at least ten years immediately preceding the date of application for participation in the Program.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Town Manager no later than **January 15, 2012**. Applications are required every year to participate in this program. The Town Manager shall provide an application form for the program, which shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be proof and dollar amount (copy of check) of State Refund under Chapter 907 of Title 36 (State Circuit Breaker Program). The Town Manager shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Town Manager shall notify an applicant if an application is determined to be incomplete. The Town Manager's decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility

If the Town Manager determines that the applicant is eligible to participate in the Program, he shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

- a. The amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (Maine Circuit Breaker Program) or;
- b. Available monies in the Town Circuit Breaker fund or;
- c. **\$750.00.**

The Town Manager shall report to the Town Council at their first meeting in **January** each year the projected payments and number of eligible applicant requesting assistance for the program fund.

Section 6. Program Fund - Limitations upon payments

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants under this Ordinance, payments shall be limited to the amounts available in the Fund. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 7. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall be carried forward within the Fund to the next fiscal year.

Section 8. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount (or pro-rated amount if inadequate funds are available) no later than **January 15th** for the year in which participation is sought.

Section 9. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager shall be disbursed to another member of the household as determined by the Town Assessor or the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.



TOWN OF CUMBERLAND
PROPERTY TAX ASSISTANCE

Senior Circuit Breaker Program

Application Deadline, January 15, 2012

Name: _____

Property Address: _____

If different than property address:

Mailing Address: _____

Please check and attach a copy of proof of age:

Driver's License: _____ Birth Certificate: _____ Other: _____
Please Describe

Proof of Residency: Ownership _____ (Assessor to Verify)

Rental _____ (Please provide copy of lease)

Please attach a copy of your State Circuit Breaker refund check or confirmation.

If you need any assistance with the completion of this form or the State form, please contact Town Assessor, Bill Healey @ 829-2204 or bhealey@cumberlandmaine.com to schedule an appointment to review either or both forms.

Please return form to:

Mr. William Healey, Town Assessor
Cumberland Senior Property Tax Relief
290 Tuttle Road
Cumberland, ME 04021



Office of Planning & Codes

TO: Wiscasset Selectboard
FROM: Misty Gorski, Town Planner
DATE: September 12, 2012
SUBJECT: ORC Recommended Site Plan & Subdivision Ordinances

The ORC reviewed comments received by Ed Polewarczyk at their September 10th meeting.

A few changes were made throughout the documents, most specifically changed were provisions that did not have significant value toward achieving the overall goals of the comprehensive plan. After substantial discussion regarding Polewarczyk's comments, the ORC felt the ordinances being presented to the Selectboard were reasonable and flexible while still achieving the goals of the comprehensive plan.

The comprehensive plan addresses future development patterns and outlines the intentions of town's people for how they would like to see the community grow. Our comprehensive plan clearly identifies throughout the future goals that the town should develop in a manner that promotes future commercial development in a manner that is attractive while also maintaining the rural character of the Town, regardless of where or what type of development. Based on the goals the comprehensive plan outlines the ORC has done their best to provide review process for site plan and subdivisions that meet these objectives and meets the current goals of the Town to promote economic development. Additionally, the proposed ordinances provide a more objective review process and clearly outline the requirements for review. This provides the applicant with a clear understanding of what is involved in the process and the length needed for the review process.

**AMENDMENT TO ARTICLE VIII, SITE PLAN REVIEW ORDINANCE, OF THE
TOWN OF WISCASSET ORDINANCES**

Be it hereby proposed, by the Town of Wiscasset, Maine, as recommended by the Wiscasset Ordinance Review Committee, that Article VIII, Site Plan Review Ordinance, of the Town of Wiscasset Ordinances be amended as follows:

Article VIII

SITE PLAN REVIEW

TABLE OF CONTENTS

1. Purpose
2. Activities Requiring Site Plan Review
3. Prohibition Without Site Plan Approval
4. Preapplication
 - A. Purpose
 - B. Site inspection and Waivers
 - C. Information Required
5. Waiver of Review Procedure and Submission requirements for De Minimis Projects
6. Site Plan Review Application
 - A. Procedure
 - B. Submissions
7. Other Required Permits
8. Access to Site and Records
9. Site Plan Review Standards
 - A. Utilization of Site
 - B. Traffic Access
 - C. Parking Layout and Access
 - D. Pedestrian Access
 - E. Buildings
 - F. Storage of Materials
 - G. Water Supply
 - H. Sewage Disposal
 - I. Utilities
 - J. Natural Features
 - K. Water Quality Protection
 - L. Hazardous, Special and Radioactive Wastes
 - M. Shoreland Relationship
 - N. Capacity of the Applicant
 - O. Solid Waste Management
 - P. Historic and Archaeological Resources
 - Q. Floodplain Management
 - R. Off-Site Improvements
 - S. Additional Route 1 Design Standards
10. Conditions Attached to Site Plan Approval
11. Performance Guarantee
12. Post Approval Activities
13. Appeals of Planning Board Actions

Site Plan Review

1. Purpose

Site plan review provisions set forth in this article are intended to protect the public health and safety, promote the general welfare of the community and conserve the environment by assuring that multi-family and nonresidential construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

2. Activities requiring site plan review

Site plan review and approval by the Planning Board shall be required for:

- A. The construction or placement of any new building or structure for commercial, office, industrial, recreational or institutional uses greater than 2,500 square feet except temporary or seasonal vendors occupying one or more leased spaces.

The construction or placement of any new building or structure for commercial, office, industrial, recreational or institutional uses less than 2,500 square feet shall be reviewed and approved by the Town Planner. At any time, the Town Planner can elevate a project to full Board review if it is deemed necessary.

If the applicant for a building permit for a building or structure having a total floor area of 2,500 square feet or less seeks a waiver of one (1) or more standards of this Ordinance, then such a proposal shall receive site plan review by the Planning Board.

- B. The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five (5) year period by more than 2,500 square feet or 25% in total floor area, whichever is smaller.
- C. Construction of new multifamily housing or the enlargement of existing multifamily building if the construction, modification or expansion results in three or more new or additional dwelling units in a five year period. Such multi-family housing is also subject to the provisions of Article VII.
- D. The conversion of an existing building from residential to nonresidential use.
- E. The conversion of an existing nonresidential use to another nonresidential use when the new use is designated in Article VI as requiring site plan approval from the Planning Board and when the new use increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review.

- F. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than 10,000 square feet within a five year period.
- G. Any new use designated in Article VI as requiring site plan approval from the Planning Board
- H. The establishment of a new nonresidential use or expansion of an existing non residential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, groundwater extraction, extractive industries, which shall comply with the Town of Wiscasset Ordinances, and other nonstructural nonresidential uses.
- I. Any use that requires construction of one or more drive-up windows or remote teller facilities.
- J. Resumption of uses which have been discontinued for at least two years and which are designated in Article VI as requiring site plan approval from the Planning Board

3. Prohibition without site plan approval

No activity or use described in Article VIII, Section 2 shall commence until the property owner has received site plan approval from the Planning Board and has received any necessary permits from, but not limited to, the Department of Transportation, Department of Environmental Protection, Department of Health and Human Service, State Fire Marshal's Office or the Code Enforcement Officer. If the project also requires subdivision approval, no work shall commence until the final subdivision plan has been recorded in the Lincoln County Registry of Deeds and the subdivision complies with the requirements of Article VII.

4. Preapplication

Prior to submitting a formal site plan review application, the applicant or his/her representative may request a pre-application conference with the Planning Board. A pre-application conference is strongly advised. The preapplication conference shall be informal and informational in nature. There shall be no fee for the preapplication conference and such conference shall not cause the preapplication to be a pending application or proceeding under 1 MRSA §302. No decision on the substance of the plan shall be made at the preapplication conference.

A. Purpose. The purposes of the pre-application conference are to:

- (1) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal.
- (2) Allow the applicant to understand the development review process and required submissions.
- (3) Identify issues that need to be addressed in future submissions.

- (4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs or facilities.
- (5) Determine the appropriate level of information needed to make an informed determination concerning the proposed development.

B. Waivers

- (1) The Board may provide a preliminary indication to the applicant on requests for waivers and variations from the submission requirements. The Board reserves the right, however, to reinstate any required submissions or request additional submissions as provided for in Article VIII, Section 6.B.

C. Information required. Ten (10) copies of the following information shall be submitted to the Board at least ten (10) days prior to the Board meeting at which the preapplication conference is to be conducted.

- (1) A Sketch Plan shall show, in simple sketch form, neatly done and to scale, the proposed site, including its location, size and general characteristics of any proposed structures, access from existing roads, existing sidewalks, on-site parking areas and other features that would assist the board's understanding of the proposed development.
- (2) Description of any existing easements or covenants on the site and existing uses on the site and on adjacent properties.
- (3) The nature of the proposed use and development
- (4) Proposed method of providing water and sanitary sewer services to the development.
- (5) The name, address and phone number of the owner of the property and the applicant, if different, and the street address, zoning, map and lot of the property to be developed.
- (6) A tax map with the property clearly indicated.
- (7) Waiver requests shall be submitted in writing.

At the next regularly scheduled Board meeting, or within fifteen (15) days after the preliminary site inspection, whichever is later, the Board shall inform the applicant in writing that the plans and data as submitted or as subsequently modified do or do not meet the general objectives of this article. The Board shall also indicate to the applicant what, if any, requests for waivers and variations from the submission requirements will be initially granted.

5. Site Inspection, Modifications and waivers of submission requirements and performance standards.

A. The Board shall schedule a site inspection at the first meeting if the Board deems it necessary.

B. De minimis Projects. The Planning Board may modify or waive any of the application requirements or performance standards if one or more the following conditions are met and if the Board determines that such modification or waiver will not adversely affect abutting property owners and the general health, safety and welfare of the town and one or more of the following conditions is satisfied. Each such modification or waiver shall be in writing and shall include the specific reason for the waiver or modification.

(1) The total area of all structures does not exceed 2,000 square feet.

(2) The proposed development or expansion of an existing development will not significantly change the nature or intensity of the use or the exterior dimensions of any existing structure.

C. Other Projects. The Planning Board may modify or waive any of the application requirements or performance standards if the Board determines that, due to the specific nature of the proposed development, one or more application requirements or performance standards do not apply to the development. Each such modification or waiver shall be in writing and shall include the specific reason for the waiver or modification.

6. Site plan review application

A. Procedure

(1) The application and all required documentation shall be submitted to the Town at least ten (10) days prior to the Board meeting at which the applicant wishes to be heard. The site plan shall generally conform to the layout shown on the sketch plan as may have been amended at the preapplication conference.

(2) The application shall be accompanied by a fee for site plan review as established in a Town Fee Schedule revised from time to time by the Board of Selectmen and payable to the Town of Wiscasset, Maine with a note indicating the specific purpose of the fee. The application shall not be placed on the agenda for a Board meeting until such fee has been paid. In addition, if the Planning Board makes a written finding of fact that professional review of the application is required, the Board shall choose a consultant to complete such review. The applicant shall deposit into escrow an additional fee in an amount determined by the Board to cover the cost of such review. The Planning Board shall not schedule any further review of the application until such professional review fee is paid. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.

- (3) At its first meeting following timely submission of the application, the Planning Board shall review the application and determine whether it is complete, including receipt of all fees, or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the application is now complete.
- (4) Owners of property within 250 feet of the properties involved shall be notified by Certified Mail, by the applicant, of a pending application at least seven (7) days prior to the Board meeting at which the applicant will be heard. This notice shall indicate the time, date and place of the Planning Board consideration of the application.
- (5) The applicant, or a duly authorized representative, shall attend meetings of the Planning Board to present the application. Failure to attend may result in a delay of the Board's receipt of the application or action on the application until the next regular meeting which the applicant or a representative attends. The applicant, or a duly authorized representative of the applicant, shall also attend any public hearing on the application to present the application and address questions of the Board and the public. Failure to attend a public hearing shall result in cancellation without prejudice of the hearing. The applicant shall be required to pay all costs associated with a canceled hearing.
- (6) If the application is determined to be complete, the Board shall deem the application pending and determine whether or not to set the matter to a public hearing. If a hearing is scheduled, it shall be held within thirty (30) days of acceptance of the application. The time period may be extended by written, mutual agreement of the Board and the applicant. Notice of the time, place and date of such hearing shall be sent by the applicant by First Class US mail not less than ten (10) days before the hearing to the town and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Wiscasset. Notice shall also be published by the town in a newspaper of general circulation in the Town of Wiscasset at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.
- (7) Within sixty (60) days of receipt of a completed site plan review application or within thirty (30) days of a public hearing, the Board shall take action to give final approval, with or without modifications, or disapproval of such application. The reason for any modification required or the grounds for disapproval shall be stated upon the records of the Board and a copy provided to the applicant. The time period may be extended by written, mutual agreement of the Board and the applicant. If no public hearing is held, the Planning Board may at its discretion act upon the application at the same meeting at which completeness is determined.
- (8) Site plan review approval shall expire after a period of three (3) years after the date of approval if a substantial start of the development has not begun or after a period of five (5) years after the date of approval if development is not

complete. A statement to this effect shall appear on all approved plans. For the purposes of this subsection, substantial start of the development shall mean at least one-half of the value of all improvements approved by the Planning Board unless the project was approved in phases in which case it shall mean one-half of the value of all improvements in all phases approved by the Board. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planning Board. The Planning Board may grant up to two (2) six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

B. Submissions

Applications for site plan review shall be submitted on application forms provided by the town. The application shall contain at least the following submissions unless amended pursuant to Section 5.

- (1) Ten executed and signed copies of the application form
- (2) Evidence of right, title and interest in the property.
- (3) Fees in the amounts specified by Section 6.A(2).
- (4) Ten copies of written materials plus 10 sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval. The application shall also include one 11"x17" copy of each plan.
- (5) All plans for site plan review presented for approval under this article shall be drawn at a scale of 50 feet, or less, to the inch and shall include the applicable information set forth in Sections 6.B(6), (7) and (8) unless the Planning Board waives any or all requirements as provided for in Section 5.
- (6) General information.
 - (a) The name and address of the property owner, the name and address of the applicant (or, with written permission, his or her authorized agent), plus the name of the proposed development, Tax Map and lot numbers and a copy of the deed or record of ownership.
 - (b) The property lines as shown on the Tax Maps on file in the Town office of all abutting and neighboring properties within 250 feet of the proposed development, including those properties across the street and waterways, together with the names and addresses of the owners of said properties as disclosed in Tax records on file in the Town office as of the date of the development plan review application.
 - (c) Sketch map showing general location of the site within the town.
 - (d) Location map showing the boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
 - (e) The name(s), registration number(s) and seal(s) of the appropriate professionals assisting with the preparation of the plan.

- (7) Information regarding existing conditions. The following information regarding existing conditions is required:
- (a) Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in more than one zoning district or abuts a different district.
 - (b) The bearings and distances of all property lines of the property to be developed and the source of this information, prepared by a professional land surveyor as a recent boundary survey.
 - (c) Location and size of any existing sewer and water mains and culverts on or off the property that will serve the development.
 - (d) Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
 - (e) The location, dimensions, setbacks and ground floor elevations of all existing buildings on the site.
 - (f) The location of buildings on abutting properties and within 100 feet of the property line of the proposed development.
 - (g) The location and dimensions of existing driveways, parking and loading areas and walkways on the site.
 - (h) Location of intersecting roads or driveways within 250 feet of the site.
 - (i) Topography of the site at an appropriate contour interval (1 foot, 2 feet or 5 feet) depending on the nature of the use and character of the site, as determined by the Planning Board.
 - (j) Major natural features on the site and within 250 feet of the boundaries of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats including deer wintering areas, archaeological resources or other important natural features. The boundaries of any wetlands depicted on the plans shall be delineated by an appropriate qualified professional.
 - (k) The location and results of tests to ascertain subsurface soil conditions and depths to maximum ground water level shall be submitted if a private sewage disposal system is proposed.
 - (l) Location of existing natural drainageways, storm drainage facilities, including dimensions of culverts, pipes, etc., open drainage courses, wetlands, significant stands of trees and other important natural features, fences and hedges with a description of such features to be retained.
 - (m) The direction of existing surface water drainage flow across the site.
 - (n) The location and dimensions of existing signs unless such signs are not to be used for the proposed development.
 - (o) The location and type of all existing exterior lighting unless such lighting is not to be used for the proposed development.
 - (p) A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
 - (q) The location of any floodplain as shown on the FEMA Flood Insurance Rate Maps.

- (r) The location of the Shoreland Zone and the 75-foot or 100-foot Shoreland Zone setback, as appropriate
- (8) Information regarding proposed development activity. The following information regarding the proposed development activity is required:
- (a) All proposed contours and proposed finished grade elevations of the developed site and the system of drainage proposed to be constructed. Contour intervals shall be 2 feet, unless otherwise specified by the Planning Board.
 - (b) The location, name and widths of all proposed streets within the premises in question.
 - (c) All proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.
 - (d) The location of all proposed building setbacks and buffers required by this ~~chapter~~ordinance.
 - (e) The location, dimensions, including heights, building elevations and ground floor elevations of all proposed buildings on the site and proposed use thereof.
 - (f) The location and dimensions and materials to be used in the construction of proposed access drives and curb cuts to the lot from public streets.
 - (g) Location, dimensions and materials to be used in the construction of proposed pedestrian walkways.
 - (h) Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
 - (i) Location, inverts (if applicable) and dimensions of all proposed utilities and easements, including sanitary sewerage, water, electricity and fire protection systems.
 - (j) Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use.
 - (k) Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
 - (l) The size, location and direction and intensity of illumination of all major outdoor lighting apparatus and signs.
 - (m) Location, front view, dimensions, materials and size of all proposed signs, together with the material for securing the signs, and all permanent outdoor fixtures.
 - (n) The location, type and size of all existing and proposed catch basins, storm drainage facilities, streams and watercourses.
 - (o) All landscaped areas and features (including fencing, piers and open spaces) and the size and type of plant material upon the premises in question.
 - (p) A schedule of construction, including anticipated beginning and completion dates.

- (q) The type, size and location of all incineration devices.
- (r) The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot lines except machinery or equipment being used in construction of the proposed development.
- (s) The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- (t) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road.
- (u) Approval block. Space shall be provided on the plan drawing for the signatures of the Wiscasset Planning Board and date, together with the words, "Approved Town of Wiscasset Planning Board."
- (v) Block for conditions of approval, if any.
- (w) A stormwater management plan as described in Article VII, Section 3.B(3)(b)(4).
- (x) An erosion and sediment control plan as described in Article VII, Section 3.B(3)(b)(5).
- (y) A hydrogeologic assessment as described in described in Article VII, Section 5.A(14) for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
- (z) A phosphorus control plan as described in Article VII, Section 5.A(15) if any portion of the development is within the watershed of a great pond.
- (aa) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
- (bb) A planting plan and schedule keyed to the site plan and indicating the general species and sizes of trees, shrubs and other plants to be planted on the site.
- (cc) A traffic impact analysis as described in Article VII, Section 3.C(2)(b)(26).
- (dd) A written statement from the Wiscasset Water District as to the adequacy of the water supply in terms of quantity and pressure for domestic flows, if public water supply is to be utilized, and a plan for ensuring adequate on-site water supply for fire suppression as described in Article VII, Section 3.B(3)(b)(7).
- (ee) The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks in conformance with Article IX, Section 8.
- (ff) Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by an appropriate qualified professional.
- (gg) The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In

the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until such time as they may be accepted by the town.

- (hh) Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks or other open space dedicated for public use and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.
- (ii) Cost of the proposed development and evidence of financial and technical capacity to complete it as described in Article VII, Section.5.A(17).
- (jj) An assessment of the impact of the development on wetlands, streams, ponds, floodplains, archaeological resources and significant wildlife habitats, including review letters from appropriate state officials.

7. Other required permits.

The granting of site plan approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use, such as but not limited to subdivision approval, building, plumbing and electrical permits, subsurface wastewater disposal permits, sewer connection permits, and the like. Furthermore, if the proposed development requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, final approval of the site plan application shall not be granted by the Planning Board until all such approvals are obtained. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to site plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards but shall not be deemed conclusive evidence as to compliance with this ordinance.

8. Access to site and records.

The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review records and documents related to construction of the project. The applicant, by accepting a building permit, waives any objection to the Town having access to the site to review the progress of the work or to review all records and documents related to the project.

9. Site plan review standards.

A. Utilization of site.

The development shall include appropriate measures including but not limited to modification of the proposed design of the site, timing of construction and limiting the extent of excavation for protection of environmentally sensitive resources such as wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers and natural drainage areas.

B. Traffic access.

(1) Adequacy of road system.

- (a) Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate 50 or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one mile of any entrance road which are functioning at Level of Service D (35 to 55 seconds of delay per vehicle at unsignalized intersections) or better prior to the development shall function, at a minimum, at Level of Service D after development. If any such intersection is functioning at Level of Service E (55 to 80 seconds of delay per vehicle at unsignalized intersections) or lower prior to the development, the project shall not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.
- (b) A development not meeting this requirement may be approved if the applicant demonstrates that:
 - (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or
 - (2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guaranty acceptable to the municipality.

(2) Access into site. Vehicular access to and egress from the development shall be safe and convenient.

- (a) Any driveway or proposed street shall be designed so as to provide at least the minimum sight distance as required by Article IX, Section 8.
- (b) Points of access and egress shall be located to avoid hazardous conflict with existing turning movements and traffic flows.
- (c) The grade of any proposed drive or street shall not be more than plus or minus 3% for a minimum of 40 feet, from the edge of travel way.
- (d) The intersection of any access/egress drive or proposed street shall function at Level of Service D following development if the project will generate 100 or more peak hour trip or at a level which will allow safe access into and out of the project if less than 100 peak hour trips are generated.
- (e) Where a lot has frontage on two or more streets, the primary access to and egress from the lot shall be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other streets may be allowed by the Planning Board if it finds if it is safe and does not promote shortcutting through the site.
- (f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, and if required by the

DOT or if recommended by a traffic engineer, the Planning Board in consultation with the appropriate town official may require the applicant to provide turning lanes, traffic directional islands and traffic controls within public streets.

- (g) Accessways shall be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- (h) The following criteria shall be used to limit the number of accessways serving a proposed project:
 - (1) No use which generates fewer than 100 vehicle trips per day shall have more than one two-way driveway onto a single roadway. Such accessway shall be no greater than 30 feet wide.
 - (2) No use which generates 100 or more vehicle trips per day shall have more than two points of entry from and two points of egress to a single roadway. The combined width of all accessways shall not exceed 60 feet.
- (3) Accessway location and spacing. Accessways shall meet the following standards:
 - (a) Private entrances/exits shall be located at least 50 feet from the closest unsignalized intersection and 150 feet from the closest signalized intersection, as measured from edge of the private entrances/exits to edge of the intersection, excluding radii . This requirement may be reduced if the shape of the site does not allow conformance with this standard.
 - (b) Private accessways in or out of a development shall be separated by a minimum of 75 feet where possible.
- (4) Internal vehicular circulation. The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.
 - (a) Nonresidential projects that will be served by delivery vehicles shall provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles (semitrailer trucks with an overall wheelbase of 40 ft).
 - (b) Clear routes of access shall be provided and maintained for emergency vehicles to and around buildings and shall be posted with appropriate signage (for example – “Fire Lane - No Parking”).
 - (c) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot.
 - (d) All roadways shall be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction.

C. Parking layout and design. Off-street parking shall conform to the following standards:

- (1) Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

- (2) All parking spaces, access drives, and impervious surfaces shall be located at least [five (5) feet] from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- (3) Parking stalls and aisle layout shall conform to the following standards:

Parking Stall Skew (degrees)	Stall Width (ft.)	Stall Length (ft.)	Width	Depth Width	Traffic Flow
90	9	18	24	-	Two way
60	9	18	18	16	One way only
45	9	18	17.5	12	One way only
30	9	18	17	12	One way only

- (4) In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- (5) Parking areas for nonresidential uses shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- (6) Provisions shall be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

D. Pedestrian access.

- (1) The site plan shall provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system shall connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. Where appropriate, the system shall be designed to link the project with residential, recreational and commercial facilities, schools, bus stops and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

E. Buildings.

- (1) Building placement.
 - (a) The site design shall avoid creating a building surrounded by a parking lot through practical landscape design applications.
 - (b) In all districts except for the rural district, buildings shall be located as close to the front property line as possible to provide scale and interest

- to the auto and pedestrian environment. The majority of parking shall be located at the rear or side of the building.
- (c) In rural district, buildings shall be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas shall be kept natural, as field, forest, wetland, etc.
 - (d) All buildings shall be oriented to create useable, safe, and attractive pedestrian spaces, preserve significant site features, and minimize the appearance of parking areas.
- (2) Setback and alignment of buildings. Where there is a reasonably uniform relationship between the front walls of existing buildings and the street, new buildings shall be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets shall be maintained.
- (3) Building entrances.
- (a) The main entrance to the building shall be oriented to the street, unless the parking layout or the grouping of the buildings justifies another approach, and shall be clearly identified as such through building and site design, landscaping and/or signage.
 - (b) At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.
- (4) Building and site illumination. All lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent dwellings. In addition:
- (a) Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination shall be concealed.
 - (b) Building entrances may be illuminated using recessed lightings in overhangs and soffits or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
 - (c) The proposed development shall have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting shall be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.
- (5) Drive-through facilities. Any use that provides drive-through service shall be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communication systems shall not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. The following minimum number of queuing spaces shall be provided to prevent any vehicles from having to

wait on a public street, within the entry from the street or within designated parking areas. The drive-throughs shall not interfere with any sidewalk or bicycle path.

Land Use	Queuing Spaces
Banks and credit unions	4 queuing spaces per service window/auto teller unit
Fast-food restaurants and coffee/ food sales without customer seating	5 queuing spaces, plus 3 queuing spaces from order board to pay window (if provided) plus 2 queuing spaces to pickup window. If no separate pay window is provided, a total of 10 queuing spaces shall be provided.
Sit-down restaurants with pickup service windows, without order board	5 queuing spaces
Retail pharmacy, cleaners and convenience stores	3 queuing spaces per service window
Freestanding ATM	3 queuing spaces

F. Storage of materials.

- (1) Exposed nonresidential storage areas, exposed machinery, except for that being used in construction of the development, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse, shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- (2) All dumpsters or similar large collection receptacles for trash or other wastes, except for those being used in construction of the development, shall be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it shall be screened by fencing or landscaping.
- (3) Where a potential safety hazard is likely to arise, physical screening sufficient to deter individuals from entering the premises shall be provided and maintained in good condition.

G. Water supply.

Shall comply with Article VII, Section 5.B(6) except that the development shall be served by public water if it is legally accessible and is available within 500 feet of the project parcel. ~~This provision may be waived by the planning board if the applicant can demonstrate connection to public water is cost prohibitive.~~

H. Sewage disposal.

- (1) Shall comply with Article VII, Section 5.B(7) except that all sanitary sewage from new or expanded uses shall be discharged into the public sewage collection and treatment system when the system has adequate capacity to handle the projected waste generation and:

a. Such facilities are currently available at the lot line or:

b. If the public collection system is available by public right-of-way within one hundred (100) feet for a single family home, two family home, or

other use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a use with a design sewage flow of more than 500 gal/day.

- (2) When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure property maintenance of the system.
- (3) Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality when compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. Pretreatment standards shall be determined by the Wiscasset Waste Water Treatment Plant.

I. Utilities.

The development shall be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities shall be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service shall be placed underground.

J. Natural features.

Natural Features - The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling shall be avoided as far as possible.

K. Water quality protection.

All aspects of the project shall be designed so that:

- (1) Except as provided for in Subsection (2), below, or elsewhere herein, no person shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that may run off, seep, percolate or wash into surface or ground waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.
- (2) All storage facilities for fuel, chemicals, chemical or industrial wastes and biodegradable raw materials shall meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's office.

L. Hazardous, special and radioactive materials.

- (1) The handling, storage and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive shall be done in accordance with the standards of these agencies.

M. Shoreland relationship.

When a proposed development is immediately visible from a great pond, river or stream, the development shall be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing shall be minimized, natural vegetation shall be maintained adjacent to the shoreline to soften the appearance of the development and vegetation shall be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new developments when viewed from the water shall be compatible with the existing visual character in terms of scale, massing and height to the maximum extent possible. Storage and service areas shall be screened or landscaped to minimize their visual impact.

N. Capacity of the applicant.

The applicant shall demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this chapter and the approved plan.

O. Solid waste management.

The proposed development shall provide for adequate disposal of solid wastes. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

P. Historic and archaeological resources.

If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction and limiting the extent of excavation. All work shall be in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

Q. Floodplain management.

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site shall be consistent with the Article X, Section 4. Flood Plains Ordinance.

R. Off-Site Improvements

All off-site improvements required by the Planning Board including, but not limited to, roads, intersections, signalization, sidewalks and drainage, shall be installed by the applicant at his or her expense.

S. Groundwater Protection

The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

T. Erosion Control

The development shall not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

Soil erosion and sedimentation of watercourses and water bodies shall be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991.

U. Buffering

The development shall provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques.

V. Additional Route 1 design standards

Notwithstanding the general provisions of the Code of Ordinances and the technical standards of Article VIII, Site Plan Review, development and redevelopment within 500 feet of that portion of Route 1 extending from the Woolwich town line to Bradford Road shall be consistent with the following standards.

- (1) Curb cuts on Route 1. Site plans shall be designed to minimize the number of curb cuts on Route 1 to increase vehicular and pedestrian safety.
- (2) Internal Connections. Where feasible, connections between parking lots and driveways on adjacent parcels shall be provided to facilitate deliveries and minimize turning movements onto major roadways. Internal connections shall provide safe, direct access between adjacent lots in a manner that prevents them from becoming vehicular shortcuts. Cross easements shall be provided as required to facilitate circulation. The site plan shall anticipate future vehicular connections to abutting undeveloped property.
- (3) Parking spaces for seasonal uses may be developed on grass surfaces or other pervious surfaces designed for parking.
- (4) Shared Access. Shared driveways along Route 1 shall be installed where feasible to reduce the number of curb cuts and provide a safer vehicular and pedestrian environment.
- (5) The minimum number of parking spaces required in Article VIII, Section 9 C may be reduced by the Planning Board if the parking lot is to be shared by two (2) or more uses that require parking during different time periods.

10. Conditions attached to site plan approvals.

The Planning Board may attach such conditions, in addition to those required elsewhere in this Land Use Ordinance that would mitigate any adverse effects on adjoining or neighboring properties which might otherwise result from the proposed use. These conditions may include but not be limited to specifications for type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; periods of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction; construction of capital improvements; or any other conditions, restrictions or safeguards that would uphold the spirit and intent of this chapter.

11. Performance guarantee

The applicant shall furnish a performance guarantee for all on- and off-site improvements to be constructed as conditions of approval. Such performance guarantee, including provisions for inspection of required improvements and release of the performance guarantee, shall comply with the requirements of Article VII, Section 4.

12. Post approval activities.

- A. Incorporation of approved plan. One copy of the approved site plan shall be included with the application for the building permit for the project, and all construction activities shall conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

- B. Minor changes to approved plans. Minor changes in approved plans necessary to address field conditions or structure orientation may be approved by the Code Enforcement Officer, provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. A request for a minor change to an approved plan shall be in writing to the Code Enforcement Officer. In making the determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Planning Board Chairman or the Chairman's designee. Any such change shall be endorsed in writing on the approved plan by the Code Enforcement Officer and reported to the Planning Board at its first meeting following endorsement of the change by the Code Enforcement Officer.

- C. Amendments to approved plans. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant and all improvements shown on the approved plan are considered conditions of approval and shall be complied with. Any variation from the plans, proposals and supporting documents, except minor changes as described in Article VIII, Section 12.B , are subject to review and approval by the Planning Board.

13. Appeal of Planning Board actions.

Appeal of any actions taken by the Planning Board with respect to this Article shall be made to the Wiscasset Board of Appeals in accordance with the provisions of Article II. The Planning Board's action shall not be final until the Board of Appeals has ruled on any pending appeal. The Board of Appeals' jurisdiction shall be limited to hearing requests for a variance from a dimensional requirement, to interpreting the meaning of terms which are called into question, and to hearing a request to determine if the Planning Board acted in accordance with the procedures of this Article. The Board of Appeals shall not have the authority to substitute its judgment for that of the Planning Board with respect to any of the standards of this Article.

ATTEST: A True Copy

Christine Wolfe, Wiscasset Town Clerk

**AMENDMENT TO ARTICLE VII, SUBDIVISION ORDINANCE, OF THE TOWN OF
WISCASSET ORDINANCES**

Be it hereby proposed, by the Town of Wiscasset, Maine, as recommended by the Wiscasset Ordinance Review Committee, that Article VII Subdivision Ordinance, of the Town of Wiscasset Ordinances be amended as follows:

Article VII

SUBDIVISION REVIEW

TABLE OF CONTENTS

1. Purpose, Authority and Administration
 - A. Purpose and Statutory Review Criteria
 - B. Authority and Administration
2. Definitions
3. Subdivision Application
 - A. Preapplication
 - (1) Procedure
 - (2) Submissions
 - B. Preliminary Subdivision Plan
 - (1) Procedure
 - (2) Submissions for All Subdivisions
 - (3) Additional Submissions for Major Subdivisions
 - C. Final Subdivision Plan
 - (1) Procedure
 - (2) Submissions
 - D. Recording of Final Subdivision Plan and Amendments to Previously Approved Subdivision Plans
 - E. Public Acceptance of Streets and Recreation Areas
4. Performance Guarantees
 - A. Performance Guarantee
 - B. Project Phasing
 - C. Period for Completion of Improvements
 - D. Inspection of Required Improvements
 - E. Release of Performance Guarantee
5. General Requirements and Standards
 - A. General Requirements
 - (1) Compliance with General Requirements
 - (2) Conformity with Comprehensive Plan
 - (3) Relationship to Community Services
 - (4) Retention of Proposed Public Sites and Open Spaces
 - (5) Preservation of Natural and Historic Features
 - (6) Traffic Sight Distance
 - (7) Conformance with Shoreland Zoning
 - (8) Easements for Natural Drainage Ways
 - (9) Net residential density
 - (10) Lots
 - (11) Utilities
 - (12) Additional Requirements
 - (13) Required Improvements

- (14) Impact on Ground Water Quality
- (15) Phosphorus Control
- (16) Impact on Groundwater Quantity
- (17) Adequate Financial and Technical Capacity
- B. Design Standards
 - (1) Monuments
 - (2) Streets Signs
 - (3) Streets
 - (4) Driveway Construction
 - (5) Sidewalks
 - (6) Water Supply
 - (7) Sewage Disposal
 - (8) Surface Drainage
 - (9) Certification of Construction
 - (10) Performance Guarantees

6. Waivers and Enforcement

- A. Waivers
- B. Enforcement

7. Open Space Subdivision

- A. Policy
- B. Purposes
- C. Planning Board review
- D. Open Space Requirements

8. Review Criteria

Article VII

SUBDIVISION REVIEW

1. Purpose and Administration

- A. Purpose. The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community.
- B. Authority. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, §§ 4401-4407 and all amendments thereto.
- C. Administration
 - (1) The Planning Board of the Town of Wiscasset, hereinafter called the Board, shall administer this Ordinance.
 - (2) The provisions of this Ordinance shall pertain to all land, buildings or otherwise within the boundaries of the Town of Wiscasset, Maine.
- D. Procedure. An application for a minor or major subdivision will follow at a minimum the following steps, which are further described in Article VII, Section 3.
 - (1) Preapplication meeting
 - (2) Submission of preliminary application and plan(s) with preliminary review
 - (3) Public hearing
 - (4) Submission of final application and plan(s) with final review and decision

Steps (1) through (4) each require a meeting with the Planning Board but the Board may determine that, based on the size and complexity of the subdivision and other factors, the public hearing may be held during either step (2) or (4). Therefore, the minimum number of meetings required for a subdivision shall be no less than three.

2. Definitions

See Glossary of the Town of Wiscasset Ordinances.

3. Subdivision Application

- A. Preapplication
 - (1) Procedure
 - (a) Before submitting a Preliminary Subdivision Plan as described in Article VII, Section 3.B, the subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision, which may be of

assistance to the Planning Board in making its determination.

- (b) The Sketch Plan shall be submitted to the Board ~~by the close of business on the Monday before said meeting~~ at which the subdivider wishes to be heard. Ten (10) copies of the sketch plan shall be submitted ten (10) days before the meeting.
- (c) The Planning Board or its designee shall determine whether the Sketch Plan application is complete and shall not schedule the application for Planning Board review until it is found complete.
- (d) At said meeting, the Board and the subdivider shall arrange for a joint inspection of the site with the Board. This provision shall not limit the Board's authority to require additional site visits if deemed necessary.

(2) Submissions

- (a) The Sketch Plan shall show, in simple sketch form, neatly done and to scale the proposed layout of streets, lots and other features in relation to existing conditions. It is recommended that the Sketch Plan include the information listed below.
 - (1) Tax map parcel lines with tax map and lot number information.
 - (2) Streets on and adjacent to the tract with name and right-of-way width and location, if known.
 - (3) Walks and culverts.
 - (4) Approximate locations of existing utilities on and adjacent to the tract.
 - (5) Type of land use on and adjacent to the tract.
 - (6) Proposed name of the subdivision or identifying title. This name shall not duplicate or closely resemble the name of a subdivision already existing or proposed in the Town.
 - (7) The date, north point, graphic map scale, name and address of record owner and subdivider, and the names of adjoining property owners.
- (b) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. It is recommended that this information include:
 - (1) Data on existing covenants.
 - (2) Soils map from the United States Department of Agriculture Natural Resources Conservation Service. (Note that as of May, 2011 such

maps are available from the NRCS web site located at <http://websoilsurvey.nrcs.usda.gov/app>.)

- (3) The name, address and phone number of the owner of the property and the applicant, if different, and the street address, map and lot of the property to be subdivided.

B. Preliminary Subdivision plan

(1) Procedure.

Within six (6) months after Sketch Plan has been submitted to the Board, the subdivider shall submit an application for the consideration of a Preliminary Subdivision Plan. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The application and all required preliminary plan documentation shall be submitted to the Town at least ten (10) days before the Board meeting at which the subdivider wishes to be heard. The Preliminary Subdivision Plan shall conform to the layout shown on the Sketch Plan plus any requirements made by the Board.

- (b) The preliminary application shall be accompanied by a fee as established in the Town Fee Schedule as revised from time to time by the ~~Board of Selectmen~~ Selectboard and payable by check to the Town of Wiscasset, Maine with a note indicating the specific purpose of the fee. The preliminary application shall not be placed on the agenda for a Board meeting until such fee has been paid.
- (c) If the Planning Board makes a written finding of fact that professional review of the preliminary application is required, the Board shall choose a consultant to complete such review. The applicant shall deposit into escrow an additional fee in an amount determined by the Board to cover the cost of such review. The Planning Board shall not schedule any further review of the preliminary application until such professional review fee is paid. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.
- (d) The applicant, or a duly authorized representative, shall attend meetings of the Planning Board to present the preliminary application. Failure to attend shall result in a delay of the Board's receipt of the preliminary application or action on the application until the next regular meeting which the applicant or a representative attends. The applicant, or a duly authorized representative of the applicant, shall also attend any public hearing on the preliminary application to present the application and address questions of the Board and the public. Failure to attend a public hearing shall result in cancellation without prejudice of the hearing. The applicant shall be required to pay all costs associated with a canceled hearing.
- (e) At its first meeting following submission of the preliminary application, the Planning Board shall review the final application and determine whether it

is complete, including receipt of all fees, or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the preliminary application is then complete.

- (f) The Preliminary Plan shall not be acted on by the Planning Board until the Board has scheduled and conducted a public hearing thereon. The public hearing shall be held within thirty (30) days after an application has been determined to be complete. Within thirty (30) days after the conclusion of the public hearing, the Board shall take action to give final approval, with or without revisions or conditions, or disapproval of such Preliminary Plan. The reason for any modification required or the grounds for disapproval shall be stated upon the records of the Board and a copy provided to the subdivider. The time period for a decision on the preliminary application may be extended by written, mutual agreement of the Board and the subdivider.

Notice of the time, place and date of such hearing shall be sent by Certified Mail by the applicant not less than ten (10) days before the hearing to the town and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Wiscasset. Notice shall also be published by the town in a newspaper of general circulation in the Town of Wiscasset at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

(2) Submissions for All Subdivisions

The following submissions shall be provided for all subdivisions unless the Planning Board determines by majority vote that, based on evidence provided by the applicant, that one or more submissions listed below is not applicable due to the size, location, type or other physical feature of the proposed subdivision.

- (a) Location Map. The Preliminary Plan shall be accompanied by or contain a Location Map based upon the Town's tax maps drawn graphically to scale to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area and shall include the following information:
 - (1) All existing subdivisions
 - (2) All existing property lines and adjacent properties.
 - (3) The locations and designations of parks and other public spaces within 1,000 feet of the subdivision.
- (b) Preliminary Subdivision Plan. The Preliminary Subdivision Plan shall be submitted, with ten (10) copies of each map or drawing, together with ten (10) copies of any attachments required for approval.

Bearings (courses) shown on the plan shall be oriented to Grid North based upon the Maine State Plane Coordinate System in effect at the date of subdivision application, and shall be in the degree minute second format. Distances shown on the plan shall be noted as to their basis: either actual measured ground distances or on the State Plane Coordinate System. All distances shown on the plan shall be of the same basis, either grid or ground, but not mixed.

State Plane Northing and Easting coordinate values shall be shown for at least three of the monuments shown on the plan. The positional tolerance of the coordinates shown shall be no less than the precision of the boundary or subdivision survey used to prepare the plan.

Metadata about the coordinate system in the form of a citation on the plan shall show, at a minimum, the surveying methodology used to derive the coordinates, the units of measurement, and the datum and source of elevation data.

All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch.

The Preliminary Plan application shall also include one 11" x 17" copy of each plan. The Preliminary Plan and accompanying materials shall show:

- (1) All existing information provided as part of the Sketch Plan, as amended.
- (2) Name and address of the property owner and developer, if different.
- (3) The name, registration number and seal of the appropriate professional(s) who prepared the plan(s) and reports.
- (4) Number of acres within the proposed subdivision.
- (4)(5) and the municipal zone boundaries.
- (5)(6) Proposed lot lines with dimensions, lot numbers, lot areas and suggested locations of buildings and setbacks.
- (6)(7) Sufficient data to determine readily the location, bearing and length of every street line, lot line and boundary line, and to reproduce such lines upon the ground. Approximate property lines between adjacent abutters shall be shown.
- (7)(8) Existing and proposed easements, forested areas, perennial and intermittent watercourses and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by an appropriate qualified professional.
- (8)(9) Contour lines at intervals of not more than five (5) feet for all portions of the property proposed to be developed. USGS contours may be

acceptable if approved by the Board.

~~(9)~~(10) Location and size of any existing sewer and water mains and culverts on or off the property that will serve the subdivision.

~~(10)~~(11) Proposed connection with an existing water supply or a letter from a well driller or other suitable professional attesting to the availability of water for the subdivision, if alternative means of providing water to the subdivision is proposed.

~~(11)~~(12) Proposed connection with an existing sanitary sewerage system or alternative means of treatment and disposal for the proposed subdivision.

~~(12)~~(13) The location and results of tests to ascertain subsurface soil conditions and depths to maximum ground water level must be submitted if a private sewage disposal system is proposed. A completed HHE 200 form must be submitted with the preliminary application for multi-family subdivisions.

~~(13)~~(14) Typical erosion control procedures to be applied to each lot.

~~(14)~~(15) Preliminary designs of any utilities, bridges or culverts. State approval of such facilities may also be required.

~~(15)~~(16) A current boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

~~(16)~~(17) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

~~(17)~~(18) The location of all natural features or site elements to be preserved.

~~(18)~~(19) Certifications by the appropriate professionals that all survey and supporting information accurately reflects the true conditions existing on the proposed subdivision.

~~(19)~~(20) The boundaries of flood hazard areas and the 100-year flood elevation, as depicted on the FEMA Flood Insurance Rate Map, and delineated on the plan.

~~(20)~~(21) The location of significant resources including important wildlife wintering areas, alewives spawning areas and other important plant or wildlife habitat as identified and mapped by the Department of Inland Fisheries and Wildlife and areas with visual significance as identified in the comprehensive plan.

~~(21)~~(22) The location of any trail, trail system or greenbelt that crosses the property.

(22)(23) An owner or his authorized agent shall submit evidence that information on the location of the development has been sent to the following:

The State Historic Preservation Officer
Maine Historic Preservation Commission
which currently has an office at
55 Capitol Street
State House Station 55
Augusta, Maine 04333

The applicant shall request that the Wiscasset Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

(23)(24) A phosphorous control plan for any portion of the subdivision within the watershed of a great pond prepared in conformance with the provisions of Article VII, Section 5.A(15). If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that Article VII, Section 1.(19) has been satisfied and that no additional submission under this section is required.

(24)(25) Right, title or interest of the applicant in the property to be subdivided

(25)(26) Any conditions of approval required by the Board

(26)(27) A statement indicating that any future change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board regardless when such change or modification shall take place.

(27)(28) A cost estimate for the construction of required improvements and demonstration of adequate financial and technical capacity consistent with the requirements of Article VII, Section 5.A.17.

(3) Additional Submissions for Major Subdivisions

The following additional submissions shall be provided for all Major Subdivisions unless the Planning Board determines by majority vote that, based on evidence provided by the applicant, additional submissions are not required or that one or more submissions listed below is not applicable due to the size, location, type or other physical feature of the proposed subdivision.

(a) Location Map. The Location Map shall show the following additional information:

- (1) An outline of the proposed subdivision together with its street system
 - (2) An indication of the future probable street system of the remaining portion of the tract if the Preliminary Plan submitted covers only part of the subdivider's entire holding.
- (b) Preliminary Subdivision Plan. In addition to the information listed in Section 11.3.B(1)(b), the following additional information shall be provided for major Subdivisions
- (1) Typical cross-sections of the proposed grading for roadways, sidewalks, etc., including width, type of pavement, elevations and grades, road profiles, and location, dimensions and design details of all utilities and components of the stormwater system. All such plans shall be based on an on-ground topographic survey at two (2) foot contour interval or less. Assumed datums are not acceptable.
 - (2) A hydrogeologic assessment prepared in accordance with Article VII, Section 5.A(14) by a certified geologist or registered professional engineer experienced in hydrogeology unless the subdivision utilizes public water.
 - (3) The locations of all natural features or site elements to be preserved.
 - (4) A storm water management plan, prepared by a registered professional engineer. Such plan shall be designed so that the post-development storm water runoff does not exceed the pre-development storm water runoff for the 24-hour duration, 2-, 10-, and 25-year frequency storm events. The storm water plan shall be prepared in accordance with *Stormwater Management for Maine: Best Management Practices*, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The storm water plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Knox-Lincoln Soil and Water Conservation District.

If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that Article VII, Section 8.A(17) has been satisfied and that an additional submission required under this section is not required.
 - (5) An erosion and sediment control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in

Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:

- (i) The name, address, and telephone number of the person responsible for implementation of the plan.
- (ii) A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.
- (iii) Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.
- (iv) A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
- (v) Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
- (vi) Description of temporary and permanent erosion control practices that will be used.
- (vii) Identification of the locations of the temporary and permanent erosion control practices.
- (viii) Identification of how and where collected sediment will be disposed.
- (ix) Measures to control dust and tracking of material onto public roads.
- (x) Inspection and maintenance procedures, including schedule and frequency.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District.

- (6) A landscaping plan.
- (7) A plan for ensuring an adequate on-site water supply for fire suppression. Such plan shall consist of extending public water to the site or, at the discretion of the Board, installation of one or more minimum 10,000 gallon underground storage tank(s), together with appurtenant piping and hydrants, designed by a registered professional engineer, or an approved building sprinkler system. The plan shall include any existing or proposed perpetual easements necessary to ensure access to fire fighting water supply or hydrants.
- (8) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or

private road in accordance with the provisions of Article IX Section 8.2.

For subdivisions that will generate more than 200 vehicle trips per day, a traffic impact analysis prepared by a registered professional engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service on the road giving access to the subdivision and neighboring roads that may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates shall be obtained from the latest edition of "Trip Generation", published by the Institute of Transportation Engineers.

- (9) Impact assessment on groundwater quantity as described in Article VII, section 5.A(16).
- (10) A plan for summer and winter maintenance of all proposed roads by lot owners. If the roads are proposed to be accepted by the Town, the plan shall cover that period up to the time when such roads are accepted. Such plan shall include provisions for establishing, approving and annually funding a road maintenance budget by lot owners sufficient to keep all roads in good repair. All lot owners shall be required to participate in such plan. If the proposed roads are to remain private, a homeowners association shall be established to ensure proper maintenance of the roads and any other common elements. Association documents shall be submitted to the Planning Board for approval.

C. Final Subdivision Plan

(1) Procedure

- (a) Within six (6) months after approval of the Preliminary Plan, the subdivider shall file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. The subdivider may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee payable by check to the Town of Wiscasset, Maine. (See Town Fee Schedule.) Such fee must be paid before scheduling the Final Plan for review. The application and all required final plans shall be submitted to the Town Office at least ten days before the Planning Board meeting at which the subdivider wishes to be heard.
- (b) If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine

Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.

- (c) Unless individual wells serving each building site are to be used, water supply system proposals contained in the Subdivision Plan shall be approved in writing by a civil engineer registered in the State of Maine. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Human Services.
- (d) If a separate central sewage collection and treatment system is to be utilized, sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by the State of Maine Department of Health and Human Services. Such approval shall be secured before official submission of the Final Plan.
- (e) A public hearing may be held on the Final Plans as prescribed in Article VII, Section 3.B(1)(f) concerning any changes between the preliminary and final plans.
- (f) At its first meeting following submission of the final application as described in Article VII, Section 3.C(2), the Planning Board shall review the application and determine whether it is complete, including receipt of all fees, or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the application is now complete
- (g) Within thirty (30) days after the conclusion of the public hearing, if held, or within sixty (60) days of the date of receipt of a completed Final Plan application, the Board shall act on the Final Plan. The time period for a decision on the application may be extended by written, mutual agreement of the Board and the subdivider.
- (h) Upon completion of the requirements in Article VII, Section 3.C(1) and (2) and a finding by the Planning Board that the Final Plan is consistent with the Preliminary Plan, including any revisions or conditions imposed by the Board on the Preliminary Plan, it shall be deemed to have final approval and the mylar plan(s) and copies shall be properly signed by a majority of the members of the Board, using black ink.
- (i) At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more phases subject to any conditions of the Plan. Such phases shall be shown on the final plan. The applicant may request that only a section of the approved Plan be filed with the Board and the Lincoln County Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining phases of the Plan shall remain in effect for two (2) years or a period of time mutually agreed to by the Board and the Subdivider. A note memorializing such an agreement shall be on the final plan(s).

- (j) The Final Plan shall include the following note: *"Any revision to this plan including the further division of any lots or the relocation of any lot lines shall be considered an amendment to the plan and shall require approval of the Planning Board regardless when such revision takes place."*

(2) Final Plan Submissions

The Final Plan shall be submitted with the mylar original, two reproducible mylars and ten (10) copies, of each map or drawing, together with ten (10) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the Preliminary Plan. The Final Plan application shall also include one 11" x 17" copy of each plan. Space shall be reserved thereon for endorsement by all appropriate agencies. No modifications to the final plan(s) at a planning board meeting will be allowed.

The final subdivision plan shall also be submitted on an electronic medium, such as a CD or DVD, acceptable to the Town Planner or the designated agent of the planner. The medium will be clearly and neatly labeled with the subdivision name and date. The medium will contain the following:

- (a) a copy of the subdivision plan in PDF form.
- (b) a copy of the subdivision plan in a graphic format such as JPEG
- (c) a copy of the subdivision plan in an AutoCad ® format. The external perimeter of the subdivision shall be a polygon on a separate layer titled "perimeter boundary". The lots in the subdivision shall also be polygons on a separate layer labeled "lot perimeters".

The Final Plan shall show:

- (a) All of the information presented on the Preliminary Plan, Location Map and any amendments thereto required by the Board.
- (b) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.
- (c) Lots within the subdivision numbered as prescribed by the Board, who shall seek the input of the tax assessor.
- (d) The Final Plan shall indicate the proposed landscaping program of the subdivider.
- (e) Any conditions of approval required by the Board
- (f) A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.
- (g) Written offers of cession to the Town of Wiscasset of all public open space shown on the Plan that is to be transferred to the Town and for open space, which is reserved by the developer, copies of agreements or other documents showing the manner in which it is to be maintained.

D. Recording of Final Subdivision Plan and Amendments to Previously Approved Subdivision Plan

- (1) One mylar copy and at least three paper copies of the Final Plan shall be properly signed by a majority of the members of the Board, using black ink. One (1) mylar copy and at least two (2) paper copies of the plans shall be returned to the subdivider and one (1) signed paper copies shall be retained by the Town. The Plan shall be filed by the applicant with the Lincoln County Registry of Deeds. Any Subdivision Plan not so filed or recorded within sixty (60) days of the date upon which such Plan is approved, shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. A record of any such extensions shall be recorded at the Lincoln County Registry of Deeds at the applicant's expense. This 60-day period shall begin the day the plan is signed by the Planning Board. Any extension of this 60-day period must be requested of the Planning Board before the first 60-day period expires.

The applicant shall provide the Code Enforcement Officer (CEO) with a receipt or a copy thereof from the Lincoln County Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Lincoln County Registry of Deeds and a letter from the subdivider's surveyor has been submitted to the Town stating that all permanent monuments as required by Article VII, Section 6.B(1) have been placed.

- (2) Before making any change, erasure, modification or revision to a final Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for its review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in Article VII, Section 3.B(1)(f). All amended plans must be signed by the Board and recorded in the Lincoln County Registry of Deeds within sixty (60) days of the date of approval. Any amended plan not so filed or recorded within sixty (60) days of the date upon which such plan is approved shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Lincoln County Registry of Deeds within that time limit stating that the plan has been filed and giving the book and page numbers.

E. Public Acceptance of Streets and Recreation Areas

- (a) The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Wiscasset, Maine of any street, easement or other open space shown on such plan and a note to this effect shall be on the final plan(s).
- (b) When a park, playground or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Town of Wiscasset of such areas. The Board shall require the Plan to be endorsed with

appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Town covering future deed and title, dedication and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

4. Performance Guarantees

- A. Performance Guarantee. With submittal of the application for final plan approval, the subdivider shall file with the town a performance guarantee in an amount set by the ~~Board of Selectmen~~Selectboard for an amount adequate to cover the total construction costs of all required improvements. The performance guarantee shall be in the form of a certified check payable to the Town of Wiscasset, a performance bond running to the Town of Wiscasset, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Selectboard~~Board of Selectmen~~ and/or Town Manager. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Selectboard~~Board of Selectmen~~ and the municipal attorney as to form, sufficiency, manner of execution and surety.
- B. Project Phasing. The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
- C. Period for Completion of Improvements. A period of one year (or such period as the Selectboard may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.
- D. Inspection of Required Improvements
- (1) At least fifteen (15) days before commencing construction of required improvements, the subdivider shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements so that the Selectboard can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board of Selectboard~~Selectmen~~. Inspection shall be made of all required public improvements as defined above.
 - (2) At least five (5) days before commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Wiscasset stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.

- (3) If upon inspection of the improvement performed before the expiration date of the performance bond, the inspector finds that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall so report in writing to the ~~Board of Selectmen~~Selectboard, Road Commissioner and Code Enforcement Officer. The ~~Board of Selectmen~~Selectboard shall then notify in writing the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.
- (4) If at any time before or during the construction of the required improvements the applicant demonstrates to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Selectboard, authorize modifications, provided these modifications are minor, are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The inspector shall issue any authorization under this section in writing explaining the changes and reasons and shall transmit a copy of such authorization to the Code Enforcement Officer and Planning Board.
- (5) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.
- (6) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body of the town or the owner's association, as applicable.
- (7) Release of Performance Guarantee. The performance guarantee shall not be released by the Selectboard until:
 - (a) The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.
 - (b) The Selectboard and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur in writing with his findings.
 - (c) Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

5. General Requirements and Standards. The following requirements and standards shall apply to all subdivisions unless the Planning Board determines that, due to the specific nature of a subdivision proposal, one or more such requirements and standards are not applicable.

A. General Requirements

- (1) Compliance with General Requirements. In reviewing applications for the subdivision of land, the Planning Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.
- (2) Conformity with Comprehensive Plan. Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Wiscasset and with the provisions of all pertinent state and local codes and ordinances.
- (3) Relationship to Community Services. The Planning Board shall consider whether the subdivision will have an unreasonable effect on existing community services and facilities including, but not limited to schools, including busing, road maintenance and snow removal, police and fire protection, solid waste disposal, recreation facilities, stormwater disposal and water and sewer utilities. In making its determination, the Board may require a list of construction and maintenance items that must be borne by the municipality. The Board may also require a Community Impact Statement for the above services, including reasonable cost estimates to the town and the expected tax revenue of the subdivision.

(4) Retention of Proposed Public Sites and Open Spaces

~~(a) For residential major subdivisions, the subdivider shall reserve a minimum of ten (10) percent of the gross area of the subdivision as open space. Depending on the size and location of the subdivision, the Board may require the developer to provide up to an additional ten (10) percent of his total area for recreation. It is desirable but not required that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.~~

~~(b)(a)~~ Developers shall be encouraged to retain any existing trail system, which crosses the property, or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained.

~~(c)(b)~~ Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.

~~(d)(c)~~ The Planning Board shall consider the comments, if any, of the State Historic Preservation Officer and may require that significant archaeological or historical sites be preserved to the maximum extent possible both during construction and following completion of the development.

~~(e)(d)~~ Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. If a site to be used for active recreation purposes, such as a playground or a playfield, it should be relatively level and dry and have direct access on one or more streets. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may

deem suitable and shall have direct access on one or more streets. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

(f)(e) Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a manner satisfactory to the town attorney so as to ensure the continuation of responsibility for ownership maintenance. The land or a part of it may be deeded to the Town of Wiscasset subject to the approval of the Town.

(e)(f) The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

- (5) Preservation of Natural and Historic Features. The Planning Board shall require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. A fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.
- (6) Traffic Sight Distance. All points of access from the subdivision onto existing or proposed public or private roads shall be so designed in profile and grading and so located as to provide a minimum sight distance as specified in Article IX, Section 8.2.
- (7) Conformance to Shoreland Zoning. Wherever situated, in whole or in part, within 250 feet of the normal high water mark of any pond, river or other salt or fresh water body, or otherwise as shown on the Official Shoreland Map, the proposed subdivision shall conform to Article VI.
- (8) Easements for Natural Drainage Ways. Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse of such width as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.
- (9) Net Residential Density. The calculation of density for all residential subdivisions shall be based on the net residential area or acreage of the parcel as defined herein.
- (10) Lots. In addition to the provisions of Article II and Article VI, lots in a subdivision shall comply with the following:
 - (a) In a new subdivision, only contiguous buildable land shall be counted for purposes of calculating minimum lot size.
 - (b) Lot configuration and area shall be designed to provide for adequate off-

street parking and service facilities based upon the type of development proposed.

- (c) When lots have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- (d) Side lot lines shall be perpendicular to the street to the greatest extent possible.
- (e) The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- (f) All lots shall meet the minimum lot size requirement.

(11) Utilities

- (a) The size, type and location of public utilities, such as street lights, electricity, telephones, fire hydrants, etc. shall be approved by the Planning Board and installed in accordance with the requirements of the Board and this Ordinance.
- (b) Utilities shall be installed underground except as otherwise approved by the Board.
- (c) All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

(12) Additional Requirements

- (a) Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
- (b) The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a planting screen easement at least twenty (20) feet wide, except as may otherwise be required by the Town of Wiscasset Ordinances, between abutting properties that are so affected.
- (c) Where a tract is subdivided into lots substantially larger than the minimum size, the Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in this Ordinance.

- (13) Required Improvements. The following are required improvements: monuments, street signs, streets, landscaping, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such

improvements in accordance with the provisions of this Ordinance.

(14) Impact on Ground Water Quality.

- (a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - (1) A map showing the basic soils types.
 - (2) The depth to the water table at representative points throughout the subdivision.
 - (3) Drainage conditions throughout the subdivision.
 - (4) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - (5) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision and at the subdivision boundaries. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.
 - (6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries when available.
- (b) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- (c) No subdivision shall increase any contaminant concentration in the ground water, at any on-site well, at any lot line or at the subdivision boundary to more than the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water at any on-site well, at any lot line, or at the subdivision boundary to more than the Secondary Drinking Water Standards.
- (d) If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- (e) If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
- (f) Subsurface waste water disposal systems and drinking water wells shall be constructed where shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

- (15) Phosphorous Control. For subdivisions located within the watershed of a great pond, the applicant shall demonstrate that phosphorous export from construction and long term operation shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection and described in "Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development (September, 1992)". Relevant data for calculating phosphorus export is presented in the following table.

Per Acre Phosphorus Allocations for Great Ponds in Wiscasset

Great Pond	DDA	ANAD	AAD	GF	D	F	WQC	LOP	C	FC	P	SWT
Dresden Bog	294	0	294	0.2	59	3.1	mod-sensitive	m	1.00	3.10	0.053	15
Gardiner Pond	400	40	360	0.25	90	4.01	mod-sensitive	m	1.00	4.01	0.045	23
Nequasset Pond	845	120	725	0.25	181	7.54	mod-sensitive	h	0.75	5.66	0.031	45

- DDA Direct land drainage area in Township in acres
- ANAD Area not available for development in acres
- AAD Area available for development in acres (DDA - ANAD)
- GF Growth Factor
- DDA Area likely to be developed in acres (GF x AAD)
- F lbs. phosphorus allocated to towns share of watershed per ppb in lake
- WQC Water quality category
- LOP Level of Protection (h=high(coldwater fishery);m=medium)
- C Acceptable increase in lake's phosphorus concentration in ppb
- FC Allowable increase in annual phosphorus load to the lake (lb/year)
- P Per acre phosphorus allocation (FC/D) (lb/acre/year)
- SWT Small Watershed Threshold in acres

- (16) Impact on Groundwater Quantity. The removal of more than 1000 gallons per day of groundwater or spring water as part of a residential or commercial subdivision shall require the following information:

- (a) Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
- (b) A letter from the Maine Department of Health and Human Services with review comments on the proposed subdivision if it utilizes a public non-municipal water system.
- (c) Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist with demonstrated groundwater hydrology impact assessment experience and training. This report shall include the following information:
 - (i) Aquifer map. A map of the aquifer tributary to the spring(s), well(s) or

excavation(s) from which water is to be extracted, in sufficient detail to support a calculation of sustained yield during a drought with a probability of one (1) in ten (10) years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.

- (ii) Aquifer characteristics. The results of the investigation shall establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly and daily extraction rates, the cone of depression which may develop about the proposed facility, and impacts on the water table in the tributary aquifer and all private or public wells within the tributary aquifer or within 1,000 feet of the proposed extraction facilities whichever is greater shall be assessed.

(d) Performance standards

- (i) Water table. The quantity of water to be taken from groundwater sources shall not substantially lower the groundwater table beyond the property lines, cause salt water intrusion to any existing well, cause undesirable changes in groundwater flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten (10) years.
- (ii) Water quality. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
- (iii) Recharge area. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Planning Board has considered any information supplied by the operator and finds that no adverse effect on a public water supply will result.
- (iv) Records. The operator shall maintain records as required by the Department of Health and Human Services and make them available to the Code Enforcement Officer or a designee.
- (v) Groundwater rights. Nothing in this procedure, and no decision by the Planning Board, shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law

(17) Adequate financial and technical capacity.

- (a) Financial Capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation. Adequate financial capacity may be demonstrated by submission of a letter from a financial institution indicating interest in or a

commitment to finance the subdivision based on a cost estimate provided by the applicant.

- (b) Technical ability. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the state licensure or certification of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

B. Design Standards

(1) Monuments

- (a) Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.
- (b) All monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The monument shall clearly show the registration number of the licensed land surveyor in charge. Where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

(2) Street Signs

Streets, which join or are in alignment with streets of abutting or neighboring properties, shall bear the same name. The naming and addressing of new streets or extensions of existing streets shall comply with Article X, Section 11.

(3) Streets

- (a) All streets shall comply with the provisions of the Town of Wiscasset Ordinances.
- (b) All streets in the subdivision shall be so designed that, in the opinion of the Planning Board, they shall provide safe vehicular travel while discouraging, when desired, movement of through traffic.
- (c) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.
- (d) Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses.

- (e) Any major subdivision abutting a public road shall be designed to provide a single point of ingress and egress from the public road. Direct access from any public road to any lot in a proposed subdivision shall be prohibited unless the Planning Board determines that physical conditions unique to the parcel justify the granting of a waiver from this requirement.

A waiver shall be granted only if the shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way.

If the Planning Board grants a waiver under this section, common access shall be utilized which will allow all proposed lots to be serviced by common curb cuts.

Street entrances onto existing state-aid or state highways in the above-described areas, and driveway or street entrances onto existing state-aid or state highways in all other areas shall be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Planning Board at the time of final review.

- (f) Where subdivision streets are to remain private roads, the following statement shall appear on the plan to be recorded:

"Subdivision streets are private roads. The Town has no legal responsibility or legal authority to maintain private roads. In order for a private road to become a town road, it must first be certified by a licensed engineer as having been built to the current Town road standards and then successfully complete the Town's road acceptance process."

Maintenance for private roads shall be outlined in a homeowners association or road association agreement.

- (4) **Driveway Construction.** A new driveway shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals. Driveways shall conform to the provisions of the Town of Wiscasset Ordinances.
- (5) **Pedestrian Facilities.** Plans for major subdivisions shall include pedestrian facilities, such as a sidewalk or off-road pedestrian path, suited to the needs of subdivision residents unless the subdivider demonstrates to the satisfaction of the Board that environmental or physical conditions prohibit construction of such facilities. If the subdivision is located within five hundred (500) feet of an existing public sidewalk, as measured along a street right of way, and sufficient public right-of-way is available, the public sidewalk shall be extended to the subdivision at the expense of the subdivider and shall interconnect with on-site pedestrian facility. All sidewalks shall conform to the applicable provisions of the Town of Wiscasset Ordinances.
- (6) **Water Supply**

- (a) All proposed lots and/or structures in a subdivision shall be served by public water if public water is available and legally accessible within 500 feet along a public road of any subdivision boundary, including any road entrance.
 - (b) Hydrants or other accepted methods of storage shall be provided as necessary to meet fire protection needs as determined by the Fire Department at the subdivider's expense. - The Fire Department shall submit a letter to the Planning Board approving or disapproving the provisions for fire-fighting water supply.
 - (c) If water is to be supplied by the Wiscasset Water District, approval by said district of design plans for the water service shall be required before the Board may grant preliminary approval of the subdivision and construction of such improvements shall be under the supervision of said district. All other water supply systems shall be designed, approved and installed in accordance with requirements of the Maine Department of Health and Human Services.
 - (d) Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not technically feasible to develop other groundwater sources.
 - (e) Fire fighting water supply, hydrants, storage tank or other accepted methods that are not maintained by the Town shall be maintained by the lot owners.
- (7) Sewage Disposal. In addition to the provisions of the Maine State Plumbing Code, subdivisions shall comply with the following:
- (a) All proposed lots and/or structures in a subdivision shall be served by public sewer if public sewer is available and legally accessible within 500 feet of any subdivision boundary, including any road entrance.
 - (b) If the subdivision is to be served by public sewer, the approval by the Wiscasset Sewer District of design plans for the sanitary sewer system shall be required before the Board may grant preliminary approval of the subdivision.
 - (c) The following are applicable to subdivisions that are not using public sewer.
 - (1) In no instance shall a septic disposal system be allowed in soil rated poor or very poor for such purpose by the Maine Plumbing Code.
 - (2) An application for an individual septic system shall be completed by a licensed soil scientist or site evaluator in full compliance with the requirements of the State of Maine Plumbing Code.
 - (3) Plans for Engineered Systems as defined in the Maine State Plumbing Code shall be designed by a professional civil engineer and approved by the Department of Human Services.

- (4) Regardless of the type of subsurface disposal system proposed, each building lot in a new subdivision shall pass a soils test for an individual subsurface disposal system.

(8) Surface Drainage

- (a) All improvements recommended in the drainage plan shall be shown on the approved plan.
- (b) Topsoil shall be considered part of the subdivision. Except for "surplus" topsoil for roads, parking areas and building excavations, it is not to be removed from the site.
- (c) The Planning Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in the sedimentation and erosion plan. Except for normal thinning and landscaping and except as provided for in the Erosion and Sediment Control Plan, existing vegetation shall be left intact to prevent soil erosion.
- (d) To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning provisions.

- (9) Certification of Construction. If a subdivision road is to be considered for town acceptance, as-built plans of proposed public roads shall be submitted to the ~~Selectboard~~Board of Selectmen. Upon completion of road construction and before a vote by the ~~Selectboard~~Board of Selectmen to submit a proposed public way to the legislative body, a written certification signed by a registered professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of this ordinance, the Town of Wiscasset Ordinances and any conditions of approval.

- (10) Performance Guarantees. Performance guarantees shall be as described in Article 11, Section 4.A.

6. Waivers and Legal Provisions

A. Waivers

- (1) Where the Planning Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, the standards, or other requirements, to permit a more practical and economical development provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the Town of Wiscasset Ordinances or any applicable state laws.
- (2) Where the Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.

- (3) In granting waivers to any of these standards, the Board shall require such conditions as will assure the objectives of this ordinance are met
- (4) When the Board grants a waiver to any of the standards of this ordinance, the Final Plan shall indicate the waivers granted.

B. Enforcement

- (1) No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the Planning Board. No plan of a subdivision of land within the boundaries of the Town of Wiscasset which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Lincoln County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in this Ordinance, nor until such approval shall have been entered on such Final Plan by the Board. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Lincoln County Registry of Deeds.
- (2) Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished in accordance with the provisions of Title 30-A M.R.S.A. §4452 for each such conveyance, offering or agreement. The Town of Wiscasset may institute proceedings to enjoin the violation of this section.
- (3) No public utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- (4) Creating a subdivision, grading or construction of roads, grading of land or lots, or construction of buildings without Board approval is a violation of law until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, approved and endorsed as provided in this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Lincoln County Registry of Deeds.
- (5) The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.
- (6) An appeal of any order, relief or denial made by the Planning Board may be referred by any party to the Board of Appeals. Pursuant to Article I.

7. Open Space Subdivisions

A. Policy

It is the policy of the Town of Wiscasset to encourage the use of Open Space Subdivisions in order to preserve a sense of space, provide for agriculture and

forestry as well as recreational land, preserve other resources identified in the Town of Wiscasset Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural and village landscapes of the Town.

This Design Guideline is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Planning Board to expedite procedures and to waive or reduce certain otherwise applicable standards and provisions of this Article and Article VI, Zoning, if such landowners commit to the permanent preservation of important Open Space Resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

B. Purposes

To qualify as a conservation open space subdivision, the Planning Board must find that the subdivision will achieve all of the following purposes that are applicable to its specific circumstances:

1. Long term protection and conservation of existing natural and other resources and landscapes identified in the Comprehensive Plan and the Zoning Ordinance including but not limited to:
 - a. State-defined critical areas, and unique natural features located on the parcel to be subdivided;
 - b. Historic land use patterns and historic structures;
 - c. Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;
 - d. Contiguous stands of mature trees;
2. Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;
3. Provision of adequate buffers for adjoining properties where needed;
4. Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;
5. Conservation of land suitable or actively used for agriculture and forestry uses, particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
6. Conservation of traditional land uses;

7. Creation of choices in the type of residential environment and type of housing available that will be a long-term asset to Wiscasset;
8. Construction of affordable housing;
9. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and
10. Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.

An Open Space Subdivision achieves the purposes of this guideline reducing the lot size, frontage and setback requirements and clustering housing and uses in those areas where they have the least impact on identified environmental, agricultural and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements that run with the land. The cluster principle can be applied to subdivisions of any size.

C. Planning Board Review

The Planning Board shall review the application in accordance with Title 30-A, M.R.S.A. Section 4404 and this Ordinance as modified by the provisions of this Section.

(1) Pre-application Procedure

An individual shall apply for approval of an open-space subdivision as part of a pre-application conference. The applicant shall submit a pre-application sketch plan that shows, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered, must be to scale and should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development, such as steep slopes, wet areas, water bodies, potential views to and from the site, existing structures and vegetative cover.

(2) Application Procedure

Required Plans: The submissions for an Open Space Subdivision shall include all Plans and materials required for a conventional Subdivision.

(3) General Requirements

In Planning Board review and approval of an Open Space Subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this ~~Section~~Ordinance.

a. Use and District Requirements

- (1) All Open Space Subdivisions shall meet the use standards of the Districts in which they are located.

- (2) Allowable Density. To determine the maximum number of lots or dwelling units permitted, the net residential acreage of the project parcel is divided by the minimum lot size requirement in the District.

(4) Layout and Siting Standards

In planning the location and siting of residential structures in an Open Space Subdivision, priority should be given to the preservation of the open space for its natural resource value with human habitation activity located and sited on the lower valued natural resource portion of a parcel taking into account the contours of the land and the reasonableness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site:

- a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;
- b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;
- c. In such manner that the boundaries between residential lots and active agricultural or forestry lands are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural or forestry uses;
- d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall Plan for site development;
- e. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the District;
- f. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged; and
- g. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, so as to improve the view from and of buildings.

(5) Space Standards

- a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the District.
- b. Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.
- c. The required maximum lot size or maximum land area per dwelling unit for the building envelope shall be one (1) acre.
- d. Minimum road frontage requirements may be waived or modified by the Planning Board provided that:
 - (1) Any applicable provisions regarding roads in Article VII, Section 7.C(7) are satisfied; and
 - (2) Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways;
 - (3) A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be no less than twenty-five (25) feet or that required for the applicable Zoning District, whichever shall be less. For the perimeter of a multi-family open space development, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning District unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.
 - (4) No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

(6) Utilities

At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided they shall not unreasonably interfere with the open space purposes or uses to be achieved under this Section and for the particular parcel(s) that is the subject to the application for a Open Space Subdivision.

- a. All structures requiring plumbing in the development shall be connected to a public sewage system, individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development or which are to be utilized as a common or individual water supply for the proposed development.

- b. If a private central collection system is proposed, the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface wastewater disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed. In the case of the use of chambers, there shall be designed an excess capacity of thirty (30) percent.
- c. If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board. The Planning Board may require the developer and homeowners association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the Code Enforcement Officer.

(7) Roads

The Planning Board shall require private roads and common driveways to comply with the design standards set forth in Article X, Section 11 except as provided in Article VII, Section 7C(7)d below.

- a. The applicant shall submit to the Planning Board as part of the application for approval a plan prepared by a registered professional engineers showing the location and drainage characteristics, dimensions and grade of roads and common driveways as well as specifications setting forth their proposed composition.
- b. The Subdivision Plan shall show the road clearly labeled "private road" and a condition of approval shall state the following:

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners. Roads proposed to be accepted and maintained by the Town shall first meet all municipal street design and construction standards and, in addition, then shall be proposed for acceptance by the Town Meeting. Such roads shall not be public roads until and unless they are accepted by the Town Meeting."
- c. Whenever possible and as far as practicable, the roads and common driveways shall:
 - (1) follow natural contours in an effort to limit phosphorous export;
 - (2) be limited in width, curvilinear in design, and keeping within the rural character of the Town;
 - (3) shall turn away drainage from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate predevelopment and post-development drainage and flows, where necessary.

- d. Travel ways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:
 - (1) Common driveways serving 3 or fewer dwelling units: 12 foot travel way.
 - (2) Roads serving 4 units: 16-foot travel way and 3-foot shoulders.
 - (3) Roads serving 5 to 10 units: 16-foot paved travel way and 3-foot shoulders.
 - (4) Roads serving 11 to 50 units: 20 foot paved travel way and 3 foot shoulders.

D. Open Space Requirements

In Planning Board review and approval of an Open Space Subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this ~~Section~~ordinance.

Open space set aside in an Open Space Subdivision shall be permanently preserved as required by this Section. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one (1) or more large parcels on which dwellings are permitted provided that a conservation easement or a declaration of covenants and restrictions is placed on such land and provided that the Planning Board approves such configuration of the open space.

- (1) Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:
 - a. On parcels that contain significant portions of land suited to agriculture, open space shall be preserved for agriculture or other compatible open space uses such as forestry, recreation (active or passive) and resource conservation;
 - b. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation such as trails for walking and cross country skiing;
 - c. Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town;
 - d. The use of any open space may be limited by the Planning Board at the time of Final Plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of Final Plan approval, shall be reviewed by the Planning Board as an amendment to the approved Plan;

- e. Further Subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in below:
 - (1) Notations on Plan. Open space shall be clearly labeled on the Final Plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the Subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development, including those provisions allowed under Subsection f. below, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions. All notes and conditions of approval shall appear on the Final Plan or on a separate page appended to the Final Plan. All such pages shall be signed and recorded with the Final Plan.

- f. Preservation in Perpetuity. An owner of a parcel of land shall designate all or portions of the parcel for open space use in perpetuity if the applicable purposes set forth in Article VII, Section 7.B are achieved and all other requirements of this Article VII, Section 7 are met subject to the following conditions:
 - (1) A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the Open Space Plan;
 - (2) The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Municipal Officers, and acceptance at Town Meeting or to a qualified not-for-profit conservation organization acceptable to the Planning Board;
 - (3) Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of Plan approval hereunder;
 - (4) The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Wiscasset if the Town is not the holder of the conservation easement or beneficiary of the declarations;
 - (5) The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use; and

- (6) The conservation easement or declaration shall be recorded in Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision Final Plan in the Lincoln County Registry of Deeds.

8. Review Criteria

In approving subdivisions within the Town of Wiscasset, Maine, the Planning Board shall evaluate the proposed subdivision using the following criteria:

- (1) Pollution. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at minimum consider:
 - (a) The elevation of the land and its relation to flood plains;
 - (b) The nature of soils and subsoils and their ability to adequately support waste disposal;
 - (c) The slope of the land and its effects on effluents;
 - (d) The availability of streams for disposal of effluents; and
 - (e) The applicable State and local health and water resources regulations.
- (2) Sufficient water. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- (3) Municipal water supply. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- (4) Erosion. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (5) Traffic. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section
- (6) Sewage disposal. Will provide for adequate solid and sewage waste disposal;
- (7) Municipal solid waste disposal. Will not cause an unreasonable burden on the ability of the Town of Wiscasset to dispose of solid waste and sewage with respect to the use of municipal facilities existing or proposed;
- (8) Municipal & governmental services. Will not place an unreasonable burden on the ability of the Town of Wiscasset to provide municipal or governmental services;
- (9) Aesthetic, cultural and natural values. Will not have an undue adverse effect on the scenic or natural beauty of the area as defined in the comprehensive plan, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Wiscasset or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

- (10) Conformity with local ordinances and plans. Is in conformance with the subdivision ordinance, comprehensive plan, zoning ordinance, floodplain management ordinance or other duly adopted ~~Codes of Wiscasset~~Town of Wiscasset ordinance. In making this determination, the municipal review authority may interpret these ordinances and plans;
- (11) Financial & technical capacity. The subdivider has adequate financial and technical capacity to satisfy these review criteria;
- (12) Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the Mandatory Shoreland Zoning, Act Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water.
- (13) Groundwater. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater and aquifers;
- (14) Flood areas. If the subdivision, or any part of it, is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the subdivider shall determine and verify the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- (15) Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps or site plans submitted as part of the application, regardless of the size of these wetlands;
- (16) River, stream or brook. Any river, stream, or brook, as defined in the Natural Resources Protection Act, Title 38, Section 480-B, within or abutting the subdivision has been identified on any maps or site plans submitted as part of the application;
- (17) Storm water. The subdivision will provide for adequate storm water management;
- (18) Spaghetti lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
- (19) Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision;

- (20) Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- (21) Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority shall determine before granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.
- For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.
- (22) Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application.
- (23) Access to direct sunlight. The municipal reviewing authority may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and set-back requirements or other permissible forms of land use controls.

Additional Definitions to be included in the Glossary

Buildable Land - That land in a parcel which is left over after all deductions made under the Net Residential area or acreage calculations have been made.

Comprehensive Plan - Any part or element of the overall plan and policy for development of the Town of Wiscasset, Maine, as defined in the Maine Revised Statutes Amended,

Title 30-A, § 4314 and all amendments and revisions thereto.

Driveway – Access route or right-of-way to any single family dwelling or to a duplex building.

Easement – The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

Engineer – A person licensed by the State of Maine as an Engineer.

Final Subdivision Plan – The final drawings, on which the subdivider's plan of the subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the Town and the Lincoln County Registry of Deeds.

Legislative Body - Town Meeting, Municipality, Town of Wiscasset, Maine.

Net Residential Area or Acreage:– The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the land area that cannot be counted toward the minimum lot size under a conventional subdivision which includes steep slopes (35% or more), hydric soils, wetlands, surface water, rights of ways and easements, Resource Protection District, flood ways and coastal high hazard zones and portions used for storm water management facilities.

Net Residential Density - Net Residential Density shall mean the number of units per net residential acre.

Open Space - Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, undevelopable land and buffers.

Preliminary Subdivision Plan - The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration.

Resubdivision - The division or alteration of an existing subdivision.

Sidewalk - A paved way for pedestrian traffic, which is constructed parallel to a road.

Street - The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way intended for vehicular traffic. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

Subdivision - The division of a tract or parcel of land as defined in Title 30-A § 4401 et. seq., as amended, including the division of a structure for commercial or industrial use.

Subdivision, Major - A subdivision containing six (6) or more lots or dwelling units, or units in a commercial development.

Subdivision, Minor – A subdivision other than a major subdivision.

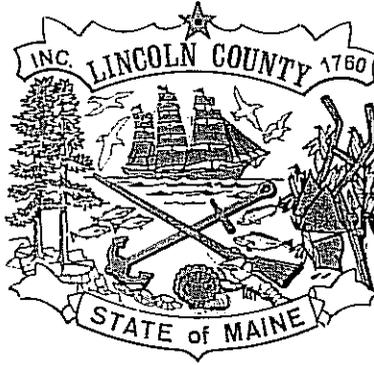
9d.

OFFICE OF
LINCOLN COUNTY COMMISSIONERS

32 HIGH STREET
P.O. BOX 249
WISCASSET, MAINE
04578

INCORPORATED 1760

COMMISSIONERS OFFICE 882-6311
FAX 882-4320



DISTRICT ONE
LYNN GILLEY ORNE
SOUTHPORT, MAINE

DISTRICT TWO
WILLIAM B. BLODGETT
WALDOBORO, MAINE

DISTRICT THREE
SHERIDAN T. BOND
JEFFERSON, MAINE

September 10, 2012

To All Lincoln County Towns:

As you may know, the state has scheduled new aerial ortho photography to be gathered next spring for all Lincoln County towns. This aerial photography is being funded, in part, by matching funds approved by the County Commissioners earlier this year. The aerial photos will be of the same quality as those now available through the Maine GIS website (<http://megiswebmaps.maine.gov/orthoviewer/default.aspx>). These current aerial photos were gathered in in the early 2000's and are almost 10 years out-of-date.

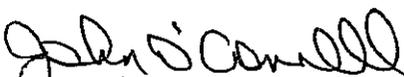
Because the County has agreed to purchase the baseline ortho photos, individual towns or the county as a whole now have the opportunity to "buy up" to higher quality photos and at least one Lincoln County town has so far agreed to do so. If all towns in the county individually agreed to buy up to higher quality photos, there would be substantial overall cost savings depending on the specific level of quality selected. However, there are two potential problems with this approach. First, contracts to purchase the higher quality photos would need to be finalized and local costs paid for before the flights took place next March (and before most 2013 town meetings). Second, this regional cost savings is only available if all towns agreed to participate. That is, if one community opted out of the project, the savings would not be available.

One option that would allow the towns to obtain higher quality ortho photos without the need for them to enter into and pay for individual agreements with the state is for the county to purchase the upgraded photos. In order to do this, the county would need to include funding for the photos in its 2013 budget.

The County Commissioners invite all Lincoln County Selectmen, managers, and interested parties to a meeting to be held on **Thursday, September 20 at 7PM in the County EMA conference room**. The purpose of the meeting is twofold. First, the County Commissioners would like to know whether selectmen support including in the 2013 county budget sufficient funds to pay for the full cost of purchasing higher quality (down to 3-inch pixel from basic 24-inch pixel) ortho photos for all county communities. Second, the Commissioners want to know the level of photo quality selectmen prefer. The Commissioners have asked County Planner Bob Faunce to present information on the practical uses of higher quality ortho photos in county communities. He will also show examples of the different photo quality levels that will be available as well as information on costs.

This is an important issue for the county and the Commissioners are interested in as much input from selectman as possible. Ideally, at least one selectman from each county community will attend the meeting. For more information on any aspect of this project, please contact Bob Faunce at rfaunce@lcrpc.org or 784-2617.

Sincerely,


John W. O'Connell
County Administrator

2013 State of Maine Ortho Prices

These are buy-up prices for budgeting purposes assuming the county has provided the match for the base product. If the county buys up to higher than the base product, a town can figure out a further buy-up cost by simply subtracting. For example if the county bought up to 6"L2, then Damariscotta's further buy-up to 3"L1 would be their 3"L1 cost minus their 6"L2 cost, or \$16,500 - \$3,500 = \$13,000. For 3" buy-ups the state can further subdivide out urban areas within a large town, which may need the urban center at 3"L1 but not the entire town area. This subdividing can only be done on a very limited basis and may be impractical for Lincoln County communities. Additionally, the final price may be reduced by up to 30% if several contiguous towns buy up together to the same product.

Town	County	Area (SqMi)	12" L2	12" L1	6" L2	6" L1	3" L2	3" L1
Alna	Lincoln	21	\$2,500	\$3,500	\$4,500	\$8,000	\$12,500	\$24,000
Boothbay	Lincoln	38	\$4,000	\$6,000	\$8,000	\$14,000	\$22,000	\$41,500
Boothbay Harbor	Lincoln	9	\$1,500	\$2,000	\$2,500	\$4,000	\$6,000	\$11,000
Bremen	Lincoln	25	\$3,000	\$4,500	\$5,500	\$9,000	\$14,000	\$27,000
Bristol	Lincoln	39	\$3,500	\$6,000	\$7,500	\$13,000	\$21,000	\$41,000
Damariscotta	Lincoln	15	\$2,000	\$2,500	\$3,500	\$5,500	\$8,500	\$16,500
Dresden	Lincoln	33	\$4,000	\$5,500	\$7,000	\$12,000	\$19,000	\$36,000
Edgcomb	Lincoln	21	\$2,500	\$3,500	\$4,500	\$7,500	\$12,000	\$23,000
Hibberts Gore	Lincoln	1	\$500	\$500	\$500	\$1,000	\$1,000	\$2,000
Jefferson	Lincoln	59	\$5,000	\$8,000	\$11,500	\$20,000	\$32,500	\$62,000
Lincoln County Island	Lincoln	7	\$1,500	\$2,000	\$2,500	\$4,000	\$5,500	\$10,000
Monhegan Island Plt	Lincoln	2	\$500	\$1,000	\$1,000	\$1,000	\$1,500	\$3,000
Newcastle	Lincoln	33	\$3,500	\$5,000	\$6,000	\$11,000	\$18,000	\$35,000
Nobleboro	Lincoln	23	\$3,000	\$4,500	\$5,000	\$9,000	\$13,500	\$26,000
Somerville	Lincoln	23	\$2,500	\$4,000	\$5,000	\$8,500	\$13,500	\$25,500
South Bristol	Lincoln	21	\$2,500	\$3,500	\$4,500	\$8,000	\$13,000	\$24,500
Southport	Lincoln	11	\$1,500	\$2,000	\$2,500	\$4,500	\$6,500	\$13,000
Waldoboro	Lincoln	79	\$6,500	\$10,000	\$13,500	\$25,000	\$42,000	\$81,500
Westport Island	Lincoln	14	\$2,500	\$3,500	\$3,500	\$6,000	\$9,000	\$17,500
Whitefield	Lincoln	47	\$4,000	\$6,500	\$8,500	\$15,500	\$26,000	\$50,000
Wiscasset	Lincoln	28	\$3,500	\$5,000	\$6,000	\$10,500	\$16,500	\$31,500
Total of Individual Towns		546	\$60,000	\$89,000	\$113,000	\$197,000	\$313,500	\$601,500
Cost of County-wide Purchase by County		546	\$37,000	\$58,500	\$84,000	\$153,500	\$266,500	\$519,000
Savings of County vs. Town Purchase			38%	34%	26%	22%	15%	14%

10 a.

**WINTER SAND BID
TOWN OF WISCASSET
DUE: 12:00 p.m. Tuesday September 18, 2012**

**APPROXIMATE QUANTITY REQUIRED
2,000 CUBIC YARDS**

- 1. For 2,000 cubic yards of live, sharp, screened, winter sand, loaded, on Town provided trucks.

\$ _____ per cubic yard

Approximate mileage from sand location to 42 Hodge Street, Wiscasset, ME

_____ Miles

- 2. For 2,000 cubic yards of live, sharp, screened, winter sand, delivered to the Town Garage, at 42 Hodge St., Wiscasset, ME.

\$ _____ per cubic yard

Company Name: _____ Telephone: _____

Email Address: _____ Cellular Telephone: _____

Address: _____

Authorized Signature: _____ Date: _____

Printed Name and Title: _____

**Town of Wiscasset
Request for Bids – Winter Sand**

The Wiscasset Board of Selectmen is requesting bids for supplying the Town's winter sand for the 2012-13 stockpile in accordance with the specifications herein contained.

Special Notice to Vendors:

1. To receive consideration, bids must be submitted on the form provided by the Town Office. Contact Lisa at 207-882-8200 x 103 for a bid form. The form may be reproduced.
2. Bids must be submitted in a sealed envelope, plainly marked on the outside: **"2012-13 Winter Sand Bid"**, and shall be addressed to: **Town of Wiscasset, 51 Bath Road, Wiscasset, ME 04578** or hand-delivered to the Town Office at 51 Bath Road, Wiscasset, ME.
3. All bids must be received no later than **12:00 pm, Tuesday, September 18th, 2012**. The bids will be opened publicly at the Board of Selectmen's meeting starting at 7 p.m. Contractors, or their representatives are cordially invited to attend the opening.
4. The contract award is anticipated to be made at the Wiscasset Board of Selectmen's meeting to be held at the Wiscasset Town Hall Tuesday, September 18, 2012. The Wiscasset Board of Selectmen reserves the right to reject any or all bids, to waive any technicality or formality in the bids, and to accept any bid the Board deems to be in the best interests of the Town. The quality of the sand must be approved by the Road Commissioner.

Specifications:

1. Bids must be for sand that is **live and sharp** and screened to pass a **1/2 –inch maximum** size mesh.
2. Bids must be on a cubic yard basis for the live, sharp, screened winter sand. All bids should include delivery to the Town Garage at 42 Hodge Street, Wiscasset, Maine.
3. Availability of the live, sharp, screened winter sand is **required by October 1, 2012**.

Town of Wiscasset
2012-13 Winter Sand Bidders

Company	Contact	Address	Town	State	Zip		
Harry C. Crooker		PO Box 5001	Topsham	ME	04086-5001		
Hanley Construction, Inc.	Mark Hanley	1829 Bristol Road	Bristol	ME	04539	677-3110	
Jack Shaw & Sons	Jack Shaw	911 Old Stage Road	Woolwich	ME	04579-4701		
Nathan O. Northrup	Nathan Northrup	66 Goose Hill Road	Jefferson	ME	4348		
Bill Fraser		152 Merry Island Road	Edgecomb	ME	4556		
Linwood Fraser		PO Box 788	Damariscotta	ME	4543		
Kent Reed	Kent Reed Excavation	19 Blagdon Ridge Rd	Wiscasset	ME	4578	882-4017	
Bob to look for contact and address for Fraser!							

To Charles DiPerri, Constable, of the Town of Wiscasset in the County of Lincoln.

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Wiscasset, in said County and State, qualified by law, to vote in Town affairs to meet at the Wiscasset Community Center on Tuesday, the 6th day of November, 2012 from 8:00 A.M. until 8:00 P.M., then and there to act on the following articles:

Article 1. To elect a moderator to preside at said meeting.

And to vote by secret ballot on the following articles:

Article 2. Shall an ordinance entitled "Subdivision Review" be enacted?

Due to the length of this ordinance the full text is available in the Clerk's office.

Article 3. Shall an ordinance entitled "Site Plan Review" be enacted?

Due to the length of this ordinance the full text is available in the Clerk's office.

And you are directed to serve this warrant by posting a copy thereof, attested by you, in a public and conspicuous place in said town, seven days, at least, before the time of holding said meeting.

Hereof, fail not, and due return make of this warrant to the Selectmen or Town Clerk, with your doings thereon, on or before the time of holding said meeting.

Given under our hands this ____ day of September, 2012.

Pamela Dunning, Chairman

Edward Polewarczyk, Vice Chairman

Judith Colby, Selectman

William Curtis, Selectman

Jefferson Slack, Selectman

True Attest Copy: _____

Posted on: _____



Town of Wiscasset

MEMORANDUM

To: Board of Selectmen
Fr: Town Manager
Re: The transfer of the Montsweag Brook Parcel
Dt: September 12, 2012

Attached please find the agreement for conveyance of real property and the amended and restated declaration of covenants and restrictions relative to the Montsweag Brook parcel. Once the Town voted to authorize the transfer in June of 2012, the documents were forwarded to the Department of Environmental Protection (DEP) for review. The original transfer was to take place between Central Maine Power and Chewonki Foundation, when the transfer changed to the Town of Wiscasset a final review by DEP was necessary. The review has occurred and Central Maine Power is ready to transfer the property. The necessary next step is the Board of Selectmen will need to authorize the Town Manager to execute the document.

AGREEMENT FOR CONVEYANCE OF REAL PROPERTY

THIS AGREEMENT FOR THE CONVEYANCE OF REAL PROPERTY (the "Agreement") is made between CENTRAL MAINE POWER COMPANY, a Maine corporation with a mailing address of 83 Edison Drive, Augusta, 04336 ("CMP") and THE INHABITANTS OF THE TOWN OF WISCASSET, a body politic with a mailing address of 51 Bath Road, Wiscasset, Maine 04578 ("Town"). The date that this Agreement has been fully executed shall be termed the "Effective Date".

Whereas CMP owns certain lands located in the Town of Wiscasset, Lincoln County and the Town of Woolwich, Sagadahoc County, Maine, being more particularly described in Exhibit A below; and

Whereas CMP desires to convey such lands to the Town pursuant to requirements of State of Maine Department of Environmental Protection Site Location of Development Act and Natural Resources Protection Act Orders, Project Number #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N/L-24620-L6-E-N and U.S. Army Corps of Engineers Permit Number #NAE-2008-03017 (the "Orders") relating to preservation of an approximately 22 acre parcel of land southerly of Bradford Road, Wiscasset, Maine now or formerly known as the Montsweag Brook Parcel.

Whereas the Town desires to accept such lands pursuant to stipulations contained in the Orders and in a Declaration of Covenants and Restrictions dated August 5, 2010 and recorded in the Lincoln County Registry of Deeds in Book 4304, Page 54 and the Sagadahoc County Registry of Deeds in Book 3212, Page 136 and as revised July 20, 2012 and recorded in said Registries respectively in Book 4559, Page 95 and Book 3414, Page 1.

Now Therefore, in consideration of the mutual covenants, agreements and promises of the parties, the adequacy of which is acknowledged, CMP, agrees to convey and the Town agrees to accept the land and all improvements thereon described on Exhibit A, attached hereto or incorporated herein, (the "Land"), together with any, improvements on the Land or attached thereto and all rights, privileges, easements and appurtenances thereto, including without limitation, CMP's right, title and interest in and to all air rights, and any easements, rights-of-way or other interests in, on, under or to any, highway, street or right-of-way abutting or adjoining the Land; together with the flowage easements described in Exhibit B, attached hereto or incorporated herein, collectively with the Land, the "Property".

1. Inspection Contingency.

- (a) During the term of this Agreement, the Town may, upon reasonable notice to CMP and at the Town's sole cost, expense and risk, examine, investigate and inspect the Property to obtain any and all information that the Town deems appropriate regarding the property, including, without limitation, operating information, environmental conditions, physical nature and condition of the Property.
- (b) CMP will provide to the Town, at no cost to the Town, copies of any of CMP's plans, surveys, environmental reports, title report, inspections and/or maintenance records of the Property ("CMP's Information"). CMP makes no representation or warranty regarding the accuracy or completeness of CMP's Information.

- (c) CMP will pay the reasonable costs of the Town's legal expenses not to exceed Two thousand (\$2,000.00) Dollars.

2. Closing of Conveyance. Delivery of the deed to the Town and acceptance of the deed by the Town (the "Closing") shall occur prior to December 1, 2012 (the "Closing Date"). The precise Closing Date and time shall be mutually agreed upon by CMP and the Town, and the Closing shall take place at a location mutually agreed upon by CMP and the Town.

3. Title and Survey.

(a) CMP shall convey the Property to the Town by good and sufficient Quit Claim with Covenant deed (the "Deed"). Title to the Property shall be good and marketable subject only to zoning restrictions, and such taxes for the current tax year as are not due and payable as of the date of Closing and to any defects of title accepted by the Town.

(b) CMP has performed certain survey work on the Property, a plan of which is recorded in the Lincoln County Registry of Deeds in Plan Book 95, Page 63 and in the Sagadahoc County Registry of Deeds in Plan Book 47, Page 26 and as revised and recorded in said Registries in Plan Book 98, Page 73 and Plan Book 48, Page 36, respectively. The survey work includes the following:

(i) a recordable plan (the "Plan") showing all property lines and monuments that define the Land, retained land of CMP, easements benefiting the Land, the locations of public and private roads, and the locations of reserved or excepted easements on the Land; and

(ii) marking of property lines (blaze and paint).

4. Stewardship Funds. CMP will provide One hundred thousand (\$100,000) Dollars of dedicated funds to the Town to be used for fulfilling stewardship and monitoring obligations.

5. Closing Procedure. The parties shall exchange the following funds and documents on or prior to the Closing Date:

(a) **CMP's Deposits:** The Deed, a FIRPTA affidavit, an underground storage tank notification, an appropriate Maine residency form, a settlement statement and such other documents as may be reasonably necessary or customary to effectuate the Closing.

(b) **Town's Deposits:** Acceptance of the deed pursuant to this Agreement and such other documents as may be reasonably necessary or customary to effectuate the Closing.

6. Prorations and Adjustments.

(a) **Prorated Items.** Property taxes shall be prorated on an as-due basis as of the day of Closing.

(b) **Town's Costs.** The Town shall pay no other costs associated with this sale, except as provided in part (d) below.

- (c) **CMP's Costs.** CMP shall pay for 100% of transfer taxes payable upon recordation, the cost of any surveys required by CMP, the cost of all title insurance required by CMP, and all recording costs.
- (d) Except as provide in 1(c.), above, each party shall be responsible for its own internal costs related to the transaction.

The provisions of this Section shall survive closing.

7. Default. In the event either party shall default on any of its obligations herein, the non-defaulting party may seek to employ any and all available legal and equitable remedies. If either party seeks specific performance, that claim shall be brought in the Maine Superior Court. Claims for any other remedy for a default under this Agreement shall be decided by binding arbitration before a single arbitrator selected by the parties. In the event that the parties are unable to agree on an arbitrator within 30 days of a request for appointment of an arbitrator by one party, the party seeking arbitration may submit the arbitration demand to the American Arbitration Association ("AAA") for resolution by a single arbitrator. If court proceedings or arbitration are initiated by either party with respect to this Agreement, the reasonable attorneys' fees of the prevailing party, and all costs of arbitration, if applicable, shall be paid by the non-prevailing party.

8. Brokers / Commissions. There are no listings or cooperating brokers involved in this transaction. CMP is a licensed real estate brokerage agency and employs licensed real estate brokers either directly or a contractors. However, there are no fees or commissions due in connection with this transaction. Each party hereto agrees to hold the other party harmless from and against any and all costs, expenses, claims, losses, or damages, including reasonable attorney's fees, resulting from a violation of their respective representatibn set forth in this Section. The provisions of this Section shall survive the Closing.

9. Notices. All required notices shall be given in writing, mailed postage prepaid, by certified or registered mail, return receipt requested, by nationally recognized overnight air courier service, by personal delivery or by electronic facsimile to the addresses indicated below, or such other places as the parties may designate in writing to one another:

CMP:
Central Maine Power Company
83 Edison Drive
Augusta, Maine 04336
Attention: Alice Richards
Real Estate Services
Email: alice.richards@cmpco.com
Tel. No.: (207) 626-9817

Town of Wiscasset:
Town of Wiscasset
51 Bath Road
Wiscasset, Maine 04578
Attn: Town Manager

Email: townmanager@wiscasset.org
Tel. No.: (207)-882-8200 extension 108

10. Time. Time is of the essence in this Agreement. In any case where a date for performance by either party shall fall on a Saturday, Sunday or holiday, the time for performance shall automatically extend to the next regular business day.

11. Governing Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Maine.

12. Entire Agreement.

This Agreement (including exhibits) constitutes the entire agreement between the parties with respect to this transaction. This Agreement may not be changed or modified except by instrument in writing signed by the parties.

13. Bind and Inure, Risk of Loss.

The terms, covenants and conditions herein shall bind and inure to the benefit of the successors and assigns of the parties. All risk of loss to the Property prior to the Closing shall be on CMP.

14. No Assignment.

Neither party may assign its rights in and to this Agreement without the prior written consent of the other party, except to affiliates of CMP and the Town, respectively and, furthermore, it is agreed and understood that any merger of CMP or the Town with another company or agency shall not be considered an assignment.

15. Severability.

If any section, clause or part of this Agreement is found unenforceable, the finding shall not affect the remainder of this Agreement.

16. Headings.

Section headings are solely for means of reference and are not intended to modify, explain or place any construction on any of the provisions of this Agreement.

17. Authority of Parties.

The Town and CMP represent, warrant and covenant to each other that they have the full power and authority to perform and comply with the execution and delivery of this Agreement. Further, the persons executing this Agreement on behalf of the Town and CMP each hereby represent and warrant that he or she has the requisite and necessary authority to execute this Agreement on behalf of such party.

18. No Representations or Warranties Outside Agreement.

This Agreement is the entire Agreement of the parties, and CMP agrees that neither CMP nor its representatives has made any representation regarding the subject matter of this sale, including representations as to the physical nature or condition of the land, the improvements, the fixtures

or appurtenances annexed thereto, or the personal property, if any, to be transferred to the Town, except as expressly stated in this Agreement. Furthermore, CMP and the Town each agree that in performing under this Agreement, each has not and shall not rely upon any statement or information from anyone claiming to represent the other party hereto, and the other party hereto is not and shall not be liable or bound by any such statement and/or information.

19. Representations or Warranties. CMP represents and warrants to the Town that the following are true as of the date of this Agreement and will be true as of the Closing:

(i) CMP has no actual knowledge of the existence of any material violations of laws or regulations affecting the Property. CMP has not received any notice from any federal, state or local governmental authority or representative thereof claiming or inquiring into the existence of any such violation.

(ii) There is no action, suit, legal proceeding or other proceeding pending or threatened (or, to the best knowledge of CMP, any basis therefore) against CMP or affecting any portion of the Property in any court or before any arbitrator of any kind or before any governmental body that may materially or adversely affect the transactions contemplated by this Agreement or which may affect any portion of the Property.

(iii) CMP has not knowingly released or disposed of any "Hazardous Substance" (as defined below) on, in or from the Property and CMP is, to the best of its knowledge, not aware of the release or disposal of any Hazardous Substance on, in or from the Property at any time by anyone else. The term "Hazardous Substance" as used herein means any material, the generation, storage, handling, release, transportation or disposal of which is regulated by any federal, state or local law or regulation. CMP will remove and properly dispose of any hazardous substance found on the Land prior to closing.

(iv) CMP has no actual knowledge of any pending or threatened actions or proceeding regarding condemnation of the Property or any part thereof.

(v) CMP has good and marketable title to the Property, free and clear of all liens and encumbrances.

20. Use of Retained Lands. The deed of conveyance from CMP to the Inhabitants of the Town of Wiscasset will acknowledge that CMP is an electric utility company and may have need to use any of the retained lands for utility purposes including, but not limited to, the construction and operation and maintenance of overhead electric transmission lines, substations and appurtenant facilities.

21. Approval by the Inhabitants of the Town of Wiscasset. This Contract is contingent upon Wiscasset's town voters approving, at a public meeting to be held on or before July 1, 2012, the acceptance by the Town from CMP of both a Deed to the property as described and as encumbered as set out in this Agreement, and \$100,000.00 of dedicated funds to be used by the Town for fulfilling stewardship and monitoring obligations with regard to the property. This Contract is also contingent upon the Wiscasset Board of Selectmen being satisfied with the

results of any physical examination of the land and dam to be conveyed, and upon an examination of CMP's title to the premises; should they not be satisfied for any reason then they may declare this Contract null and void and neither Party shall have any further obligation to the other Party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates immediately following their signatures.

CENTRAL MAINE POWER COMPANY

TIN # 01-0042740

By: _____
Its:

Dated: _____

The Inhabitants of the Town of Wiscasset

Laurie Smith
Its: Town Manager

EXHIBIT A

Exhibit A-1 Conveyed Lands

Subject to the reservations and exceptions as defined in Exhibit A-2, below, the following parcel of land:

Parcel - Montsweag Brook, Wiscasset – Beginning at the intersection of the northerly sideline of Central Maine Power Co. transmission line Section 81, said sideline being 150 feet Northerly, as measured at right angles, of the centerline of Section 81 as it exists in 2010 (the “Section 81 North Sideline”), and the southerly sideline of lands of Merwin Alexander Delano, III as described in a deed recorded in the Lincoln County Registry of Deeds in Book 3881, Page 164, at a capped iron rod set at the base of a horizontal cedar post;

Thence S 85° 38’ 26” W along the Section 81 North Sideline, crossing over Montsweag Brook and into the Town of Woolwich, Sagadahoc County, a distance of 1154.98 feet to land now or formerly of Shirley Titcomb as described in a deed recorded in the Sagadahoc County Registry of Deeds in Book 511, Page 170;

Thence N 07° 12’ 53” E along land of said Titcomb a distance of 464.96 feet to a capped iron rod set;

Thence S 81° 10’ 36” E along land of said Titcomb a distance of 111.00 feet to a capped iron rod set, said iron rod being one rod distant westerly measured at right angles from a point on the contour line at an elevation of 125 feet, as determined from the top of the easterly retaining wall of Central Maine Power Company’s Montsweag Dam, which retaining wall was established at an elevation of 116 feet U.S.G.S. Datum;

Thence extending in a generally northerly direction along land of said Titcomb, said line being a meandering line parallel with and one rod distant westerly of said 125-foot contour line, a distance of 650 feet more or less to the easterly sideline of Central Maine Power Company transmission line Section 392, said sideline being 185 feet easterly, as measured at a right angle from the centerline of Section 392 as it exists in 2012 (the “Section 392 East Sideline”);

Thence N 36° 30’ 05” E along the Section 392 East Sideline and crossing into the Town of Wiscasset, Lincoln County, a distance of 1578.75 feet to a capped iron rod set at other land of Central Maine Power Company;

Thence S 82° 15’ 43” E along other land of Central Maine Power Company described in a deed recorded in the Lincoln County Registry of Deeds in Book 662, Page 86, a distance of 171 feet more or less to the centerline of Montsweag Brook;

Thence Southerly along said centerline and land now or formerly of Richard W. Hanson as described in a deed recorded in the Lincoln County Registry of Deeds in Book 594, Page 155, a distance of 259 feet more or less;

Thence S 57° 11' 25" E along said land of Hanson 241 feet more or less to land now or formerly of Merwin Alexander Delano, III; at a cedar post found standing, said post being one rod distant southeasterly measured at right angles from a point on the contour line at an elevation of 125 feet, as determined from the top of the easterly retaining wall of Central Maine Power Company's Montsweag Dam, which retaining wall was established at an elevation of 116 feet U.S.G.S. Datum;

Thence extending in a general southwesterly direction along said land of Delano, said line being a meandering line parallel with and one rod distant easterly of said 125-foot contour line, a distance of 2,300 feet more or less to a capped iron rod set at the base of a cedar post found, the tie line between the afore mentioned found cedar post and said capped iron rod being a distance of 1880.47 feet on a bearing of S °29 10' 17" W;

Thence S 64° 45' 24" E along said land of Delano a distance of 631.41 feet to the Section 81 North Sideline and the point of beginning, containing 22 acres more or less.

All bearings are based on UTM Zone 19 North.

Reference is made to the survey by Owen Haskell, Inc. dated 02/11/2010 and revised 10/29/2010, Job No. 2009-171 W-L and recorded in the Lincoln County Registry of Deeds in Plan Book 98, Page 73 and in the Sagadahoc County Registry of Deeds in Book 48, Page 36 (the "Plan") for a further description of the above described premises;

Exhibit A2 Reservations and Exceptions

Excepting and reserving from the above the following lands, rights and easements:

Excepting from this conveyance and reserving to Central Maine Power Company, its successors and assigns, the right and easement at all times to enter the conveyed premises adjacent to the retained land of Central Maine Power Company located southerly and westerly of the herein conveyed premises, for the purpose of cutting or trimming and removing such tall tree or trees as in falling would in the judgment of Central Maine Power Company, its successors and assigns, interfere with or endanger the operation and maintenance of any electric transmission lines existing or constructed on said retained lands.

The Property is subject to a Declaration of Restrictions dated August 5, 2010 and recorded in the Lincoln County Registry of Deeds in Book 4304, Page 54, and in the Sagadahoc County

Registry of Deeds in Book 3212 Page 136 and as revised July 20, 2012 and recorded in said Registries respectively in Book 4559, Page 95 and Book 3414, Page 1.

Exhibit B Appurtenant Easements

Also conveying the right and easement, in common with CMP and others, to those rights of access reserved by CMP in a deed to Carroll A. Curtis dated April 14, 1960 and recorded in said Registry in Book 568, Page 355, provided however, that CMP and the Grantee shall share any road maintenance costs to the extent of their respective use.

Also conveying the right and easement, in common with CMP and others, to pass and repass to and from the premises herein conveyed on foot and with vehicles along a right-of-way twenty (20) feet in width across a 330-foot wide strip of land acquired by CMP in part in a deed from Louise I. Bailey dated February 6, 1941 and recorded in the Lincoln County Registry of Deeds in Book 441, Page 93, and in part in a deed from said Bailey dated November 10, 1941 and recorded in said Registry in Book 440, Page 389, extending from the northerly end of the road reserved under Parcel 1 in said Curtis deed, being the northerly end of Freedom Song Lane, to the southerly end of the road reserved under Parcel 2 in said Curtis deed, also, a right-of-way twenty (20) feet in width for the above stated uses connecting from the above described right-of-way to the southerly side of the "Gravel Road" as depicted on the Plan, which Gravel Road leads to the dam as depicted on said Plan, subject, however, to the prior right of CMP, its successors and assigns, to change the location of said right-of-way if in its opinion it shall be deemed necessary or desirable in connection with carrying on CMP's business as a public utility.

Also conveying the right and easement, in common with CMP and others, to pass and repass on foot and with vehicles to and from the premises herein conveyed along two rights-of-way, each twenty (20) feet in width across a 270-foot wide strip of land acquired by CMP in a deed from Carroll A. Curtis dated December 11, 1969 and recorded in the Lincoln County Registry of Deeds in Book 666, Page 77 and in the Sagadahoc County Registry of Deeds in Book 368, Page 701, said rights-of-way being the easterly extension of the two rights-of-way reserved under Parcel 3 in the above referenced deed from CMP to Curtis, in suitable and convenient locations to be agreed to by the parties hereto, their respective successors and assigns, such agreement not to be unreasonably withheld, provided, however, such locations shall be in compliance with all applicable ordinances and regulations, including, but not limited to, the National Electric Safety Code. In the event the use of said rights-of-way is impractical, CMP agrees to work constructively to locate and grant such other temporary access across other lands of CMP as necessary for the Grantee in its operation and maintenance of the premises and improvements herein conveyed.

Also conveying the right and easement to overflow and flood all of the lands currently flooded by means of the existing Central Maine Power Company dam across Montsweag Brook, or its replacement, (the "Dam"), including, but not limited to, lands described in the following deeds to Central Maine Power Company, all recorded in the Lincoln County Registry of Deeds:

Lincoln B. Merry dated January 13, 1942 and recorded in Book 440, Page 492;
Raymond D. Hamlin dated February 5, 1942 and recorded in Book 444, Page 386;
Harry E. Wing dated January 14, 1942 and recorded in Book 444, Page 335;
Alton E. Ames dated February 3, 1942 and recorded in Book 440, Page 490;
Leander B. Nichols dated February 5, 1942 and recorded in Book 44, Page 387;

Town of Wiscasset dated April 8, 1942 and recorded in Book 440, 561;
Gladys E. Bailey dated January 13, 1942 and recorded in Book 440, Page 491;

The Town, for itself and its successors and assigns, covenants and agrees with CMP, its successors and assigns, as follows:

1. Said right to overflow and flood is limited to a normal full pond elevation established by a spillway elevation of 111 feet with flashboard elevation not to exceed 113 feet, as determined from the top of the easterly retaining wall of the Dam, which retaining wall was established at an elevation of 116 feet U.S.G.S. Datum.
2. In the event the Town removes and does not replace the Dam, or the Dam is breached by natural causes and not repaired or rebuilt for a period of five years, the Town will release to CMP that portion of the above referenced flowage easement rights that encumber land or easement rights then owned by CMP.

The Town will, upon reasonable notice by CMP, temporarily lower the water level in the pond to facilitate construction or maintenance of CMP's electric transmission lines, provided, however, that CMP obtain any permits and perform any work required to facilitate such temporary lowering of the water level.



Town of Wiscasset

9c.

MEMORANDUM

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: Sale of Old Superintendent's office
Dt: September 12, 2012

In June the Town authorized the Board to sell the old superintendent's office on Route 27. In order to move forward with the sale the Board will need to answer the following questions:

1. What value should we place on the property?
2. Will you bid the property or market it?
3. How much land do you plan to sell?
4. Do you wish to employ a realtor?

Attached you will find a diagram showing a proposed division of land. This division was chosen as it would provide for enough street frontage and acreage to offer several possible developments of the parcel. This division would also protect the Town's future ability to access the remainder of the parcel which is quite large. These boundary lines would offer approximately 2.5 acres of land with the main building.

Sue Varney has examined the "assessed value" of the property and determined that the residential value would be \$205,500 and the commercial value would be \$271,400. These are assessed values and NOT market values. In order to offer the Board some sense of market values I have the following information:

Route 27 Sales:

Small house lot across from Recreation Center Drive on Route 27

\$114,000 – sale \$115,000 – assessed value

Westview Campground – 7.5 acres

\$125,000 – sale \$332,200 – assessed value

Current Market

- 3.44 acres of vacant land on Route One by Dunkin Donuts - \$145,000
- 14.86 acres of land with 3 bdrm house on 360 Bath Road - \$259,000
- 7 acres of vacant land on Route One / Woolwich line - \$165,000
- .83 acres of land w/office building at 262 Bath Road - \$199,000

Superintendent's Office taxable value if broken off from the parcel that the Community Center is on.

Residential Value Land and Buildings **\$ 205,500.00**

Commercial Value Land and Buildings **\$ 271,400.00**

WISCASSET

Valuation Report

09/10/2012

Name: WISCASSET, INHABITANTS OF

Page 1

Account: 826 Card: 1 of 2

Map/Lot:

R06-011

Location:

242 GARDINER ROAD

Neighborhood RURAL WEST

Zoning/Use RURAL

Topography Level

Utilities All Public

Street Paved

Reference 1 B1939P0204

Reference 2 R-06-011/00 0000000000

Tran/Land/Bldg 1 2 12

FARM LAND 0 OPEN SPACE 0

Exemption(s) 12 0 0 Land Schedule 103

Land Description

Units	Method - Description	Price/Unit	Total	Fctr	Influence	Value
1.00	Acres-Base Commercial	45,000.00	45,000	180%	Neighborhood	81,000
1.00	Acres-Commercial Size Adj	4,500.00	4,500	100%		4,500
1.00	Acres-Commercial Prime	49,500.00	49,500	100%		49,500
0.50	Acres-Commercial 1-20	4,500.00	2,250	100%		2,250
Total Acres 2.50					Land Total	137,250

Accpt Land 137,300

Name: WISCASSET, INHABITANTS OF

Account: 826 Card: 2 of 2

Map/Lot: R06-011
Location: 214 GARDINER ROAD

Neighborhood RURAL WEST

Zoning/Use RURAL
Topography Level
Utilities All Public
Street Paved

Reference 1 B1939P0204
Reference 2 R-06-011/00 0000000000
Tran/Land/Bldg 1 2 12
FARM LAND 0 OPEN SPACE 0
Exemption(s) 12 0 0 Land Schedule 103

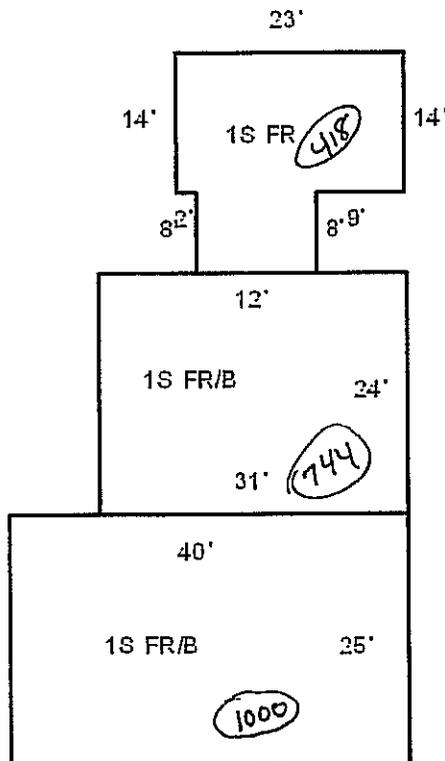
Dwelling Description				Replacement Cost New	
Ranch	One Story	1,000 Sqft	Grade C 100	Base	93,575
Exterior	ALUM/VINYL	Masonry Trim	None	Trim	0
Dwelling Units	1 OTHER Units-0	Roof Cover	Asphalt Shingles	Roof	0
					0
Foundation	Concrete	Basement	Dry Full Bmt	Basement	0
Fin. Basement Area	None	Basement Gar	None	Fin Bsmt	0
Heating	100% Hot Water BB	Cooling	100% Refrig.A/C	Heat	1,278
Rooms	0				
Bedrooms	0	Add Fixtures	0		
Baths	0	Half Baths	1	Plumbing	-1,136
Attic	None			Attic	0
FirePlaces	1			Fireplace	5,105
Insulation	Full			Insulation	0
Unfin. Living Area	NONE			Unfinished	0

Dwelling Condition						Layout			Total
Built	Renovated	Kitchens	Baths	Condition		Typical			98,822
1945	2005	Obsolete	TYPICAL	Average		Typical			
Functional Obsolescence		Economic Obsolescence		Phys. %	Func. %	Econ. %	Value(Rcnld)		
None		None		67%	97%	100%	64,224		
Outbuildings/Additions/Improvements						Percent Good			Value
Description	Year	Units	Grade	RCN	Cond	Phy	Func	Econ	Rcnld
1 Story/BASEMENT	1960	744	C 100	55,123	Avq.	69%	100%	100%	38,035
ONE STORY FRAME	1980	418	C 100	26,234	Avq.	79%	100%	100%	20,725
PAVING.....	1980	5800	C 100	11,600	Avq.	79%	100%	100%	9,164
Frame Shed	1970	400	C 105	2,570	Avq.	74%	100%	100%	1,902
2,162 SFLA		62.00 = \$/SFLA (1)				Outbuilding Total			69,826
Acpt Land		0 Accepted Bldg				134,100	Total		134,100

Commercial Land 137,300
 Total 271,400.00



Shed
400



Name: WISCASSET, INHABITANTS OF

Map/Lot:

R06-011

Account: 826

Card: 2 of 2

Location:

214 GARDINER ROAD

Neighborhood RURAL WEST

Zoning/Use RURAL
Topography Level
Utilities All Public
Street Paved

Reference 1 B1939P0204
Reference 2 R-06-011/00 0000000000
Tran/Land/Bldg 1 2 12
FARM LAND 0 OPEN SPACE 0
Exemption(s) 12 0 0 Land Schedule 103

Table with columns: Dwelling Description, Replacement Cost New. Rows include Ranch, Exterior, Dwelling Units, Foundation, Fin. Basement Area, Heating, Rooms, Bedrooms, Baths, Attic, FirePlaces, Insulation, Unfin. Living Area.

Table with columns: Dwelling Condition, Layout, Total. Rows include Built, Renovated, Kitchens, Baths, Condition, Layout, Total, Functional Obsolescence, Economic Obsolescence, Phys. %, Func. %, Econ. %, Value(Rcnld).

Acpt Land 0 Accepted Bldg 134,100 Total 134,100

Residential Land 71,400
TOTAL \$ 205,500.

LINCOLN

Bk 4559 Pg 95 #8060
08-14-2012 @ 11:44a

AMENDED AND RESTATED
DECLARATION OF COVENANTS AND RESTRICTIONS
Montsweg Brook Parcel, Wiscasset & Woolwich, Maine

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made this 20TH day of July, 2012 by Central Maine Power Company, a Maine corporation with an address of 83 Edison Drive, Augusta, Kennebec County, Maine 04336, (herein referred to as the "Declarant"), pursuant to State of Maine Department of Environmental Protection Site Location of Development Act and Natural Resources Protection Act Orders, Project Number #L-24620-26-A-N/L-24620-TG-B-N/L-24620-VP-C-N/L-24620-IW-D-N/L-24620-L6-E-N and U.S. Army Corps of Engineers Permit Number #NAE-2008-03017 (hereinafter referred to as "Order"), relating to preservation of an approximately 22 acre parcel of land southerly of Bradford Road, Wiscasset Maine now or formerly known as the Montsweg Brook Parcel.

RECITALS

WHEREAS, the Declarant holds title to certain real property situated in Wiscasset and Woolwich, Maine described in the following deeds recorded in the Lincoln and Sagadahoc County Registry of Deeds:

Louise I. Bailey	Book 440, Page 389 (Lincoln)
Louise I. Bailey'	Book 466, Page 337 (Lincoln)
Lawrence R. Seavey	Book 444, Page 582 (Lincoln)
Viola May Seavey Beane	Book 227, Page 30 (Sagadahoc)

and identified by the Town of Wiscasset as map R7, lot 92 and the Town of Woolwich as map R5.

WHEREAS, Declarant desires to place certain deed covenants, under the terms and conditions herein, over said real property (hereinafter referred to as the "Covenant Area") described in Exhibit A, attached and made a part hereof.

WHEREAS, pursuant to the Site Location of Development Act, Title 38 M.R.S.A. Sections 481 et seq., the Natural Resources Protection Act, Title 38 M.R.S.A. Section 480-A et seq., Chapter 310 and Chapter 335 of regulations promulgated by the Maine Department of Environmental Protection (the "Wetlands and Waterbodies Protection Rules" and "Significant Wildlife Habitat Rules"), Declarant has agreed, in satisfaction of the Order, to impose certain covenants and restrictions on the Covenant Area as more particularly set forth herein and has agreed that such covenants and agreements may be enforced by the Maine Department of Environmental Protection (hereinafter the "MDEP") or any successor in interest.

NOW, THEREFORE, the Declarant hereby declares that the Covenant Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the covenants, conditions and restrictions set forth herein (sometimes referred to as the "Covenants and Restrictions"). The Covenants and Restrictions shall run with the Covenant Area and shall be binding on all parties having any right, title and interest in and to the Covenant Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Covenant Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Covenant Area subject to the Covenants and Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Covenants and Restrictions hereinafter set forth.

Fee title to the Covenant Area will be conveyed to The Inhabitants of the Municipality of Wiscasset (hereinafter "Grantee").

Except for the conveyance to the Grantee, the owner of the Covenant Area shall provide a 60-day advance notification to the MDEP and the U.S. Army Corps of Engineers pursuant to permit No. NAE-2008-03017, before any action is taken to void or modify this instrument, including transfer of title to, or establishment of any other legal claims.

Any transfer of ownership of the land covered by this document shall include a subordination agreement, as necessary, to give these Covenants and Restrictions priority in any title chain, so that the land and resources covered by the document can be protected into perpetuity.

If protected mitigation property is taken in whole or in part through eminent domain, the consequential value of the property protected by the Clean Water Act is the cost of the replacement of the conservation functions, services, and values with other property in the same biophysical region and shall be provided by the party exercising eminent domain.

Restrictions on Covenant Area. Unless the owner of the Covenant Area, or its successors or assigns, obtains the prior written approval of the MDEP, (or any successor thereof), the Covenant Area shall remain in a natural and open condition in order for it to fulfill its historic, scenic, vegetative, wildlife and/or hydrologic functions in perpetuity.

1. the Covenant Area shall not be subdivided and none of the individual tracts, which together comprise the Covenant Area, shall be conveyed separately from one another;
2. subject to Exception One, Exception Two and Exception Three, below, no soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Covenant Area and the surface

- waters contained thereon, nor shall the topography of the area be altered or manipulated in any way;
3. subject to Exception One, Exception Two and Exception Three, below, there shall be no manipulation or alteration of the natural watercourses, lakeshores, marshes or other water bodies, nor shall any uses of or activities upon the Covenant Area be permitted which could be detrimental to water purity or to any vegetative, wildlife or hydrological function;
 4. subject to Exception One, Exception Two and Exception Three, below, no trees, grasses, shrubs, vines, or other vegetation shall be cut, removed or destroyed, except that de minimis flower picking shall be allowed, and clearing will be allowed for the maintenance of any path or trail, and dead wood which is leaning or fallen may be removed;
 5. invasive species may be eradicated, controlled, and removed by hand, mechanical, and/or chemical means. Any herbicides used on the Covenant Area will be EPA registered substances;
 6. subject to Exception One, Exception Two and Exception Three, below, no ditches shall be dug, and no draining of the Covenant Area shall take place, and no pumping or any other removal of water shall occur on the Covenant Area, nor shall the manipulation or alteration of natural water courses or hydrology occur;
 7. subject to Exception One, Exception Two and Exception Three, below, no new structures shall be allowed on the Covenant Area, excepting minor structures such as signage, information kiosk, pedestrian bridges/boardwalks. Existing roads and parking areas necessary to access the Covenant Area for monitoring and public access may be maintained. These roads, parking areas and minor structures will be outlined in a Management Plan for the Covenant Area; and,
 8. subject to Exception One, Exception Two and Exception Three, below, no trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment shall be permitted on the Covenant Area, except as needed in the case of emergencies.

Exception One – Montsweag Brook Dam. The owner of the Covenant Area, its successors and assigns may maintain, repair replace, alter rebuild or remove the existing dam over Montsweag Brook in substantially its current location and maintain the water level above the dam at its historic full pond level or any lesser level. Further, all necessary and applicable machinery and motorized vehicles shall be allowed in the Covenant Area to maintain, repair, replace, alter, rebuild or remove this dam after written application and approval from any local, state or federal agencies from which approval is required. The deed from the Declarant to the Grantee shall stipulate the maximum level which from time to time the owner of the Covenant Area may keep the pond behind the

dam, and any level at or below this maximum level, and its resulting flooding, is allowed hereunder.

Exception Two – Utilities. The owner of the Covenant Area may maintain, repair and replace existing overhead and underground utilities and install such new utilities from time to time as are necessary for the operation, maintenance or removal of the above mentioned dam;

Exception Three – Fish Passage Restoration. The owner of the Covenant Area, its heirs and assigns, shall have the right to investigate the feasibility of restoring fish passage to the upper Montsweag Brook watershed, including the section of Montsweag Brook that runs through the Covenant Area, by means of a fish ladder, and the right to partially or fully remove the dam located on the Covenant Area. The owner of the Covenant Area, its heirs and assigns, will obtain all federal, state (including MDEP), and local permits and approvals prior to commencing any fish passage alterations or dam alterations or removal on the Covenant Area.

Enforcement. The MDEP and/or USACOE may enforce any of the Covenants and Restrictions set forth above. Any future alterations of the Covenant Area must receive the prior approval in writing from the MDEP and/or USACOE.

Marking of Covenant Area. The perimeter of the Covenant Area shall at all times be plainly marked and maintained by the owner.

Covenant Area Transfers. The Declarant and all future owners of the Covenant Area shall include the following notice on all deeds, mortgages, plats, or any other legal instrument used to convey any interest in the Covenant Area. Failure to comply with this paragraph does not impair the validity or enforceability of these covenants and restrictions:

NOTICE: This Property is subject to Restrictive Conservation Covenants recorded at *(insert book/page references, counties, and date of recording)*

Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Covenant Area. If the Covenant Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions but only to the extent that any of the Covenant Area is included within such owner's property.

Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Covenant Area and by the MDEP (or any successor thereto).

Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this

Declaration, shall be deemed a covenant running with the land as a burden and upon the title to the Covenant Area.

Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity of enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.

Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

Central Maine Power Company

By: Franklyn Reynolds
Franklyn Reynolds
Authorized Representative

STATE OF ~~MAINE~~ NEW YORK
Kennebec, ss. County of Monroe

July 20, 2012.

Personally appeared before me the above named Franklyn Reynolds, authorized representative, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Central Maine Power Company.

ANNA M. SABERS
Notary Public, State of New York
No. 015A6072590
Qualified in Monroe County
Commission Expires April 08, 20 14

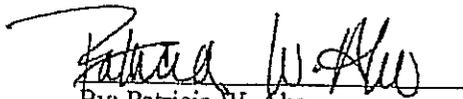
Anna M. Sabers
Notary Public/Attorney at Law

Printed Name: Anna M. Sabers

Acceptance by the State of Maine

This Declaration of Covenants and Restrictions amends that Declaration of Covenants and Restrictions by and Between Central Maine Power Company and the State of Maine, Department of Environmental Protection dated August 5, 2010 and recorded in the Lincoln County Registry of Deeds in Book 6304, Page 54 and also recorded in the Sagadahoc County Registry of Deeds in Book 3212, Page 136 (the "August 2010 Declaration") and replaces and supersedes the August 2010 Declaration in its entirety. The State of Maine, Department of Environmental Protection hereby consents to such amendment and replacement of the August 2010 Declaration.

State of Maine, Department of Environmental Protection

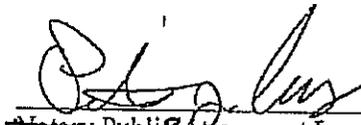


By: Patricia W. Aho
Commissioner

STATE OF MAINE
Kennebec, ss.

2012.

Personally appeared before me the above named Patricia W. Aho, Commissioner and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said State of Maine.


~~Notary Public~~ Attorney at Law ME. BAR NO. 9410

PETER J. CARNEY

Printed Name:

Exhibit A

Legal Description

22± Acres +/-

Wiscasset & Woolwich, Maine

A certain lot or parcel of land situated on the Southerly side of, but not adjacent to, Bradford Road in the Town of Wiscasset, Lincoln County and the Town of Woolwich, Sagadahoc County, State of Maine bounded and described as follows:

Beginning at the intersection of the Northerly Sideline of Central Maine Power Co. transmission line Section 81, said sideline being 150 feet Northerly, as measured at right angles, of the centerline of Section 81 as it exists in 2010 (the "Section 81 North Sideline"), and the Southerly sideline of lands of Merwin Alexander Delano, III as described in a deed recorded in the Lincoln County Registry of Deeds in Book 3881, Page 164, at a capped iron rod set at the base of a horizontal cedar post;

Thence S 85° 38' 26" W along the Section 81 North Sideline, crossing over Montsweag Brook and into the Town of Woolwich, Sagadahoc County, a distance of 1154.98 feet to land now or formerly of Shirley Titcomb as described in a deed recorded in the Sagadahoc County Registry of Deeds in Book 511, Page 170;

Thence N 07° 12' 53" E along land of said Titcomb a distance of 464.96 feet to a capped iron rod set;

Thence S 81° 10' 36" E along land of said Titcomb a distance of 111.00 feet to a capped iron rod set, said iron rod being one rod distant westerly measured at right angles from a point on the contour line at an elevation of 125 feet, as determined from the top of the easterly retaining wall of Central Maine Power Company's Montsweag Dam, which retaining wall was established at an elevation of 116 feet U.S.G.S. Datum;

Thence extending in a generally northerly direction along land of said Titcomb, said line being a meandering line parallel with and one rod distant westerly of said 125-foot contour line, a distance of 650 feet more or less to the easterly sideline of Central Maine Power Company transmission line Section 392, said sideline being 185 feet easterly, as measured at a right angle from the centerline of Section 392 as it exists in 2012 (the "Section 392 East Sideline");

Thence N 36° 30' 05" E along the Section 392 East Sideline and crossing into the Town of Wiscasset, Lincoln County, a distance of 1578.75 feet to a capped iron rod set at other land of Central Maine Power Company;

Thence S 82° 15' 43" E along other land of Central Maine Power Company described in a deed recorded in the Lincoln County Registry of Deeds in Book 662, Page 86, a distance of 171 feet more or less to the centerline of Montsweag Brook;

Thence Southerly along said centerline and land now or formerly of Richard W. Hanson as described in a deed recorded in the Lincoln County Registry of Deeds in Book 594, Page 155, a distance of 259 feet more or less;

Thence S 57° 11' 25" E along said land of Hanson 241 feet more or less to land now or formerly of Merwin Alexander Delano, III; at a cedar post found standing, said post being one rod distant southeasterly measured at right angles from a point on the contour line at an elevation of 125 feet, as determined from the top of the easterly retaining wall of Central Maine Power Company's Montsweag Dam, which retaining wall was established at an elevation of 116 feet U.S.G.S. Datum;

Thence extending in a general southwesterly direction along said land of Delano, said line being a meandering line parallel with and one rod distant easterly of said 125-foot contour line, a distance of 2,300 feet more or less to a capped iron rod set at the base of a cedar post found, the tie line between the afore mentioned found cedar post and said capped iron rod being a distance of 1880.47 feet on a bearing of S °29 10' 17" W;

Thence S 64° 45' 24" E along said land of Delano a distance of 631.41 feet to the Section 81 North Sideline and the point of beginning, containing 22 acres more or less. All bearings are based on UTM Zone 19 North.

Reference is made to the survey by Owen Haskell, Inc. dated 02/11/2010 and revised 10/29/2010, Job No. 2009-171 W-L and recorded in the Lincoln County Registry of Deeds in Plan Book 98, Page 73 and in the Sagadahoc County Registry of Deeds in Plan Book 48, Page 36 (the "Plan") for a further description of the above described premises;

Being part of the premises acquired by Central Maine Power Company by the following deeds recorded in the Lincoln County Registry of Deeds:

- Louise I. Bailey to Central Maine Power Company dated November 10, 1941, and recorded in Book 440, Page 389;
- Louise I. Bailey to Central Maine Power Company dated July 5, 1946, and recorded in Book 466, Page 337;
- Lawrence R. Seavey (aka Laurence R. Seavey) to Central Maine Power Company dated February 9, 1942 and recorded in Book 444, Page 582; and
- Viola May Seavey Beane (aka Bean) recorded in the Sagadahoc County Registry of Deeds in Book 227, Page 30.

Excepting from this conveyance and reserving to Central Maine Power Company, its successors and assigns, the right and easement at all times to enter the conveyed premises adjacent to the retained land of Central Maine Power Company located southerly and westerly of the herein conveyed premises, for the purpose of cutting or trimming and removing such tall tree or trees as in falling would in the judgment of Central Maine Power Company, its successors and assigns, interfere with or endanger the operation and maintenance of any electric transmission lines existing or constructed on said retained lands.

11 d.



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Paul R. LePage
GOVERNOR

David Bernhardt
COMMISSIONER

September 12, 2012

Laurie Smith, Town Manager
Town of Wiscasset
51 Bath Road
Wiscasset, ME 04578

RE: Donald Davey Bridge, #2262, Route 1 over the Sheepscot River, WIN 19287.00

Dear Laurie Smith,

I am writing to inform you of a future bridge project in your town that will be administered by the Maine Department of Transportation. The Department intends to hire a contractor to install a new bituminous wearing surface, waterproofing membrane, and new finger joints for the Donald Davey Bridge, which carries Route 1 over the Sheepscot River. This work is projected to be advertised in December of this year with construction starting in April, 2013 and finishing by the end of June, 2013.

Traffic impacts will be minimized during the project. The work will be completed in three phases with two 11'6" travel lanes maintained during construction and the shoulders closed.

The project will be funded using a combination of state and federal dollars. There will be no local share. As we discussed over the phone, I plan to attend a selectmen's meeting around February, 2013. At this time we do not intend to have a formal public meeting for this maintenance project. I am available to respond to any concerns by email at nate.benoit@maine.gov or by phone at 215-1590. We intend to keep you informed of the project as we progress towards the construction begin date.

Regards,

Nate Benoit

Nate Benoit,
MaineDOT Bridge Program
Project Manager