

MEETING NOTICE

The Wiscasset Board of Selectmen, Board of Assessors & Overseers of the Poor will meet
Tuesday, March 3, 2015 at 7 P.M. in the Municipal Meeting Room.

AGENDA

7 p.m.

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approval of Minutes:
 - a. Feb. 17, 2015
4. Approval of Treasurer's Warrants
 - a. Payroll Warrants: February 20, 2015; February 27, 2015
 - b. Accounts Payable Warrants: February 24, 2015 & March 3, 2015
5. Approval of Abatements and Supplemental: None
6. Special Presentations or Awards: None
7. Appointments: None
8. Resignations: None
9. Public Comment on Non-Agenda Items:
 - a. At each regular Selectmen meeting, there will be time devoted to any resident, taxpayer, or, in the case of an organization, an authorized representative of a resident or taxpayer of the Town of Wiscasset to address the Selectmen regarding any item that is not on the agenda for that meeting. Comments will be limited to five minutes per person. There will be a 30-minute maximum for this section.
10. Department Head or Committee Chair Report:
 - a. Jamel Torres, Town Planner:
 - Introduction of the Floodplain Management Ordinance
 - Discussion on proposed Historic Preservation Ordinance
 - Lincoln County Regional Planning Brownfield Assessment Program
 - b. Review of submitted Department Head reports

11. Unfinished Business:

- a. Cemetery Committee request: Policy for repurchase and transfer of ownership of burial lots. See email from Don Jones dated January 5, 2015 and memo from Christine Wolfe, Town Clerk.

12. New Business:

- a. Consider the name of Brook Lane for a driveway at 110 Hale Pond Road
- b. Review of HM Payson Statement of Accounts

13. Town Manager's Report

14. Adjournment

Future Meetings, Workshops, and Events.

- March 9: Ordinance Review, 5 p.m.
Planning Board, 7 p.m.
- March 17: Selectboard, 7 p.m.
- March 19: Budget Committee, 6 p.m.
Board of Appeals, 7 p.m.
- March 25: Conservation Committee, 6 p.m.
- April 2: Cemetery Committee, 7 p.m.

DRAFT

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS, AND OVERSEERS OF THE POOR
FEBRUARY 17, 2015

Preliminary Minutes

Tape recorded minutes

Present: Chair Pam Dunning, Tim Merry, Vice Chair Ben Rines, Jr, Jeff Slack and Town Manager Marian Anderson

Absent: Bill Barnes

1. Call to Order

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

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

3. Approval of Minutes

Tim Merry moved to approve the minutes of February 3, 2015. Vote 4-0-0.

4. Approval of Treasurer's Warrants

Tim Merry moved to approve the Payroll Warrants of February 6 and 13. Vote 4-0-0. Tim Merry moved to approve the Accounts Payable Warrants of February 10 and 17. Vote 4-0-0.

5. Approval of Abatements and Supplementals – none

6. Special Presentations and Awards – none

7. Appointments – none

8. Resignations – none

9. Public Comment

Dan O'Connell, Gibbs Road, submitted a petition signed by more than 30 residents, requesting the selectmen establish limits on noise from automatic gunfire coming from the Wiscasset Gun Club. He said the facility had changed from a sportsman's club to a firing range that is being rented by the police and other groups. He played two minutes of a recording made from his deck one and one-half miles from the range. He said over one weekend the club was rented to 24 people firing 1800 rounds each. Pam Dunning said the board would review the petition, and following discussions with the Code Enforcement, the Ordinance Review Committee and the gun club, the item would be put on the March 17 agenda.

Mary Rose Pray said money from recyclables retrieved from the single stream bin at the Transfer Station had provided funds for shirts and jackets for employees, and box tops recovered were saved for the school to be used to obtain school supplies. The practice had been discontinued because of safety concerns; however, a suggestion by the Town Manager that the employees use grabbers to retrieve the

items might enable the practice to continue without danger to the employees. The employees are currently not retrieving recyclables but Pray hoped that the practice would be resumed.

Steve Mehrl said the Mason Station case would be heard in Superior Court in April and the entire proceeding would be streamed on the internet at www.courts.me.gov/mainecourtssupreme/stream. In addition, Mehrl recommended that the Town use its experience in property management in dealing with the primary school and in the next six or eight months investigate possible zoning change, environmental assessment of the property and other matters necessary for sale of the property.

10. Department Head or Committee Chair Report

A. Town Planner Jamel Torres:

1. Proposed Historic Preservation Ordinance: Torres introduced the Historic Preservation Ordinance draft that the ORC was presenting for Selectboard and eventually town approval. He outlined the purpose and intent of the ordinance as well as the establishment of a historic preservation commission and its duties. Karl Olson, Ordinance Review Committee chair, spoke on the ORC's work on the ordinance and John Reinhart, a member of the original Historic Preservation Ordinance committee, outlined the history and importance of the ordinance. In order to appear on the June warrant, the ordinance will be scheduled for the next selectmen's agenda and a public hearing will be held on April 7.

2. Sign Ordinance Compliance: Torres said a draft inventory of signs and draft letters of non-compliance by a previous code enforcement officer had been located. The photos will be compared with the ordinance regulations, and owners of non-compliant signs will be notified. Directional signs were discussed. Business signs put up by the State are under a 3-5 year contract; however, the small black and white signs erected by town permit will be checked to determine if the businesses are still in operation.

11. Unfinished Business

A. Request to change spelling of Rumerill Road: Don Jones had asked that the name be changed to Rumrill Road, the correct spelling of the family's name after whom the road was named. Nancy Wyman, a resident of Rumerill Road since 1993 said she was not in favor of changing the spelling; it would entail changing deeds, property maps, and bank accounts, and she said there would be costs in making the changes to documents should a change in ownership occur. Don Oyster who has lived on the street since 1999 said if the name were changed, it would affect taxes and notification to the state, and he asked who would pay for the cost of refiling deeds. Don Jones spoke briefly on his reason for requesting the change in spelling. **Ben Rines, Jr., moved to leave the spelling of Rumerill Road as it is currently spelled. Vote 4-0-0.**

12. New Business

A. School Department Update - Primary School, Improvements at Wiscasset High School, Budget Update: Steve Smith, School Committee Chair, said a three-year contract had been offered to a candidate for superintendent who was the unanimous choice of the search committee. In-depth work on the budget has begun and Smith estimated savings would exceed original estimates by \$120,000. He added that \$100,000 had been added back into the budget for the STEM (Science, Technology, Engineering and Mathematics) program, which will include a three-room complex with lab and

classrooms. At the February 26 meeting, the name of the school will be discussed. Smith said he has had an inquiry about purchasing the primary school and is putting together information on the building for prospective buyers. The school will be vacated by September 1. The teachers are working toward the move to the middle school. The parents of the primary school students are fund raising for a playground for the smaller children and looking at matching fund grants. The school board is examining the possibility of bringing Head Start back to Wiscasset with a state subsidy so that the program would be open to all children. No changes are anticipated this year in the setup of the high school building for grades 7 through 12. In response to Steve Mehrl's question regarding responsibility for the sale of the primary school building, Marian Anderson said the legal process is being investigated.

B. Awarding Bid to provide Property Tax Assessment Services: Marian Anderson said had compared the two bids received and recommended the RJD Appraisal bid for a three-year contract of \$68,420 (44 days @ \$515 per day). **Jeff Slack moved to authorize the Town Manager to award the assessing business to RJD Appraisal. Vote 4-0-0.**

C. Approve a Municipal Quit Claim Deed : **Jeff Slack moved to approve the Municipal Quit Claim Deed for property located on Hale Pond Road (Map R01, Lot 044R). Vote 4-0-0.**

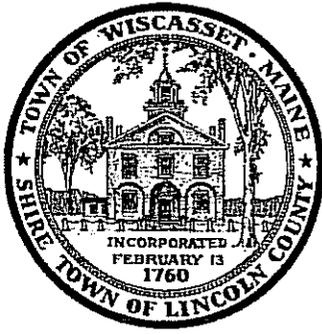
13. Town Manager's Report

Marian Anderson asked that the board to confirm that she was authorized to sign the letter to Maine Yankee authorizing their use of the airport in an emergency. There was a consensus that the letter be sent.

In spite of the numerous snow storms to date, the Town Manager reported that there was \$16,000 left in the salt budget and \$10,800 in the overtime budget.

14. Adjournment

Tim Merry moved to adjourn the meeting. Vote 4-0-0.



Office of Planning & Codes

51 Bath Road, Wiscasset, ME 04287

TO: Wiscasset Board of Selectmen
FROM: Jamel Torres, Town Planner
CC: Marian Anderson, Town Manager
DATE: March 3, 2015
SUBJECT: Update to Article X, Section 4. Flood Plains Ordinance

The Town of Wiscasset recently received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA) which sets the effective date of the new Digital Flood Insurance Rate Maps (DFIRMs) for all of Lincoln County for July 16, 2015. This letter marks the beginning of a six month time period to update our local Flood Plains Ordinance. This update will reflect any changes since the last ordinance was adopted and to incorporate the new map date.

The Town of Wiscasset must adopt an updated Floodplain Management Ordinance which references the new map date on or before July 16, 2015 in order to avoid being immediately suspended from the National Flood Insurance Program (NFIP). According to the Maine Department of Agriculture, Conservation & Forestry, the cleanest way for communities to adopt is usually to repeal and replace the current ordinance.

The Maine Department of Agriculture, Conservation & Forestry have provided a copy of the most current state model Floodplain Management Ordinance that has been customized specifically for the Town of Wiscasset. This model ordinance is included in your packet.

Participation in the NFIP provides protection to members of the Wiscasset community who may be affected by flooding. Additionally, federal flood insurance is available to those who have federally backed mortgages in the floodplain. Another important benefit is the community's eligibility for disaster funding and low interest loans when Lincoln County is in a declared disaster area. Adoption of the new maps prior to July 16, 2015 will assure uninterrupted and continued participation in the NFIP.

The Planning Board has looked over the provided model Floodplain Management Ordinance. They support the adoption of the model ordinance but would like the application fee established by the order of the Board of Selectmen. This allows the Board of Selectmen to alter the fee schedule without having to change anything in the ordinance. If you are interested in the floodplain maps for the Town of Wiscasset, visit the FEMA Map Service Center at: <https://msc.fema.gov/portal>.

Please see the attached model Floodplain Management Ordinance for the Town of Wiscasset.

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF WISCASSET, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

CONTENTS

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT	2
II. PERMIT REQUIRED.....	2
III. APPLICATION FOR PERMIT.....	2
IV. APPLICATION FEE AND EXPERT'S FEE	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
VI. DEVELOPMENT STANDARDS	6
VII. CONDITIONAL USE REVIEW	12
VIII. CERTIFICATE OF COMPLIANCE.....	13
IX. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS.....	13
X. APPEALS AND VARIANCES	14
XI. ENFORCEMENT AND PENALTIES.....	16
XII. VALIDITY AND SEVERABILITY	16
XIII. CONFLICT WITH OTHER ORDINANCES	16
XIV. DEFINITIONS	16
XV. ABROGATION.....	21

ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Wiscasset, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Wiscasset, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Wiscasset, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Wiscasset has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Wiscasset having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Wiscasset, Maine.

The areas of special flood hazard, Zones A and AE, for the Town of Wiscasset, Lincoln County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Lincoln County, Maine," dated July 16, 2015 with accompanying "Flood Insurance Rate Map" dated July 16, 2015 with panels: 229D, 235D, 240D, 243D, 244D, 245D, 265D, 326D, 327D, 328D, 329D, 331D, 333D, 336D, 337D derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Lincoln County, Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Planning Board except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Wiscasset, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

- 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, from data contained in the "Flood Insurance Study - Lincoln County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model), including information obtained pursuant to Article VI.K. and IX.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
- 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
- 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
- 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 3. a certified statement that bridges will meet the standards of Article VI.M.;
 - 4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$40.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Lincoln County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained

pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
 - D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
 - E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
 - F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

H. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zones AE shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.
2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE, shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIV, located within Zones A and AE, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIV;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones A and AE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. Coastal Floodplains -

1. All new construction located within Zones A and AE shall be located landward of the reach of mean high tide except as provided in Article VI.P.2.
2. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:

- a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
- b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. The structure shall have unfinished interiors and shall not be used for human habitation.
- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Planning Board that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the Elevation Certificate and the applicant's written notification; and,
 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction

requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Wiscasset may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 1. a showing of good and sufficient cause; and,
 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 1. other criteria of Article X and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
 2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
 4. The person filing the appeal shall have the burden of proof.
 5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
 6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIV - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Conditional Use - means a use that because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VII..

Elevation Certificate - An official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value

of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other

improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (c /coastal) Rev. 01/15
Prepared by DACF/JP



Office of Planning & Codes

51 Bath Road, Wiscasset, ME 04287

TO: Wiscasset Board of Selectmen
FROM: Jamel Torres, Town Planner
CC: Marian Anderson, Town Manager
DATE: March 3, 2015
SUBJECT: Lincoln County Regional Planning Commission Brownfield Assessment Program

Lincoln County Regional Planning Commission has EPA funding to conduct several Phase 1 and Phase 2 Environmental Assessments throughout the County. The LCRPC is working with towns and interested property owners to identify and eventually rank parcels with re-use/re-development potential, as part of their selection process.

A “brownfield” is defined by the United States Environmental Protection Agency (EPA) as “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutant or contaminants.” The purpose of the Brownfields Program is to encourage re-development at these properties. This is accomplished by working with municipalities and potential owners to assist them with conducting investigations and remediation where necessary to allow for productive re-use of brownfields sites.

Environmental site assessments (ESAs) are part of the due diligence that perspective purchasers or developers should do prior to acquiring a property. The goal of the Phase I ESA process is to identify potential environmental issues or recognized environmental conditions (RECs) associated with a property through a site visit, file reviews and property interviews. Example RECs on a property such as the school could be former underground storage tank use or asbestos. The Phase II ESA looks to confirm or dismiss these potential RECs through sampling and investigation. The Phase II ESA process will often entail soil sampling, soil borings and monitoring wells, asbestos and lead paint sampling, etc. Once the Phase II ESA is completed, environmental remediation costs can be developed so that informed business decisions can be made regarding a property. Additionally, by completing environmental assessments in accordance with EPA’s All Appropriate Inquiry, property purchasers can receive liability protections from past property uses.

The time frames are approximate and as follows:

- LCRPC and EPA approvals: 1-2 weeks
- Phase I ESA: 3-4 weeks
- Work Plan approval: 4-5 weeks (30 days to receive comments)
- Phase II ESA (actual sampling of site): 3-4 weeks

Please complete the following form with as much information as possible.

Applicant Name: _____ Applicant Phone Number: _____

Applicant Address/Contact Information: _____

Relationship of Applicant to Site: Owner Prospective Purchaser Other (Please Describe) _____

Name and Address of Site Owner (if different than applicant): _____

1. Site Information

a. Site name: _____

b. Site location/address: _____

c. Lot size: _____ d. Tax map and lot: _____

e. Describe any existing onsite structure/buildings: _____

f. Describe current site characteristics: _____

2. Site History

a. Current site use(s): _____

b. Former site use(s): _____

c. Is there any known contamination onsite? (if yes, please explain) _____

d. Any previous site investigations? (if yes, please explain and/or provide copies) _____

e. Is the site currently regulated by another State or Federal environmental program?

Yes No Unknown Describe: _____

f. Has the site ever maintained underground oil storage tank(s)? Yes No Unknown

3. Site Redevelopment Plans

a. Describe any future reuse plans or conceptual site plans for the site: _____

b. What is the project timeline? _____

c. How is the project being funded? _____

4. Why do you think this site should be included? What would you like to see happen to this site? _____

Signature: _____ Date: _____

Thank you for nominating a site for inclusion into the Lincoln County Regional Planning Commission's Brownfield Assessment Program! If you have questions, please contact:

Mary Ellen Barnes, Lincoln County Regional Planning Commission
35 Water Street/P.O. Box 268, Wiscasset, Maine 04578
207-882-5188 or mbarnes@lcrpc.org

Town of Wiscasset
January 2015
Monthly Reports





Town of Wiscasset

TOWN CLERK REPORT

To: Marian L. Anderson, Town Manager
From: Chris Wolfe, Town Clerk
Re: Town Clerk Monthly Report
Date: February 4, 2015

ELECTIONS:

There were no Elections in January. All departments were asked to have their initial budget requests to the Town Manager in January for the start of the 2015/2016 budget process.

The clerk's office received several petitions to be certified that were in circulation before the January 22, 2015 deadline that would allow an initiative to be on the November 2015 ballot. Every petition must be logged in, certified to ensure the signer was a registered voter and that the signature matches the card on file, then photocopied, logged out and returned to the circulator. Petition certification can be a very time consuming process and luckily is not occurring during an otherwise busy time of year.

FINANCIALS:

	Auto Excise ¹	Boat Excise ²	Agent Fees ³	Vital Fees ⁴	Airplane Excise ⁵
Monthly Revenues	\$29,446	\$99	\$1343	\$204	\$0
Year to date	\$326,664	\$1,466	\$9,192	\$2118	\$3,418
Met yearly revenue projection by:	65%	48%	58%	70%	

⁵New bills for airplane excise will be going out in February.

LICENSES:

Business license ¹	Dog License ²	Liquor License ³	Special Amusement ⁴
2	361	0	0

¹Two businesses submitted business license applications in January. The Old Salt Book and Gifts will operate in the former location as Gepetto's Toys. This business is under the same



Town of Wiscasset

ownership but is changing the type of product sold to be more of a general gift shop rather than cater to toys. Also submitted was an application for a gift shop on Bath Road called Hoffman Collectibles. This application is still waiting for final approval.

²² of these dogs were licensed online at Maine.gov and the tags were mailed to the owners. The statutory late fee of \$25 takes effect February 1st. Unfortunately, the Town must now have the Animal Control Officer follow up with all dog owners who have not licensed their animals or notified the office that they no longer have the canine. This is quite time consuming and unnecessarily costly and could be avoided if dog owners would comply with the licensing requirement in a timely fashion.

VITALS:

Birth¹ Of New Residents	Marriage² Licenses Issued	Death³ Of Residents
N/A at this time	1	3

APPOINTMENTS:

The Board of Selectmen made the following reappointments:

Cemetery Committee: Donald Jones, David Sutter, Cynthia Collamore and Jason Putnam.

Investment Advisory Committee: Stefan Mehrl and Frank Barnako

Appeals Board: Denis Hebert

Community Center Scholarship Committee: Vickie Hersom, Sheila Sawyer, Brian Viele, Louann Pontau, Katharine Martin-Savage, Robert Bickford.

Appearance of the Town Committee: Donald Jones, Norma Gordon, Vickie Hersom and Richelle Pontau

FRIENDLY REMINDER:

As people start to process their 2014 income tax we are inundated with phone calls requesting the amount of excise tax paid on motor vehicles in that calendar year. As a reminder, the amount allowable as a deduction is on the yellow automobile registration provided to the registrant on the line designated as "local ex tax".



Town of Wiscasset

CODE ENFORCEMENT REPORT

To: Marian L. Anderson, Town Manager
From: Stan Waltz, Code Enforcement Officer
Re: Codes and Safety Monthly Report
Date: February 23, 2015

The First part of January I was investigating a complaint of Chewonki cutting too many trees and creating a clear cut.

This is not the case; Chewonki has been working with a Licensed Forester and the State Forestry Department to help get rid of the evasive Hemlock Woolly Adelgid. They have had to harvest the infected trees to protect the rest of the area.

Chewonki has asked about installing a parking area at the Montsweg Brook.

We have had a few arears where there has been a problem with ice building up on the eves of downtown businesses; the owners have been pro-active and taken care of the ice issues.

I have been active answering questions from the general public; frozen pipes, melting ice causing water back-up into living space, lack of proper heat, etc. I am working with realtors and banks looking up property cards and septic systems and the usual day to day work.

Issued 3 signs and 2 plumbing permits this month.

The last two weeks of January I was on vacation.

Stan Waltz
Code Officer



Town of Wiscasset

EMS/EMA REPORT

To: Marian L. Anderson, Town Manager
From: Roland Abbot, EMS/EMA Director
Re: January Monthly Report
Date: February 25, 2015

For the month of September we had 69 calls for service compared to 47 calls for service in September 2013. The service has had 580 calls for service thru the end of September compared to 562 calls for service thru the end of September 2013. These numbers reflect calendar year not fiscal year.

Staffing:

This service as well as all the volunteer services in the area is having trouble recruiting and retaining members for day time coverage. The service has lost 4 members during the day to services who offer them an hourly wage to work versus paying them standby pay for coverage. We have been working on a plan to help fix that but a plan will take some time to figure out. The service currently has a roster of 8 Paramedics, 5 Advanced EMTs, 12 EMTs and one Driver/CPR for a total roster of 26 members.

One of the goals for this year is to try to find a way to retain day time people. One of the ways may be to recruit new people by paying a daily stipend to try to compete with the other services around to hire some new members. That would mean we would have to pay our current members that work during the day differently. The service has tried paying people for weekend shifts which worked out well but was financially not cost effective. Maybe this is something the service could try for the day time people. This is just one idea. The service has a lot of different options that we are looking at and trying to come up with the best that will give us the help we need and be cost effective for the town. We currently offer a standby stipend of \$3.00 an hour which increases when you go out on a call by the following amounts: Paramedics \$13.00, Intermediates: \$12.00, Basics: \$11.00 per hour. The weekend shifts receive a \$5.00 stipend and the call hourly rate goes up by .50 cents per level.

The Service is looking for some local people who might be interested in taking a basic EMT course which will be starting November 4, 2014 and finishing April 2, 2015. This course will be held at the Woolwich Fire Station on Route 1. The class will meet Tuesday and Thursday nights from 6pm to 10pm. The cost is \$695.00 per student plus text and testing fees. The town policy has been in the past that if a student wants to take the course the student will pay for the class up front then if they pass the class and want to sign a prorated contract to remain on the service for one year following getting certified with the State of Me as an EMT the town will pay back the cost of the course to the student. If you are or know anyone who might be interested in taking this course you may contact Roger Quandt @ 692-7941 or E-mail rogerquandt@gmail.com

Operations/Training:

The service members just completed a Hospice care training course which helped make our members aware what is expected of us in a Hospice care situation. In the near future we will be doing water rescue training at the Community Center and working with the fire dept. on vehicle extrication.



Town of Wiscasset

PLANNING DEPARTMENT REPORT

To: Marian L. Anderson, Town Manager
From: Jamel Torres, Town Planner
Re: Planning Department January Report
Date: February 13, 2015

Economic Development:

In January, I had the opportunity to attend the Maine Real Estate & Development Association 2015 Annual Real Estate Forecast Conference. During the conference, statewide industrial, residential, office, and vacation/hospitality economic forecasts were presented. The keynote speaker was Governor Paul LePage who spoke on the importance of Maine being a more competitive state when it comes to attracting businesses. One of his key messages was the fact that Maine would be more competitive nationally if our energy prices were cheaper.

I had the pleasure of meeting with a representative from Maine Natural Gas to discuss the potential for expanding natural gas pipelines into Wiscasset. While the expansion of the pipelines will not be happening in the immediate future, I learned what it would take to make that a reality here. A significant year-round user of natural gas would need to locate in Wiscasset in order for them to consider expanding their natural gas pipelines into this area.

I also met with representatives from Peregrine Turbine Technologies. This firm focuses on technology that brings a new level of performance, fuel efficiency, and low emissions to the turbine world. They are very close to completing their design of their new turbine engines and are interested in maintaining their Wiscasset location. They are very interested the expansion of natural gas into Wiscasset.

I was appointed to serve on the Executive Committee for the 2015 Wings Over Wiscasset event, being held on August 15, 2015. Additionally, I am nominated to be a Board Member for the Wiscasset Area Chamber of Commerce at their Annual Dinner being held on Tuesday, February 5, 2015.

Finally, I was given a tour of the Coastal Enterprises Inc. (CEI) properties that are for sale on Water Street in the village. This will help me have an idea of what the space can be used for if a potential buyer approaches me in the future.

Ordinance Review Committee:

The Ordinance Review Committee held a public meeting on the proposed Historic Preservation Ordinance on January 26. Approximately 15 community members attended the meeting. The public was very supportive of the proposed ordinance. The next step is to present the proposed ordinance to the selectmen. This will occur in February.



Town of Wiscasset

Planning Board:

The Planning Board met in January to reconsider one application.

APPLICANT: Allen Cohen

PROPOSAL: 35' x 60' addition to storage building

REQUEST: Reconsideration of Application by Allen Cohen for Addition to Building

LOCATION: 2 JB's Way, R07, Lot 8A

This meeting requested by Kathleen and Tom Bryant, who's property is adjacent to the proposed addition. While the Planning Board voted to approve Al Cohen's addition to his storage building two times during summer/fall 2014 and the Board of Appeals also upheld the Planning Board's decision to approve the addition, the Bryant's requested a third meeting.

At the meeting, Kathleen Bryant said she and others living close to the warehouse were concerned about safety because of the intended storage of fireworks in the building. She presented a photocopy of a petition signed by residents in the area of the warehouse who were not comfortable with storage of fireworks in their area and a map showing more than 50 houses in the neighborhood of the storage building. She said that NFPA 1124 prohibits storage of fireworks in residential areas. She said it was not a zoning issue. She asked the board to rescind its previous vote.

Larry Olwell, who lives nearby the proposed storage addition, said there is a small field between his house and the warehouse and there was no way a fire department could get to his house in time in the event of a fire.

Tom Bryant said there were 48 signatures on the petition and he is still collecting signatures of residents within a half mile radius of the warehouse.

Allen Cohen noted that the map submitted showed houses within one mile of the storage building. He said the town's comprehensive plan states what uses are permitted in each district. The area where the storage building is located is designated as the Rural zone and the use (to store fireworks) is allowed. He displayed his federal licenses, signature of the State Fire Marshall who had inspected the property, a letter from the Wiscasset Fire Department that had no issues with the use and a list of the allowed uses in the Rural Zone. He said that if the area was zoned residential, rather than rural, homeowners would be paying higher taxes. According to NFPA, the building must be 60 feet from a residence and he said the building was well over 60 feet from the nearest residence. He said he had conformed to every section of the law.

Ray Soule said the Planning Board had followed Wiscasset's ordinances to a T; if it had denied the permit, it would have gone against the ordinances.

Town Attorney Mary Costigan said this was a jurisdictional issue; the planning board cannot legally deny an application based on non-compliance with the NFPA. The planning board



Town of Wiscasset

reviewed town standards in the initial approval and the use was permitted in the Rural zone. She said it was up to the State Fire Marshal to enforce the NFPA codes. Costigan said she had spoken with the Fire Marshal and had been informed that no approval or license was needed.

Mrs. Bryant said her attorney had sent a letter to the Fire Marshal, but no response had been received. In response to her question, Al Cohen read the wording on the license issued to him and his corporation, which allowed transporting, shipping, receiving or possessing explosive materials.



Town of Wiscasset

POLICE DEPARTMENT REPORT

To: Marian L. Anderson, Town Manager
From: Police Chief Troy Cline
Re: Police Department January Report
Date: February 25, 2015

Significant Events

This was a very difficult month for the police department as we lost one of our own. Part Time Officer Donald Smith passed away at his residence on January 7th. He was a lifelong resident of the Town and worked for every public safety department servicing this Town. His loss was felt throughout the department and public safety as a whole.

The suspect involved in the high speed pursuit with Chief Cline in December was apprehended on the outstanding warrants by Deputies of the Lincoln County Sheriff's Department. He was since been released on bail and has already been arrested for violating his conditions of release. He was been released again and is currently awaiting trial on the outstanding charges.

School Resource Officer Activity

SRO Hatch participated in Exploratory Week at the High School in which he taught a class on Introduction to Law to nine (9) students. SRO Hatch also organized a field trip to the Maine Criminal Justice Academy for the students participating in this class.

He also attended two boys and one girls basketball games. SRO Hatch also removed a knife from one of the students this month. He broke up a physical altercation between two students in the cafeteria as well.

SRO Hatch handle 12 calls for service, 6 incident reports taken, 4 student contacts, 2 teacher contacts, 1 parent contact, 1 truancy issue, 1 agency referral and 1 meeting attended.

Operations

The Police Department handled approximately 575 calls for service. Examples of some types of calls are listed below:

Alarms	15	Criminal Mischief	1
Animal Complaints	1	Criminal Threatening	6
Assault	1	Criminal Trespass	2
Assist Citizen	9	Disabled Motor Vehicles	10
Assist Agency	10	Disorderly Conduct	2
Arrests	9	Domestic Disturbance	52
Civil Complaints	9	Erratic Operation	15
Community Policing	3	Escorts	4
Compliance Checks	26	FD Assist	3



Town of Wiscasset

Harassment	4	Sex Offender Registrations	1
Juvenile Problems	5	Special Details	5
Lost Property	1	Suspicious Activity	6
Medical Assists	13		
Mental Health	1	Thefts	6
Paperwork Service	44	Traffic Hazards	8
		Unwanted Subjects	4
Parking Problems	2	Violation of Probation	1
Pedestrian Checks	2	Warrant Arrests	7
Police Information	8	Welfare Checks	5
Property Checks	273		

Motor Vehicle Crashes: There were twenty-seven (27) crashes this month. Eighteen (18) Reportable and nine (9) Non-Reportable.

Traffic Enforcement: The officers conducted 28 traffic stops resulting in 18 warnings and 10 summonses issued.

Arrests:

There were nine (9) arrests and criminal summonses issued in the month of January, some of which included the following:

Assault – Domestic Violence	1	FT Report MV Accident	1
Criminal Mischief	1	Habitual Offender	1
Criminal Speed 30+ Over Speed Limit	1	OAS	1
Escape	1	Probation Violation	1
FT Give Correct Name & DOB	1	VCR	1
FT Comply w/Sex Offender Registry	1	Warrants	7
FT Produce Snow Mobile Registration	1		

Financial

As of the end of January the department completed the week 31 of the 2015 Fiscal budget year (58%) and the department has expended approximately 61% of its budget to date.



Town of Wiscasset

PUBLIC WORKS DEPARTMENT

To: Marian L. Anderson, Town Manager
From: Doug Fowler, Road Commissioner
Re: Public Works January Report
Date: February 18, 2015

Operations:

During the winter months, the Department of Public Works' trained crew prides itself on providing safe and effective driving conditions for all of Wiscasset's residents and visitors. Top priority is given to the Town's main routes which see the heaviest traffic, but all roads and streets get the attention they require. Generally, all operations begin by sanding/salting the roads, then plowing, and continue until all are safe and clear. In the "Downtown" area we try to use straight salt (not sand/salt mix) as it quickly reduces snow accumulation and has less effect on the river environment. As Maine Residents, we all realize that each storm is different due to temperature, time of day, rate of snowfall, etc. These factors all contribute to, and dictate how, a storm is handled and as to how much time is needed to complete the operation even after the last flake has fallen. The Public Works Department is dedicated to performing all operations in a professional manner and ensuring that our roads are safe.

In addition to plowing the streets and roads, when all is said and done, other storm duties consist of snow-removal in the downtown area and sidewalk clearing. Snow-removal consists of loading the accumulated snow into trucks and removing it to our snow-dump area. This operation generally takes place in the very early morning hours as to not interfere with the morning commute. In addition, we are responsible for keeping the Airport plowed. Furthermore, we are often called in at all hours to assist the Town's Medical and Emergency Services when responding to an incident.

In between the numerous storms this month, we have been busy with various other tasks. Among these are tree/limb removal due to storm damage, disassembling the 50+ Christmas trees in the Downtown area, and filling potholes as they appear, to list a few. We also had the pleasure of a Wiscasset High School senior join us for about a week as a "shadow" and hope to have him back this summer as an employee. In addition we have been tending to the newly acquired emergency generator for the Municipal Offices. Presently the machine is at Southworth Milton, the Caterpillar dealer in Scarborough, where they are getting it in tip-top running condition.

Financials

At 58.3% of the budget year, our percent spent hovers at just over 59.5%. Overtime, Salt and other "winter" associated lines are holding strong but there is some concern with the shrinking sand pile. The first several storms of the season required repetitive passes with sand due to icing, thus hitting the stock pile hard. Of the 3586 cubic yards put up this fall, an estimated 900 remain.



Town of Wiscasset

However, we still maintain a positive balance in our sand/gravel line should we need to restock before the end of the season. Only just over 40% of our salt budget has been spent.

To conclude, I feel fortunate to lead such a dedicated and talented crew. Even after “pulling all-nighters,” their attitudes remain positive as they continue to work to. Teamwork and readiness allows us to go forward with confidence in handling whatever nature has in store. Lastly, I commend Steve Christiansen’s diligence and efforts in his new position at the Town Offices. His hard work is truly noticed by many.

Faithfully yours,

Doug

Director of Public Works

Wiscasset, Maine



Town of Wiscasset

PARKS AND RECREATION DEPARTMENT

To: Marian L. Anderson, Town Manager
From: Todd Souza, Recreation Director
Re: Recreation January Report
Date: February 19, 2015

The Parks & Recreation Department strives to work with town departments, community organizations, schools, volunteers and our youth in the effort to provide a well-balanced selection for programming and facilities. This report is created to highlight these efforts during the past month.



“The first wealth is health” ~ Emerson

Community & Special Events

- Wellness U. ~ What a wonderful inaugural wellness event. Thank you to our presenters and partners. Lincoln County Healthcare, Healthy Lincoln County, Lincoln County Dental, Sweetser, Sheepscot Bay Physical Therapy, Powerup Business Solutions, Wiscasset Ambulance and WCC staff and fitness instructors without your support this event would not be possible. Your dedication offered 32 wellness sessions to over 125 people.
- Winterfest 2015 ~ Sponsored by The First. Community members enjoyed snowshoeing, snowmobile rides, Educational presentations, Winter Camping demonstrations, Benefit Dinner, Fireworks and Community Dance. Thank you to Chewonki, Wiscasset Sno-Goers, Scholarship Committee, WPRD staff and Volunteers for another wonderful community event.

Athletics

- WCC Unsinkable swim team participated in three weekend meets during the month of January. Twenty athletes represent our town and facility all over the state.
- Youth Basketball – 7 teams and 71 Participants
- Men’s Basketball League – 6 Teams and 48 participants
- Host to two High School Swim Meets against area school

Programs

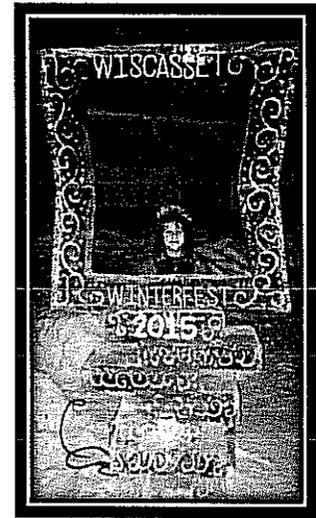
- After-School Adventures Program – operates throughout the school year, offering 45 children a safe, fun and educational environment. ASA Director Heather Jones has developed a wonderful mix of programming to provide our participants with an opportunity



Town of Wiscasset

to try new activities and open their minds to trying new things. Activities introduced Ukulele, pottery, snow shoeing, Legos and more.

- The Gymnastic program has 26 students this session.
- 12 Families participating in our Music Together program
- Youth Cheer leading program 30 girls participating
- Karate Program 18 participants
- Snow Bowl Ski & Ride Program 18 participants
- Swim Lessons – 75 Participants
- Snow Bowl Ski & Ride Program - 18 skiers/snowboards participating.
- Hosted a Teen Dance with over 100 participants attending and 5 volunteer chaperones



Facilities

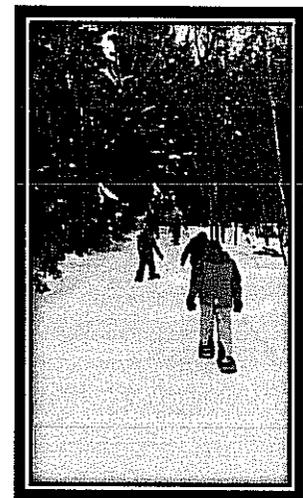
Snow, snow and more snow was the theme for January. Our maintenance staff did a fantastic job clearing the parking lots, sidewalks and walkways during the numerous storms this month.

- Swim Meet timing system was inspected and serviced in preparation of High School swim meets.
- Community ice rink has been a challenge this season as the weather has not cooperated. Snow removal has added an extra burden to the maintenance staff.

Please feel free to contact the department at 882-8230 with any questions or to share program ideas. Once again thank you to our staff, volunteers, community organizations and local businesses for their support and dedication over the past month.

www.wiscassetrec.com

Like us on Facebook!





Town of Wiscasset

TRANSFER STATION

To: Marian L. Anderson, Town Manager
From: Ron Lear, Transfer Station Superintendent
Re: Transfer Station January Report
Date: February 12, 2015

Below are the materials processed thru our facility during the month.

Type of Material	Tons	Cost/Ton
Municipal Solid Waste (Trash)	129.07	-\$56
Demo	15.18	-\$63
Single Stream	15.28	-\$5
Metal	10.71	+\$210
Computers	1.51	+\$.15/lbs
Brush/Lumber	21	-\$35
Hard Cover Books	0	+\$5
Mixed Copper/Alum/Lead	0 lbs.	+\$1/lbs.
Shingles	0	-\$48
Sheetrock	10.77	-\$48
Cardboard	0	+\$95

We also recycled 13 bales of cardboard, 102 tires, 460 lbs. of lead acid batteries and 7 pallets of E-Waste.

Below are the details of our revenue collections for the month.

Types	Revenues:
User Fees/Commercial	\$640.80
MRC Dividend	\$0
Metal (Light iron, batteries, mixed copper)	\$3931.50
Cardboard	\$0
Computers	\$0

Operations:

On the 15th we shipped 7 pallets of E-Waste. The 16th we sold 20 gallons of used vegetable oil. On the 22nd we shipped 5 boxes of fluorescent tubes and Bob's tire picked up 102 tires. On the 23rd we recycled 460 lbs. of batteries.

Financials

Expenses are at 50.45% and Revenues are 62.39% collected.



Town of Wiscasset

TOWN TREASURER REPORT

To: Marian L. Anderson, Town Manager
From: Shari Fredette, Town Treasurer
Re: Treasurer October Report
Date: February 20, 2015

Finances: In the month of January the town collected a total of \$100,674.94 in Real estate taxes and \$ 0, in personal property taxes.

\$1,250,000 is **scheduled** to be transferred from the HM Payson Municipal Reserve Account to reduce the tax commitment on February 2, 2015. In addition \$500 will be transferred from the Haggett Scholarship fund and \$1000 from the General French Scholarship fund on the same date.

46 Sewer liens were sent to the registry on January 20th, 2015, with a total Due of \$36,923. Approximately \$3080 was received in Revenue after the 30 Day Notices were sent and before the liens were filed.

The Citizens of Wiscasset continue to take advantage of our CC service to make their payments for taxes, registrations etc. Credit card receipts for January were \$7,307.66. Our cash flow continues to benefit from having this service available.

The BAN for The Town of Wiscasset School Department has been utilized in full; the balance of \$2,000,000 Matures in January of 2016.

The advances from our Tax Anticipation Note to date are \$1,000,000. The available credit on the TAN remaining remains at \$45,000. The TAN note is June 30th 2015.

The WWTP has spent \$613,359.50 of the \$974,000 WWTP BAN that was issued for the purpose of temporarily finding the costs of force main replacements, interceptor improvements and pump station upgrades. This note Matures on 01/15/2016.

The Finance Department as of January 31st has spent 57.17 percent of our budget; we are 58 percent through our current fiscal year. YTD we have **underspent** by .83 %.

School Expenses: The expenses for the Month of January were \$690,057.49 and the total Revenue received in and transferred to the School in the month of January was \$741,793.22. The breakdown of that Revenue is: \$499,859.92 from The Town of Wiscasset's Operating Account. The remaining balance of \$241,933.30 was from School Lunch money, Grants, State Revenue and miscellaneous revenue.



Town of Wiscasset

TOWN TREASURER REPORT

Again, any overage this month that was transferred from the TOW to the School is the result of timing issues of when the Revenue arrives and when the money needs to hit the Schools account. Any transfer overage is carried forward to February and reduces the amount the TOW transfers for the Schools next warrant.

Training: No training for Shari in January. No training for Ellin in January.

To: Selectmen

From: Christine Wolfe, Town Clerk

Below is a list of the concerns the front office thought should be addressed in regard to the cemetery regulations and procedures. The numbered entries in black text are the exact issues that were forwarded to the Cemetery Committee.

1. Our office believes that we should collect the fee for filing a deed in the registry from the purchaser (as part of the purchase price) and we will make sure that it is completed (the filing process). This will protect ourselves (The Town of Wiscasset) and the purchaser in the future when they are unable to find a deed. We feel this will eliminate a lot of problems with lost/misplaced deeds that decedents cannot find. The purchase of a cemetery lot is by all rights a real estate purchase and should be regarded as such and protected by filing in the County Registry of Deeds.
2. The regulations should address whether someone can rightfully sell their lot to another person and that lots can be returned to the Town. Currently our regulations make no mention of the sale of lots after the original purchase. We have had inquiries about an owner's right to resell a lot. When we type the deed we have a sentence which states "the same shall not be assigned or transferred without the consent of the Selectmen". However, nowhere do the regulations give us the authority or guidance to have that statement in the deed.
3. The regulations should address that the lot defaults to the town after 75 years if not used. This would allow the Town the right to resell lots that were never used by the purchaser.
4. Under section 9 registered domestic partners should be included. Registered Domestic Partners are a legal entity and have all the rights of a spouse. They should be added as those that are eligible for burial.
5. Under section 10.b. can we clarify that permission is not granted by deed, but instead will be by an intent to bury form provided to them by the Town. This was just to clarify to purchasers that an intent to bury must be filed with the Town before burial.

Our concerns were addressed to the Cemetery Committee in April of 2014 because when the committee was formed by the prior Town Manager and the Board of Selectmen the following directive was provided by the Manager to us about the duties and charges of this committee.

Five people are needed for the ad-hoc work. The committee will determine the date and times of the month that work best for them to meet. This working committee will review the cemetery regulations, update the cemetery maps, update the cemetery records, educate the public and plot owners regarding the cemetery rules, and bring all recommendations to the Board of Selectmen.

In January 2015 the Cemetery Committee responded with the following recommendations that were presented to the Board of Selectmen:

- Since cemetery lots by deed shall not be assigned or transferred without approval of the Selectmen, it is recommended that the Selectmen adopt a policy of limiting such transfer approvals only to transfers back to the town.
- Town may, on request, repurchase salable unoccupied burial spaces from the original purchaser or from the executor of his estate.
- Lots will be repurchased by the town at the current rate per lot even if higher than the original cost, but perpetual care charges are not refundable.

I offer a few comments on this policy recommendation. Cemetery lot deed transfers presently require selectmen approval. Chris Wolfe has received requests to sell lots back to the town and has asked the committee for guidance. The town needs to keep complete records of lot ownership. Paying current prices will encourage return of unused lots to the town, slowing the need for cemetery expansion. All cemetery lots will be sold by the town, and not through private sales. Not refunding perpetual care charges avoids the difficult problem of prorating unused perpetual care funds. The town may collect perpetual care more than once for the same lot.

It is now the Board of Selectmen's decision on how to move forward with the proposed changes/clarifications. The Cemetery Committee did not address several of the front office concerns in their reply to the Board of Selectmen. It is our hope that the Board will support the proposal to have all deeds be registered in the Registry of Deeds.

KNOW ALL MEN BY THESE PRESENTS, That the Inhabitants of the Town of Wiscasset, in the County of Lincoln and State of Maine, in consideration of \$325.00 dollars, paid by James E. & Shirley R. Savage, do hereby give and grant to, his/her heirs and assigns forever, the right to occupy, for the purpose of burial, lot number lot #304A in New Greenlawn Cemetery, belonging to and situated in Wiscasset, being the lot described by this number, on a plan of this Cemetery, on file in the office of the Selectmen.

This right is granted, and is to be held and enjoyed, subject to all such general regulations as have been or may be adopted by the Town, or under its authority, for the management and care of this Cemetery, and the due observance of order therein, and the same shall not be assigned or transferred without the consent of the Selectmen.

IN WITNESS WHEREOF, the Inhabitants of Wiscasset, by its Town Manager thereunto duly authorized, have hereunto executed this document on this 22nd day of September, A.D. 2014.

Marian L Anderson, Town Manager
Lincoln, ss.

Then personally appeared the above named Town Manager of the Town of Wiscasset and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of the Inhabitants of the Town of Wiscasset.

Before me,

Ellin L. Jasmin, Notary Public

*** Cost includes lot and perpetual care for one single vault depth burial or up to 2 cremation burials. Funds received September 17, 2014.**

Wiscasset Cemetery Regulations

1. Definitions

Greenlawn Memorial Garden: An area within Greenlawn Cemetery exclusively for urn burials.

Marker: A marble, granite or bronze memorial that is placed flush with the surface of the ground.

Monument: A marble, granite or bronze memorial that rises above ground level.

Multiple burial lot: An area containing more than one burial space. Multiple burial lots are no longer sold in Wiscasset.

Single burial lot: An area not to exceed 10 feet long, three feet wide and four feet deep intended to provide space for one casket burial.

Urn burial lot: An area in the Greenlawn Memorial Garden portion of Greenlawn cemetery not to exceed three feet wide, three feet long and deep enough to accommodate an urn burial.

2. Charges

The charge for a single burial lot is \$325 for Wiscasset residents and \$525 for non-residents.

The charge for a single burial lot that is only deep enough to allow urn burials in all cemeteries except Greenlawn Memorial Garden is \$200 for both residents and non-residents.

The charge for an urn lot in Greenlawn Memorial Garden is \$100 for both residents and non-residents.

There is no charge for use of Wiscasset tombs when they are available.

All charges for lots include perpetual care.

3. Markers/Monuments

Marker and monument size, construction (design and material) and placement on a burial lot are subject to the approval of the Town before the marker or monument is placed.

A. Placement:

1. Markers may be used to mark an individual burial space on any size lot. Single burial lots and urn burial lots may have only markers. A marker shall be placed at the west end of the burial lot and run lengthwise north and south.

2. Urn and single burial lots used for urn burials may have up to two grave markers. Markers shall be placed at the west end of the lot and run lengthwise north and south.

3. Existing multiple burial lots as well as adjacent single burial lots that belong to one family, may have no more than one upright monument, which shall be centered at the west end of the lot or lots and run lengthwise north and south.

B. Construction: All markers and monuments shall be constructed of marble, granite or bronze. Exceptions to this rule shall be approved by the Town before the marker or monument is placed on a lot.

C. Size

1. Markers may not exceed 24 inches in length and 15 inches in width.

2. Upright monuments for two or three graves may not exceed 42 inches in length, 15 inches in width and 32 inches in height.

3. Upright monuments for four or more graves may not exceed 60 inches in length, 15 inches in width, and 60 inches in height.

D. Foundation

1. A marker shall be flush with the ground.

2. An upright monument shall have a concrete foundation, the dimensions of which shall have been pre-approved by the Town.

4. Decorations

A. Location: Decorations may be placed on each grave in an area no more than 12 inches wide and only as long as the length of the lot's marker or the base length of the lot's upright monument. This area shall be on the east side of, and contiguous to, the lot's marker or upright monument. Flower beds, artificial flowers, decorations and flags may be placed only in this specific area.

B. Interment period: Excepting Greenlawn Memorial Garden and notwithstanding any other provision of these Regulations, flowers and decorations

may be placed upon any portion of the grave for a period not exceeding 20 days from an interment. If the lot owner does not remove such flowers and decorations after 20 days from the date of interment, the Town shall do so without prior notification to the lot owner.

C. **Artificial Decorations:** Artificial flowers and decorations are permitted only during the period from the Monday before Memorial Day to the Monday following Labor Day.

D. **Flags:** Flags shall be no higher than 36 inches from the ground.

E. **Prohibited:** Shrubs, trees, glass containers and glass objects are never permitted on a lot. No decorations that extend beyond the location area as defined above shall be placed or allowed to remain on a lot.

F. **Greenlawn Memorial Garden:** Decorations of any kind with the exception of the American flag are not permitted.

5. Open Time: Because of weather conditions, the cemetery land is susceptible to damage from vehicles. In order to minimize damage to cemetery roadways, walkways and lots, the Town shall determine when the cemetery roadways shall be open to vehicular traffic, when the cemetery shall be open for burials and what restrictions (if any) shall apply to any particular burial.

6. Urn Burials: Human and animal ashes shall be buried in urns. Urns may be of any size and made of any materials. No more than two urns may be buried in a single burial space and they shall be buried deep enough so that the urn(s) is covered by at least one foot of soil at the existing grade level of the ground. Any person may bury an urn after obtaining the Town's approval.

7. Pet Burials: Only pets that have been cremated may be buried in Wiscasset's cemeteries.

8. Perpetual care: Perpetual care consists of mowing cemetery lots, trimming around monuments and markers, and enforcing cemetery regulations for the benefit and protection of all cemetery lot owners and visitors. Perpetual care does not include repair and cleaning of monuments, markers or other associated stonework. Owners and descendants are expected to clean and repair their own memorials. The Town may contact owners or descendants and request them to repair damaged or unsightly monuments and markers, especially if they interfere with cemetery maintenance. The town, at its discretion, may reset, clean or repair old monuments and markers when no living descendants are known.

9. Eligibility for burial: Unless otherwise authorized orally or in writing by the original purchaser of the cemetery lot, only the purchaser, his spouse, direct descendants and their spouses may be buried in available cemetery burial spaces in the lot. The Town

may require proof of eligibility as deemed necessary. The Town reviews burial requests in the order received and accepts no responsibility to notify other living descendants and spouses of burial requests.

10. Miscellaneous prohibitions

A. No ATV, snowmobile or horse is allowed within a Wiscasset cemetery. No vehicle within a cemetery may leave the cemetery's roadways except with the prior approval of the Town.

B. No grave may be dug and no burial may take place in a Wiscasset cemetery without the prior permission of the Town. The permission shall specify the day the grave may be dug and the day the burial may take place. Except in unusual circumstances, permission will not be given to dig the grave more than one day in advance of the burial.

C. No use may be made of Wiscasset's tombs without the prior permission of the Town.

11. Violations

A. Decorations: If decorations, including trees and shrubs, are placed on a grave in violation of these Regulations, the Town may remove the decoration and dispose of it without prior notice to the grave owner.

B. Markers/Monuments: If a marker or a monument is placed on a grave in violation of these Regulations, the Town shall send a notice of the violation by first class U. S. mail to the lot owner, if known, advising him or her of the violation and giving him or her a fixed period of time not less than 10 days from the date the letter is sent to correct the violation. If the owner does not correct the violation within the stated time, the Town may correct the violation and charge the cost of the correction to the grave owner, to the person or entity that originally installed the marker or monument, or both.

C. Unauthorized digging: In addition to any other applicable penalty, the Town reserves the right to bar from using Wiscasset's cemeteries any person or entity that digs, or causes to be dug, a grave without the prior approval of the Town. The Town shall, on a case-by-case basis, set the period of time that such suspension shall last.

Marian L Anderson

From: Don Jones <donjones@myfairpoint.net>
Sent: Monday, January 05, 2015 10:36 PM
To: Marian Anderson
Cc: Christine Wolfe
Subject: Cemetery Committee

Dear Marian,

The Cemetery Committee voted 4-0-0 tonight January 5, 2015 to recommend to the Board of Selectmen the following policy for repurchase and transfer of ownership of burial lots in the Wiscasset public cemeteries:

- Since cemetery lots by deed shall not be assigned or transferred without approval of the Selectmen, it is recommended that the Selectmen adopt a policy of limiting such transfer approvals only to transfers back to the town.
- Town may, on request, repurchase salable unoccupied burial spaces from the original purchaser or from the executor of his estate.
- Lots will be repurchased by the town at the current rate per lot even if higher than the original cost, but perpetual care charges are not refundable.

I offer a few comments on this policy recommendation. Cemetery lot deed transfers presently require selectmen approval. Chris Wolfe has received requests to sell lots back to the town and has asked the committee for guidance. The town needs to keep complete records of lot ownership. Paying current prices will encourage return of unused lots to the town, slowing the need for cemetery expansion. All cemetery lots will be sold by the town, and not through private sales. Not refunding perpetual care charges avoids the difficult problem of prorating unused perpetual care funds. The town may collect perpetual care more than once for the same lot.

Don Jones, chairman

Ad Hoc Cemetery Committee

KNOW ALL MEN BY THESE PRESENTS, That the Inhabitants of the Town of Wiscasset, in the County of Lincoln and State of Maine, in consideration of \$325.00 dollars, paid by James E. & Shirley R. Savage, do hereby give and grant to, his/her heirs and assigns forever, the right to occupy, for the purpose of burial, lot number lot #304A in New Greenlawn Cemetery, belonging to and situated in Wiscasset, being the lot described by this number, on a plan of this Cemetery, on file in the office of the Selectmen.

This right is granted, and is to be held and enjoyed, subject to all such general regulations as have been or may be adopted by the Town, or under its authority, for the management and care of this Cemetery, and the due observance of order therein, and the same shall not be assigned or transferred without the consent of the Selectmen.

IN WITNESS WHEREOF, the Inhabitants of Wiscasset, by its Town Manager thereunto duly authorized, have hereunto executed this document on this 22nd day of September, A.D. 2014.

Marian L Anderson, Town Manager
Lincoln, ss.

Then personally appeared the above named Town Manager of the Town of Wiscasset and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of the Inhabitants of the Town of Wiscasset.

Before me,

Ellin L. Jasmin, Notary Public

*** Cost includes lot and perpetual care for one single vault depth burial or up to 2 cremation burials. Funds received September 17, 2014.**

Christopher G. Morrison
110, Hale Pond Rd.
Wiscasset, ME. 04578

Wiscasset Town Office
51, Bath Rd.
Wiscasset, ME. 04578

February 16th, 2015

FOR THE ATTENTION OF: Marian Anderson, Town Manager

I live at R01-44-S, addressed by the town as 110, Hale Pond Road. In reality, my property is quite a distance from Hale Pond Road, having a rather long "driveway" leading back to it.

I would like to officially name this driveway with the town of Wiscasset. The name that I would like to put forward is ~~BROOK LANE~~^{Brook Road}. Please could you advise me regarding the appropriate course of action I would need to take in order to accomplish this goal.

I can be contacted at the above listed address, or email at: oddtimes@hotmail.com or *preferred method* of contact, telephone number 207-350-1126

Thank you for your assistance with this issue.

Regards,

Chris Morrison

Brook Road

Stonewall

~~Hale Pond Brook Rd.~~
~~Brook Ln.~~

HM Payson Monthly Statement of Wiscasset Accounts

<i>Account Name</i>	Market Value as of 11/30/14	Market Value as of 12/31/14	Market Value as of 01/31/15
Town of Wiscasset Endowment Fund	\$ 2,938,347.88	\$ 2,937,921.60	\$ 2,847,043.14
Montsweag Dam Reserve Fund	\$ 121,258.62	\$ 121,127.37	\$ 117,392.56
Cemetery Trust Fund	\$ 1,744,685.85	\$ 1,742,783.11	\$ 1,689,060.46
General John French Scholarship	\$ 49,441.48	\$ 49,387.56	\$ 47,865.15
Jackson Cemetery Fund	\$ 22,518.95	\$ 22,494.39	\$ 21,800.98
Larabee Band Fund	\$ 591,502.61	\$ 590,857.53	\$ 572,643.88
Haggett Scholarship Fund	\$ 11,765.35	\$ 11,752.52	\$ 11,390.24
Mary Bailey Fund	\$ 334,371.23	\$ 334,006.57	\$ 323,710.55
Seth Wingren Fund	\$ 22,814.63	\$ 22,789.75	\$ 22,087.23
Wiscasset Community Center Endowment Fund	\$ 2,363.06	\$ 2,360.48	\$ 2,287.72
Cooper-DiPerrl Scholarship Fund	\$ 47,324.85	\$ 47,273.24	\$ 45,816.01
Recreation Scholarship	\$ 610.63	\$ 609.96	\$ 591.16
Town of Wiscasset Reserve	\$ 12,015,973.35	\$ 12,014,482.56	\$ 11,722,921.38
Town of Wiscasset Capital Reserve	\$ 3,252,733.48	\$ 3,248,887.31	\$ 3,193,293.01
Town of Wiscasset Construction Reserve	\$ 2,355,059.63	\$ 2,352,274.90	\$ 2,312,023.26
Town of Wiscasset Equipment Reserve	\$ 3,616,603.75	\$ 3,612,327.32	\$ 3,455,037.14
Town of Wiscasset Furnace Replacement Reserve	\$ 271,287.36	\$ 270,966.56	\$ 266,329.85
Town of Wiscasset Major Repairs Reserve	\$ 365,445.78	\$ 365,013.66	\$ 358,767.62
Town of Wiscasset Recreation Building Reserve	\$ 1,493,845.02	\$ 1,492,078.63	\$ 1,466,546.49
Town of Wiscasset Retirement Health Insurance Reserve	\$ 393,563.35	\$ 393,097.98	\$ 386,371.37
Town of Wiscasset Roof Repair Reserve	\$ 249,119.82	\$ 248,825.25	\$ 244,567.40
Town of Wiscasset Sale of Cemetery Lots Reserve	\$ 68,050.50	\$ 67,970.03	\$ 66,806.94
Town of Wiscasset Highway Department Capital Reserve	\$ 1,753.68	\$ 1,751.61	\$ 1,721.64
Town of Wiscasset Fire Department Vehicle Capital Reserve	\$ 2,338.26	\$ 2,335.49	\$ 2,295.53
Total	\$ 29,972,779.12	\$ 29,953,375.38	\$ 29,178,370.71