

WISCASSET PLANNING BOARD  
MINUTES, AUGUST 14, 2017

Present: Al Cohen, Tony Gatti, Jackie Lowell, Karl Olson, Peter McRae, Lester Morse, and Ray Soule

Absent: Larry Barnes and Deb Pooler

1. Call to Order

Chairman Ray Soule called the meeting to order at 7:02 p.m.

2. Approval of minutes of June 26, 2017

Approval was postponed.

3. Kimberly and Michael Hilgendorf – Site Plan Approval for Change of Use, 179 Bath Road, Map U-09, Lot 007A

(Karl Olson recused himself.) Karl Olson presented a site plan for the day care facility and pointed out the changes in the size of the playground area. In response to Ray Soule's question, Kimberly Hilgendorf said there would be exterior lighting at the front and side exits. Al Cohen moved to accept the application as complete conditional upon the State Fire Marshal's approval. Vote 6-0-0.

4. Other Business

Ray Soule reported that someone claiming to be on the planning board had complained to the Sea Basket about the size of its sign. He reminded the members that any questions or complaints should be taken to the Code Enforcement Officer.

5. Adjournment

Al Cohen moved to adjourn the meeting at 7:14 p.m. Vote 6-0-0.



# Office of Planning & Codes

## TOWN OF WISCASSET SITE PLAN REVIEW APPLICATION

### 1. Property Data:

Property Owner Name: Concord Trust Co Phone: \_\_\_\_\_  
Address: 3 Executive Park Dr. Ste 302 Bedford NH 03110  
Tax Map: U-17 Lot: 3 Zoning District: Com  
Deed Book: \_\_\_\_\_ Page: \_\_\_\_\_

### 2. Applicant Data:

Applicant Name: Norman P. Sherman Phone: 207-380-4363  
Address: 731 Buck Rd. 47 Fox Run Rd Westport Island me 04577

### 3. Design Consultants: Surveyor Engineer Architect Planner

Name: NONE  
Address: \_\_\_\_\_  
Phone/Fax: \_\_\_\_\_

### 4. Proposal Address: \_\_\_\_\_

5. Proposal Description: Using the building for buffing + waxing used cars.

### 5. Work Type: New Construction Addition Change in Use Alteration

### 6. Current (insert "c") / Proposed (insert "p") use of property: Commercial Office

Industrial  Business  Assembly  1-Family  2-Family  Multi-Family

Other: \_\_\_\_\_

7. Describe any covenants, restrictions, easements to be attached to the property (proposed/existing): \_\_\_\_\_

C. Parking Layout and Design (9.C): \_\_\_\_\_

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D. Pedestrian Access (9.D): \_\_\_\_\_

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E. Buildings (9.E): \_\_\_\_\_

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F. Storage of Materials (9.F): \_\_\_\_\_

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G. Water Supply (9.G): *Private*

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H. Sewage Disposal (9.H): *Private*

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I. Utilities (9.I): *cmp*

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J. Natural Features (9.J): \_\_\_\_\_

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K. Water Quality Protection (9.K): \_\_\_\_\_

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L. Hazardous, Special and Radioactive Material (9.L): \_\_\_\_\_

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# Ordinance

## Review

### Committee

**To:** Select Board, Town of Wiscasset  
Marian Anderson, Town Manager

**From:** Karl Olson, Chair, ORC

**Date:** September 5, 2017

**Subject:** Repeal of Historic Preservation Ordinance

In a memo dated May 8, 2017, the Town Manager per your instructions tasked the Ordinance Review Committee (ORC) to review the procedure for repealing the Historic Preservation Ordinance Section 10 of the town's land use ordinance. Due to the committee being staffed at its minimum level, we have had a problem with attaining a quorum for our regularly scheduled meetings, and thus have not been able to adhere to the schedule outlined in the Town Manager's letter. The lack of support staff in the form of a town planner has also impeded our progress. Like all of the town's committees, the ORC is made up of lay people who volunteer what little time they have available.

Repeal of Section 10 would be a straight forward affair. An article on a town-wide ballot would simply read something to the effect of – "Shall the Town repeal Section 10, the Historic Preservation Ordinance." Section 10.8.2 specifies a timeline for a report, public hearing and public notice. The last line of that section states, "This Ordinance shall be amended only by a vote of the governing body at the annual Town Meeting."

The ORC has been told that the Select Board has received a legal opinion that because the town has gone to referendum voting, at least for most things, that any vote could be called the annual Town Meeting. As a committee, we do not believe that the opinion would survive a straight-face test with the public. The town has a history of holding many special town-wide meetings, but only the one held in June has been called the annual Town Meeting. None of the other land use ordinances has this requirement for changes.

As one of the many editors of this ordinance, I can state that it was written specifically to make the ordinance difficult to change and then, only by the largest number of town residents. We knew that this was a totally new ordinance and that it would suffer from growing pains. We also understood that as it began to be used, the ordinance would require some adjustments.

If the select board wishes to repeal this ordinance, we believe the required time line of events would be established backwards from whatever date in June the annual Town Meeting will be held.

The historic area of Wiscasset covers a very small percentage of the town's total land area. Efforts to protect and preserve the historic area date at least back to 1973 when a rectangular area was designated a National Historic District.

In September 2006, the Wiscasset Comprehensive Plan was quickly adopted by the Town. A large

committee worked with a professional planning consultant to develop this State-required document. The committee hosted many well attended public input planning sessions. The process took well over a year to complete.

The comprehensive plan listed a number of "goals" and these goals were given a priority. The first goal listed which was also given the highest priority rating was to preserve Wiscasset's historic heritage through the establishment of the Historic Preservation Ordinance and committee.

The adopted Comprehensive Plan is a "Bible" or operations manual that the various town committees, including the select board, are supposed to adhere to. It is supposed to be a living document amended every ten years. It should always be consulted and should only be deviated from with thought, consideration and a written record of the decision as to why it is not going to be followed.

After adoption of the comprehensive plan, a committee began work on the Historic Preservation Ordinance. Eventually, that draft was reviewed by the ORC with the assistance of the town planner. The ORC took almost a year to tweak that draft. The resultant ordinance was approved by the Town on June 14, 2016. We list these facts to show that this ordinance was not drafted in a rush, nor in secret, as all the various sessions were open to the public and we have always allowed the public to comment.

We and others can give you numerous articles, reports, etc. on how a functioning historic preservation district is a positive economic engine for a town. When we drafted this ordinance, we discussed each and every section at great length trying to determine its impact and its benefits. As with any ordinance, we knew that some people were not going to like it. Ordinances are supposed to enhance the public good, not any one citizen.

It is our understanding that the Historic Preservation Commission, which has been in existence barely a year, has dealt with 24 applications and that only two have had issues. We do not believe that this is a bad track record for a brand new committee trying to apply a totally new and, for Wiscasset, different type of land use ordinance. If the select board really no longer supports the concept of historical preservation and the priority given it by the town's comprehensive plan, it should proceed with the statutory steps to repeal it. If there are perceived problems with the commission's operation, then those problems should be examined and addressed, possibly by revisions to the ordinance.

This report was unanimously approved by ORC on August 28, 2017.

A handwritten signature in black ink, appearing to read "Karl Olson", with a stylized, cursive script.

Karl Olson, Chair



# Ordinance Review Committee

**To:** Select Board, Town of Wiscasset  
Marian Anderson, Town Manager

**From:** Karl Olson, Chair, ORC

**Date:** September 5, 2017

**Subject:** Time line for repeal of Historic Preservation Ordinance

Since the drafting of our letter concerning the proposed repeal, but before its submission to the select board, we have learned that the select board voted to put the question on the ballot for the November 7<sup>th</sup> elections which is not our annual town meeting. This memo is my attempt to provide a time line for the necessary events that are required. The events and time periods are taken from Marian Anderson's Memo of May 8<sup>th</sup> and have not been independently verified and my math should be reviewed.

05/08 Day 128	Memo from town manager stating that the select board has "voted to refer to the Ordinance Review Committee and the Historic Preservation Commission its request to repeal ..."	
09/05 Day 248	Ordinance Review Committee delivers its report to the select board.	Note that using the 5/8 memo date the report is 30 days past the deadline.
09/11 Day 254	Planning Board & Historic Preservation Committee host a joint public hearing.	Requires 13 day legal notice with publication in newspaper 12 & 7 days prior to the hearing
09/21 Day 264	Historic Preservation Committee formally issues its report.	Note that using the 5/8 memo date the report is 36 days past the deadline.
09/22 Day 265	Last day select board can vote on ballot language	
09/23 Day 266	Language must be submitted to the town clerk	

10/07 Day 280	Last day possible for select board to hold 1st public hearing <sup>1</sup>	Requires 13 day legal notice with publication in newspaper 12 & 7 days prior to the hearing
10/28 Day 301	Last day possible for select board to have 2nd public hearing on the question <sup>1</sup>	requires 7 day legal notice
11/07 Day 311	State wide voting day	

1. It is not clear if both public hearings hosted by the select board are actually required, but the most restrictive, being the one held no later than October 7<sup>th</sup>, must be.

Karl Olson, Chair