Town of Wiscasset

4.

MEMORANDUM

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: Wiscasset Raceway Special Amusement Permit
Dt: February 28, 2013

Attached please find the documentation regarding the Wiscasset Raceway's special amusement application for the coming season. The Town departments including, Police, EMS, Code Enforcement, Planning, Town Management, and Fire met with the Wiscasset Raceway to address any issues for the coming season. The summary, provided by Vanessa Jordan, details the various issues associated with the Special Amusement Permit and accurately reflects the conversations with Town Staff. For these reasons I recommend that the Board of Selectmen approve the Special Amusement Permit for the Wiscasset Raceway with the following conditions:

Operating Dates : Saturdays - April 6th through October 5th, 2013.
Operating Hours: 8 am to 11 pm, with no racing after 10 pm.
Sanitary Facilities: The addition of 12 portable toilets (two handicapped accessible).
Food Service: Meet State of Maine Health Inspector requirements.
Solid Waste: One 50 gallon trash container per 100 people throughout facility. All disposal shall meet State requirements. All cleanup will occur within 24 hours of event completion.
Parking: On-site.
Medical: At least four Parmadeics/EMTs shall provide medical coverage every race day.
Fire: The brush truck and 2 to 4 person crew will be available on site each race day.
Safety: The Wiscasset Police Department will work with the racetrack to have two officers per race day at the event. Officers will be proportionate to the size of the crowd.
Alcohol: Wiscasset Speedway will not be selling alcohol at their events.
Noise: A muffler policy for race cars will be required and noise will be limited 5o 70 decibels on the perimeter of the property.

APPLICATION FOR SPECIAL AMUSEMENT PERMIT

DATE: February 13, 2013
APPLICANT(S) NAME: Vanessa + Richard Jordan
APPLICANT(S) RESIDENCE ADDRESS: 354 Main St, Kingfield, ME 04947

BUSINESS NAME: Wiscasset Speedway
BUSINESS ADDRESS: 274 West Alna Rd, Wiscasset, ME 04578
BUSINESS DESCRIPTION: Stock Car Racing

LOCATION TO BE USED: Wiscasset Speedway

DESCRIBE ENTERTAINMENT: Stock Car Racing, Saturday Nights Weekly from April - ~~September~~ October.

HAS THE APPLICANT EVER HAD A LICENSE TO CONDUCT THE BUSINESS THEREIN DESCRIBED EITHER DENIED OR REVOKED? YES☐ NO☐
IF SO, DESCRIBE THOSE CIRCUMSTANCES ON A SEPARATE DOCUMENT.

HAS THE APPLICANT, INCLUDING ALL PARTNERS, COORPORATE OFFICERS, MANAGERS OR PRINCIPAL EMPLOYEES EVER BEEN CONVICTED OF A FELONY? YES☐ NO☐
IF SO, DESCRIBE SPECIFICALLY THOSE CIRCUMSTANCES ON A SEPARATE DOCUMENT.

By signing below, the applicant agrees that the information on this permit is factual and true and agrees to abide by applicable local, state and federal laws, rules and standards including, but not limited to Article X, Section 1 (Special Amusement Permits) of the Wiscasset Ordinances and Title 28-A (Liquors) of the Maine State Statutes.

Signature(s): Vanessa Jordan Date: 2-13-13

265-2249 business
491-3720 emergency

Application for Special Amusement Permit

Provisions:
Wiscasset Speedway is located on 274 West Alna Road and has been home to local short track racing for over 40 years. The facility sits on 35 acres of rural, gently rolling land with much of the back 10 +/- acres so densely overgrown with alders its difficult to access much less use at this time. The race track is 3/8 mile paved oval with high banked turns of twelve degree banking, making Wiscasset Speedway Maine's biggest and fastest track. Maine has six paved short track oval race tracks and as of today, just four of them are reported to be operational in 2013.

After being closed in 2010, Wiscasset Speedway plans to re-open this season with regular racing events on Saturdays from April 6, 2013 to October 5, 2013. Planned hours of operation shall range with early spring and late fall with Pit Gate opening at 8am, practice starting at 9am and racing start time of 1pm. As warmer weather permits, we'll move to traditional Saturday night racing under the lights with Pit Gate opening at 2pm, practice starting at 3pm and racing start time of 6pm. All racing events are scheduled to be 3 to 3½ hour shows. While our plan is have racing complete fairly early, we must also consider unforeseen circumstances that may push our show to end at a later hour. We understand there has historically been the self-imposed rule of no racing beyond mid-night and would gladly continue to adhere to that tradition.

We would like to offer the standard practice of private track rentals available Monday, Tuesday, Wednesday, Friday and Sunday from 12pm – 4pm with extended hours on Thursday 12pm – 8pm.

Both Main Grandstand and Pit Area are monitored gate entrances. The mechanism for crowd control for the Main Grandstands is to have tickets available for sale equal to maximum seating capacity, currently at 5,000 people. Maximum seating capacity is determined upon annual review and inspection of the State Fire Marshal's Office prior to opening day. Historically and realistically average crowd expectations are 1500 – 2000 people per regular race event.

Pit Area admission requires registration of race car and the signature of every individual in addition to fees. This combined with having 113 Pads available for race cars provides for monitoring of maximum capacity.

In keeping with our goal of making this venue affordable for the entire family – General admission is $5.00 per person and Pit Area admission is $20.00 per person.

Water Supply:
Water supply source are two interconnected private wells located on the property. To buildings that require water for drinking, cooking, washing and flushing of toilets, water is delivered under pressure exceeding normal operating pressures (20 lb per sq in minimum) to all fixtures at a rate of least 30 gallons person per day.

State Licensing from State Health Inspector requires water tests to be complete prior to opening day. Water tests completed by DEP last fall found water to be acceptable and no contaminants, but Health Inspector prefers to run test in the spring upon completion of remodel/upgrade of

concession stands. She explains that while records indicate there has never been an issue in the past, annual testing is standard protocol per annual state licensing requirement and new enforcement policies mandated by the Governor.

Bathrooms:
Main grandstand bathrooms are a separate building of 2x4 wood frame constructions - half dedicated to men and half dedicated to women. Men's room includes 3 urinals and 3 individual stalls with toilets (1 being handi-cap accessible) and 3 hand sinks for washing. Women's room includes 6 individual stalls with toilets (1 being handicap accessible) and three hand sinks for washing. In October 2012, the interior of this building was cleaned and repainted with all sinks, urinals, toilets repaired/replaced to full proper working order. Bathrooms shall be cleaned and serviced on a weekly basis and shall be monitored for cleanliness and re-stocking during race day by Wiscasset Speedway. A private septic system for this building is located in the field off turn 4.

Twelve portable toilets (2 being handi-cap accessible) are strategically placed through out the Pit Area and shall be cleaned and serviced on a weekly basis. Contracts for this service have yet to be finalized. During race day, portable toilets shall be monitored for cleanliness and re-stocking by Wiscasset Speedway. We are able to move portable toilets to further add to the main grand stand area facilities should it ever be necessary.

Food Service:
Food concessions stands are located in the Main grandstand area and in the Pit area. Both buildings are currently being remodeled and updated under the recommendations, guidance and frequent visits of State Health Inspector's office with licensing pending our completion and final inspection. Both concession stands will be operated by Wiscasset Speedway and ServSafe Food Protection Manager Certification will be obtained by March 1st, 2013.

Trash:
One 50 gallon trash container per 100 people to be provided through out the entire facility and monitored during race day by Wiscasset Speedway. We're also offering additional disposal services in the Pit area for race tires and race car debris as part of our desire to reduce future environmental impact. Final clean up of main grandstand, pit area and parking area as well as disposal of all trash will be complete within 24 hours. Contracts for commercial dumpsters and/or trash disposal have yet to be finalized.

Parking Areas/Roads/Lighting:
Parking areas and pedestrian areas shall be lit with street lamps turned on as darkness descends and turned off upon facility closing all gates at the end of race day event.

All roads are at least 12 feet allowing for one way traffic. Parking area allows for 100 cars per acre with historically neighboring properties offering overflow parking.

Medical:

At least four (4) State of Maine licensed Paramedics/EMT's shall provide medical coverage at every race day event. As in the past, off-duty members of Wiscasset EMS who enjoy racing and being part of Wiscasset Speedway have offered to provide coverage.

Fire:
Wiscasset Fire Department has offered to continue the tradition of providing the brush truck with crew to be at each race day event. As in the past, two (2) to four (4) person crews consist of volunteers who enjoy racing and being a part of Wiscasset Speedway.

Safety:
Wiscasset Police Department shall provide two (2) officers per race day event at the required hourly rate determined by officers being full time or reserve. This is something new for Wiscasset Speedway and Wiscasset PD. By officers having a presence through out the entire facility, we seek to provide our fans with a general sense of safety and security in addition being a deterrent of possible disagreements and/or incidents.

Wiscasset Speedway will not be selling alcohol and will prohibit alcohol from all areas. Per recommendation of Wiscasset PD signs shall be posted through out facility and parking areas stating No Alcohol Permitted.

Lincoln County Sheriff Department has been notified.

State of Maine Fire Marshal's Office Annual Inspection – schedule to inspect 3 to 4 weeks prior to opening day.

Noise:
We agree sound of racing should not be heard at unreasonable levels beyond the boundaries of our property and agree noise exceeding 70 decibels on the perimeter where there are abutting neighbors will be unacceptable. We have placed and muffler policy for race cars and will complete decibel readings through out the season, particularly at the start. It shall be mandatory for race cars to adhere to quieter standards.

To see all the details that are visible on the screen, use the "Print" link next to the map.
Google

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR
FEBRUARY 19, 2013

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 6 p.m.

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

3. Approval of Treasurer's Warrant: February 12, 2013 and February 19, 2013

Judy Colby moved to approve the Treasurer's Warrant of February 12, 2013. Vote 5-0-0. Judy Colby moved to approve the Treasurer's Warrant of February 19, 2013. Vote 5-0-0.

4. Approval of the minutes of February 5, 2013 and February 11, 2013

Ed Polewarczyk moved to approve the minutes of February 5, 2013 as amended. Vote 5-0-0. Ed Polewarczyk moved to approve the minutes of February 11, 2013. Vote 5-0-0.

5. Special Presentations or Awards

A. MDOT Bridge Program Manager Nate Benoit regarding 2013 maintenance project on the Donald Davey Bridge: Nate Benoit described the repairs that will be made to the 30-year old Davey Bridge beginning in April and ending on or before June 14. The concrete will be replaced with asphalt and a waterproofing membrane, and the joints and drains will be replaced. One lane of alternating traffic will occur only on 24 nights; at other times there will be two lanes of traffic moved to one side of the bridge in order to work on the other shoulder. Wyman Simpson has been awarded the $1.2 million contract. Signs will be placed at the bridge alerting motorists to the planned work. The school department and emergency departments have been informed of the changes. The Station 46 Bridge in Woolwich is also being rehabilitated this year.

6. Appointments

A. Executive Session regarding personnel: **Judy Colby moved that the Board of Directors go into Executive Session pursuant to 1 M.R.S.A.§405 (6)(A) to discuss personnel. Vote 5-0-0.** The board entered executive session at 6:13 and exited at 6:29 p.m. **Bill Curtis moved to come out of executive session. Vote 5-0-0.**

B. Appointment of Luis Serrano: **Judy Colby moved to appoint Luis Serrano as an Ordinance Review Committee member with a term to expire on December 31, 2014. Vote 5-0-0.**

C. Appointment of Steven E. Christiansen: **Judy Colby moved to appoint Steven E. Christiansen as a Cemetery Ad Hoc Committee Member. Vote 5-0-0.**

7. Public Comments

Bill Curtis and Jeff Slack complimented the Public Works Department on the snow removal during the recent storm. Judy Colby added that the Public Works Department was on the phone with school bus drivers who were alerting the department to slippery roads that needed sanding.

Town Manager Laurie Smith said that the agenda listed the time of the meeting as 6 p.m. and newspapers had been so advised; however, the marquee sign had erroneously listed the time as 7 p.m. She said she would speak to the staff about the matter.

8. Department Head or Committee Chair Report

A. Economic Development update with Town Planner, Misty Parker: Smith distributed an information sheet on economic development, which she defined as not only bringing business into town but also increasing the tax base. Wiscasset's taxable valuation mix is 31.7% commercial and 68.3% residential. The town has furthered the 2011 economic development goals by many activities detailed by Misty Parker.

Parker gave an overview of the economic development activities her department had been involved with over the past year. The activities included business meetings, working with the MDOT on the Bath Road Master Plan, investigating issues at Mason Station, initiating zoning changes, doing market research, giving business assistance, development of a "Guide to Doing Business in Wiscasset," assisting the Chamber of Commerce with business education workshops and the "Buy Local" promotion, completed a commercial land inventory, organized ribbon cutting ceremonies for new businesses, and worked with the new owners of the Wiscasset Raceway. A nine-page Community Profile and Market Overview for Wiscasset has been created to attract a pharmacy to town. The brochure contains information on the trade area, demographics and socioeconomic data and trends, traffic counts, etc.

Parker said that economic development is more than just expanding the tax base; it is providing a great place for people to do business, building a stronger community, providing jobs, creating a place where people want to live and work; and the above activities help make that possible.

With regard to Rynel's move to Brunswick, Smith said that the Select Board had met with Rynel and assured them Wiscasset would do whatever it could for them; however the Brunswick Naval Air Station redevelopment had access to federal funds and incentives which Wiscasset could not offer.

9. Unfinished Business

A. Municipal Building Roof Warranty Claim with IKO Industries: Smith said that the town had made a claim under the warranty for the shingles on the Municipal Building roof that had deteriorated prematurely. IKO has offered a payment of $5,082.54 as reimbursement for the 570 bundles of shingles purchased by the town. Smith said the town had three alternatives: accept the payment and receive cash now, join a class action suit if possible, or bring a separate lawsuit. The town attorney has recommended accepting the first alternative, as the other two would be lengthy procedures and might involve legal costs that could exceed the amount offered. Smith said it would cost approximately

$13,000 to replace the shingles. **Judy Colby moved to accept the offer of $5,082.54 from IKO. Vote 5-0-0.**

B. Fire Station Building Goal: Bill Curtis said that the equipment in the fire station was about 20 years old and new equipment would not be able to fit into the present building. In addition currently there is no space for administrative work. He recommended that the board consider a appointing a committee to look into location, design and cost of a new facility to be built within three to five years. He also recommended that the board consider a public safety building incorporating fire, police, and ambulance departments. Pam Dunning questioned whether this was a viable option this year while the town was cutting budgets and facing lost revenues. Ed Polewarczyk said he would like to wait for the recommendations of the ISO review process before making any decision. Judy Colby agreed that this year was not the time to discuss this because of budget cuts and asked that this be one of next year's goals.

C. Union Contract between the Town of Wiscasset and the Wiscasset Police Association: **Ed Polewarczyk moved to adopt the contract between the Wiscasset Police Association and the Town of Wiscasset expiring June 30, 2015. Vote 3-2-0.**

D. Union contract between the Town of Wiscasset and the District Lodge #4 of the International Association of Machinists and Aerospace Workers and its Local Lodge S/89: **Judy Colby moved to adopt the contract between the Town of Wiscasset and the District Lodge #4 of the International Association of Machinists and Aerospace Workers and its local Lodge S/89. Vote 5-0-0.**

10. New Business

A. Request to rebate sewer bill, Mary Stead: The house at 91 Bradford Road, owned by Geneva Bolling, was never served by water from either a private or public source. The house was connected to the sewer system but the water connection was never made. The house had been billed the quarterly minimum since 2008. In 2013, Mrs. Bolling died and when the house was sold it was discovered that there was an outstanding sewer bill totaling $642 which was then paid by Bolling's children. Her daughter, Mary Stead, has requested that the town reimburse her for her half of the sewer bill which was paid at closing even though her mother never used the sewer. **Jeff Slack moved to abate the $321 in sewer fees to Mary Stead. Vote 5-0-0.**

B. Feed our Scholars 5K Fun Run: Susan Gallagher from St. Philips Church requested the services of two EMTs from 8 a.m. to noon for the 5K Fun Run on May 4, 2013. Funds raised by the run will be one source of funds used to provide weekend food for those children who are in need. Laurie Smith said the church's liability will be covering the event but the cost to the town for two EMTs would be $100 to $120. **Ed Polewarczyk moved that Wiscasset provide EMTs to support St. Philips Church 5K Fun Run. Vote 5-0-0.**

The board took a five minute recess.

C. Approval of Pam Shockley and Maine Craft Shack as a vendor on the Main Street Pier: **Judy Colby moved to approve Pam Shockley and Maine Craft Shack as a vendor for the 2013 season on the Main Street pier. Vote 5-0-0.**

D. Kevin Atkins – Consent Agreement with Town regarding Shoreland Zoning Violation: Smith said the town had been working with Mr. Atkins to develop a consent agreement regarding a shoreland zoning violation of cutting of trees. Mr. Atkins suggested that in lieu of the $10,000 fine it might benefit the town for him to perform community service: helping a soup kitchen, offering professional services, acting as a volunteer at an event or anything the town might suggest. He could offer his printing and promotional products to the town at a wholesale price. A consensus of the board was to not accept Mr. Atkins' offer of community service; legality, cost of town to administer, and lack of precedent were cited.

E. Approval of consent agreement between the Town of Wiscasset and the Department of Environmental Protection: Smith said the town and the DEP had been working on a consent agreement regarding a violation that occurred in 2011 and had reduced the original $18,000 fine to $11,000. William Rines said he was not aware of the 2011 violation until 2012 and he apologized for the occurrence. Ed Polewarczyk confirmed that the fine and the pump replacement were within the current budget. Bill Curtis recommended that the town, DEP and the consultant meet regularly to build better relationships. **Polewarczyk moved to authorize the Town Manager to sign the administrative consent agreement in the matter of Wiscasset, Lincoln County Maine – Protection and Improvement of Waters. Vote 5-0-0.**

F. Resolution to adopt flexible spending benefits for employees covered by the MMEHT POS 200 health insurance plan: Smith said the new Maine Municipal Employees Health Trust Point of Service 200 plan would provide savings for the employees, although there is a slightly larger deductible. To adjust for the difference the town has agreed to set up a pre-tax flexible spending account for employees with Benefit Strategies to cover increased costs and co-pays. The employer will contribute $400 and employees may contribute up to $1,000. The plan starts April 1 and ends December 31. **Judy Colby moved to authorize the Manager to sign all necessary agreements in the implementation of the flexible spending benefit plan and adopt the attached resolution. Vote 5-0-0.**

11. Town Manager's Report

A. Budget Schedule: Smith offered several possible dates for budget meetings and public informational meeting. The board tentatively decided to meet on March 23 for the budget meeting; the budget committee will confirm the date after their meeting on February 21. A backup date would be March 24. There was a consensus that the public informational meeting be held at 6 p.m. on April 2 before the regular selectmen's meeting and before the selectmen vote on the budget which could occur that same night or later. The required public hearing must be held at least ten days before the Town Meeting in June.

12. Other Business

A. Executive Session regarding the sale of the Superintendent's office: **Judy Colby moved that the Board of Selectmen go into Executive Session pursuant to 1 M.R.S.A. §4056)(C) to discuss real estate negotiations. Vote 5-0-0.** The board entered executive session at 8:10 p.m. and exited at 8:35 p.m. **Judy Colby moved to come out of executive session. Vote 5-0-0.**

13. Adjournment

Judy Colby moved to adjourn the meeting at 8:36 p.m. Vote 5-0-0.

Office of Planning & Codes

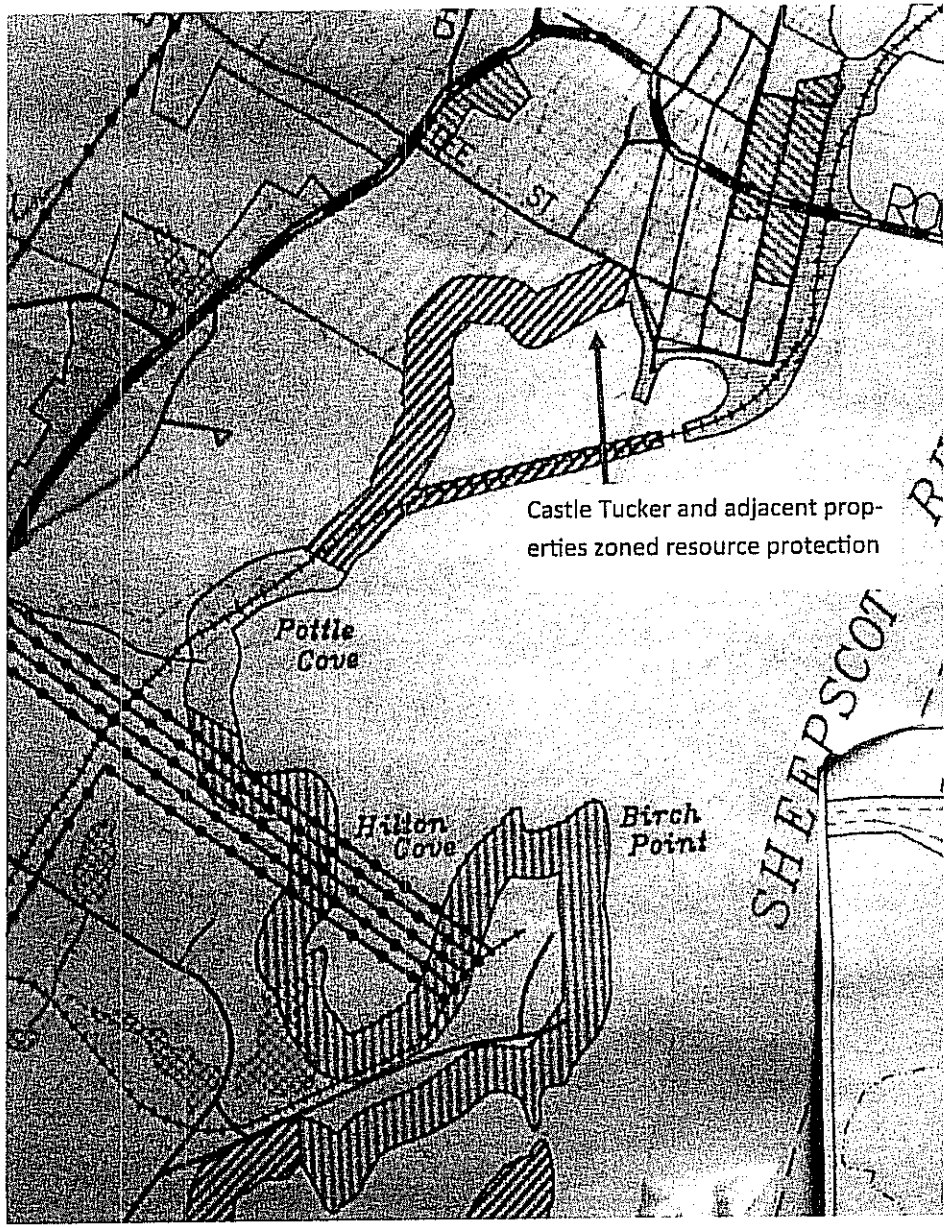
12 b.

TO: **Wiscasset Selectboard**
FROM: **Misty Parker, Town Planner**
DATE: **February 13, 2013**
SUBJECT: **Shoreland Zoning- Castle Tucker Property**

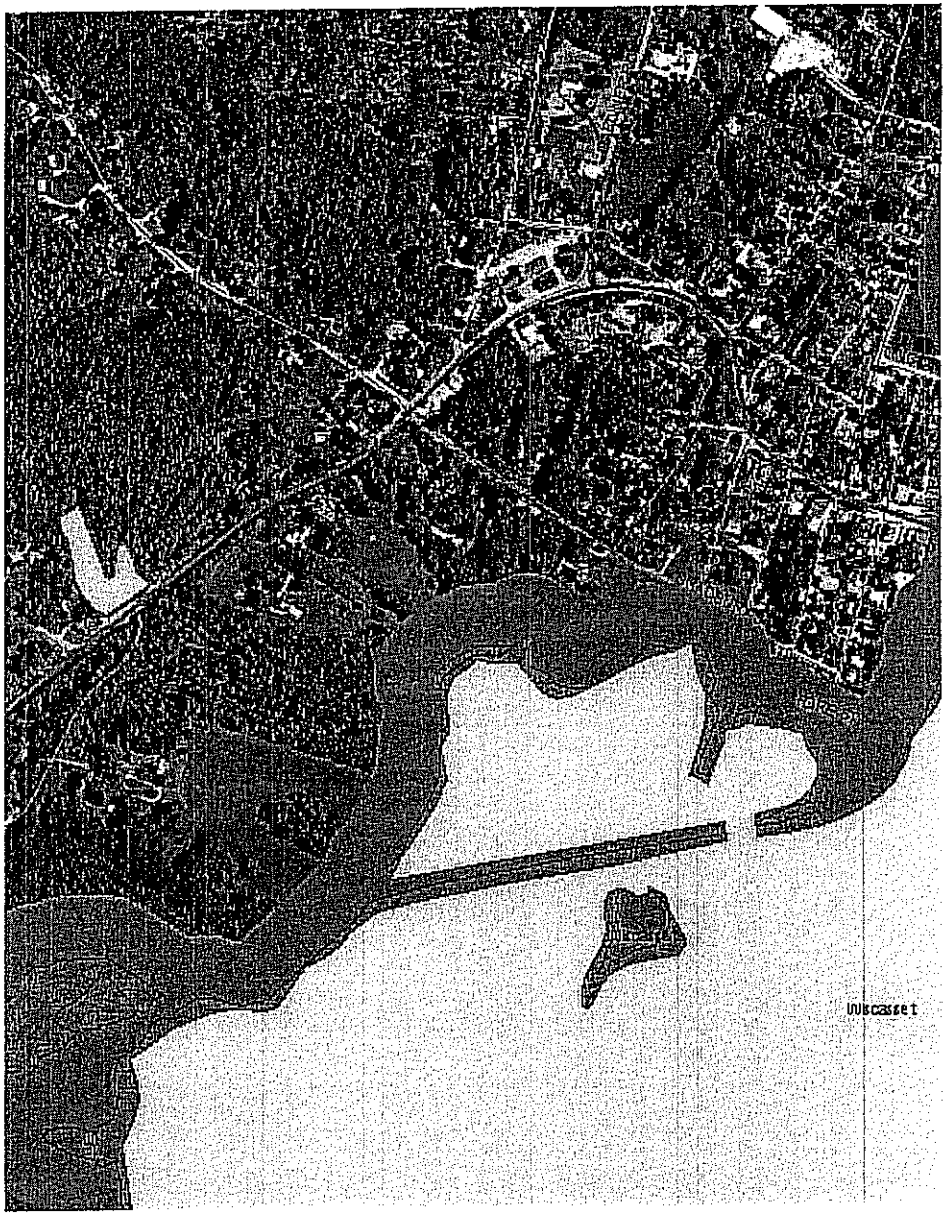
Historic New England, owner of the Castle Tucker Property, is asking the Town to consider removing the property from resource protection in the shoreland zone. Historic New England met with Town Staff last summer to discuss their plans for managing the grounds at Castle Tucker and restoring the property as close as possible to historic conditions. While some work could be accomplished within the existing zoning, the designation of resource protection would not permit a majority of the work to be conducted under state guidelines.

The Code Enforcement Officer and I met with Maine DEP Shoreland Zoning Officer to discuss the current zoning regulations and if the property met the criteria for resource protection under the Chapter 1000 Maine Shoreland Zoning Guidelines. After reviewing the property and the guidelines, Maine DEP has advised the Town that the Castle Tucker property as well as adjacent properties do not meet the requirements for resource protection and could be reclassified as limited residential shoreland zone. I have enclosed a map of the area from Maine DEP indicating what parcels could meet limited residential as well as a map indicating the parcels currently zoned resource protection.

While the State does provide minimum guidelines for shoreland zoning the Town has the authority to establish stricter standards than the guidelines. In this case the Town has chosen to have stricter standards. It is the recommendation of the Planning Office that this area currently zoned as resource protection be evaluated by the Ordinance Review Committee for the possibility of reclassifying to limited residential shoreland zone.



Town of Wiscasset current shoreland zoning



Maine DEP shoreland zoning model showing properties qualifying as limited residential

12 e.

Wiscasset Ambulance Service

51 Bath Road
Wiscasset, Maine 04578

TO: Wiscasset Board of Selectman
Wiscasset Town Manager

FROM: Roland Abbott , Chief
Wiscasset Ambulance Service

RE: Write-Offs and Collections

The following is what the Wiscasset Ambulance Service and T.G. Higgins Billing Service recommend that the board authorize to write-off from ambulance billing due to uncollectable debt from past due ambulance bills. All debt are at least 1 year old or older and have had numerous attempts to collect.
The amount the service recommends is $11,337.26. This amount was a result of 43 runs that the service was not able to collect part or any of the monies billed.

The Billing Company has also with the towns approval sent 118 accounts to collection in a final attempt to collect a total of $64,395.03 in past due amounts of 90 days past due or greater.

Wiscasset Ambulance			
Write-Offs			
Date of Ser.	Acct Number	Patient Name	Amt Owed
06/01/08	961516	Robert Spear	$585.00
12/08/08	81230429	Robert Spear	$100.09
01/08/10	100008	Ruth Hodgdon	$7.45
01/08/10	100007	Ruth Hodgdon	$5.31
09/09/10	100427	Robert Spear	$600.00
09/11/10	100427A	Alan Curran	$515.00
09/13/10	100428	James Murray	$555.00
10/09/10	100481	Alfred Wyllie	$93.01
10/11/10	100486	Richard Steen	$103.01
10/26/10	100513	Marshall Spaulding	$102.54
11/06/10	100526	George Elwell	$620.00
11/10/10	100529	Joanna Merrell	$560.00
11/11/10	100532	Matthew Sharpe	$475.00
11/22/10	100549	Joanna Merrell	$495.00
11/27/10	100560	Lorretta Rogers	$555.00
11/27/10	100562	Anne Kofler	$590.00
11/28/10	100563	Paul Bonyun	$690.00
11/30/10	100570	Jeanette Goodrich	$97.01
12/06/10	100580	Mardouni Sharrigan	$570.00
02/15/11	110085	Ruth Applin	$96.33
03/16/11	110134	Sidney Geyer	$94.53
04/12/11	110187	Elaina Osmond	$96.93
05/03/11	110222	Richard Parent	$154.32
06/03/11	110285	Roland Haskell Jr	$78.95
06/26/11	1106334	Roland Haskell Jr	$92.79
07/12/11	110372	Sarah Cheiker	$85.67
07/16/11	110384	Ruth Hodgdon	$105.33
07/25/11	110407	John Markowski	$121.22
08/19/11	110456	Barbara Bruno	$95.93
08/21/11	110463	Frederick Van Ess	$760.00
09/29/11	110556	Mary Peters	$92.93
10/07/11	110572	Ruth Hodgdon	$93.07
10/08/11	110576	Ruth Hodgdon	$186.18
11/02/11	110632	Roland Haskell Jr	$95.53
11/08/11	110642	Barbara Bruno	$95.33
12/05/11	110695	Norma Scopino	$600.00
12/08/11	110707	Tom Blackburn	$630.00
01/03/12	120-004	Robert Rogers	$25.00
01/10/12	120019	Roland Haskell Jr	$97.50
01/11/12	120020	Roland Haskell Jr	$97.46
01/16.12	120026	Christina Amore	$99.90
01/24/12	120046	Betty Vollmer	$112.89
02/24/12	120112	Betty Vollmer	$11.05
			$11,337.26

12 d.

CONSENT AGREEMENT

This agreement is made as of this _____ day of _____, 2013 by and between the Town of Wiscasset, Maine (the "Town") and Kevin Atkins ("Atkins"), a resident of Wiscasset, Maine with a mailing address of 162 Young's Point Road, Wiscasset, Maine 04578.

WHEREAS, on November _____, 2012, the Town's Code Enforcement Officer ("CEO") issued to Atkins a Notice of Violation to correct violations of Town of Wiscasset ordinances on property owned by Brian Potvin and located at _____, Wiscasset, Maine, identified in the Town Assessor's records as Map R9, Lot 7-A03 (the "Property"); and

WHEREAS, that Notice notified Atkins that:

1) The Property is located within the Shoreland Residential District as defined in Article VI of the Town of Wiscasset Ordinances.

2) Tree removal conducted within the shoreland zone was absent of a State forester or private consulting forester. (Article VI, Section A.3.l.c)

3) Cutting of trees exceeded forty percent of total volume of trees four inches or more in diameter; cutting within 75 feet, horizontal distance of the normal high waterline created a clear-cut opening approximately 125 x 75'. (Article VI, Section A.3.1.d)

4) An accumulation of slash and felled trees were found within 50' of the normal high waterline and within the coastal wetland. (Article VI, Section A.3.I .f)

5) No permission for the timber cutting conducted was granted by the Wiscasset Planning Board or other reviewing authority. (Article VI, Section A.3.I.k);

and

WHEREAS, that Notice required Atkins to submit to the Town a restoration plan that brings the Property into compliance with Town of Wiscasset ordinances; and

WHEREAS, the violations of the Town's ordinances subject Atkins to civil penalties, attorney's fees and costs; and

WHEREAS, both parties wish to resolve the violation without the time and expense of

enforcement litigation;

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the parties agree as follows:

1. No later than March 1, 2013, Atkins shall pay to the Town of Wiscasset a civil penalty in the amount of $10,000 plus attorney's fees in the amount of $1,000 and expert fees and costs in the amount of $750 for a current total of $11,750.

2. In the spring of 2013 when the Town's expert Richard Churchill indicates it is the appropriate time to do so, Atkins shall implement a restoration plan consistent with the report of Mr. Churchill dated December 21, 2012 ("Restoration Plan"), a copy of which is attached as Exhibit A and incorporated herein by reference. Mr. Churchill shall provide Mr. Atkins with written notice, including email, indicating when restoration shall begin.

3. Atkins shall himself or through his contractors insure that 80% of the plantings survive until May 15th, 2018. This duty shall run with the land. On or about the one-year anniversary of the initial planting, Atkins shall contact the Town CEO about inspecting the Property. The CEO shall be allowed to enter the Property as reasonably necessary to quantify the survival rate of the plantings. The CEO shall notify Mr. Atkins in writing of any deficiencies identified during such visits ("Deficiency Notice") Mr. Atkins shall within a reasonable time after the Deficiency Notice ensure that any deficiencies are corrected ("Cure Period").

4. Atkins agrees that, should the Property be sold within the time set forth below for reasons other than foreclosure or bankruptcy, Atkins will pay the Town liquidated damages at a time, and in an amount as set forth in this paragraph:

    a. If the Property is sold before March 1, 2014, for a sale price at or in excess of $250,000.00, Mr. Atkins shall within thirty days of closing pay to the Town TWENTY FIVE THOUSAND DOLLARS ($25,000.00);

    b. If the Property is sold on or after March 1, 2014, but before March 1, 2016, for a sale price at or in excess of $250,000.00, Mr. Atkins shall within thirty days of closing pay to the Town TWENTY THOUSAND DOLLARS ($20,000.00);

    c. If the Property is sold on or after March 1, 2016, but before March 1, 2018, for a sale price at or in excess of $250,000.00, Mr. Atkins shall within thirty days of closing pay to the Town FIFTEEN THOSAND DOLLARS ($15,000.00);

    d. If the Property is sold on or after March 1, 2018, but before March 1, 2020, for a sale price at or in excess of $250,000.00, Mr. Atkins shall within thirty days of closing pay to the Town TEN THOSAND DOLLARS ($10,000.00);

e. If the Property is sold on or after March 1, 2020, but before March 1, 2022, for a sale price at or in excess of $250,000.00, Mr. Atkins shall within thirty days of the closing pay to the Town FIVE THOUSAND DOLLARS ($5,000.00);

f. If the Property is sold on or after March 1, 2022, Mr. Atkins shall not be required to remit any payment to the Town upon sale of the Property.

5. The Town agrees that, so long as Atkins completes the restoration plan in the on or before May 15th, 2013 and ensures its survival at no less than 80% through May 15th, 2018, and that Mr. Atkins complies with any Deficiency Notice during any applicable Cure Period during that time, the Town will, and hereby does upon fulfillment of the conditions herein, waive its rights to any additional civil penalties, attorney's fees and costs.

This agreement shall be recorded by the Town in the Lincoln County Registry of Deeds, shall run with the land, and shall be binding on Atkins and his heirs, successors and assigns for so long has he owns the Property.

(Signatures of Kevin Atkins and the Town Appear Below)

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first written above.

_____
Kevin Atkins, individually

STATE OF MAINE
COUNTY OF LINCOLN, ss. _____, 2013

PERSONALLY APPEARED the above-named Kevin Atkins and acknowledged the foregoing instrument to be his free act and deed.

_____
Notary Public / Attorney at Law

TOWN OF WISCASSET

By: _____
Laurie Smith, Its Town Manager

STATE OF MAINE
COUNTY OF LINCOLN, ss. _____, 2013

PERSONALLY APPEARED the above-named Laurie Smith in her capacity as Town Manager of the Town of Wiscasset, Maine and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Town of Wiscasset.

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

PAUL R. LEPAGE
GOVERNOR

February 11, 2013

Ladies and Gentleman:

Subject: MaineDOT Light Capital Paving Operations for 2013

The Maine Department of Transportation (MaineDOT) has funded approximately 585 miles of Light Capital Paving (LCP) across the State for this summer. LCP is similar to our MST paving of years past. A copy of the LCP projects, sorted by Maintenance Region, including a description with municipalities and roads to be paved is included with this correspondence. Location maps showing the specific areas to be paved can be found on the Internet at: http://www.maine.gov/mdot/utilities/projects.htm

Paving, in general, will consist of an average depth of 5/8". For LCP projects, utility pole relocations are not planned as part of the projects. Adjustments to buried facilities are usually not required, but utilities will be contacted and adjustments made if required. LCP will not be completed at any at-grade Railroad crossings, and all work zones will be specified to stay at least 15 feet from any Railroad crossing. If you have a facility which you feel may be impacted, or are planning to install or upgrade any structure(s) in any of these roadways, please contact the LCP Paving Manager or Utility Coordinator for the Region, so that proper Coordination can be addressed. If you have questions regarding the paving schedules, please contact the LCP Manager for the respective Region.

Region	LCP Paving Manager/ Utility Coordinator	Telephone	Email
1	Ryan Hodgman/ Rick Paraschak	592-7382 592-3132	ryan.hodgman@maine.gov rick.paraschak@maine.gov
2	Gerald Mitchell/ Mike Barden	592-6088 592-3404	gerald.e.mitchell@maine.gov mike.barden@maine.gov
3	Bill Emery/ Terry Blair Jr.	592-2959 592-3865	bill.emery@maine.gov terry.blairjr@maine.gov
4	Shawn Davis/ Derrick Carleton	592-3134 215-3231	shawn.r.davis@maine.gov derrick.carleton@maine.gov
5	Roger Soucy/ Dave Lycette	215-8739 592-1378	roger.soucy@maine.gov david.lycette@maine.gov

Thank you for your cooperation.

Sincerely,

Michael J. Moreau, P.E.
MaineDOT, Utility Engineer

PRINTED ON RECYCLED PAPER

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER

WIN	Project Title	Maint. Region	Project Mgr	Length (Miles)	Towns	Road Names
019900.00	AUBURN AREA 2013 LCP	1	Denis Lovely	27.12	Sabbatus, Auburn, Minot, Poland, Lisbon, Freeport	Main St, Lewiston Junction Rd, Lake St, Jackson Hil Rd, High & Green Streets, Grove St, Empire Rd, Crowley/Bowdoin Ham Rds, Center Minot Hill Rd, Aggregate/Harris Hill Rds, Routes 132, 126, 125, Hotel Rd
019901.00	BRIDGTON AREA 2013 LCP	1	Denis Lovely	25.50	Sweden, Lovell, Harrison, Waterford, Bridgton	Routes 93, 35, 37, Knights Hill Rd, South High St
019902.00	HARPSWELL AREA 2013 LCP	1	Denis Lovely	22.19	Brunswick, Harpswell, West Bath, Topsham	Routes 123, 24, Bailey Island Rd, Mountain Rd, Campbell's Pond Rd, River Rd
019903.00	LIMERICK AREA 2013 LCP	1	Denis Lovely	27.41	Hollis, Newfield, Parsonsfield, Limerick, Cornish, Shapleigh	River Rd, Maplewood Rd, Elm St, Routes 5, 117, 11
019904.00	CLINTON AREA 2013 LCP	2	Shawn Smith	22.60	Burnham, Clinton, Benton, Swanville, Fairfield, Winslow	Troy Rd, Hinckley Rd, Gogan Rd, Pleasant St, Frankfort Rd, Routes 23, 100A
019905.00	GARDINER AREA 2013 LCP	2	Shawn Smith	96.98	Hallowell, Wiscasset, Alna, Bowdoin, Bowdoinham, Richmond, Litchfield, West Gardiner, Manchester, Dresden, Farmingdale, Sabattus, Monmouth, Winthrop, Woolwich	Winthrop St, Whitten Rd, West Alna Rd, Storehouse Rd, Second St, Post Rd, Lancaster Rd, Pond-Neck Rd, Plains Rd, Pond Rd, Indian Trail Rd, High St, Hallowell Rd, Litchfield Rd, Routes 197, 135, 128
019906.00	WALDOBORO AREA 2013 LCP	2	Shawn Smith	42.12	Rockland, Rockport, Thomaston, Warren, Waldoboro, Friendship, Cushing, South Thomaston, Owls Head, Union, Hope, Camden, Lincolnville	Old County Rd, Main St, Finntown Rd, Dublin Rd, Common Rd, Colonel Stairs Rd, Buttermilk Ln, Routes 97, 235, 206, 1, Cross Rd
019908.00	BETHEL AREA 2013 LCP	3	Douglas Coombs	40.89	Peru, Sumner, Albany, Bethel, Andover, Rumford, Stow, Batchelder's Grant TWP	North Main St, Greenwoods Rd, Route 5, 120, 113
019910.00	PARIS AREA 2013 LCP	3	Douglas Coombs	31.76	Turner, Paris, West Paris, Greenwood, Hebron, Buckfield	Upper St, High St, Routes 219, 124, 119
019911.00	DETROIT AREA 2013 LCP	4	Shawn Davis	84.60	Newport, Pittsfield, Palmyra, Corinna, Dexter, Stetson, Saint Albans, Hampden, Detroit, Plymouth, Etna, Carmel, Newburgh, Exeter, Corinth	Ridge Rd, Phillips Corner Rd, Madawaska Rd, Fisher Rd, East Newport Rd, Dexter Rd, Back Winterport Rd, Routes 69, 220, 1A, 151, 11
019912.00	LAMOINE AREA 2013 LCP	4	Shawn Davis	79.48	Hancock, Sedgwick, Orland, Mount Desert, Lamoine, Castine, Penobscot, Ellsworth, Otis, Marioville, Amherst, Blue Hill, Brooklin, Southwest Harbor, Tremont, Bar Harbor	Washington Junction, Ridge Rd, Gilipin Rd, Routes 3, 204, 199, 184, 181, 175, 172, 102A, 102
019913.00	FORT KENT AREA 2013 LCP	5	Jon Bither	10.85	T17 R4 Wels, Fort Kent, Saint Agatha, Van Buren, T14 R6	South Shore Rd, North Perley Brook, Flat Mountain Rd, Castonguay Rd, Route 11
019914.00	HOULTON AREA 2013 LCP	5	Jon Bither	12.96	Bancroft, Haynesville, New Limerick, Houlton, Reed Pit, Weston, Island Falls	Kelly Hill Rd, Drews Lake Rd, Bancroft Rd, Route 2
019915.00	MEDWAY AREA 2013 LCP	5	Jon Bither	37.14	Macwahoc Pit, North Yarmouth Academy, Upper Molukus TWP, Prentiss TWP T7 R3 NBPP, Drew, Lee Winn, Medway	Routes 2, 171, 168, 116, 11
019916.00	PRESQUE ISLE AREA 2013 LCP	5	Jon Bither	23.00	Perham, Woodland, Fort Fairfield, Caribou, Limestone	Perham Rd, Grimes Rd, Route 223