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WISCASSET BOARD OF SELECTMEN,  
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR  
AUGUST 13, 2013

Preliminary Minutes

Tape recorded meeting

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

Absent: Tim Merry

1. Call to Order

The chairman called the meeting to order at 6 p.m.

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

3. Executive Session with Town Attorney regarding Molnlycke tax increment financing agreement

**Pam Dunning moved that the Board of Selectmen go into Executive Session pursuant to Title 1, M.R.S.A., §405(6)(E) for the purpose of discussing the Molnlycke tax increment financing agreement. Vote 4-0-0. Pam Dunning moved to come out of executive session. Vote 4-0-0.**

4. 7 p.m. Public Hearing on September 10 Town Election Warrant

Town Manager Laurie Smith said the September 10, 2013 town warrant reflects a 5% reduction from the previous year's budget or a decrease of \$270,000; the largest departments are reduced by \$200,000. Approximate reductions in departmental budgets are: Airport - \$25,000, EMS - \$11,000, Recreation - \$60,000, Police - \$10,000, Public Works - \$65,000, Transfer Station - \$11,000 and Wastewater Treatment Plant - \$12,000. The airport is not using tax revenue and the transfer station is almost self-supporting. There has been a reduction in employee hours equal to 3.5 positions. Health insurance costs have decreased.

Ed Polewarczyk explained the reason for Question 1 regarding the 3/12 funding for articles that do not pass. Funds will be needed either to continue operation of a department or for the expense of shutting it down; in some cases the expense of eliminating a department may exceed the 3/12 figure. Selectmen recommend 3-2, Budget Committee 2-5.

Question 2. Planning Department - \$75,968. Selectmen recommend 5-0, Budget Committee 1-6. The Planner will take on additional responsibilities including supervision of the Code Enforcement Officer whose hours have been reduced from 34 hours to 20 hours per week. Katherine Martin-Savage, Dick Grondin and Frank Barnako spoke in favor of the planning budget disputing the Budget Committee's view that there has been no economic development in Wiscasset.

Question 3. Code Enforcement - \$40,010. Selectmen recommend 5-0, Budget Committee 4-3. This budget was reduced 18% from last year; the CEO hours will be reduced to 20. Without a CEO no building or plumbing permits will be issued and ordinance enforcement will not be done; these duties cannot be done by another employee.

Question 4. Contingency - \$30,000. Selectmen recommend 4-1, Budget Committee 7-0. The contingency fund is for items which are not budgeted; it represents a \$20,000 reduction and is .5% of

the budget. The selectman vote opposing was made by Ed Polewarczyk who favors a larger amount for contingency.

Question 5. Assessing and Human Resources - \$74,719. Selectmen recommend 5-0, Budget Committee 0-7. The 3% salary increase is a contractual change. The budget covers not only assessing, but Human Resources, 911 Addressing Officer, reconciliation of accounts and substituting for the Town Manager. Laurie Smith explained the reduction in benefits that have been made. Katherine Martin-Savage said voters need to know what this budget covers and what the assessor does in addition to assessing.

Question 6. Transfer Station - \$512,124. Selectmen recommend 5-0, Budget Committee 4-3. This is the same as the current budget. Selectmen made it clear that this does not include the pay per bag system, which in the past may have confused voters. Ed Polewarczyk pointed out that the 3/12 funding would be necessary if the transfer station budget did not pass in order to make other arrangements for the disposal of trash.

The chairman explained that capital projects cover replacement of aging equipment; funds do not come from tax dollars but from the capital reserve fund in accordance with the policy instituted several years ago by the selectmen. It was suggested that the press present at the meeting include in their stories that the capital improvement items do not come from taxes.

Question 7. Road and Sidewalk Repair - \$121,384. Selectmen recommend 5-0, Budget Committee 7-0.

Question 8. Fire Department Pickup Truck - \$30,000. Selectmen recommend 5-0, Budget Committee 6-0-1. Fire Chief T. J. Merry said the department's current pickup, used to transport fire fighters, is 25 years old and is out of service.

Question 9. Fire Department Extractor for Turnout Gear- \$10,000. Selectmen recommend 5-0. Budget Committee 6-0-1. Chief Merry said the extractor is a large commercial washing machine used to clean the 37 sets of turnout gear following fires, removing hazardous chemicals, fumes, etc.

Question 10. Public Works Truck - \$55,000. Selectmen recommend 5-0, Budget Committee 0-7. Road Commissioner Greg Griffin said he cannot afford to be without a truck; the current truck has broken down five times and is not worth repairing; and it is the only one that can plow downtown.

Question 11. Municipal Building Generator - \$33,000. Selectmen recommend 5-0, Budget Committee 1-6. EMS Director Roland Abbot said the town needs a generator in order to be prepared for emergencies as it may not always be possible to locate a generator. In a bad storm, power could be out for days, shutting down the municipal building. The current generator is a 1960 model which died in 2009 and for which parts are no longer available.

Question 12. Wastewater Pump Repair - \$20,500. Selectmen recommend 5-0, Budget Committee 3-4. This amount was increased from the original budget by funds originally intended for the ladder truck. The amount will cover items that have not been possible within the annual budget such as installing a phase converter to convert single phase power going to the pump station to the three-phase pump in the station.

Question 13. Municipal Building Roof Repair - \$35,000. Selectmen recommend 5-0. Budget Committee 7-0. Shingles on the roof have begun to deteriorate and a claim was made on the warranty; \$5,000 was received. The roof covering the municipal offices will be done first.

The public hearing closed at 7:55 p.m.

5. Approval of Treasurer's Warrant: August 6, 2013 and August 13, 2013

Pam Dunning moved to approve the Treasurer's Warrant of August 6. Vote 4-0-0. Judy Colby moved to approve the Treasurer's Warrant of August 13. Vote 4-0-0.

6. Approval of Minutes: July 30, 2013

Jeff Slack moved to approve the minutes of July 30. Vote 4-0-0.

7. Appointments

Pam Dunning moved to appoint Raymond Soule as a Planning Board member for a term to expire on December 31, 2016. Vote 4-0-0.

8. Special Presentations or Awards – none

9. Public Comment

George Green said Wings over Wiscasset was a great success, it was well planned and he complimented the town on the effort put into the event. Referring to the 5-0 and 0-7 votes, he suggested that a selectman attend the monthly Budget Committee meetings which might help to resolve some of the issues.

Scott Huber rents a building for his boat repair business at 519 Gardiner Road which is a tax-acquired property formerly owned by Forrest Hunt. He proposed an arrangement with the Town whereby Hunt would remain as owner and Huber would pay the back taxes as a pathway to ownership of the property. The taxes would be paid over three years and by June 2016 taxes would be current. Huber and Hunt would have a separate agreement regarding transfer of the property to Huber. There was a consensus to defer any action until adoption of the Policy on Tax Lien and Sewer Lien Acquired Property.

10. Department Head or Committee Chair Report – none

11. Unfinished Business

A. Adoption of Lien Acquired Policy: Jeff Slack moved to approve the attached Lien Acquired Policy dated August 13, 2013. Vote 4-0-0. Smith said the policy would allow the Town to enter into an agreement with Forrest Hunt and it would be the board's understanding that Mr. Huber would be the ultimate owner. It would be Mr. Huber's responsibility to enter into an agreement with Mr. Hunt. No quit claim deed would be issued to Mr. Hunt until taxes are paid in full. Pam Dunning moved to proceed with developing an agreement. Vote 3-1-0. The agreement will not need to be brought back to the board.

12. New Business

A. Discussion of Cemetery Regulations: Donald Jones, Chairman of the Ad Hoc Cemetery Committee, said that in response to the direction given by the board, the committee had updated the regulations and had drafted enforcement procedures and methods of notifying the public of the regulations. No major changes had been made in the regulations by the committee; they had been updated and clarified. The staged enforcement of the regulations (the removal of trees and shrubs which are not allowed) will, at the suggestion of the board, be delayed for a year in order to give adequate notice of

the violation via local newspapers to the grave owners or descendants. Minor changes were made in the Procedures document to comply with the delay in enforcement. The Public Works crew will be responsible for the removal of trees and shrubs; Jones estimated there were only 17 violations in the new section of the Greenlawn Cemetery. Funds for the removal of trees and shrubs will come from the cemetery endowment fund to which tax dollars have been added in the past. **Judy Colby moved to adopt the Cemetery Regulations, Procedures for Enforcement and Notice to Visitors as amended. Vote 4-0-0.**

**B. RSU 12 Budget Validation Referendum Warrant and Notice of Election: Pam Dunning moved to countersign the RSU 12 Budget Validation Referendum Warrant and Notice of Election. Vote 4-0-0.**

### 13. Town Manager's Report

**A. Wings Over Wiscasset:** Smith said the event held on August 6 presented an opportunity to meet residents and visitors. Committee members had spent many hours making the event go as smoothly and successfully as it did. A de-briefing meeting will be held on Friday, August 16.

**B. Edgecomb/Wiscasset Interconnecting Sewer Line:** In regard to ownership of the line, Edgecomb's attorney has made it clear that it is owned by Edgecomb.

**C. Affordable Care Act Health Insurance Requirements:** Smith reported on two presentations she had attended on the act and the changes it will have on town employees' health coverage. Wiscasset is considered a "large employer" and currently considers employees who work less than 34 hours per week part-time. The ACA requires that employees working thirty or more hours be considered full time and offered health benefits at a cost that does not exceed 9.5% of annual household income. The Town Manager, Treasurer and Human Resources Director are discussing possible consequences of the ACA to Wiscasset.

**D. FAA Grant for Airport Obstruction Removal Environmental Assessment.** Documents have been received for the \$45,000 grant offer. The assessment will cover trees and other obstructions to the flight path. Affected property owners will be notified of any future action. **Pam Dunning moved to accept the grant and authorize the Town Manager to sign the documents. Vote 4-0-0.**

**E. Rural Development grant:** The approval of the grant for the sewer project will be on the November ballot; the warrant will be signed in September.

### 14. Other Business

Ed Polewarczyk said Doc Schilke had suggested that the Board of Selectmen and the Budget Committee meet at the Senior Center to discuss the various budget items. Date, location and format would have to be determined and the chair will discuss this further with Doc Schilke.

### 15. Adjournment

**Pam Dunning moved to adjourn. Vote 4-0-0.**



# Office of Planning & Codes

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QA

**TO:** Wiscasset Selectboard  
**FROM:** Misty Parker, Town Planner  
**DATE:** August 21, 2013  
**SUBJECT:** Amended ORC Recommended Road Ordinance

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Last month the ORC presented a recommended road ordinance draft to the Selectboard and Planning Board. The ORC has reviewed feedback from the meeting and amended the ordinance accordingly. At the August 27<sup>th</sup> Selectboard meeting I will present the update ordinance for the Board's consideration. The most significant change is the removal of the requirement that all non-conforming roads will be required to be upgraded before any new single family dwelling is built. In order to address the issue of non-conforming roads unable to support increased development a requirement was added that roads providing access to development shall have adequate carrying capacity to accommodate the proposed use. With this new provision significant development proposed on existing non-conforming roads will require improvement while less significant development will not necessarily trigger improvements.

Alternate approaches considering impact fees or value based assessments were investigated, unfortunately, at this time, a successful approach could not be found to apply to private roads.

The Selectboard is being asked to review this draft of the ordinance and determine if it should be recommended for consideration by the voters on the November ballot.

## ROADS

### 1. Applicability

#### A. New Construction, expansion or lengthening:

- (1) These provisions shall apply to the construction, expansion and lengthening of all roads and driveways within the Town of Wiscasset but shall not apply to roads constructed and used for the purpose of forest and natural resource management. Such roads must satisfy the design and construction standards of this ordinance before they may be used for other purposes such as residential development.
- (2) A new road may be accepted by the Town of Wiscasset only if it fully satisfies all municipal street design and construction standards in Section 3 and, in addition, is proposed and approved for acceptance by the Town Meeting.
- (3) A driveway need only meet the requirements of section 3.H.

#### B. Alterations: Alterations and widening shall be consistent with Section 3.

### 2. Application Procedures

An application for the construction, expansion, or lengthening of any road shall be submitted to the Planning Board at least 10 (ten) days prior to a scheduled meeting of the Planning Board. Ten (10) copies of the complete application including maps and drawings and any attachments are required for approval. 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 (preferably forty (40) feet to the inch). The application shall also include one 11" x 17" copy of each plan. The application and accompanying materials shall include the following information:

#### A. Submission Requirements

- (1) Names of applicants, owners of land for the location of the proposed road or, in the event of an existing road, the name of the existing road.
- (2) A statement of any legal encumbrances on the land for the location of the proposed road.
- (3) The anticipated starting and completion dates of each major phase of construction.
- (4) A statement indicating the nature and volume of traffic anticipated on an average daily basis.

B. Plans

Detailed construction drawings shall be submitted showing a plan view, profile and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersection. The plans shall include the following information:

- (1) Date, scale and magnetic or true north point.
- (2) Intersections of the proposed road with existing roads.
- (3) Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.
- (4) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. Such structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer.
- (5) Complete curve data shall be indicated for all horizontal and vertical curves.
- (6) Turning radii at all intersections.
- (7) Centerline gradients.
- (8) Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting and cable television.
- (9) Location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
- (10) A soil erosion and sedimentation control plan in conformance with the requirements of Article VII.3.B(3)(b)(5).
- (11) For roads to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article VII.3.B(2)(b)(24) and Article VII.5.A(15).
- (12) For a road which is to remain private a plan setting forth how the road and associated drainage structures are to be maintained. Responsibility for road maintenance may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots which utilize the private road for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Planning Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.
- (13) Locations of wetlands, streams, floodplains and shoreland zones.
- (14) Proposed turnaround, if applicable.

C. Municipal Review

Upon receipt of plans for all proposed roads or lengthening, expansion or improvement of an existing road, the Planning Board shall forward copies to the Road Commissioner, Fire Chief, Police Chief and the Town's consulting engineer at the applicant's expense, if any, for review and comment. For proposed public roads or for lengthening, expansion or improvement of existing public roads, a copy shall also be forwarded to the Board of Selectmen. Where the applicant proposes alterations within existing public roads, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation (MDOT), as appropriate.

D. Subdivisions

Plans for a road proposed as part of a subdivision shall be submitted to the Planning Board as an integral part of the subdivision application. The subdivision application and plans shall conform to the full provisions of this section as well as Article VII.

The street giving access to the subdivision, and neighboring roads which can be expected to carry traffic to and from the subdivision, shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed subdivision. See section 3.E, Road Design Standards.

E. Application Fee

The application to construct, expand, lengthen or improve a road shall be accompanied by a fee as established in the Town Fee Schedule as revised from time to time by the Board of Selectmen and payable by check 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 Planning Board meeting until such fee has been paid.

F. Application Review

The schedule for review of a road or lengthening of an existing road proposed as part of a subdivision shall be as described in Article VII. For all other proposed roads or lengthening of existing roads, the following shall apply.

- (1) At its first meeting following submission of the application, the Planning Board shall review the application and determine whether it is complete, including receipt of all fees, and hear any request for waivers pursuant to Section 8. If the application is incomplete, the Planning Board shall inform the applicant of 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 then complete.
- (2) If the application is determined to be complete, the Planning Board shall instruct the applicant to notify abutting property owners by Certified Mail of the pending application. This notice shall indicate the time, date and place of the Planning Board consideration of the application. The Planning Board shall also determine whether to hold a public hearing on the application. If a public hearing is held, it shall take place within thirty (30) days of the Planning Board's determination that the application is

complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record at a public meeting.

Notice of the time, place and date of such hearing shall be sent 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 at the applicant's expense 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.

- (3) Within sixty (60) days of the completed application being placed on the Planning Board agenda if no public hearing is held, the Planning Board shall reach a decision on the application and shall inform, in writing, the applicant, the Code Enforcement Office and municipal officers of its decision and the reason thereof. This time period may be extended by written mutual agreement of the Planning Board and the applicant. If a public hearing is held, a decision shall be made no later than the next regularly scheduled Planning Board meeting following the hearing.

#### G. Acceptance of Public Road

Approval by the Planning Board of a proposed public road shall not be deemed to constitute nor be evidence of acceptance by the Town of said road. Acceptance of a road as a Public Road requires an affirmative vote of acceptance by a Town Meeting.

### 3. Road Design Standards

These design standards shall be met by all proposed roads and the expansion or lengthening of existing roads.

#### A. Through Traffic

Roads shall be designed to discourage through traffic on minor roads within a subdivision.

#### B. Location Within Right-of-Way

Every traveled way shall be centered in the right-of-way. The Planning Board may waive this requirement in writing if it finds that physical conditions prevent the traveled way from being centered in the right-of-way.

#### C. Existing Narrow Roads

- (1) Where a subdivision borders an existing narrow road not meeting the width standards of this Ordinance or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land of a subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes". Land reserved for such purposes may not be included in computing lot area or setback requirements of the Zoning Ordinance.

- (2) If the existing public right-of-way is less than 50 feet, the improved right-of-way shall include easements widened to a minimum of 50 feet at the expense of the applicant.

D. Two Road Connections

Two road connections are required for any proposed road or lengthening or expansion of an existing road that could result in more than 200 vehicle trips per day due to a specific development proposal or on the basis of the amount of available road frontage. Such road connections shall be with existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted. The applicant may agree in writing, subject to Planning Board approval, to limit the scope of the development to ensure that there will be fewer than 200 vehicle trips per day until such time as a second road connection is developed. For purposes of computing vehicle trips per day, the applicant shall use the latest edition of "Trip Generation" published by the Institute of Transportation Engineers.

E. Road Design Standards

The standards applicable to new public and private roads are presented below. In addition to these design standards, the design of the turn-around for dead end roads shall be approved by the Road Commissioner and Fire Chief. Such turn-around shall be capable of accommodating the largest emergency vehicle requiring access. The Planning Board may require the reservation of a 20-foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a 50-foot easement in line with the road to provide continuation of the road where future subdivision is possible. At no time shall a turn-around be incorporated into a private driveway, road or other access.

**Road Design Standards**

Description	Type of Road					
	Arterial	Collector	Minor	Private Road >10 dwelling units	Private Road 4-10 dwelling units	Private Road <4 dwelling units
Minimum Right-of way Width	80'	60'	50'	50'	50'	50'
Minimum Traveled Way Width	32'	24'	20'	20'	18'	14'
Sidewalk Width	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Grade	.5%	.5%	.5%	.5%	.5%	.5%
Maximum Grade	5%	6%	8%	10%	12%	12%
Minimum Centerline Radius	500'	230'	150'	150'	150'	150'
Minimum Tangent between Curves of reverse alignment	200'	100'	50'	N/A	N/A	N/A
Roadway Crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft	¼"/ft	¼"/ft
Minimum Angle of Road Intersections <sup>(1)</sup>	90°	90°	75°	75°	75°	75°
Maximum Grade within 75 ft. of Intersection 2%	2%	2%	2%	N/A	N/A	N/A
Minimum Curb Radii at Intersections	30'	20'	15'	15'	15'	15'
Minimum ROW Radii at Intersections	20'	10'	10'	10'	10'	10'
Minimum Width of Shoulders (each side)	5'	5'	5'	3'	3'	2'

(1) Road intersection angles shall be as close to 90° as feasible but no less than the listed angle.

F. Grades, Intersections and Sight Distances

- (1) Grades of all roads shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.
- (2) All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the road design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3½ feet and the height of object at 4½ feet.

- (3) Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.
- (4) Sight distances shall be measured from the driver's seat of a vehicle resting on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of pavement, with the height of the eye 3½ feet, to the top of an object 4½ feet above the pavement. Required sight distances may be reduced upon recommendation of the Road Commissioner if he determines that the reduction will not significantly impact public safety, the sight distance is maximized to the greatest extent possible, and there is no feasible alternative location. In making this determination, the Road Commissioner may consult the Maine Department of Transportation.

Posted speed (mph)	20	25	30	35	40	45	50	55
Sight distance (ft)	155	200	250	305	360	425	495	570

- (5) The Planning Board may require up to 50% greater sight distances when at least 30% of the traffic using the driveway will be vehicles that have a greater length, width or turning radius and/or lesser acceleration capacity than standard passenger vehicles or small trucks. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
- (6) Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important intersections. A minimum distance of 200 feet shall be maintained between centerlines of side roads.
- (7) The minimum spacing between new roads, and existing intersections shall be 100 feet for un-signalized intersections and 125 feet for signalized intersections.

G. Road Construction Standards

(1) The following are minimum thicknesses after compaction.

Road Materials	Minimum Requirements			
	Arterial	Collector	Minor	Private Road
Aggregate Sub-base Course (maximum sized stone 4")	18"	18"	18"	12"
Crushed Aggregate Base Course	4"	3"	3"	3"
Hot Bituminous Pavement				
Total Thickness	3¼"	2½"	2½"	
Surface Course	1½"	1"	1"	
Base Course	1¼"	1½"	1½"	

(2) Bases and Pavements

(a) The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 4 inch square sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

(b) Aggregate for the sub-base shall contain no particles of rock exceeding 6 inches in any dimension. The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

(c) Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.

- (d) Pavement joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.
- (e) Pavements. Minimum standards for the base layer of pavement shall be the MDOT specification for plant mix grade B. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C.

H. Adequate Access

The road providing access to development and any other road that can be expected to carry traffic for development shall have adequate traffic carrying capacity to accommodate the proposed use. The road shall be improved as necessary to accommodate the traffic requirements of the development at the expense of the applicant. See Section 3.E, Road Standards.

I. Driveways

(1) Driveway openings.

- (a) Before construction begins, an approved road entrance permit shall be obtained from the municipal offices. Failure to do so shall result in fines, plus the required permit cost or removal of the driveway and/or cost of upgrading the area to meet the town's ordinances.
- (b) Driveways should intersect a public way at an angle of as near to 90° as the site conditions will permit, and in no case shall the entrance be less than 60°. The sight distance standards in Section 3.F(4) shall apply to driveway openings.
- (c) Along Route 1 between the Woolwich town line and Bradford Road direct access to Route 1 shall be limited to no more than one accessway per property unless adjacent properties share an accessway in which case a property may have one dedicated access and one shared access to Route 1.

- (2) Area of a driveway. Driveways entering or crossing a gravel shoulder of a paved way shall be paved from the edge of the travel lane pavement, crossing the shoulder to a minimum distance of two feet into the driveway beyond (inward of) the shoulder.
- (a) Driveway openings into any way shall have a culvert or other approved method necessary to maintain roadside drainage, if appropriate.
- (b) No single dwelling shall have a driveway width exceeding 20 feet where it enters a public way.
- (c) No commercial structure shall have a driveway width where it enters a public way that exceeds the requirements of Article VIII, Section 9.B(2)(h).

- (d) All driveways shall enter a public way at the level of the edge of the traveled way and shall have a minimum negative slope of 6% to the outer edge of the right-of-way, whichever is greater.
- (3) Existing rights-of-way. Where an existing right-of-way is less than the required width, new, additional extensions of the right-of-way shall meet the requirements herein.

- (4) Culverts. Whenever the Public Works Department or the Board of Selectmen deems it necessary that a culvert be installed at a driveway or road entrance to a public way, the property owner shall, at his/her expense, install an approved culvert under the supervision and direction of the Road Commissioner, after which, and with all other requirements met, such culvert shall be maintained by the town.
- (5) Driveway setback from intersections. The minimum setback for driveways is 50 feet for un-signalized intersections and 150 feet for signalized intersections except that at no time will a driveway be located on the radius of the two intersecting roadways.

#### J. Sidewalks

Any sidewalk constructed shall comply with the Americans with Disabilities Act and meet the following minimum requirements:

- (1) Bituminous Sidewalks. The crushed aggregate base course shall be no less than 8 inches thick. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
- (2) Portland Cement Concrete Sidewalks. The sand base shall be at least 6 inches thick. The Portland cement concrete shall be 4 inches thick and be reinforced with 6-inch square, no. 10 wire mesh.
- (3) Brick Sidewalks and Concrete Pavers. Base course shall be a 12" aggregate subbase course gravel.

#### 4. Additional Improvements and Requirements

##### A. Erosion Control

The procedures outlined in the erosion and sedimentation control plan shall be implemented during site preparation, construction and cleanup stages.

##### B. Cleanup

Following road construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plans and be suitably covered with fill and topsoil, limed, fertilized and seeded.

##### C. Road Names, Signs and Lighting

Names for all new roads and extensions of existing roads shall be approved by the 911 Addressing Officer. The developer shall reimburse the town for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as approved by the Planning Board.

#### 5. Certification of Construction

As-built plans for proposed public ways shall be submitted to the Board of Selectmen. Upon completion of road construction and prior to a vote by the 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 public way meets or exceeds the design and construction requirements of this ordinance.

## 6. Performance Guarantees

Performance guarantees shall be as described in Article VII Section 4.

## 7. Inspection

- A. Notification of Construction: At least 5 days prior to commencing construction or alteration of a road, the applicant shall notify the Code Enforcement Officer in writing of the proposed commencement date of construction. The Town shall cause inspection to be made either by a professional retained by the Town or, at the Town's discretion, by the applicant's engineer, in order to ensure that all municipal specifications and requirements shall be met during construction. If the Town retains a professional to inspect road construction, the applicant shall be assessed a fee to cover the costs of such inspection.
- B. Noncompliance with Plan: If it is found upon inspection of the improvements that they are not being or have not been constructed in accordance with approved plans and specifications, the inspector shall so report to the Board of Selectmen and the Planning Board. The Board of Selectmen shall then notify the applicant and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond.
- C. Modification during Construction: Minor changes in approved plans necessary to address unforeseen field conditions 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 Road Commissioner and 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.

## 8. Waivers

- A. 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, the Zoning Ordinance, or this ordinance.
- B. Where the Planning 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.

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

Additional definitions

ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. [3-91]

Roads shall be classified as the following:

- Arterial Road- A road that is functionally classified by the Maine Department of Transportation as an arterial, with controlled access, traffic signals at important intersections and/or stop signs on side roads.
- Collector Road- A road that is functionally classified as a collector by the Maine Department of Transportation, and that collects traffic from local roads and connects with arterial roads.
- Minor Road- A public or private road, other than arterial or collector roads, primarily used for access to abutting properties.
- Private Road- A road serving more than two (2) dwelling units that is privately owned, built, and maintained, but not including a driveway.
- Public Road- A public easement or public way.

Public Easement- An easement held by the municipality for purposes of public access to land or water not otherwise connected to a public way, and includes the rights enjoyed by the public with respect to private ways created by statute prior to July 29, 1976, pursuant to 23 M.R.S.A. § 3012 (2).

## Town of Wiscasset

# POLICY ON TAX LIEN AND SEWER LIEN ACQUIRED PROPERTY

- I. Purpose of the Policy
  - A. The purpose of this policy is to provide general guidelines for the administration and disposition of real property, title to which has been acquired by the Town as a consequence of automatic foreclosure of a lien for non-payment of amounts owed to the Town.
  - B. Nothing in this policy shall limit or restrict the authority of the Board of Selectmen to act, in its sole discretion, in the best interests of the Town.
- II. Impending Foreclosure and Review of Properties
  - A. Prior to the mailing of the notice of impending foreclosure required by State law the Treasurer shall forward a copy of the list of properties subject to foreclosure to the Town Manager, Assessor, and Codes Enforcement Officer. The Treasurer, Town Manager, Assessor, and Code Enforcement Officer will meet to review the list of properties subject to foreclosure to determine if it would be in the Town's best interest to waive foreclosure. Instances where the Town may not want to foreclose include but are not limited to:
    - 1. The property is known to have or is suspected of having environmental problems.
    - 2. The property may be a hazard to the public health or welfare.
    - 3. There is an easement on the property which makes the property an undesirable one to own.
    - 4. The property has value only to the owner(s) and would have little or no value on the open market.
    - 5. The cost of disposing of the property or remediating any known issues may cost more than the value of the property.
  - B. Should the Town Manager determine it to be in the Town's best interest to waive foreclosure under State law, the Treasurer and Town Manager shall make the recommendation to the Board of Selectmen prior to the foreclosure date, ensuring that the Treasurer will have the opportunity to file the waiver of foreclosure prior to the date of foreclosure.
- III. Upon foreclosure

- A. Authority for administration of lien-acquired property is delegated to the Town Manager, who shall evaluate each property to determine its best use, and recommend to the Board the specific disposition that is in the best interests of the Town. The Town Manager will forward the list of acquired properties to all Department Directors to determine if there is any potential public use for the acquired properties. Each department will submit a memorandum outlining any potential uses for lien acquired parcels within 5 business days of receiving the notice.
- B. Given the risk of loss or damage to the lien-acquired property, appropriate kinds and amounts of insurance coverage on the property will be obtained to protect Town interests against these risks. The Town shall not be obligated in any way to protect the interest in the lien-acquired property of any other party.
- C. Unless the Town Manager deems it is not in the best interest of the Town, the Manager shall cause to be prepared a statement of all charges owed to the Town by the former property owner for any property served by the Town. The statement, which will include charges stated in the lien as well as fees, charges, penalties, and costs of all actions taken by the Town in its efforts to collect the amounts owed, will be sent to the former property owner along with a agreement to purchase the property
  - a. The Town may, in its sole discretion, provide notice by certified mail or regular mail to the former property owner, any mortgage holder(s), other lien creditors, and secured parties, that title to the property has shifted to the Town as a result of the ripening of its lien. .
  - b. In the event the former property owner fails to provide an acceptable agreement within thirty (30) days or fails to perform in accordance with the agreement, the Town Manager shall request and the Board shall make final determination on disposition of the property.

#### IV. Disposition

- A. Responsibility for the decision as to the disposition of all lien-acquired property rests with the Board of Selectmen.
- B. The Town Manager shall request, and the Board shall provide, a final determination on disposition of each property acquired by lien perfection.
- C. Provisions of this policy notwithstanding, the Board may, in its sole discretion, by any means and on any terms that it deems to be in the best interests of the Town,

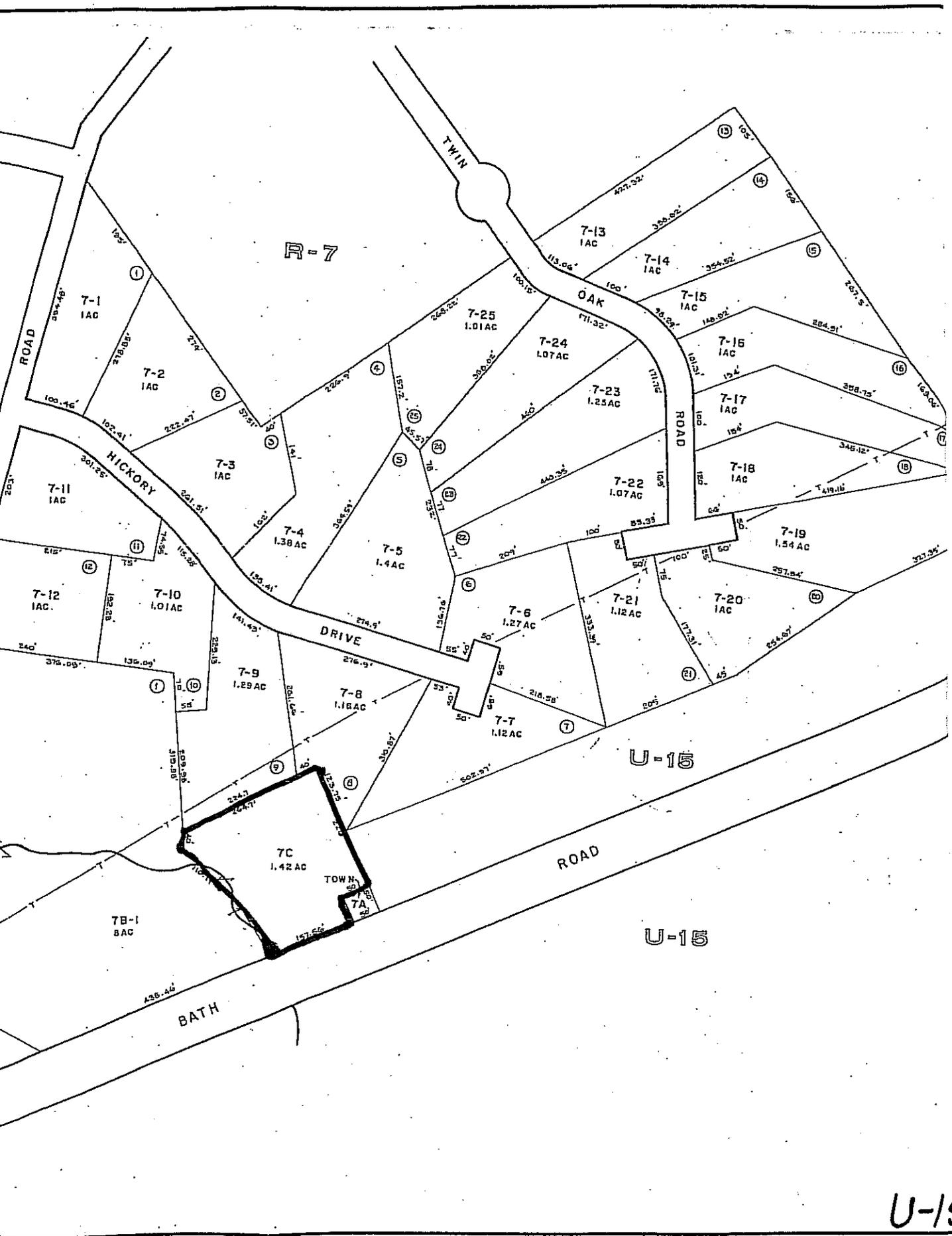
1. allow the former owner to purchase title to the property;
  2. establish title, take possession, and convert the property to Town use; or
  3. dispose of or cause to have disposed of any lien-acquired property.
- D. The Town is not required to administer all acquired property in the same manner.
1. When it is determined by the Board that an acquired property is to be liquidated, in general it will follow the following guidelines: A determination will be made as to whether it is in the Town's best interest to liquidate the property as soon as possible. If so, a public sale or bidding process will be used.
  2. If it is determined that market value of the property is much greater than the charges owed the Selectmen may engage the services of a realtor to liquidate the property.
  3. Should a particular property have similar value as the charges owed then the Selectmen may give public notice as to the sale of the property. Notice will also be sent to the abutters. The notice shall include a brief description of the property, the location of the property, the conditions of sale (if any), and a minimum bid.
    - i. Minimum bid – Unless the Board stipulates otherwise, the minimum bid for any lien-acquired property shall be the total of all outstanding charges or 35% of the assessed value; whichever is greater. Outstanding charges shall include all taxes or charges owed, including estimated taxes or charges for the current year, interest, lien costs, and any other associated costs (including legal, insurance, notice, and advertising).
  4. The Town of Wiscasset reserves the right to reject any or all bids, accept other than the highest bid and waive any of the requirements of this policy should the Board, in its sole determination, judge such actions to be in the best interest of the Town of Wiscasset. Instances where this right may be invoked include, but are not limited to:
    - a. The Board of Selectmen may wish to sell the property to an abutting property owner rather than the highest bidder.
    - b. The Board of Selectmen may determine it prefers a use proposed by a party other than the highest bidder.

- c. The Board of Selectmen may wish, but is by no means obligated, to sell the property to the party from whom the property was acquired rather than the highest bidder.
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5. Closing on the Sale
    - a. A bid deposit of 10% of the purchase price must be submitted with all bids.. The deposit will be retained as a credit towards the purchase price. All other bids will be returned to the unsuccessful bidders.
    - b. Full payment for the successful bid is required within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30) days, the Town shall retain the bid deposit and title to the property. The Board of Selectmen may review the bids submitted and offer the property to another bidder who shall have thirty (30) days to make payment in full or it may order that bids be solicited again.
    - c. Title to lien-acquired property shall be transferred only by means of a Quit-Claim deed, unless the Board of Selectmen directs other legal action.

Neighborhood	U.S. RTE 1	<b>Sale Data</b>
Zoning/Use	COMMERCIAL	Sale Date 08/03/2009
Topography	Rolling	Sale Price 20,000
Utilities	NoWater/NoSewer	Sale Type Land Only
Street	Paved	Financing Unknown
		Verified Buyer
		Validity Related Parties

Reference 1 B4227P0213  
 Reference 2 U-15A-007-C  
 Tran/Land/Bldg 0 2 15  
 FARM LAND 0 OPEN SPACE 0  
 Exemption(s) Land Schedule 1

		<b>Land Description</b>				
Units	Method - Description	Price/Unit	Total	Fctr	Influence	Value
1.00	Acres-Base Commercial	135,000	135,000	70%	Topography	94,500
1.00	Acres-Commercial Size Adj	15,000.00	15,000	100%		15,000
0.42	Acres-Commercial 1-20	15,000.00	6,300	100%		6,300
Total Acres 1.42					Land Total	115,800
<b>Acpt Land</b>		115,800	<b>Accepted Bldg</b>		0	<b>Total</b>
						115,800



**LEGEND**  
 ADJACENT SHEET NO.  
 COMMON OWNERSHIP  
 DEVELOPMENT LOT NO.  
 SCALED DIMENSION

PROPERTY MAP  
**WISCASSET, MAINE**

U-15A

Account: 2587 Card: 1 of 1

Map/Lot:

U17-004-B

Location:

BATH ROAD

Neighborhood U.S. RTE 1

Zoning/Use COMMERCIAL

Topography Level

Utilities All Public

Street Paved

Reference 1 B4249P0112

Reference 2 U-17-004-B

Tran/Land/Bldg 0 2 15

FARM LAND 0 OPEN SPACE 0

Exemption(s) Land Schedule 1

<b>Land Description</b>						
Units	Method - Description	Price/Unit	Total	Fctr	Influence	Value
1.00	Acres-Base Commercial	135,000	135,000	100%		135,000
1.00	Acres-Commercial Size Adj	15,000.00	15,000	100%		15,000
0.55	Acres-Commercial 1-20	15,000.00	8,250	100%		8,250
Total Acres 1.55					Land Total	158,250
<b>Acpt Land</b>		158,300	<b>Accepted Bldg</b>		0	<b>Total</b>
						158,300



Name: BARNETT TRUSTEE, ETHEL

C/O MARILYN ALDRIDGE, PR

Map/Lot:

U01-092

Account: 1229 Card: 1 of 1

Location:

25 MIDDLE STREET

Neighborhood VILLAGE

Zoning/Use RES. USE in BUS ZONE

Topography Level

Utilities All Public

Street Paved

Reference 1 B2363P0341

Reference 2 U-01-092/00 0000000000

Tran/Land/Bldg 1 1 11

FARM LAND 0 OPEN SPACE 0

Exemption(s) Land Schedule 101

Land Description						
Units	Method - Description	Price/Unit	Total	Fctr	Influence	Value
1.00	Acres-Base Homesite Value	110,000	110,000	100%		110,000
0.11	Acres-HS Size Adj	11,000.00	1,210	100%		1,210
Total Acres 0.11					Land Total	111,210

Dwelling Description				Replacement Cost New		
Conventional	Two Story	660 Sqft	Grade B 100	Base		108,226
Exterior	ALUM/VINYL	Masonry Trim	None	Trim		0
Dwelling Units	1 OTHER Units-0	Roof Cover	Asphalt Shingles	Roof		0
						0
Foundation	Brick &/or Stone	Basement	Dry Full Bmt	Basement		0
Fin. Basement Area	None	Basement Gar	None	Fin Bsmt		0
Heating	50% Forced Warm	Cooling	0% None	Heat		-4,042
Rooms	8					
Bedrooms	3	Add Fixtures	0			
Baths	2	Half Baths	0	Plumbing		3,919
Attic	Floor & Stairs			Attic		1,293
FirePlaces	0			Fireplace		0
Insulation	Full			Insulation		0
Unfin. Living Area	NONE			Unfinished		0

Dwelling Condition							
Built	Renovated	Kitchens	Baths	Condition	Layout	Total	
1890	0	TYPICAL	TYPICAL	Below Average	Typical	109,396	
Functional Obsolescence		Economic Obsolescence		Phys. %	Func. %	Econ. %	Value(Rcnld)
None		None		57%	100%	100%	62,356

Outbuildings/Additions/Improvements									
Description	Year	Units	Grade	RCN	Cond	Percent Good			Value Rcnld
ONE STORY FRAME	1900	228	B 100	16,455	Avq-	57%	100%	100%	9,379
1.50 ST GARAGE..	1900	340	D 100	18,737	Fair	42%	100%	100%	7,870
Shed.....	1900	102	D 100	537	Fair	42%	100%	100%	226
1,548 SFLA		123.41 = \$/SFLA (1)				Outbuilding Total			17,475

<b>Acpt Land</b>	111,200	<b>Accepted Bldg</b>	79,800	<b>Total</b>	191,000
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Name: BARNETT TRUSTEE, ETHEL  
C/O MARILYN ALDRIDGE, PR

Map/Lot:

Page 2

U01-092

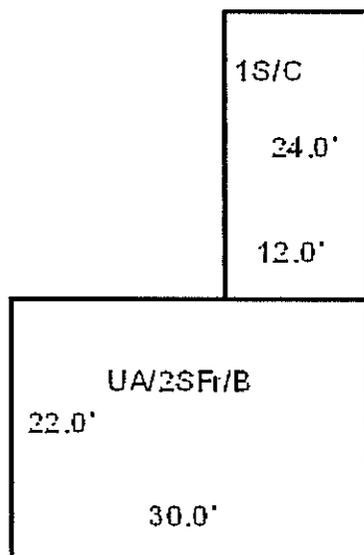
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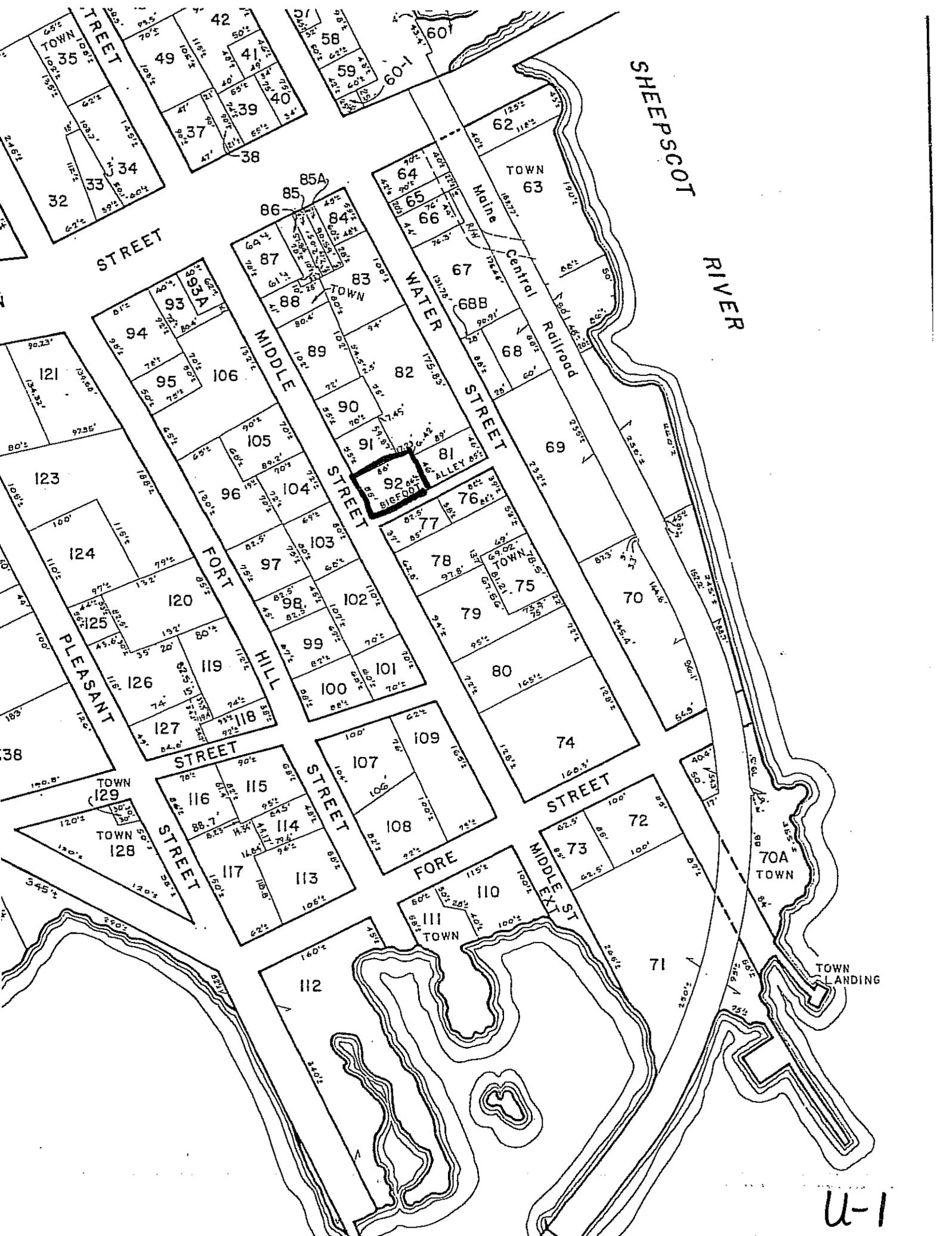
Location:

25 MIDDLE STREET



1.5SGARAGE 20X17 W/ ATT SHED 6X17





SHEEPSCOT RIVER

U-1