Town of Wiscasset Ordinances

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This booklet includes: the Ordinances of the Town of Wiscasset; the Zoning Map for the Town of Wiscasset; and an index to the Ordinances.

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ARTICLE I - TOWN OFFICIALS

1. GENERAL GOVERNMENT

1.1 The provisions of 30-A MRSA Section 2528, as heretofore accepted by the Town, shall govern the election of Town officers, and the following officers shall be elected by secret ballot: five people to be Select people, Assessors and Overseers of the Poor, who shall serve terms of two years, with two Selectpersons to be elected in odd years and three in even years; a member of the Superintending School Committee who shall serve for three years ,and the members of the Budget Committee who shall be elected for three years. [3-46, 3-48, 1-52, 2-53, 3-76, 3-81, 11-02, 06-04, 01-05, 6-05, 6-11]

1.2 In accordance with MRSA 30-A section 2631 et seq. the Selectboard shall hire a Town Manager to conduct the Town's business. [11-02]

1.3 Effective as of the 2003 Annual Town Meeting until the Town votes otherwise, the Town Manager shall annually appoint the following: Town Clerk, Town Treasurer, Tax Collector, Road Commissioner, Fire Chief, and Excise Tax Collector. [11-02, 06-04, 01-05, 6-05, 6-11]

1.4 Robert's Rules of Order shall govern all meetings except when in conflict with these Ordinances or unless alternative procedures have been established. [3-97]

1.5 The Town may disburse money only on the authority of a warrant drawn for the purpose and which has been (1) affirmatively voted and signed by a majority of the Selectboard at a duly called public meeting, (2) seen and signed by a majority of Selectboard acting individually and separately, or (3) signed as otherwise provided by law for the disbursement of employees' wages and benefits and/or payment of municipal education costs. [3-04]

2. BUDGET COMMITTEE

The Town shall have a Budget Committee. Its By-laws are as follows: [3-46, 3-65]

2.1 The Wiscasset Budget Committee (hereinafter "the Committee") shall be composed of nine members who are residents of Wiscasset, each serving a three year term, three of whom shall be elected each year. In the event of a vacancy in the membership or if any member of the Committee during his or her term of office shall die, become incapacitated, resign, cease to be a resident of Wiscasset, or fail to serve, such failure to be determined by decision of the Selectboard upon report of 4 members of the Committee, the Selectboard shall promptly appoint a person to serve until the next Annual Town Meeting, and the vacancy shall then be filled by election of a candidate for the remainder of the term. [3-77]

2.2 The Committee shall convene at a convenient and public place within one week following the Annual Town Meeting to elect its Chairperson and Clerk. The Committee shall hold public meetings from time to time to conduct business. [3-77, 6-80, 3-98]

2.3 The Chairperson shall preside at all meetings of the Committee when s/he is in attendance, and s/he shall convene the Committee by notice through the Clerk to all members as to the time and place of meeting. A special meeting of the Committee shall convene upon request of any 4 members of the Committee or by the Selectboard in case of an emergency provided that 3 days notice is given to all other members as to the time and place of such special meeting. The Chairperson shall appoint such subcommittees and sub-committee chairmen as the Committee may, from time to time, approve. Every such sub-committee shall expire no later than the conclusion of the next Annual Town Meeting following its approval. The Chairperson shall be entitled to vote as any other member of the Committee. [3-77, 6-80]

2.4 The Clerk shall record the actions taken by the Committee at each meeting and shall duly notify each member as to the time and place of each meeting convened by the Chairperson. In the absence of the Chairperson at any meeting, the Clerk shall either serve as the Chairperson or shall appoint a Chairperson *pro tem* from members in attendance. [3-77]

2.5 In the event of a vacancy in the office of Chairperson or Clerk, the Committee shall elect a successor from among its members for the remainder of the term of the office vacated. In the absence of both the Chairperson and the Clerk, the members attending any meeting shall elect a Chairperson and a Clerk, *pro tem*, from the members in attendance. [3-77]

2.6 Five members in attendance shall constitute a quorum at any meeting of the Committee, and no official action can be taken without a quorum being then present. In the event of one or more vacancies in the Committee membership, 4 members shall constitute a quorum. Proxies for attendance or voting shall not be accepted. In the event of a tie vote, the motion voted upon shall be deemed not to have passed. [3-77]

2.7 The Committee shall meet with the Selectboard at least once in every year between Annual Town Meeting and December 15, in order to determine the adequacy of appropriated funds and other revenues for current year departmental operations. [3-77]

2.8 The Committee shall inquire into and consider every article to be submitted before any annual or special Town meeting which provides for the borrowing, raising, transferring, and/or appropriation of any sum of money and shall make its recommendation to the Town in regard thereto or shall report specific reasons for

making no recommendation. The Selectboard shall provide a copy of any warrant dealing with borrowing, raising, transferring and/or appropriation of any sum of money at least three days prior to the day of posting for any Town meeting to the Chairperson or Clerk of the Committee. [3-77, 3-78, 6-80, 3-98]

2.9 These by-laws may be amended by the Town at any Annual Town Meeting. [3-77, 3-78, 6-80]

3. CODE ENFORCEMENT OFFICER

3.1 The Town shall have a Code Enforcement Officer who shall be appointed by the Selectboard. [3-86, 3-02]

3.2 The Code Enforcement Officer shall file a copy of Building Permits issued with the Planning Board and the Clerk's office within seven working days of granting the permit, and shall retain a copy of the permit for his or her own records. [3-86, 3-02]

3.3 The Code Enforcement Officer shall examine all buildings in the course of erection or alteration or repair as required by and for the purposes set forth in 30-A MRSA Sections 4101 - 4104 and any other applicable statute and shall make a record of all violations of the law and of any of the provisions of these ordinances with the street and location where such violations are found with the name of the owner, and/or builder and architect and all other matters relating thereto and shall make immediate report to the Town Manager. [3-46, 3-02]

4. PLANNING BOARD

4.1 Pursuant to 30-A MRSA Sec. 3001, the Town of Wiscasset, Maine, hereby establishes the Wiscasset Planning Board (hereinafter, “the Board”). [3-75]

4.2 APPOINTMENT AND DISMISSAL

4.2.1 Appointments to the Board shall be made by the Selectboard.

4.2.2 The Board shall consist of nine (9) members. [3-99, 3-01]

4.2.3 The term of each member shall be three (3) years. [3-99]

4.2.4 When there is a vacancy, the Selectboard shall within 30 days of its occurrence appoint a person to serve for the unexpired term.

4.2.5 Neither a Municipal Officer nor his or her spouse may serve as a member.

4.2.6 Not more than one (1) non-resident of the Town of Wiscasset may serve as a member.

Selectboard after notice and a hearing. Seven days advance notice of said hearing shall be given to the person who is the subject of the dismissal action.

4.3 OFFICERS AND TERMS OF OFFICE

4.3.1 The Board shall elect a Chairperson and a Secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year, or until a successor is elected, with eligibility for re-election. [3-99]

4.3.2 Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

4.3.3 The Chairperson will call at least one regular meeting of the Board each month, unless there is no business requiring Planning Board attention. Special meetings may be called with 3 days notice to members.

4.3.4 No action of the Board shall be taken without a quorum consisting of five (5) members.

4.3.5 The Board shall adopt all internal rules for transaction of business, and the Secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public, and may be inspected at reasonable times.

4.4 DUTIES AND POWERS [3-99]

4.4.1 The Board shall perform such duties and exercise such powers as provided by Wiscasset ordinance and the laws of the State of Maine.

4.4.2 The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for this purpose.

4.4.3 The Board shall have power to establish by rules and regulations procedural requirements related to duties imposed upon it by Wiscasset's ordinances or by statute except where specific procedural requirements are set out in Wiscasset's ordinances or by the applicable statute. The public shall be given an opportunity to review such rules and regulations at a public hearing held with seven (7) days notice prior to the establishment of such rules and regulations.

4.4.4 In the absence of the Chairperson, an Acting Chairperson will be elected by a majority vote of the members of the Board in attendance. The Acting Chairperson will preside over business of the Board with the full authority of the Chairperson. [3-81]

Chairperson or Acting Chairperson will appoint a member of the Board, in attendance, to act as Acting Secretary. [3-81]

4.4.6 The Secretary or Acting Secretary shall cause the minutes of all business coming before the Board to be recorded and shall distribute the minutes to: the Board members, the Selectboard, the Code Enforcement Officer, the Water Department, the Town Planner, the Board's file, , , and persons requesting copies of the minutes. [3-81]

4.4.7 Applications for Board action shall be on such form(s) or in such form as required by the Board or applicable ordinance.
[3-81, 3-01]

4.5 An appeal may be taken within 30 days after a decision is rendered to the Board of Appeals from any order, relief, or denial issued by the Board.

4.6 The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.

5. BOARD OF APPEALS [3-99]

5.1 ESTABLISHMENT

Pursuant to 30-A MRSA Sections 3001 and 2691 the Town of Wiscasset, Maine, hereby establishes the Wiscasset Board of Appeals (hereinafter, "the Board"). [3-75,3-99]

5.2 APPOINTMENT AND COMPOSITION

5.2.1 The Board shall be appointed by the Selectboard and shall consist of five (5) members and two (2) alternate members, all of whom shall be legal residents of Wiscasset serving staggered terms of three (3) years. Alternate members shall attend all meetings. The Board shall elect annually a Chairperson and Secretary from its membership. The Secretary shall keep the minutes of the proceedings of the Board which shall show the vote of each member upon each question. All minutes of the Board shall be public records. A quorum shall consist of four (4) members. [3-75, 3-86, 3-99]

5.2.2 Neither a Municipal Officer nor his or her spouse may serve as a member or alternate member.

5.2.3 Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

5.2.4 A member of the Board may be dismissed for cause by the Selectmen.

5.3 POWERS AND DUTIES

5.3.1 APPEALS

The Board shall have the power to hear any appeal by any person with legal standing from any decision, order, regulation or failure to act by the Planning Board, the Sign Control Officer, the Building Inspector, the Plumbing Inspector, the Electrical Inspector, the Harbor Master, the Health Officer and the Code Enforcement Officer but only to the extent that s/he serves in one of these capacities. However, the Board of Appeals shall not have authority to hear an appeal pertaining to enforcement or non-enforcement of a law or ordinance; any such appeal shall instead be directly to Superior Court. The Board of Appeals shall also hear any appeal where a Statute so directs. Any action or failure to act of any of the above may be modified or reversed by the Board of Appeals by concurring vote of at least four (4) members of the Board.

5.3.2 VARIANCE REQUESTSVARIANCES

a. The Board may grant a variance only when strict application of Wiscasset ordinances would cause undue hardship. A financial hardship shall not constitute grounds for granting a variance.

b. Undue Hardship as used herein shall mean:

- That the land in question cannot yield a reasonable return unless a variance is granted; <u>and</u>,
- That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; <u>and</u>
- That the granting of a variance will not alter the essential character of the locality; <u>and</u>

- That the hardship is not the result of action taken by the applicant or a prior owner. [3-81]

c. When considering a request for a variance from any zoning ordinance, a variance is authorized only for height, area, and size of structure or size of yards or open places. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The Board shall grant a variance only by concurring vote of at least four (4) members and, in so doing, may prescribe conditions and safeguards as are appropriate to minimize the variance granted.

5.3.3 DISABILITY VARIANCE [3-97]The Board may grant a variance to an owner of a dwelling for the purpose of making that property accessible to a person with a disability who resides in or regularly uses the dwelling. Such variance shall be limited to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.

The following conditions shall be met:

- the access structure is necessary to create an accessible route; <u>and</u>

- the access structure cannot be reasonably created without infringing on the standards otherwise established in these ordinances; <u>and</u>

- the design of the access structure conforms to the ADA Accessibility Guidelines; <u>and</u>

- the design of the access structure minimizes encroachment on or other variation to the standards otherwise established in these ordinances.

For purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 MRSA Section 4553-A as it may be amended, and the term ‘structures necessary for access to or egress from the dwelling’ is defined to include railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

5.3.4 Variances may be issued by a community for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places, without regard to the procedures set forth in Section 5.3.2. [3-01]

5.4 APPEAL PROCEDURE

5.4.1 In all cases, an aggrieved person shall commence his or her appeal within 30 days after proper notice of a decision. The appeal shall be filed with the Board on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

5.4.2 Following the filing of an appeal, and before taking action on any appeal, the Board shall hold a public hearing on the appeal within 30 days. The Board shall notify the appellant and the board or person whose action or non-action is being appealed at least 10 days in advance of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area. [3-97, 3-99]

5.4.3 The Board may provide, by regulation, which shall be recorded by the Secretary, for any matter relating to the conduct of any hearing, providing that the chair may waive any regulation upon good cause shown.

5.4.4 The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party has the right to present the party's case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination through the chair that is required for a full and true disclosure of the facts.

5.4.5 The Board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding subsection 5.4.6, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

5.4.6 Any party may take an appeal, within 45 days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure Rule 80-B.

5.5 VARIANCE PROCEDURE

5.5.1. In requests for variances, the Board of Appeals shall notify by first class mail the appellant and owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the request and of the time and place of the public hearing. For the

purpose of this section, abutting properties shall include properties directly across a street or water body from the property for which the appeal is made. [3-97, 3-99]

5.5.2 The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board.

5.5.3 At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. A letter authorizing an agent or attorney to speak or act for the party must be submitted prior to the hearing. [3-99]

5.5.4 Within 20 days of the public hearing, the Board shall reach a decision on a request for a variance and shall inform, in writing, the appellant, and the appropriate Officer, Agency, Board or other body of the municipality of its decision and its reasons therefore.

5.5.5 A variance granted under the provision of this Ordinance by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two years.

5.6 SEVERABILITY

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.

6. FIRE DEPARTMENT

6.1 The Town shall maintain a Fire Department in Wiscasset, consisting of a Chief, a First Assistant Chief, a Second Assistant Chief, and as many members as these officers deem necessary. These officers shall have general control of the firehouse. [3-46]

6.2 The Selectboard shall determine the salary of the Chief, the First Assistant Chief and the Second Assistant Chief, and the compensation of the members of the department shall be fixed in the Annual Town Meeting, unless the voters otherwise direct. [3-46]

6.3 The Town Manager, following the Annual Town Meeting, shall appoint a Chief who shall hold office during the Town Manager's pleasure, not exceeding one year, from July 1st following the date of appointment. [3-46, 6-10]

6.4 The Chief of the Fire Department shall have full and complete charge of the personnel and equipment of the department; the Chief shall further have all the authority of Fire Wards and Fire Inspectors under 25 MRSA Sections 2391-2395. The Chief shall appoint both the First Assistant Chief and the Second Assistant Chief who shall serve during the Chief's pleasure. If the Office of Chief shall become vacant for any cause, the First Assistant Chief shall become acting chief until the Town Manager appoints a new Chief. The Chief shall give the Town Manager each year a report of the work of the Department with a complete inventory of the equipment together with his or her recommendations. [3-46]

6.5 The Chief shall examine or cause to be examined all buildings reported dangerous or damaged by fire or accident and make or cause to be made a record of such examinations stating the nature and amount of such damage, the name of the street and the number or location of the building, with the names of the owner and occupant, and the purpose for which it is occupied, and in case of fire, the - probable cause thereof, shall examine or cause to be examined all buildings for which applications have been made for permits to raise, enlarge, alter, build upon or tear down and make or cause to be made a record of such examinations and report to the Town Manager. The records required by this section shall always be open to the Town Manager, the Selectboard, the officers of the Fire Department or any officer of the town, and to any other parties, the value of whose property may be affected by the matters to which such records relate. [3-46, 3-02]

6.6 It shall be the duty of the Chief to examine or cause to be examined premises where fire is at any time used and where danger is apprehended therefrom, and all places where ashes may be collected or deposited, and to direct in an order served upon the owner and the occupant that the premises be vacated, or that such alterations, repairs or removal be made, in such cases as may be required if in the Chief's opinion he or she considers it dangerous to the security of the village, to other property, or to the public, from fire. And in case of the neglect or refusal of the owner or occupant of such premises to vacate the premises, or to make or commence to make such alterations, repairs or removals within the time set forth in the order, the Chief may institute a court action for appropriate relief pursuant to 25 MRSA 2393. [3-46, 3-02]

7. AIRPORT COMMITTEE [3-98]

7.1 MEMBERSHIP

7.1.1 The Wiscasset Airport Committee (hereafter referred to as the Committee) shall consist of five members with not more than one (1) non-resident member. Non-resident members shall not have voting privileges. [6-16]

7.1.2 Appointments to the Committee shall be made by the Selectboard.

7.1.3 The term of each member shall be three years, except the initial appointments, which shall be two for one year, two for two years and one for three years.

7.1.4 Members shall serve at the pleasure of the Selectboard.

7.2 ORGANIZATION

7.2.1 The Committee shall annually elect a Chairperson and a Secretary from its membership.

7.2.2 The Chairperson shall moderate the meetings and shall represent the membership as necessary unless another representative has been designated.

7.2.3 The Secretary shall keep the minutes, prepare correspondence as necessary, and maintain the Committee records in such place in the Town Office as the Selectboard or its staff shall designate.

7.2.4 A quorum shall consist of three members.

7.3 DUTIES

7.3.1 The Committee shall meet at least once a month to review general operations and conditions at the airport.

7.3.2 The Committee shall annually present a recommended operational budget for the airport to the Selectboard, the Town Manager and the Budget Committee.

7.3.3 The Committee shall from time to time make recommendations to the Selectboard regarding airport operations and conditions.

7.3.4 The Committee shall assume any other duties as directed by the Selectboard.

8. ORDINANCE REVIEW COMMITTEE (6-2005)

8.1 PURPOSE

The Ordinance Review Committee (hereinafter referred to as the Committee)shall, at the request of the Selectboard, provide the Selectboard, Town Manager, Planning Board and Town Planner with advice and recommendations on existing ordinance revisions, ordinance amendments, ordinance adoptions, and

rezoning applications. Issues that may be considered include land use, community planning, growth-related matters, general ordinance development, and other issues which may ultimately affect the quality of life for present and future residents of the area.

The objectives of the Committee are: 1) to provide an opportunity for public involvement in the community planning process, 2) to create an open process whereby the public is encouraged to participate, and 3) to provide peer review on general ordinance alterations and proposed land use change-related matters.

8.2 MEMBERSHIP

8.2.1 The Committee shall be comprised of six members who shall be Wiscasset residents. The Committee shall be composed of 3 Planning Board Members, 2 at-large members, and 1 Comprehensive Plan Committee member or 1 additional at-large member.

8.2.2 Appointments to the Committee shall be made by the Selectboard. Membership shall be three-year staggered terms.

8.3 DUTIES & OPERATIONS

8.3.1 Meetings of the Committee shall be held as needed to address issues that arise or as referred by the Selectboard, Town Manager, Planning Board or Town Planner. An annual meeting shall be held in September of each year. All requests for proposed ordinance amendments, ordinance adoptions and rezoning applications shall be submitted to the Town Manager who shall present the request to the Town Planner & Selectboard.

8.3.2 The Committee shall elect a Chairperson from its membership at its annual meeting in September.

8.3.3 The Chairperson shall preside, when present, at any Committee meeting and generally shall fulfill all of the duties usually performed by the Chairperson. In the absence of the Chairperson another member may be designated.

8.3.4 A quorum shall consist of four members.

ARTICLE II - BUILDING LAWS

1. BUILDING PERMITS

1.1 PERMITS ARE REQUIRED

1.1.1 Whoever intends to erect a building or structure, or locate a mobile home, or change the outside dimensions of a building or structure, make structural changes or repairs or do other work to a building or structure that requires compliance with specific state or federal codes or town ordinances, shall not begin until the Code Enforcement Officer has issued a building permit. The Code Enforcement Officer shall issue a building permit only if he has received a building permit application form stating the exact location, dimensions, height and other sufficiently detailed plans and specifications to enable him to determine that the proposed work will comply with applicable town ordinances and building codes and state and federal laws and building codes. Copies of all Building permits shall be on file at the Town Office in the Town Clerk's files and shall be available to the public during the clerk's working hours.[3-02, 6-12]

1.1.2 No building permit is required for repairs, and/or maintenance, on existing buildings or structures such as, but not limited to: painting; replacement of rotten or weak wood or stonework, brickwork or masonry; replacement of doors or windows; replacement of siding or fire-resistant roofing; replacement of gutters, storm windows or blinds, so long as plumbing is not involved and no building permit is required pursuant to the immediately preceding paragraph. [6-86]

1.2 PERMIT FEES [3-99]

1.2.1 The fees for building permits shall be calculated upon the fair market value of the structure to be placed or erected upon a lot, the fair market value of the mobile home to be placed upon a lot, or the fair market value of the improvement to be made to an existing structure. The fees for building permits shall be:

1.2.1.1 For new non-commercial structures containing one or more residential dwelling units, and for mobile homes containing a dwelling unit, $100.00 for the first $1,000.00 of fair market value or part thereof, and $3.00 for each additional $1,000.00 of fair market value. [03-03]

1.2.1.2 For new non-commercial structures that do not contain residential dwelling units, and for the expansion of existing non-commercial structures which either do or do not contain residential dwelling units, $25.00 for the first $1,000.00 of fair market value or part thereof, and $3.00 for each additional $1,000.00 of fair market value. [03-03]

1.2.1.3 For new commercial structures, and for the expansion of existing commercial structures, $200.00 for the first $1,000.00 of fair market value or part thereof, and $3.00 for each additional $1,000.00 of fair market value. [03-03]

1.2.1.4 If a building permit is obtained after construction has been started or after a structure has been placed upon a lot, the fee shall be as set forth in the preceding subsections PLUS an additional $300.00.

1.2.2 The fees for plumbing permits shall be those as set by the appropriate State of Maine Department or set by the Town of Wiscasset fee schedule [6-12].

1.2.3 [Removed 6-10]

1.3 ADDITIONAL REGULATIONS

1.3.1 Advance notice of construction, land modification, waste disposal, underground tank installation or removal, or any other activities regulated by the State under the statutes and regulations listed below shall be made to the Code Enforcement Officer, who shall approve such activities on receipt of a copy of the State required permits, registrations, or licenses if Town Ordinances do not apply. If Town Ordinances do apply, necessary Town procedures and approvals shall also be required. [3-90, 3-02]

* Site Location Development Act (Title 38, MRSA Sections 481-490).

* Natural Resources Protection Act (Title 38, MRSA Sections 480 A-S).

* Underground Oil Storage Facilities and Groundwater Protection (Title 38, MRSA Sections 561-570G).

* Solid Waste Management Regulations (06-96 CMR Chapters 400-409).

Note: The above statutes and regulations include the latest rules adopted in due course by the appropriate agencies. Especially important are the rules and regulations pertaining to underground tanks, Maine Department of Protection regulation 006-096 Chapter 691 of 16 September 1991 and subsequent revisions as authorized by Title 38, MRSA Section 561 and following. [6-92, 3-02]

1.3.3 All building permits shall be void unless work thereunder is commenced within one year from the date of issue. A building permit is valid for one year and

must be renewed by the Code Enforcement Officer at the end of one year at no additional cost to the applicant. [3-69, 6-86]

1.3.4 All building permits shall be displayed in a conspicuous place on the premises, and shall not be removed until all work covered by the permit has been approved. [3-69]

2. LOT SIZE AND SETBACK REQUIREMENTS

Throughout this section, whenever "mobile home" or "mobile home park" is referred to, also see 30-A MRSA 4358.

2.1 The minimum lot size requirement shall be met for each dwelling unit located on a parcel of land with the following exceptions:

1) Two family homes shall be subject to the same minimum lot size requirement as a single-family dwelling;

2) Elderly Congregate Housing shall conform to section 2.12 of this ordinance. [3-69, 3-70, 7-73, 6-83, 3-85, 3-86, 12-89, 3-90, 3-01, 3-02, 6-12]

2.2 No structure situated on a lot will be within ten feet of the adjoining property lines except in the Village 1 District and the Village Waterfront District. [6-83, 3-98, 6-12]

2.3 Except in the Village 1 District and the Village Waterfront District, each lot shall provide adequate off street parking. [6-83, 3-90, 3-02, 6-12]

2.4 UNDERSIZED LOTS

2.4.1 See Article VI, Sections 5 & 6, Non-conformance. [6-12]

2.5 Schedule of Dimensional Requirements

	Village 1	***Village 2***	***Residential***	***Route 1 Commercial***	***Nequasset Watershed***	***Rural***
Minimum Lot Size	***None***	***1 Acre[1]***	***1 Acre***	***1 Acre***	***1 Acre***	***1 Acre[2]***
Road Setback	***None***	***10 ft***	***10 ft***	***75 ft[3]***	***10 ft***	***10 ft***
Side, Rear Setbacks	***None***	***10 ft***	***10 ft***	***10 ft***	***10 ft***	***10 ft***

1. 20,000 square feet with public water and sewer;

2. In the Rural Districts no business shall be built, placed or maintained upon a lot unless there is a ratio of at least 2 acres per business, except that if every business on the lot is served by Town water and Town sewer, the minimum ratio shall be one acre per business. For purposes of this section, each separate business tenant within a single structure shall constitute a separate business. When two or more uses are made of a particular lot, the lot size requirement for that lot shall equal the sum of the lot size requirements for each use treated individually; for example, the lot size requirement for a business and a single family dwelling unit on a single lot in the Rural District shall be a minimum of 3 acres of land.

3. Stairs, ramps, decks and enclosed porches not greater than 64 square feet in area may be located within said road setback zone as long as they are more than 60 feet from the centerline and meet all other sideline setback requirements. Those buildings and structures (established as of the effective date of this ordinance) which are closer to the road and which meet all other sideline setback requirements can be extended along but not closer to the road.

2.6 For the purpose of determining how many units may be placed on any parcel the lot size shall include the total area less any area which encompasses wetlands, 100 year floodplains, State designated wildlife protection areas, access roads, and paved parking areas for public use. [3-90]

2.7 In the Village 1 District, the lot owner is required to provide at least 1.5 on-site off-street parking spaces for each residential unit, unless approved otherwise by the Planning Board. However, this requirement shall not apply to residential units located inside buildings existing as of March 10, 1990, if provision of the required amount of on-site off-street parking is not feasible; in that case, the owner is required to provide as much on-site off-street parking as feasible. [3-90, 3-98, 6-12]

2.8 The net residential density for Elderly Congregate Housing shall be no more than one elderly housing unit per three thousand (3000) square feet of acreage with a minimum of five acres. The total area of open space shall equal or exceed the area used for the total footprint of all buildings associated with Elderly Congregate Housing. [3-01]

2.9 HOOK-UP REQUIREMENT IN THE COMMERCIAL DISTRICT

2.9.1 All Structures built or placed in the Commercial District after August 19, 2003 shall be hooked up to town water if they require water service and shall be hooked up to town sewer if they require sewer service, except that these requirements shall not apply to residential structures which are setback more than 250 feet from the northwesterly sideline of US Route #1.[9-03]

2.10 HOTELS AND MOTELS [3-95]

2.11.1 Owners of all hotels and motels shall provide at least one on-premises, off-street parking space per rental unit. Such parking shall conform to the requirements of Article VIII Section 6.8 and shall be approved by the Wiscasset Planning Board. [3-95, 9-03]

2.11 HOME OCCUPATIONS [3-95]

2.11.1 A "home occupation" is a business or profession, which is carried on, in a dwelling unit, or other structure accessory to a dwelling unit, by a person residing in the dwelling unit. Home occupations shall not be considered in determining the minimum lot size requirements for the use or uses made of any lot.

2.11.2 Any person may carry on one or more home occupations in any zoning district, provided:

a. Such use or uses does not involve any modification of the dwelling unit, which will alter its outward appearance as a dwelling unit discernible from a public way;

b. There is no outside storage of materials used in, or products resulting from, the home occupation discernible from a public way;

c. The occupation does not generate noise, noxious odors, glare, vibrations, nor electrical interference beyond levels noted before the occupation existed and as discerned from abutting properties or from a public way;

d. If the home occupation consists of renting rooms, whether as a bed and breakfast or otherwise, the owner must provide at least one off-street parking space on private property per rental unit. If more than seven rooms are rented, the business owner must comply with the requirements for Hotels and Motels.

e. The occupation is registered with the Town Clerk in accordance with Article X Section 7.

2.12 CERTIFICATE OF OCCUPANCY

2.12.1 The Code Enforcement Officer must issue a certificate of occupancy before any non residential structures, buildings, accessory outbuildings or lands which required Planning Board or Appeals Board approval are occupied for that use for which the approval was given. The Code Enforcement Officer shall issue the certificate when the Code Enforcement Officer determines that the structure, building, accessory outbuilding or land, and the occupancy thereof, comply with the provisions of Wiscasset's Ordinances and with all provisions of any order by the Planning Board or Appeals Board. [3-95]

2.12.2 The Code Enforcement Officer may issue a temporary certificate of occupancy for all or part of a nonresidential building or structure, or for one or more nonresidential buildings or structures which are part of a larger development, provided the Code Enforcement Officer determines that such temporary occupancy would not jeopardize life or property. Any temporary certificate of occupancy shall state on its face the date on which the temporary certificate expires. The temporary certificate shall be issued for no longer than twelve months. The temporary certificate may not be renewed. After a temporary certificate expires, the non-residential building or structure for which the temporary certificate was issued shall not be occupied until The Code Enforcement Officer issues a certificate of occupancy. [3-95, 3-97]

2.12.3 The Code Enforcement Officer shall maintain a public record of all certificates of occupancy which the Code Enforcement Officer issues. [3-95]

2.12.4 Failure to obtain a Certificate of Occupancy shall constitute a violation of Wiscasset's Ordinances and shall subject the appropriate persons or entities to all of the provisions of 30-A MRSA 4452 as the same maybe amended from time to time. [3-95]

2.12.5 This provision is in addition to the Certificate of Compliance for special flood hazard areas found in Miscellaneous Ordinances (Article X). [3-95]

3. REQUIREMENTS FOR BUILDING EXTERIORS

3.1 SIDING

The exterior walls shall be finished with a covering of clapboard, wood siding, wood or asphalt shingles, masonry or brick or stone, or other materials as approved by the Code Enforcement Officer. Such covering shall be completed within six months after the outside studding is in place. Tarred paper or tarred felt, or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering. [3-69, 3-87, 6-12]

3.2 HEIGHT

3.2.1 The maximum height of a habitable structure shall be 35 feet in all districts, except as provided in section 3.2.2.
[3-86, 3-01, 12-03]

3.2.2 The height of a habitable structure for industrial use may be increased by one foot for every five feet in excess of ten feet that the structure is set back from the nearest adjoining property line, to a maximum of 60 feet in height. [6-86, 12-03]

3.2.3 The maximum height of a non-habitable structure that transmits electrical power within existing transmission right-of-ways and is owned or operated by a Public Utility Company or Corporation for the sole purpose of providing service to the general public shall not exceed 130 feet in height. The maximum height of all other non-habitable structure**s,** excluding wireless telecommunication facilities as regulated by Article XI and small wind energy conversion systems as regulated by Article X, shall be 60 feet provided that those structures exceeding 35 feet shall be constructed of non-combustible materials as determined in writing by the Fire Chief. [12-03, 11-08]

4. USE OF STREET TO DEPOSIT MATERIALS

4.1 When a permit is granted to erect or repair any building on land abutting the street, the Selectmen shall have power and authority to allot such portion on the street thereto adjoining as they shall deem necessary and expedient in which to deposit materials for the work, provided that not more than one-half the street shall be occupied, and no other part of said street shall be used for laying the materials for any such building or repairing, at such convenient time as the Inspector may direct, and in case of neglect or refusal to do so, it shall be removed by the Road Commissioner or some person authorized by the said Commissioner or the Selectboard at the expense of the person or persons so building or repairing and in all cases the portion so allotted shall be enclosed and lighted. [3-46, 6-12]

4.2 No person shall place or cause to be placed in any of the streets, alleys, squares or other public places of the village any lumber, stone, or building material of any kind and suffer the same to remain over six hours without the permission of the Selectmen or some person by them authorized. Whenever any permit is granted to

occupy any portion of any street it shall be the duty of the holder of the permit to keep the gutters clean of obstructions. [3-46]

5. REQUIREMENTS FOR BUILDING CONSTRUCTION [3-00]

5.1 SUPPORT DURING CONSTRUCTION

Every portion of every structure in process of construction, alteration, repair or removal and every neighboring structure or portion thereof affected by such process or by an excavation shall be properly constructed and sufficiently supported during such process. The Code Enforcement Officer may take such measures as the public safety requires to carry this section into effect, and any expense so incurred may be recovered by the town from the owner of the defective structure. [3-46, 6-12]

5.2 FIRE STOPS

Every wooden building hereafter erected or altered shall at each floor have a sufficient fire stop as the Code Enforcement Officer may direct, effectually stopping every air-duct. [3-46, 6-12]

5.3 CHIMNEYS

Chimneys constructed and installed in accordance with the current issue of the National Fire Code shall be deemed to be standard practice for safe installation and use. [3-46, 3-69, 3-93]

5.4 WARM AIR PIPES

Warm air pipes leading from warm air furnaces shall be covered with fire retardant non-asbestos containing material where within one inch of any combustible material. [3-46, 3-87]

6. REQUIREMENTS FOR STOVES, VENT FLUES, AND BOILERS

6.1 Cooking stoves, laundry stoves, heating stoves and combination coal or oil and gas ranges not on legs hereafter installed in dwellings and in apartments of multifamily houses shall be set on hearths supported by masonry trimmer arches extending not less than six inches on all sides beyond such appliances. No such appliance shall be placed within twelve inches of a wooden stud partition, a wood-furred wall or combustible material unless protected by a shield of metal or other incombustible material so attached as to preserve an open air space behind it and to extend from the floor to one foot above and six inches beyond the sides of such appliance, n which case such appliance shall not be placed within six inches of a wooden stud partition, a wood-furred wall or combustible material. Ranges, candy kettles, cruller furnaces and appliances for the frying of bakery or

confectionery products except ranges in dwellings or apartments of multifamily houses shall be provided with ventilating hoods and pipes to take off the smoke, gasses and vapors, unless such appliances are enclosed and vented in an approved manner. [3-46]

6.2 Vent flues or ducts for the removal of foul or vitiated air, in which the temperature of the air cannot exceed that of the rooms, shall be constructed of metal or other in combustible material, and no such flue shall be used for any other purpose. [3-46]

6.3 No boiler to be used for steam heat or motive power and no furnace or hot water heater shall be placed on any floor above the cellar floor unless the same is set on noncombustible beams and arches and in no case without a permit from the Building Inspector. No range, stove, oven or boiler shall be used for cooking in a hotel or restaurant or for manufacturing purposes until the same has been examined and approved by the Code Enforcement Officer who shall report his findings to the Building Inspector. [3-46, 3-70, 6-12]

7. ADDITIONAL REQUIREMENTS [3-00]

7.1 STORAGE OF EXPLOSIVE, INFLAMMABLE OR COMBUSTIBLE MATERIALS

No explosive or inflammable compound or combustible material shall be stored or placed under any stairway of any building or used in any such place or manner as to obstruct or render egress hazardous in case of fire. [3-46]

7.2 CONSTRUCTION FOR PUBLIC SAFETY

Every structure and part thereof and appurtenance thereto shall be so constructed and maintained in such repair as not to be dangerous to public safety, and the owner of any premises upon notice from the Code Enforcement Officer that such premises are dangerous shall forthwith remedy the danger by removal or repair. In case public safety requires immediate action, the Code Enforcement Officer may forthwith by repair or temporary protection prevent danger or may, subject to appeal as provided for in Title 23, Section 3005, MRSA 1964 of the Revised Statutes of Maine remove the dangerous structure, and his reasonable and necessary expenses may be recovered by the town from the owner. [3-46, 3-70, 6-12]

7.3 ELECTRICAL WIRING

Every corporation or person proposing to place wires designed to carry a current of electricity within a building shall give notice thereof to the Code Enforcement Officer before commencing the work and shall not turn the current onto wires that are to be used for electric lighting, heating or power until the permission to do so

has been granted by said Code Enforcement Officer (CEO). The CEO shall be governed by the best electrical installation practice. All persons owning buildings containing wiring dangerous to public safety shall immediately have the same changed or have the electric current cut off from their buildings. [3-46, 6-12]

7.4 INFLAMMABLE WASTE

No person shall deposit or leave or cause to be deposited or left any waste, consisting of paper, straw, hay, shavings or other combustible material liable to cause, spread or communicate fire on any premises in the Town of Wiscasset outside of buildings or suitable receptacles. All persons producing or having in possession waste or other materials as specified shall provide suitable receptacles for same when required to do so by the Code Enforcement Officer. All receptacles for ashes, waste or other substances liable, by spontaneous combustion, to cause fire, shall be made of noncombustible material satisfactory to the Code Enforcement Officer. Every store, hotel or rooming house shall have a suitable space satisfactory to the Building Inspector for the temporary deposit of garbage, refuse, ashes or waste material. [3-46, 6-12]

7.5 NIGHT WATCHMAN FOR HOTELS

Every hotel when occupied containing twenty-five or more rooms above the first floor, shall have at least one night watchman, exclusively so employed on duty every night from nine o'clock at night until six o'clock in the morning, making rounds of every floor at least once each hour. [3-46, 3-70]

7.6 OBSTRUCTION OF ANY STREET BY ANY BUILDING PROHIBITED

No person shall obstruct any street or any part thereof by placing therein any house, barn, stable, shop or other building, and no person shall remove or draw through or upon any street any house, barn or other building without first obtaining permission of the Selectboard. [3-46, 6-12]

7.7 WATER FROM ROOFS TO BE CONTROLLED

All buildings erected within eight feet of any street or traveled way shall be provided with suitable leaders for conducting water from the roof to the ground, and in no case shall the water be allowed to flow upon or across the surface of the sidewalk to the street, street gutter or sewer. [3-46, 3-70]

7.8 PROTECTION FROM FALLING ICE AND SNOW

Buildings erected within ten feet of the line of a street or public way, having a pitched roof sloping towards said street or public way, shall be provided with suitable safeguards to protect pedestrians or travelers from falling ice and snow. [3-46, 3-70]

7.9 STATE LOT SIZE FOR WATER AND SEWER LINES AND DISPOSAL REGULATIONS

No person shall hereafter construct, maintain or occupy a dwelling in the Town of Wiscasset unless situated on a plot of ground the area of which is not less than the requirements of the State of Maine Water and Sewer Lines and sewer disposal regulations, and not less than 100 feet frontage unless setting back 100 feet from the highway. This subparagraph shall not apply to any lots or parcels of land in existence at the effective date of this subparagraph and which are described in deeds of record in valid and enforceable purchase and sales agreements.

7.10 FIRE RESISTIVE ROOFS

Every building hereafter erected in the town shall have afire resistive roof. No existing wooden shingle roof, if damaged more than ten percent, shall be repaired or renewed with other than fire resistive material. [3-46]

7.11 HOT WATER TANKS

On all new or replacement installations of hot water tanks there shall be installed a combination temperature and pressure relief valve of a type approved by the Code Enforcement Officer. [3-46, 6-12]

7.12 HANDICAPPED ACCESS

Applicants for public access commercial projects before the Planning Board shall show evidence that applicable federal and state laws for handicapped access are met before building permits are granted. [6-92]

8. PENALTIES [3-95]

Any person, corporation or other entity who violates any provisions of this Article II (Building Laws) shall be subject to the provisions and penalties set forth in 30-A MRSA 4452, as the same may be amended from time to time.

9. VALIDITY/SEVERABILITY CLAUSE

The invalidity of any section of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance. [3-69]

ARTICLE III - SIGN ORDINANCE [6-2011]

1. PURPOSE

The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed signs of all types; to protect property values; enhance and protect the physical appearance of Wiscasset; to provide non-residential properties with opportunities to advertise while providing a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; to reduce hazards that may be caused by signs overhanging or projecting over public right of ways; and to create and foster a more stable and attractive roadside environment.

2. APPLICABILITY

No person shall erect any sign that is visible from a public way, other than an official traffic sign, except in conformance with this ordinance.

3. PERMIT AND PERMIT FEES

3.1 The erection, placement or installation of any sign, excepting Exempted Signs noted in this Ordinance (Section 7), requires a sign permit from the Sign Control Officer. A permit is required for each new sign.

3.2 When applying for a Sign Permit, the applicant shall pay a sign permit fee established by the Selectmen. The fee shall be noted on the sign permit application.

4. DEFINITIONS

Advertising Sign: A sign the primary purpose of which is to make known a product, service or other marketable goods available on the premises.

Applied Sign: A sign painted or applied to the exterior building surface, including all lettering and symbols and background coloring other than the color of the building.

Awning Sign: A sign affixed to or part of an awning which directs attention to a business, industry, profession or service conducted on the premises where the sign is displayed.

Banner: A sign of temporary construction made of vinyl, canvas, or similar flexible material.

Business Directional Signs: A sign erected and maintained in accordance with this Ordinance and Title 23 MRSA § 1901-1925, to indicate to the traveling public the route

and distance to public accommodations, facilities, commercial services, and points of scenic, historical, cultural, recreational, educational, and religious interest.

Canopy Sign: A sign mounted on, detached or integral to a permanent, horizontal cover over a freestanding structure.

Decorative Banners, Flags and Pennants: An outdoor banner, flag or pennant that is ornamental and complementary to a property and does not include letters, words or numbers.

Directory Board: A wall sign affixed to a building containing name identification for two (2) or more activities or businesses located in a single building or group of buildings.

Electronic Message Display Board: A message board in which one or more illuminated characters in a display may be changed by electronic means.

Free-Standing Sign: An outdoor sign which is directly and permanently supported and physically separated from any other structure.

Flag "Open": A flag that has only the word "open" and no other lettering or numbering.

Iconic Signs: Those signs which are traditionally accepted pictorial symbols conveying the nature of the business, such as barber poles, eyeglasses, boots, and mortar and pestle. They are normally constructed in heavy relief or are three-dimensional.

Marquee Sign: A sign on or attached to a permanent overhanging shelter that project from the face of the building, such as a theatre or business, and is supported entirely or partially by the building.

Neon Sign: Tubing using neon, another gas, or a technology simulating neon such as light emitting diodes (LED), to spell the name of a business, promote a product or convey information.

Off-Premises Sign: Directs attention to a business, industry, profession or service not conducted on the premises where the sign is displayed.

On-Premises Sign: Directs attention to a business, industry, service or profession conducted on the premises where the sign is displayed.

Parallel Sign/Flush Mounted Sign: A wall-mounted sign parallel to the exterior building surface, extending not more than six inches from that surface.

Pennant: An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain text, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: A sign permanently attached to the ground or a structure or permanently painted or marked on a structure, and intended to remain for the foreseeable future.

Portable Sign: A sign not designed or intended to be permanently affixed into the ground or a structure.

Projecting Sign: A sign that is wall-mounted, and extends more than six (6) inches from the building surface.

Public Notice Sign: A sign the primary purpose of which is to display information of a civic, social, or religious nature. Such a sign may have a surface which allows the use of removable letters.

Roof Sign: A sign erected or constructed wholly upon or over the roof of any building with the principal support on the roof structure.

Shopping Center: A group of two (2) or more retail stores and/or offices which share adjacent off-street parking facilities.

Sign: An object, device, display or structure or part thereof that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, project, service, location, or event by any means including words, letters, figures, designs, symbols, fixtures, colors, or projected image.

Sign Area: Sign area includes all lettering, wording and accompanying design symbols, together with the background on which they are displayed. Painted or applied sign area includes any background color of a different color than the color of the building or transparent surface. Where lettering and/or symbols of an applied sign are painted or applied on the surface of a building or glass, the area is considered to be that area within a line drawn around the outside of all letters and symbols. Only one side of a sign shall be counted when determining the size of two sided signs.

Temporary Advertising Sign: A sign relating to a specific sale of products or other similar advertising announcements such as the opening of a new business. This includes signs mounted to the interior or exterior of windows and glass doors.

Temporary Sign (for Temporary Businesses): A sign that may be moved without structure alteration or with minimal ground disturbance. It includes portable signs and signs that may be quickly placed on the ground with minimal ground disturbance.

Traffic Control Sign or Device: An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way.

Wall Signs: An outdoor sign which is attached flat, painted on, or extends less than six (6) inches from the building surface.

Window Sign: A sign placed, painted, or affixed to the interior or exterior window or the glazed portion of a door that is visible from the building exterior.

5. NON-CONFORMANCE (EXISTING SIGNS)

5.1 The use of any sign lawfully in existence at the time of adoption of this Ordinance may continue for no more than three (3) years although the sign does not conform to the provisions of this Ordinance. All signs shall be brought into conformance with this within three (3) years from the date of adoption of this ordinance.

5.2 Normal maintenance and repairs are permitted, but the sign shall not be altered, enlarged or rebuilt except in conformance with this Ordinance. See Section 17 of this Ordinance, Maintenance and Removal.

6. PROHIBITED SIGNS

6.1 The following signs shall not be permitted:

A. Off premises signs, except for Business Directional Signs and Temporary Signs.

B. Signs which prevent free ingress and egress from any door, window, fire escape or interfere with pedestrian and vehicular movement.

C. Signs on trees, utility poles, on fences or on official traffic control signs or devices.

D. Signs that by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.

E. Except for official traffic control signs or devices, signs that make use of words as “Stop,” Look,” “One Way,” “Danger,” or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.

F. An obsolete sign which ceases to advertise a bona fide business conducted or a product sold on the premises after six (6) months of a business closure or six (6) months after a product is no longer sold.

7. EXEMPTED SIGNS

7.1 The following signs do not require a permit and are permitted in all zoning districts:

A. Yard sale/garage sale signs provided they do not interfere with pedestrian and vehicular movement, do not exceed four (4) square feet in sign area and are erected for no more than five (5) days. Yard sale/garage sale signs shall be removed by the person posting the sign within twenty-four (24) hours of the final day of the sale.

B. Signs placed upon work under construction or renovation to be removed within thirty (30) days of completion of the job.

C. Real estate signs not exceeding eight (8) square feet in sign area per lot which advertise the sale, rent or lease of the premises upon which they are located.

D. Sign bearing the name of property owner/tenant, house/apartment number or other identification in conformance with the Wiscasset Street Naming and Addressing Ordinance, without any commercial or business advertising connotations.

E. Governmental identification, informational, directional, and public safety signs.

F. Traffic control signs or devices.

G. Signs relating to trespassing or hunting, not exceeding two (2) square feet in sign area for each sign.

H. Political signs provided they conform to state requirements.

I. Signs solely indicating entrance or exit not exceeding three (3) square feet in sign area and containing no advertising material.

J. Trail markers, historic, preservation, or cultural signs as approved by the Wiscasset Sign Control Officer.

K. Signs indicating open, closed and hours not exceeding two (2) square feet in sign area.

L. Community, Charitable/Non-Profit fundraising event signs provided the sign is erected for no more than fifteen (15) days before the event and does not exceed thirty-two (32) square feet in sign area. Community, Charitable/Non-Profit fundraising event signs shall be removed within twenty-four (24) hours of the final day of the event.

M. Flags of any nation or governmental subdivision.

N. Religious symbols.

O. Signs painted on or affixed to a vehicle which is related to the business. Such vehicles must have legal, up to date registration to the business or business owner.

P. Signs which provide direction or instruction and are located entirely on the property to which they pertain, such as restroom, parking entrances, exit signs, and bearing no commercial matter.

Q. Merchandise for sale in the form of a sign.

R. Flags that state "open" (no more than one per business).

S. Vending machine signs.

T. Signs located on fuel pumps displaying the price of fuel.

U. Decorative banners, flags and pennants that are not permanently affixed to a building or structure or permanently secured to the ground and do not exceed forty (40) square feet in combined total allowable sign area. Except in the Downtown Sign District they shall not exceed twenty (20) square feet in combined total allowable sign area. Banners, flags and pennants that include letters, words or numbers, except those that state "open", are not exempt.

8. REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS

8.1 No sign, except exempted signs, shall be erected before obtaining a permit.

8.2 All signs must be stationary and permanently installed except where exempted or otherwise noted by this Ordinance. No sign may be erected or maintained on trees or painted or drawn upon rocks or other natural features.

8.3 No sign may have any animated or moving parts, except barber poles and clocks.

8.4 Illumination of Signs

A. No sign shall be illuminated by intermittent light.

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B. Externally Illuminated Signs

i. Light fixtures illuminating signs shall be carefully located,

aimed, and hooded or shielded to prevent direct illumination of public streets or abutting properties.

ii. Light fixtures illuminating signs shall be of a type such that the light source (bulb) is hooded or shielded and not directly visible from adjacent public or private streets or properties

iii. To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizontal).

C. Internally Illuminated Signs

i. In order to prevent internally illuminated signs from becoming light fixtures, such signs shall consist of light lettering or symbols on a dark background. The lightness or darkness is a function of the luminous transmittance of the translucent surface material, and the light source. The higher the luminous transmittance, the lighter the color.

8.5 Projecting signs shall maintain minimum height clearance of 8 feet above ground level.

8.6 Free standing signs located within thirty (30) feet of street corners, and set upon the ground, shall be no more than three (3) feet in height or if set on posts shall be supported by not more than two posts.

8.7 On-premise signs shall be located within one-thousand (1,000) feet of the principal building where the business or facility is carried on or practiced or within one-thousand (1,000) feet of the point of interest. Storage areas, warehouses and other auxiliary structures and fixtures are not deemed to be buildings where the business, facility or point of interest is carried on or practiced.

8.8 Wall signs shall not alter or obscure architectural details or obstruct openings.

8.9 Only one free standing sign is permitted per lot.

9. OFF-PREMISES BUSINESS DIRECTIONAL SIGNS

9.1 All Business Directional Signs within the Downtown Sign District shall meet the following specifications:

i. Size: 31 inches long by 7 inches wide including a top and bottom frame.

ii. Lettering: not more than two inches or less than one inch high in Block, Roman or Old English.

iii. Base: 1/2 inch or 3/4 inch board or overlaid plywood.

iv. Color: Black letters on white background.

v Appearance: Neatly lettered and with a professional appearance.

9.2 All other Business Directional Signs shall comply with the Maine Department of Transportation regulations 17-227-200 pertaining to Official Business Directional Signs and 23 MRSA Sections 1901-1925, as the same may be amended from time to time.

9.3 Placement

A. No business is permitted more than one Business Directional Sign at any one intersection approach.

B. Each place of business is permitted a maximum of four (4) Business Directional Signs. Double-sided signs with equal and parallel faces may be considered as one sign. No more than two (2) Business Directional Signs per business are allowed in the Downtown Sign District.

C. Business Directional Signs shall be located so as to avoid conflict with other signs and to have the least possible impact on the scenic environment.

9.4 Installation and Maintenance

A. All Business Directional Signs shall be provided by the business owner or applicant, and shall be installed by the applicant at locations approved by the Board of Selectmen or the Sign Control Officer and on the posts provided by the Town.

B. A sign permit shall be obtained before any Business Directional Sign is installed.

C. Business Directional Signs, which become defaced or damaged, shall be replaced by the owner.

D. Owners of Business Directional Signs which are no longer applicable because of business name changes, business relocations or any other reason shall remove their signs within thirty (30) days from the date at which the sign becomes inapplicable.

E. Any Business Directional Sign which is not properly maintained by the owner, or which is no longer applicable, may be removed at the owner's expense by the Town after written notification.

10. SIGNS FOR TEMPORARY BUSINESSES AND TEMPORARY ADVERTISING SIGNS

10.1 Signs for Temporary Business. Signs for Temporary Businesses, excepting those listed in Section 7, require a permit from the Sign Control Officer. A business or individual will be allowed such a sign for no more than ninety (90) consecutive days during a three hundred sixty-five (365) day period and shall be removed by the person posting the sign. Signs for Temporary Businesses sign area shall not exceed twelve (12) square feet and no more than two (2) signs are allowed per business.

10.2 Temporary Advertising Signs. Temporary Advertising Signs, excepting those listed in Section 7, require a one-time yearly permit from the Sign Control Officer. A business or individual will be allowed no more than four (4) such signs at any one time. Each sign shall be permitted for a maximum of thirty (30) consecutive days. Temporary Advertising total sign area shall not exceed twelve (12) square feet. Temporary Advertising Signs up at any time shall not be counted toward the total allowable sign area.

11. ELECTRONIC MESSAGE DISPLAY BOARDS

11.1 Electronic message display boards shall not have any distracting appearance of motion, flashing, blinking, or shimmering.

11.2 No more than one (1) electronic message display board with two sides is permitted per lot.

11.3 Electronic message display boards shall not exceed twenty-four (24) square feet in total allowable sign area.

11.4 The area occupied by the message may comprise no more than ninety (90) percent of the surface area of the sign area.

11.5 An electronic message display board shall only consist of alphabetic or numeric characters on a plain background and shall not include any graphic, pictorial, or photographic images

11.6 The content of the message may change no more than once every ten (10) minutes.

11.7 When the display changes, it shall change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.

11.8 The size, intensity of illumination and acceptable rate of change between the time display and temperature display of a time and temperature electronic message display board shall comply with rules, policies or guidelines adopted by the

Department of Transportation. Rules adopted pursuant to this section are routine technical rules as defined in Maine State Statute Title 5, chapter 375, subchapter 2-A.

12. SIGNS WITHIN THE DOWNTOWN SIGN DISTRICT

12.1 Downtown Sign District Description. The boundaries of the Downtown Sign District have been drawn to encompass the historic village and its waterfront along the Sheepscot River. The following lots are located within the Downtown Sign District: All lots abutting Water Street, Middle Street, Fort Hill Street, Pleasant Street, Summer Street, High Street, Fore (Front) Street, Bradbury Street, Lee Street, Union Street, Summer Street, Washington Street, Lincoln Street, Warren Street, and Danforth Street in their entirety. All Lots abutting Federal Street from the intersection of US Route 1 to the northern property lines of Map U-3, Lot 24 (Historic Old Jail) and U-3, Lot 6. All lots abutting Hooper Street from the intersection of Federal Street to the western property lines of Map U-2, Lot 24 and Map U-2, Lot 17A. All lots abutting US Route 1 from Holbrook Pond to the Davey Bridge, excepting a portion of Map U-6, Lot 23. All lots abutting Churchill Street from the southerly intersection of US Route 1 to the intersection of Washington Street, excepting a portion of Map U-5, Lot 4. All lots abutting the State of Maine Railroad property from Map U-1, Lot 71 (Wiscasset Yacht Club) to Map U-2, Lot 60 (Wiscasset Sewer Treatment Facility). A graphic representation of this description titled "Downtown Sign District" identifies the above-mentioned locations.

12.2 Signs shall be permitted only on the front, side and the rear of a building or structure. Signs shall not alter or obscure an architectural feature, component or detail of a structure or building. Interior and window signs shall not result in permanent alteration of any glass surface.

12.3 Signs at the primary entrance shall be limited to one projecting sign per building and one additional sign for each business that occupies the ground floor of the building. One additional sign shall be permitted at the rear entrance of the building. Each business above the ground floor may have one window sign.

12.4 Signs shall be made of traditional materials such as wood, brass, bronze, and slate, or of contemporary materials that have the appearance of traditional materials. Signs shall have a professional appearance.

12.5 Projecting signs shall be mounted on black iron, copper or brass mounts using black iron, copper or brass fasteners. Wall signs shall be mounted with black iron, copper or brass fasteners only. A replica of black iron, copper or brass is acceptable. Mounting shall be into mortar or other appropriate materials and shall not damage the surrounding brick, granite, or other building components.

12.6 Business Directional Signs shall be in conformance with Section 9 of this Ordinance. Each place of business is permitted a maximum of two (2) Business Directional Signs in the Downtown Sign District.

12.7 Wall and Applied Signs: Maximum sign area shall not exceed ten (10) % of the wall area to which it is attached and the total allowable sign area. Wall signs may only be installed in the area exclusive of openings and architectural details.

12.8 Total sign area of all signs per lot shall not exceed seventy-five (75) square feet, except for those properties and uses provided under Section 12, Common Signs, of this Ordinance. Signs exempted under Section 7, Exempted Sign, of this Ordinance shall not be included when determining total square footage.

12.9 Neon signs are not permitted.

12.10 Electronic Message Display Boards are not permitted.

13. COMMON SIGNAGE

13. 1 Owners of shopping centers, office/business or industrial parks may be permitted to increase the maximum allowable total sign area by up to 25% by providing for a common signage plan. The common signage plan shall specify standards for consistency among all signs affected by the plan with regard to:

A. Color scheme
B. Lettering or graphic style
C. Lighting
D. Location of each sign on the building(s)
E. Location of freestanding sign
F. Materials
G. Sign proportions
H. Scale

14, SIGN HEIGHT

14.1 Freestanding signs shall not exceed twenty-five (25) feet in height, measured with respect to the average ground grade at the location where the sign will be erected.

14.2 All signs attached to buildings shall be located below the ridge line or cornice of the building.

15. SIGN LOCATION

15.1 No on-premise signs located adjacent to State Highways may be permitted (whichever distance is greater):

A. Within thirty-three (33) feet of the center line of any public way if the highway is less than sixty-six (66) feet in width;

B. Within twenty (20) feet from the outside edge of the paved portion of any public way with more than two (2) travel lanes and a total paved portion in excess of twenty-four (24) feet in width; or

C. Within the full width of the right-of-way of any public way.

15.2 For all other properties, on-premise signs shall not be located within the right-of-way of any public or private way.

15.3 No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording, interfere with, obstruct the view or be confused with any public traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

15.4 No sign shall be placed so as to touch or otherwise interfere with overhead utilities, or so as to touch or interfere with such utilities in the event that the sign leans, falls, or otherwise becomes displaced.

16. SIGN AREA

16.1 General sign calculation standards

A. The sign area shall include all lettering, wording and accompanying design symbols, together with the background on which they are displayed. Supporting bracing or framework shall be excluded, but any decorative structure shall be included.

B. Applied sign area shall include any background color of a different color from the color of the building surface or transparent surface. Where lettering and/or symbols of an applied sign are painted or applied directly on the surface and coloring of a building or on glass, the area shall be considered to be that area within a line drawn around the outside of all letters and symbols.

C. Two sided signs: Only one side of a sign shall be counted when determining the size of such a sign.

D. Total sign area of all signs per lot shall not exceed one hundred fifty (150) square feet, except for those properties and uses provided under Section 13, Common Signs, and Section 12.7, Signs within the Downtown Sign District, of this Ordinance. Signs exempted under Section 7, Exempted Sign, of this Ordinance shall not be included when determining total square footage.

E. The maximum sign area bearing the name of a single building, mall, plaza, or office park in which are located separate business tenants shall be 32 sq. ft.; the maximum sign area bearing the name of each business tenant on the same sign shall be 8 sq. ft. In addition to the shared sign, each unit located within the building, mall, plaza or office park may have signage up to 64 sq. ft. on its premises. [6-12]

16.2 Specific sign area and design standards

A. Awning Signs: No awning shall extend over two-thirds of the sidewalk or eight (8) feet from the building face, whichever is greater. This awning shall not extend beyond the streetlights or trees and shall maintain eight (8) feet of clearance from the sidewalk for pedestrian safety. Signage or logo on an awning shall be limited in size to twenty (20) % of the total allowable sign area. This area of information shall count towards the total allowable sign area for the business.

B. Banners, Flags and Pennants (Non-Decorative): Non-decorative Banners, flags and pennants permanently affixed to a building or structure or permanently secured to the ground shall be limited to eighty (80) square feet in combined total allowable sign area. Except in the Downtown Sign District combined total allowable sign area shall not exceed forty (40) square feet.

C. Canopy Signs: Canopy signs shall be limited in size to twenty (20) % of the total allowable sign area.

D. Decorative Banners, Flags and Pennants: Decorative Banners, Flags and Pennants exceeding forty square feet in combined total allowable sign area shall be limited to eighty (80) square feet in combined total allowable sign area. Except in the Downtown Sign District combined total allowable sign area shall not exceed forty (40) square feet.

E. Directory Board: A directory board shall be considered one wall sign. Each listing shall be no larger than two (2) square feet. The listing of the individual uses shall be in lettering of consistent size, color and style.

F. Free Standing Signs: Freestanding signs shall be limited in size to eighty (80) % of the total allowable sign area.

G. Home Occupations: Home Occupation Signs shall not exceed 6 square feet in total size regardless of shape; may have its message on either one or both sides of the sign; shall not be internally illuminated.

H. Iconic Signs: Maximum sign area shall not exceed twelve (12) square feet of the total allowable sign area.

I. Marquee Signs: Maximum sign area shall not exceed forty (40) square feet of the total allowable sign area.

J. Neon Signs: Maximum sign area shall not exceed four (4) square feet of the total allowable sign area.

K. Projecting Signs: Maximum sign area shall be twenty (20) square feet of the total allowable sign area. Projecting signs shall maintain a minimum height clearance of eight (8) feet above ground level.

L. Wall and Applied Signs: Maximum sign area shall not exceed twenty (20) % of the wall area to which it is attached and the total allowable sign area. Wall signs may only be installed in the area exclusive of openings and architectural details. Except in the Downtown Sign District total allowable sign area shall not exceed ten (10) % of the wall area.

M. Window Signs: Signs affixed to or painted on windows shall not exceed 30% of the total window facade area and the total allowable sign area.

N. Temporary Advertising Signs: Temporary advertising total sign area shall not exceed twelve (12) square feet

O. Signs for Temporary Businesses: Signs for Temporary Businesses shall not exceed twelve (12) square feet in total sign area regardless of its shape.

17. MAINTENANCE AND REMOVAL

Every sign shall be maintained in a safe, presentable and good structural condition by the timely replacement of defective parts, periodic cleaning and painting when necessary. The Sign Control Officer shall cause to be removed any sign that endangers public safety, including signs which are:

1. materially, electrically, or structurally defective;

2. abandoned by reason of vacancy of the structure to which the sign is attached for a period of six (6) months or more (except as provided in Section 9.4);

3. erected within the right-of-way of a public street except as allowed in this Ordinance; or

4. erected without a permit.

The Sign Control Officer shall send by certified mail a notice to the owner of record of the property and/or business of the violation and require correction or removal within fourteen (14) days of the notice mailing. The town shall remove, at the owner's expense, any sign determined to be in violation and not corrected within the prescribed time period. The Sign Control Officer may cause immediate removal of a dangerous sign without notice.

18. ENFORCEMENT AND PENALTIES

18.1 The Sign Control Officer is authorized to enforce this ordinance.

18.2 If the Sign Control Officer finds that any provision of this Ordinance is being violated, he shall provide notification in writing to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

18.3 If the violation is not corrected within the time specified, the Sign Control Officer may order repairs or removal of any sign and its supporting structures if judged dangerous, or if it is in disrepair or in violation of this ordinance; or he may revoke the sign permit and/or may seek penalties and injunctive relief.

18.4 Violation of any provision of this ordinance or any lawful order relating to this ordinance by the Sign Control Officer shall be subject to a fine of not more than $100.00 per offense. Each day that the violation continues is a separate violation. In the event that the Town of Wiscasset incurs any expense in the enforcement of this ordinance, including but not limited to court costs and attorney's fees, the Town shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to the Town of Wiscasset.

19. APPEALS

An applicant whose application for a Sign Permit has been denied or revoked may, within thirty (30) days of denial or revocation, appeal the decision to the Wiscasset Board of Appeals in accordance with Article I, Section 5 of the Wiscasset Ordinances.

20. VALIDITY/SEVERABILITY

The invalidity of any provision of this ordinance shall not invalidate any other provision.

ARTICLE IV - PORT AND HARBOR

1. PURPOSE AND WATERFRONT COMMITTEE

1.1 PURPOSE

It is the Town's policy to make Wiscasset's tidal waters and public launching and docking facilities available to the public for responsible use, economic benefit and general enjoyment. [3-99]

1.1.1 The Board of Selectmen shall be authorized to make rules and regulations governing the use of Wiscasset Harbor and all areas set forth in Article IV by resolution, after a public hearing held at least 10 days before their enactment.

1.2 WATERFRONT COMMITTEE

1.2.1 The Board of Selectmen shall appoint a Waterfront Committee, which shall convene from time to time at the request of the Board of Selectmen, the Harbormaster or the Committee's Chair. The composition of the Committee shall be representative of the varied Town interests as determined by the Board of Selectmen. [3-99]

1.2.2 The Waterfront Committee's duty shall be to advise the Board of Selectmen regarding harbor and waterfront facilities, uses and regulations. [3-99]

1.2.3 The Waterfront Committee shall consist of five members each of whom shall serve at the pleasure of the Board of Selectmen. Unless an appointment is sooner terminated by the Board of Selectmen, each Committee member shall serve for 3 years, and the terms of the members shall be staggered. [3-99]

1.2.4 Not more than one (1) non-resident of the Town of Wiscasset may serve as a member. Non-resident members shall not have voting privilege. [6-16]

2. HARBORMASTER

2.1 APPOINTMENT AND AUTHORITY

The Selectmen shall appoint a Harbormaster, and as necessary, Deputy Harbormasters, who shall enforce the Port and Harbor Ordinance and exercise the

powers granted by 38 MRSA section 1 - 5 as amended, except that they shall not carry weapons or make arrests. [3-99, 3-01]

2.2 TERM

The Harbormaster and any deputies shall serve one-year terms. [3-99]

2.3 COMPENSATION [3-99]

Compensation of the Harbormaster and any deputies shall be set by the Selectmen.

2.4 DUTIES

2.4.1 Enforce the harbor rules and the use of town wharves and floats. [3-99, 3-01]

2.4.2 Advise the Selectmen on matters affecting tidal waters and related public facilities. [3-99]

2.4.3 Assign temporary and permanent berthing and mooring locations within the tidal waters of Wiscasset. [3-99]

2.4.4 Place and maintain or cause to be placed and maintained, either on land or water, such signs, notices, signals, buoys, waterway markers, or control devices as he deems necessary to carry out the provisions of this ordinance, or to secure public safety and the orderly and efficient use of the Wiscasset tidal waters and related public facilities. [3-99]

2.4.5 Designate, and extend as necessary and practicable, with the approval of the Selectmen, sufficient mooring area to meet the needs of the town. [3-99]

2.4.6 Maintain an up-to-date chart of all channels and mooring areas within the tidal waters of Wiscasset. [3-99]

2.4.7 Designate sections of floats and docks where: [3-99]

a. Boats used as tenders may be tied up on a continuing basis.

b. Vessels may be tied up for various purposes, and the length of time such vessels may remain.

c. Lobster, crab, or worm cars may be secured or stored. [3-01]

2.4.8 Maintain clear approach channels to all town landings and launch facilities.

3. MOORINGS

3.1 PERMITS

No mooring shall be placed except under the direction of and with a permit from the Harbormaster. Permits are valid for one calendar year, apply only to the assigned vessel, are not transferable to another owner except as provided below, and are renewable annually by application to the Harbormaster before May 1. Mooring assignments may be transferred only at the request or death of the assignee, only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purposes of this section, "member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood, or an assignee's spouse. Any mooring without a permit is subject to removal by the Harbormaster at the owner's expense (see section 3.8). change of vessel requires a new or amended permit. A new permit at another location may be issued provided space is available. [3-99, 3-01, 6-08]

3.2 MOORING BUOYS

Mooring buoys shall be white with a horizontal blue stripe. The Harbormaster shall assign a identifications number to each mooring to be placed by the owner on the mooring buoy. Identification numbers must be at least three inches high and clearly visible at all times. Any mooring not having an identification number is subject to removal by the Harbormaster at the owner's expense. (see section 3.8) [3-99, 3-01]

3.3 TEMPORARY USE

A mooring permit holder may allow the use of his mooring by a boat other than his own for not more than 7 calendar days in one calendar year, provided the boat is of the same size (or smaller) and type as the vessel listed on the mooring permit, and provided he notifies the Harbormaster of such temporary use. [3-01]

3.4 UNAUTHORIZED USE

No person shall tie a vessel to a mooring owned by someone else without permission of the owner. Enforcement of this section is by civil complaint, not by the Harbormaster. [3-01]

3.5 REGISTER AND MOORING CHART

The Harbormaster shall maintain a public register listing for each mooring: owner's name, residency status, address, and telephone number; the name, length and type of vessel, and whether it is commercial or non-commercial; the type of mooring; and the vessel's registration number. The Harbormaster shall also maintain a mooring chart for each mooring area on which each mooring is indicated by its identification number. [3-99]

3.6 FEES

The Board of Selectmen shall be authorized to set fees for the use of all harbor facilities, after a public hearing held at least 10 days before the fees being set. For purposes of this section a resident is a person who resides at least part of the year is in Wiscasset and who pays the boat excise tax in Wiscasset. [3-99, 3-01, 6-13]

3.7 REVOCATION

The Harbormaster may revoke or suspend in writing, giving his reasons, any mooring permit for violations of this ordinance, or in the interest of public safety, or to relieve congestion. [3-99]

3.8 MOORING CONFLICTS

If a conflict develops such that two vessels swinging on their moorings strike each other, the Harbormaster shall direct that one or both of the moorings be removed or moved to a designated location at owner's expense within ten days after the owner receives notification by the Harbormaster, which notice shall be deemed to have been given when the Harbormaster posts, by first class U.S. Mail, a notice to the owner’s registered address. In the interest of preserving property the Harbormaster may relocate a vessel on an emergency basis without the owner's permission to another mooring or dock. [3-99, 3-01]

3.9 WAITING LIST

Whenever there are more applicants for a mooring assignment than there are mooring spaces available, the Harbormaster shall create a waiting list in chronological order of application receipt. When a space becomes available it shall be offered to the first applicant on the list for the configuration and size of whose vessel the space would be suitable except that: [3-99]

3.9.1 If less than 10% of all moorings are currently assigned to non-resident commercial applicants, then the next available space, if suitable, shall be offered to the first such applicant on the list; [3-99]

3.9.2 If less than 10% of all moorings are currently assigned to non-resident non-commercial applicants, then the next available space, if suitable, shall be offered to the first such applicant on the list; [3-99]

3.9.3 If neither non-resident commercial or non-resident non-commercial applicants currently constitute 10% of moorings assigned, then whichever has the lowest percent shall be offered the first available and suitable space; and [3-99]

3.9.4 Littoral owners with at least 100 feet of shore frontage who are applying for a mooring in front of their property shall not be placed on a waiting list but assigned a mooring space, based only on the suitability of the location, the ownership of a vessel and payment of the fee. If space fronting their property is not suitable they may apply in the usual manner for mooring space in the designated mooring areas. [3-99]

Applicants may decline a space when offered without losing their position on the list. Waiting list positions may be retained from one year to the next by submitting a new application before May 1st. Applications not renewed shall be removed from the waiting list on that date. [3-99, 6-13]

3.10 REMOVAL OF MOORING

In case of the neglect or refusal of the master or owner of any boat or vessel to remove his mooring or to replace it by one of different character, when so directed by the Harbormaster, the Harbormaster shall cause the entire mooring to be removed, and collect from the master or owner of that boat or vessel the sum of $100 for the necessary expenses. [3-99, 3-01] Before removing a permitted mooring or a buoy, the Harbormaster shall notify the owner by mail at his last known address of the action desired of him. [3-99, 3-01]

3.11 REMOVAL OF VESSELS

A Harbormaster, upon receiving complaint from the master, owner or agent of any vessel, shall cause any other vessel or vessels obstructing the free movement or safe anchorage of that vessel to remove to a position to be designated by the Harbormaster and shall cause, without any complaint being made to the Harbormaster, any vessels anchoring within the channel line as established by the municipal authorities, as provided in MRSA 38 Section 2, to remove to such anchorage as the Harbormaster may designate.

If that vessel has no crew aboard or if the master or other person in charge neglects or refuses to move such vessel as directed by the Harbormaster, the

Harbormaster may put a suitable crew on board and move that vessel to a suitable berth at a wharf or anchorage or other location at the cost and risk of the owners of the vessel and shall charge $100, to be paid by the master or owner of that vessel, which charge, together with the cost of the crew for removing that vessel the Harbormaster may collect by civil action.

4. HARBOR RULES

4.1 No vessel shall be operated within any designated mooring area or approach channel to public launching area or docking facilities at a speed which exceeds five miles per hour or which produces a wash or wake which visibly and unnecessarily disturbs anchored or moored vessels or floats, or endangers or disturbs a person on or near the water. This shall be described as "no wake speed". [3-99]

4.2 No person shall use or operate any boat floatplane or other watercraft while under the influence of alcohol or drugs; or recklessly; or so as to cause danger, annoyance or inconvenience to the public anywhere within the tidal waters of Wiscasset. [3-99]

4.3 No water skiing shall be allowed within the mooring areas or approach channels.

4.4 Lobster traps and pot buoys may only be placed in the designated mooring area so as to not interfere with any mooring or moored vessel. Any pot buoy interfering or entangled with any mooring or moored vessel must be removed as soon as possible, by the pot buoy owner upon notification by the Harbormaster or any other party. Any pot buoy owner who fails to remove a pot buoy in violation of this section, within forty-eight hours of notification, is subject to the penalties for violation of this ordinance. No other fishing gear such as nets, trawls and the like may be placed in the designated mooring area. [6-13]

4.5 No pot buoys or any other objects or obstructions may be placed in designated approach channels. [3-99, 3-01]

4.6 Vessels anchoring in Wiscasset waters for more than 7 calendar days shall obtain a permit from the Harbormaster, and shall be limited to 14 calendar days in any calendar year.

5. USE OF TOWN WHARVES AND FLOATS

5.1 To insure that the Town Landing Facilities are available for use by the general public, the town wharves and floats shall be used only for loading and unloading, with a maximum time limit set by the Harbormaster. Extension of this time limit

for reasons of safety or hardship requires written permission from the Harbormaster. [3-99]

5.2 Boats less than 15 ft. in length and used specifically as tenders to vessels moored or anchored in the harbor may tie-up on a continuing basis at specific sides of certain floats designated by the Harbormaster for that purpose. [3-99]

5.3 Swimming and recreational fishing from the Town landings are permitted provided they do not cause litter, disturb the peace, or interfere with the docking or loading or unloading of vessels. [3-99]

5.4 No person shall place or maintain on the Town landing facilities any boats, barrels, boxes, gear, traps, pots, nets, sails, equipment, or other materials longer than is necessary for the prompt loading or unloading of the same. [3-99]

5.5 No person shall deposit or leave rubbish, garbage, or litter of any kind on the Town landings or launching facilities. [3-99]

5.6 The following uses require payment of fees established by the Board of Selectmen: [6-13]

1. Use of designated floats for commercial fishing
2. Use of designated floats for commercial fishing including use of the mast and boom
3. Securing lobster, crab or worm cars to designated floats
4. Overnight tie-up of recreational vessels when permitted

6. POLLUTION OF WATERS

No person shall deposit or sweep or cause to be deposited or swept into the tidal or fresh waters of the Town of Wiscasset any gas, oil, bilge water containing gas or oil, ashes, dirt, stones, gravel, mud, logs, brush, planks, building materials, shells, bait, dead fish, bottles, cans, paint, chemicals, or any other liquid or solid waste or rubbish that floats on, dissolves in, or otherwise pollutes the water, obstructs navigation, or decreases water depth. [3-99]

7. ABANDONMENT OF WATERCRAFT

No person may bring into or maintain in the harbor any derelict watercraft, watercraft for salvage, or abandon any watercraft in the harbor without a permit from the Harbormaster. Whoever does so without permit is guilty of a Class E crime. Watercraft, which is to be salvaged by firms licensed by the State to do salvage work, shall be excluded from this section. The

Harbormaster shall be the sole determiner as to what constitutes a watercraft that is derelict and what constitutes a watercraft that is abandoned. [3-99]

8. TOWN RESPONSIBILITY FOR BOATS

The Town accepts no responsibility for preventing damage to boats moving, drifting, anchored, or moored in the harbor or using the Town Landing facilities or launching facilities. Responsibility for the safety of any boat in the harbor lies with its owner or master or his representative. [3-99]

9. POSTING OF ORDINANCE

This ordinance shall be posted at several conspicuous locations at the Town Landing and launching areas. Their removal or defacement is a violation of these ordinances. [3-01]

10. PENALTIES

In addition to any penalties imposed by State Law, any person, firm, corporation or other entity who violates any section of this Port and Harbor Ordinance, or who fails to obey lawful orders of the Harbormaster, shall be subject to a fine of $50.00 (fifty dollars) for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this Section. [3-99]

11. VALIDITY/SEVERABILITY CLAUSE

If any part of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance. [3-99]

ARTICLE V - SOLID WASTE [3-94]

1. GENERAL PROVISIONS

1.1 No person shall accumulate or permit to accumulate on private property or on any public way in the Town of Wiscasset garbage, rubbish or other waste materials except earth fill material. Except, however, it is permissible to accumulate garbage, rubbish and other waste materials upon private property in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard is created thereby. Compost piles or covered subsurface packaged garbage decomposing units are permitted so long as no annoyance, nuisance, ground or surface water pollution or any other health hazard is created thereby. Any unauthorized accumulation of garbage, refuse, rubbish, or other waste materials within thirty days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

1.2 No person shall dump or dispose of any refuse or garbage upon any shore or in any harbor or upon any waters within or adjacent to the Town of Wiscasset providing that this Section shall not apply to licensed sewage systems.

1.3 No person shall allow any refuse or garbage to be scattered from any vehicle onto any public way.

1.4 It shall be unlawful for any person to burn or incinerate any garbage or refuse within the Town of Wiscasset. However, this Section does not forbid the burning of any materials being used as fuel in a furnace, boiler, fireplace, stove or cooking device. This Section shall not apply to burning authorized by the Fire Chief and at any town solid waste facility, nor to any burning conducted under the direction of, or permit granted by, the fire department of the Town of Wiscasset.

1.5 The separation and recycling of materials saves in disposal costs, conserves materials, energy, and natural resources, and has a long term desirable effect on the environment. In order to increase participation in recycling, and thereby make solid waste handling, processing, and disposal more effective and less costly, this article makes source separation mandatory effective on October 1, 2011. [6-11]

2. TOWN SOLID WASTE FACILITIES

2.1 The Selectmen shall designate one or more suitable places as town solid waste facilities, but no place shall be designated as a town solid waste facility, the location of which has been disapproved by the inhabitants in a town meeting.

2.2 The Selectmen shall appoint and supervise a superintendent of solid waste for the Town of Wiscasset who shall, in turn, be responsible to supervise all personnel assigned to any solid waste facility in the Town of Wiscasset.

2.3 The Selectmen shall see that all town solid waste facilities are treated, when needed, with proper pest exterminating agents.

2.4 No person shall deposit any materials at the town solid waste facilities except in compliance with this Ordinance and pursuant to the instructions of the Selectmen or the attendant in charge.

2.5 No person may deposit at the town solid waste facilities automobile bodies or any bulky wastes, which may require special processing prior to disposal.

2.6 The town solid waste facilities shall be available only to persons residing within the limits of the Town of Wiscasset, or other municipalities authorized by contract, commercial establishments located within those towns, and haulers licensed by the Town of Wiscasset pursuant to this Ordinance.

2.7 No person shall dispose at the town solid waste facilities any garbage, rubbish, waste materials or other substances brought from outside the boundaries of the Town of Wiscasset or other municipalities authorized by contract.

2.8 The Selectmen shall designate, by the posting of suitable signs, areas of the solid waste facilities where different kinds of waste materials shall be deposited.

2.9 The Selectmen shall designate the hours for refuse disposal and shall post the hours at the town solid waste facilities.

2.10 Deposit of dead animals is prohibited in any solid waste facility.

3. PERMITS

3.1 All persons using the town solid waste facilities must display valid permits affixed to their vehicles. Permits will be issued at the solid waste facility on proof of residency or ownership of a commercial establishment. The resident or commercial establishment to whom the permit is issued is the permit holder.

3.2 Any permit holder who loses or misplaces a permit must report the same immediately to the solid waste facility.

3.3 If a vehicle displaying a permit or the occupants thereof violate this Ordinance, regardless of whether the permit holder consented or knew of the violation, the permit holder is in violation of this Ordinance, unless the permit holder had previously reported the loss of his permit to the solid waste facility.

4. HAULERS

4.1 No person shall, for hire, collect, haul, transport or dispose of waste materials for disposal at the Town of Wiscasset solid waste facilities without first obtaining a license therefor from the Selectmen. Such licenses shall be issued for a period of not more than one year.

4.2 Any person or commercial establishment desiring a hauling license shall submit to the Town Office a written application by May 1 each year. Licenses shall be valid from June 1 to May 31 the following year. The Wiscasset Board of Selectmen shall set resident and non-resident fees and charges for hauling licenses each April. The Selectmen may conduct an investigation of the applicant. The Selectmen, after notice to the applicant, shall hold a public hearing for new applicants. Licenses maybe refused, and the Selectmen reserve the right to limit the number of licenses issued. [6-06]

4.3 The Selectmen may revoke the license of any hauler who fails to comply with any provision of this Ordinance. No license shall be revoked until the Selectmen, after reasonable notice to the hauler, hold a public hearing on the matter.

5. PENALTIES AND REPEAL

5.1 The penalty for non-separation of recyclables from unrecyclable goods shall be $2.00 per bag or $100 per load for commercial haulers. The fine shall be charged to and payable by the person, business or commercial hauler which brings the unrecycled waste to the facility to be disposed of. In addition, such person shall reimburse the Town for all expenses incurred by the Town as a result of the violation. [6-11, 6-12]

5.2 Any licensed hauler who violates any provision of this Ordinance shall be subject to revocation of his license.

5.3 Any permit holder who violates any provision of this Ordinance shall be subject to revocation of his permit.

5.4 The Selectmen are authorized to prosecute violations of the preceding regulations, and are hereby authorized to remove at the expense of the owner of the property any pile of garbage, refuse or waste matter, accumulated on any property which after 24 hours notice has not been removed.

6. VALIDITY/SEVERABILITY CLAUSE

If any part of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance.

ARTICLE VI - ZONING

1. STATEMENT OF PURPOSE

The purpose of this Ordinance is to further the rights of each and every person to life, liberty and the pursuit of happiness; to promote the general health and safety of the community; to provide the greatest possible latitude of individual choice for land use while maintaining the character and objectives of the community as determined by its citizens and outlined in its Comprehensive Plan, to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses; conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty; and finally to protect the community as a whole and the individual persons therein from unreasonable acts by others. [6/74, 6/88]

2. GENERAL PROVISIONS

2.1 This ordinance separates patterns of land use into several Districts. It outlines the types of land use permitted in each District and pertains to all of the land area within the jurisdiction of the Town of Wiscasset. [6/74, 6/88]

2.2 The effective date of this ordinance is June 27, 1991, and as amended. [6-91]

2.3 That part of the ordinance relative to the 250 foot Shoreland District, which was adopted at the June 27, 1991, Town Meeting shall not be effective unless approved by the Department of Environmental Protection. A certified copy of that portion of the ordinance, attested and signed by the Town Clerk shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on the ordinance with forty-five (45) days of the Board's receipt of the ordinance it shall be deemed approved. Upon approval of the 250 foot Shoreland District portion of the ordinance the Shoreland Zoning Ordinance previously adopted at the June 1988 Town Meeting is repealed. [3-92]

2.4 Any application for a permit in the 250 foot Shoreland District submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this ordinance if the ordinance is approved by the Department of Environmental Protection. [3-92]

2.5 APPLICABILITY OF SHORELAND ZONING

Those portions of this article relating to shoreland apply to all land areas within 250 feet, horizontal distance, of the normal high-water line of Gardiner Pond, the Sheepscot River or any salt water body; within 250 feet, horizontal distance of the upland edge of a coastal or freshwater wetland; and within 75 feet horizontal

distance, of the normal high-waterline of a stream. This ordinance also applies to any structure built on, over or abutting a dock, wharf, pier or other structure extending beyond the normal high-water line of a water body or within a wetland. [3-92]

2.6 VALIDITY/SEVERABILITY CLAUSE

The invalidity of any provision of this ordinance shall not invalidate any other part. When in conflict with any other previous ordinance, this ordinance shall prevail. [6-74,6-91]

3. AMENDMENTS

3.1 This ordinance may be amended by a majority vote of the governing body at any town meeting. [6-74, 3-81]

3.2 In the case of amendment involving the 250 foot Shoreland District a copy of such amendment, attested and signed by the Town Clerk shall be submitted to the Department of Environmental Protection following adoption at any town meeting and shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five(45) day period shall be governed by the terms of the amendment if such amendment is approved by the Board. [3-92]

3.3 Amendment procedures shall always include a public hearing to be held by the Selectboard at least 30 days prior to a town meeting, with a notice thereof posted and published by the Town as required by 30-A M.R.S.A. 4352 as the same may be amended from time to time. [3-81, 9-03, 6-12]

3.4 Amendment procedures shall further include a scaled map showing any proposed change or creation of zoning together with a written description. [3-81]

4. DISTRICTS AND ZONING MAPS
(also see DEFINITION OF DISTRICTS, at end of this Article)

4.1 The Town is hereby divided into the following districts as shown on the official Zoning Map: [6-15]

A. Shoreland Resource Protection District
B. Shoreland Residential District
C. Shoreland Business District
D. Residential District
E. Village 1 District

F. Village 2 District
G. Village Waterfront District
H. Commercial District
I. Nequasset Watershed District
J. Rural District
K. Shoreland Business II District
L. Marine Overlay District
M. Historic Overlay District

4.2 The official Zoning Maps and all future amendments thereto are hereby made a part of and incorporated into this ordinance.

4.3 District boundary lines are property lines, the center lines of streets, roads and rights-of-way, and the boundaries of the Shoreland Area as defined herein: however, if a district boundary is legally described in another manner, such as a deed description, such description shall be used. Where uncertainty exists as to exact location of District boundary lines, the Appeals Board shall be the final authority as to location. Shoreland applies to all land within 250 feet, horizontal distance, of the normal high water line of the Sheepscot River, Gardiner Pond and any tidal water; within 250 feet, horizontal distance of the upland edge of a coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high water line of a stream. [6-91]

4.4 If amendments are made in the District Boundaries or other matter portrayed on the Official Zoning Maps such changes shall be made on the Official Zoning Maps within thirty days after the amendment has been adopted by the Town or in the event of shoreland areas after approval by the Department of Environmental Protection. [3-92]

5. NON-CONFORMANCEOUTSIDE THE SHORELAND DISTRICTS [6-12]

5.1 Purpose
It is the intent of this Section to promote land use conformities, except that legal non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this Section.

5.2 General

5.2.1 Continuance
The lawful use of any building, structure or land that is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the provisions of this Ordinance.

5.2.2 Transfer of Ownership

Legal non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Code.

5.2.3 Repair and Maintenance

This Ordinance allows the normal upkeep and maintenance of legal non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State, and local building and safety Codes may require. Such repair and maintenance shall comply with the current codes and ordinances adopted by the Town of Wiscasset.

5.3 Non-conforming Structures

A non-conforming structure outside of the shoreland zone may be added to or expanded from the same permitting authority as that for a new structure if such addition or expansion does not increase the non-conformity of the structure. See: Increase in non-conformity of a structure in Glossary. [6-12]

5.4 Non-conforming Lots

5.4.1 A nonconforming lot of record may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, except as provided in paragraph 5.4.2 below.

5.4.2 If two or more vacant, contiguous lots or parcels are in single or joint ownership of record at the time of adoption or amendment of this Ordinance, if these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendment, the lots shall be combined to the extent necessary to meet the dimensional standards, except where the contiguous lots front onto different streets or where the lots were legally created and recorded as part of an approved subdivision before the enactment of this ordinance [6-12].

5.5 Non-conforming Uses

5.5.1 A non-conforming use is a use of premises, parcel of land or structure which was in lawful existence at the effective date of the adoption or amendment of this ordinance but which currently does not comply with the applicable use regulations of the zoning district in which it is located.

5.5.2 Expansion of a Non-conforming, Non-residential Use: The Planning Board may issue approval for an expansion of a non-conforming, non-residential use up to a maximum of an additional thirty (30) percent of the

original floor area of the existing structure, or in the case of an outdoor use, an additional thirty (30) percent of the original land area used for the activity, according to the criteria for site plan review contained in Article 8, Site Plan Review Ordinance, provided that the expansion meets the dimensional requirements and other provisions of this Ordinance. The expansion of a non-conforming use shall not be for the purpose of changing that use to another non-conforming use, except as provided in section 5.5.4, below.

5.5.3 A non-conforming use may not be renewed after it has been changed to a conforming use or after it has been discontinued for a period of 12 consecutive months.

5.5.4 A non-conforming use may be changed to another non-conforming use only with a permit from the Board of Appeals. The Board of Appeals shall issue such a permit only upon a finding that all the following are met:

5.5.4.1 The new use will not generate more vehicular traffic in the immediate area surrounding the premises than the former use: and

5.5.4.2 There will be no additional structures, or expansion of existing structures, to accommodate the new use; and

5.5.4.3 There will be a minimum of 3 off-street parking spaces for each conforming and non-conforming use on the lot; and

5.5.4.4 The daily hours of operation of the new use will be no earlier than 8:00 a.m. and no later than7:00 p.m.; and

5.5.4.5 The new use will have no more and no larger signs than the former use, and all signs will comply with the current sign ordinance requirements; and

5.5.4.6 There will be no outside storage of materials used by, or products produced by, or goods offered for sale by the new use; and

5.5.4.7 The lot is connected to Town water and sewer.

See Section 5.5.2.

6. NON-CONFORMANCE IN THE SHORELAND DISTRICTS [3-91, 9-03, 6-12]

6.1 Intent

This Ordinance is intended to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

(See Glossary for the definitions of shoreland non-conforming structures, non-conforming uses and non-conforming lots.)

6.2 Transfer of Ownership
Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

6.3 Repair and Maintenance
This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use of structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

6.4 Expansion of non-conforming structures
A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. Any such expansion must comply with the following requirements:

6.4.1 After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

6.4.2 Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in the subsection 6.5. (Relocation), below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet. [3-92]

6.4.3 No structure, which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.

6.5 Relocation of non-conforming structures
6.5.1 A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the

requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

6.5.2 In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

6.6 Reconstruction or Replacement of non-conforming structures

6.6.1 Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

6.6.2 Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer.

6.6.3 In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 6.5 above, the physical condition and type of foundation present, if any.

6.7 Changes of use of a non-conforming structure

6.7.1 The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on adjacent water body or wetland, or on the subject or adjacent properties and resources than the existing use.

6.7.2 In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding

the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

6.8 Non-conforming uses

6.8.1 Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 6.4 above.

6.8.2 Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

6.8.3 Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 6.7 above.

6.9 Non-conforming lots

6.9.1 Non-conforming Lots: A non-conforming lot of record in the shoreland zone as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

6.9.2 Contiguous Built Lots: If two or more contiguous lots or parcels within a shoreline zone are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed

separately or together, provided that they are in compliance with the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

6.9.3 Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels in the shoreland zone are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. [3-91]

6.9.3.1 Existing lots of record as of June 27, 1983, which have at least 100 feet of shore frontage, 20,000 square feet of lot area, and can meet State plumbing code requirements for on-site sewage disposal need not be combined with adjoining lots in the same ownership in order to meet revised shoreland lot standards. [3-92]

6.9.3.2 Existing adjoining lots in the same ownership, which do not individually meet the above standards, to be combined and redivided consistent with the above standards. [3-92]

7. BUFFER STRIP APPLICATION

The Planning Board may require a buffer strip when a zoning boundary is located adjacent to a different type of zoning area where separation is desirable. [3-81, 3-97]

8. ADMINISTRATION

8.1 VARIANCES AND APPEALS

8.1.1 The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of this Ordinance for lot area, coverage by structure, and setback. A variance shall not be granted to permit a use or structure otherwise prohibited. [3-81]

8.1.2 Appeals from the decision of the Planning Board may be made to the Appeals Board as provided for by 30-A MRSA Section 2691(4) and acts amendatory or supplemental thereto.

8.2 ENFORCEMENT

8.2.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance unless the Town of Wiscasset Ordinances specifically designate otherwise. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, s/he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notice shall be maintained by the Code Enforcement Officer with copies forwarded within 10 days to the Planning Board and Selectboard. [3-92, 6-12]

8.2.2 When the above action does not result in the correction or abatement of the violation, the Selectboard are hereby authorized and directed to institute any and all actions necessary, including seeking injunctions of violations and the imposition of fines, to enforce the provisions of this Ordinance in the name of the Municipality.

8.2.3 Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be penalized in accordance with 30-A, M.R.S.A. § 4452. [6-91, 6-12]

9. DEVELOPMENT STANDARDS IN THE VILLAGE 1, VILLAGE 2, & VILLAGE WATERFRONT DISTRICTS [6-12]

9.1 Appearance of new structures and additions to existing structures

9.1.1 The design of new or replacement buildings shall be compatible with the predominant architectural style of buildings located on properties within 150 feet of the project parcel. In the absence of a predominant architectural style, such replacement buildings shall reflect traditional New England building forms. The Planning Board shall have the authority to make the determinations described in this subsection and, at its discretion, may seek the advice of a consultant or other authority at the applicant's expense.

10.1.2 The design of additions or modifications to an existing building shall be compatible with the architectural style of the existing building. The Planning Board shall have the authority to make the determination described in this subsection and, at its discretion, may seek the advice of a consultant or other authority at the applicant's expense.

9.2 Conversion of existing residences to non-residential use

9.2.1 If any portion of an existing residential building is proposed to be converted all or in part to non-residential use, the existing residential appearance of the building shall be maintained with the exception of signage, parking and access as may be required by applicable provisions of the Wiscasset Ordinance.

9.3 Prohibited uses. The following uses are prohibited in the Village 1, Village 2 and Village Waterfront Districts.

9.1.1 Drive-thru facilities
9.1.2 Formula restaurants
9.1.3 Franchise signage*
*Except that franchise signage existing as of the date of enactment of this section may be replaced by other franchise signage as long as the area of franchise signage is not increased.

9.4 Buffering for Village 2.
The following shall apply to Village 2 only:

Non-residential buildings in Village 2 that are developed on lots adjacent to lots in residential use shall be adequately buffered and screened. The buffering and screening required under this section is such buffering or screening as the Code Enforcement Officer or Planning Board, as the case may be, deems necessary to protect all adjacent residential uses from adverse impacts from noise, odor, glare, dust, vibration, or visual impacts materially impairing the quiet and beneficial use and enjoyment of the residential uses. These measures can include, but are not limited to, a landscaped buffer strip provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering and screening shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking and waste collection areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas and screens shall be maintained and vegetation replaced to insure continuous year-round screening. All exterior lighting fixtures shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from neighboring properties except illumination generated from sources directly associated with emergency operations on the site.

10. HISTORIC PRESERVATION ORDINANCE [6-15]

10.1 PURPOSE AND ESTABLISHMENT

The purpose of this Ordinance is to provide a framework within which the residents of the Town of Wiscasset can protect the historic, architectural and cultural heritage of significant areas, buildings, structures, landmarks and sites in the Town while accepting compatible new construction. The heritage and economic well-being of the Town will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the Town of Wiscasset. The intent of this Ordinance is to assist property owners in maintaining the architectural integrity of historic resources within the Town. Once destroyed, these historic resources cannot be replaced. To prevent such losses, the intent of this Ordinance is to:

10.1.2 Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.

10.1.2 Prevent, without prior review, the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks and other significant design elements.

10.1.3 Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings or structures.

10.1.4 Accept new buildings and structures in designated districts that do not displace historic structures or sites, and that are designed and built in a manner which is compatible with the character of the district.

10.1.5 Promote the educational, cultural, economic and general welfare of the people of the Town of Wiscasset.

10.2 DEFINITIONS

10.2.1 Terms Defined. As used in Ordinance, the following terms shall have the meanings indicated:

ABUTTER: The owner of a property sharing a common boundary with another property or within 100 feet of a given piece of property, whether or not these properties are separated by a public or private way. Owners shall be considered to be persons listed by the Tax Assessor of Wiscasset and/or the ones against whom taxes are assessed.

ALTERATION: A change in the external architectural or landscape features of any structure. This definition does not include change in color.

APPROPRIATE: Suitable or fitting for a particular purpose, person, or occasion.

ARCHITECTURAL SIGNIFICANCE: The embodiment of distinctive characteristics of a type, period or method of construction; represents the work of a master architect or builder; or possesses high artistic values.

BUILDING: Structures and historic places (i.e., cemeteries, parks, etc.) which are classified under this Historic Preservation Ordinance.

CERTIFICATE OF APPROPRIATENESS: A written approval following a prescribed review procedure granted by the Commission upon application of a person with sufficient right, title or interest in property, certifying that the proposed actions by an applicant are found to be acceptable in terms of the design criteria relating to the historic resource as set forth in this Ordinance.

COMMISSION: The Wiscasset Historic Preservation Commission, as established by this Ordinance.

CONSTRUCTED: Built, erected, altered, enlarged, reconstructed, moved upon, or any physical operations on the premises which are required for construction.

CONTRIBUTING STRUCTURES (within districts): A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

DEMOLITION: The permanent removal, dismantling or destruction of all or any portion of an existing designated historic resource.

EXTERIOR ARCHITECTURAL FEATURE: The architectural style and general arrangement of the exterior of a building or structure, including but not limited to:

- The roof shape and the kind and texture of the building materials;
- The type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc;
- The location and treatment of any vehicle access or parking space;
- The design of any sign; and

- The arrangement of any fencing.

HISTORIC DISTRICT: A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or physical development and designated in accordance with the requirements of this Ordinance as appropriate for historic preservation. Such historic districts may also comprise an individual historic landmark or historic site separated geographically, but linked by association or history.

HISTORIC LANDMARK: Any improvement, building or structure of particular historic architectural significance to the Town relating to its heritage, cultural, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Ordinance.

HISTORIC RESOURCE: Any historic district, historic site or historic landmark.

HISTORIC OVERLAY MAP: A map of the Town of Wiscasset which identifies the location of a designated historic district, historic site, historic landmark or area of neighborhood significance. This map may be used to overlay other Town maps such as zoning, land use or property tax to demonstrate the designated historic resources locations.

HISTORIC SIGNIFICANCE: The embodiment of one or more of the five qualities in Section 10.4.1. Any building classified as noncontributing is not considered to possess historic significance.

MATERIAL CHANGE: A modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including but not limited to the kind or texture of the building materials and the type and style of all windows, doors, light fixtures, other appurtenant fixtures and other features such as walks, walls, fences, signs, driveways and parking areas. In addition, all activities that affect the exterior of the building and require a building permit are also included in this definition.

MINOR ALTERATIONS: Incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features and are easily reversible. In no event shall any change be deemed minor when, in the

determination of the Code Enforcement Officer, such change shall alter the historic character of the building or site.

NEIGHBORHOOD SIGNIFICANCE: A contribution to the creation of a physical setting representing a period important to the evolution of the Town. It is understood, in this case, that the physical setting, which is composed of buildings, landscape features and open space, and other architectural features, can transcend the sum of its parts in creating a sense of history. Some examples of situations in which a building would have neighborhood significance are: it is one of a group of similar buildings constructed and/or designed by an individual important in Wiscasset history; it is a compatible element in a group of buildings of similar or equally important significant architectural styles; its location (i.e., on a corner lot, on a rise of land, on a large parcel of land, as the first building to visually introduce an important group of buildings) makes it an important element in the neighborhood; its size gives it a dominant place in the neighborhood.

RECONSTRUCTION: The rebuilding of a building or a part of a building. The reconstruction may or may not be a return to the original design of the building.

REHABILITATION: The upgrading of a building, previously in a dilapidated or substandard condition. "Rehabilitation" does not necessarily retain the building's original architectural features.

RESTORATION: The replication or reconstruction of a building's original architectural features. "Restoration" usually describes the technique of preserving historic buildings.

RHYTHM: Characterized by the regular recurrence of strong or weak elements.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, but excluding sidewalks, fences, driveways, parking lots and noncommercial swimming pools (whether aboveground or in-ground).

VIOLATION: Failure to comply with the plans and conditions as approved by the Historic Preservation Commission when it issued the certificate of appropriateness, and/or any activity listed in Section 10.5.1, Certificate of appropriateness, is carried on without first obtaining a certificate of appropriateness which permits the activity to proceed.

VISUALLY COMPATIBLE: A mix of styles, sizes, and other elements that blend together well and conform to the five criteria of Section 10.4.1, 10.4.1.1 – 10.4.1.5.

10.3 HISTORIC PRESERVATION COMMISSION

10.3.1 Wiscasset Historic Preservation Commission

10.3.1.1 Appointment. Members of the Historic Preservation Commission shall be appointed by the Board of Selectmen. Members may be residents, property owners or an appointed representative of a not for profit property. Members should have a demonstrated interest in historic preservation.

10.3.1.2 Regular members. The Commission shall consist of five regular members and two alternates. The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: one for one year, two for two years and two for three years from the date of their appointment. Thereafter, Commission members shall be appointed for terms of three years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Board of Selectmen shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed.

10.3.1.3 Alternate members. Alternate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: one for one year and one for two years. Thereafter, alternate members shall be appointed for terms of three years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if appointed by the chairman to act in place of a regular member who is absent, has resigned, or has been disqualified because of a conflict of interest. Alternate members may be reappointed.

10.3.1.4 Advisory members. In addition to regular and alternate members of the Commission, the Board of Selectmen may appoint other persons, not necessarily residents of the Town of Wiscasset, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions. Such members shall not be voting members of the Commission.

10.3.1.5 Removal. Any regular or alternate member may be removed by the Board of Selectmen for just cause upon written charges and after a public hearing. Three consecutive unexcused absences or four unexcused absences out of five consecutive meetings of the Commission shall be considered sufficient cause for removal of a regular member.

10.3.1.6 Officers. The Commission shall elect annually a Chairperson, Vice Chairperson and a Secretary from its membership. Three members shall constitute a quorum for the transaction of business, but if less than a quorum is present, then the meeting will be adjourned. The Secretary shall maintain a permanent record of the activities of the Commission, including but not limited to such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of the Commission members, attendance records, appointments to the Commission, correspondence and minutes of all meetings.

10.3.1.7 Procedures. The Commission under normal conditions may apply Roberts Rules of Order or any other procedure which insures a fair and orderly meeting.

10.3.1.8 Meetings. All meetings of the Commission shall be publicly announced, open to the public except as provided by law, and have a previously available agenda. Public notice shall be provided before any special meeting of the Commission.

10.3.1.9 Duties. The duties of the Commission, at a minimum, shall be to:

a. Conduct or cause to be conducted a continuing survey of local historical and cultural resources, in accordance with the Maine Historical Preservation Commission guidelines;

b. Advise and inform owners and abutters of the requirements of this Ordinance.

c. Make recommendations to establish historic districts, sites or landmarks;

d. Review all proposed additions, reconstruction, alterations, construction, removal or demolition of properties designated under the jurisdiction of this Ordinance, except as exempted by Section 10.5.2.3.

e. Review all proposed National Register nominations for properties within the jurisdiction of the Historic Preservation Commission of the Town of Wiscasset;

f. Serve in advisory role to the Town officials regarding local historic and cultural resources and act as a liaison between local government and those persons and organizations concerned with historic preservation;

g. Advise and inform Town officials and owners on physical and financial aspects of preservation, renovation and rehabilitation of historic buildings, structures or sites;

h. Work to provide local residents with continuing education on historic preservation issues;

i. Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this section;

j. Cooperate with federal, state and Town officials in the pursuit of the objectives of historic preservation; and

k. Participate in land use planning efforts of the Town, state and federal government.

10.3.1.10 Historic Preservation gifts, grants and funding. Gifts, grants and funding received within a fiscal year from entities other than the Town may be expended with Town Meeting approval solely for purposes of historic preservation in the Town of Wiscasset. A dedicated fund shall be established by the Town's Treasurer to receive any unused gifts and grants received in the current year. The Town Treasurer will also establish such operational accounts for the Commission as is deemed appropriate for the Commission to accomplish its duties, such as training, providing notices to the public, etc. These accounts will be funded through the normal budget process.

10.3.1.11 Administrative support. Administrative support to include processing applications, providing public notice of hearings and findings of the Commission, and retention of copies of the permanent records of the activities of the Commission shall be provided by the Planning and Codes Department.

10.4 QUALIFICATIONS, ESTABLISHMENT, DESIGNATION, INCENTIVES, AND PERMITTED USES

10.4.1 Qualifications of Historic Districts, Sites and Landmarks. The historic districts, historic sites or historic landmarks established in accordance with this Ordinance shall have one or more of the following characteristics and qualifications, without limitations as to cultural or chronological period:

10.4.1.1 History of Wiscasset. Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Wiscasset, the State of Maine or the Nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage;

10.4.1.2 Persons. Structures, buildings or sites associated with important personages;

10.4.1.3 Architecture. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or landscaping, of a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect;

10.4.1.4 Visual continuity. Structures or buildings contributing to the visual continuity of the historic district;

10.4.1.5 National register. Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

10.4.2 Establishment of Historic Districts, Historic Sites and Historic Landmarks. Historic districts, historic sites and historic landmarks, except for districts, sites and landmarks already established at the time of original adoption of this Ordinance, shall be designated in accordance with this section.

10.4.2.1 Preliminary procedures. The establishment of new historic districts, historic sites or historic landmarks shall be done by amendment to Section 10.4.4. No property will be included within a district nor become a historic site or historic landmark

without the written consent of the property owner or owners. The Board of Selectmen, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend Section 10.4.4. Subsequent action to add new districts, sites or landmarks, or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites or landmarks shall submit a request for the amendment in writing to the Commission. A request may include exercising any or a combination of the incentives in Section 10.4.3. Any proposal by the Board of Selectmen or Planning Board shall be referred to the Commission for comment before Selectmen action. The Commission's recommendations concerning the request shall be placed on the agenda of the Board of Selectmen for its action. Formal adoption of historic districts, sites or landmarks may only be achieved by vote of the governing body at the annual Town Meeting. Any application for designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

a. Designation of buildings, structures and sites for historic preservation shall include one or more of the following:

    (i.) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and special qualities as relevant

    (ii.) A concise statement of how the building, structure or site meets the review criteria of 10.4.1.1 – 10.4.1.5

    (iii.) Exterior photographs of the building or structure illustrating significant details described in Subsection a.(i.) above. In addition, the Commission may request photographs of interior articles of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions; or

    (iv.) Survey forms as generally used by and available from the Maine Historic Preservation Commission.

b. Designation of districts for historic preservation shall include:

i. A concise statement of the physical elements which make this area a historic district and a description of building types and architectural styles and periods represented;

ii. A concise statement of how the district meets the review criteria of 10.4.1.1 – 10.4.1.5;

iii. An explanation of the boundaries of the district;

iv. A definition of types of structures that do not contribute to the significance of the district and an estimate of the number of noncontributing structures;

v. An overlay map showing all district structures with an identification of contributing structures.

c. Expansion of historic districts for historic preservation shall include:

i. A concise statement of the physical elements that justify an expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district and a description of building types and architectural styles and periods represented

ii. A concise statement of how the expansion of an existing district meets the review criteria of 10.4.1.1 – 10.4.1.5;

iii. A justification of the expanded boundaries of the district; and

iv. A map showing all district structures in the proposed expansion area with an identification of contributing structures.

10.4.2.2 Studies and recommendations. Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission shall make and submit a draft report to the Board of Selectmen on every request received. Drafts of the report shall also be submitted to the Maine Historic Preservation Commission in Augusta.

10.4.2.3 Public hearing and final report. Before the final report is made to the Board of Selectmen, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days before the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and owners of abutting property. Not later than 30 days after the public hearing, the Commission shall submit a final report including recommendations to the Board of Selectmen.

10.4.2.4 Action by the Board of Selectmen. After receipt of the Commission's recommendations, as provided above, the Board of Selectmen shall consider the proposed designation and approve or disapprove the request to be placed on the ballot. Formal adoption of historic districts, historic sites or historic landmarks may only be achieved by vote of the governing body at the annual Town Meeting. The owner of each property so designated shall be given written notice by the Planning and Codes Department within 30 days after the designation of any historic district, historic site or historic landmark.

10.4.2.5 Applicability of this Ordinance. After the historic resources have been approved at any Town Meeting they are subject to the requirements of this Ordinance.

10.4.3 Incentives

10.4.3.1 The Historic Preservation Commission may make recommendations to the Board of Selectmen concerning the use of incentives for the purposes of promoting and ensuring the preservation of historic resources in the Town.

10.4.3.2 Funding for incentives shall be established in accordance with the provisions of 10.3.1.10.

10.4.4 Designated Historic Districts, Historic Sites and Historic Landmarks. This Ordinance may be amended only by vote of the governing body at the annual Town Meeting. Upon adoption and amendment of this Ordinance, the following lands, buildings or structures, or areas of the Town are designated as historic resources and shall be shown on the Historic Overlay Map.

10.4.4.1 Wiscasset Historic District. For the purposed of this ordinance the Wiscasset Historic District is defined by the boundary of the zoning districts of Village I, Village II, and Village Waterfront District.

10.4.4.2 Historic Sites

10.4.4.3 Historic Landmarks

10.4.5 Permitted Uses. Uses permitted for historic resources shall be those set forth in Article VI, Zoning, of the Town of Wiscasset Ordinances, for the zone in which such district, site or landmark is located.

10.5 CERTIFICATE OF APPROPRIATENESS AND APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

10.5.1 Certificate of Appropriateness

10.5.1.1 A certificate of appropriateness issued by the Historic Preservation Commission is required for any of the following:

a. New construction of a principal or accessory building visible from a public street where such building will be located in a historic district or upon a historic site;

b. Demolition of any landmark, building or portion of any building, including the removal of architectural features from a historic landmark or a contributing building in a historic district;

c. Moving of a historic landmark or any building located in a historic district;

d. Additions, alterations or reconstruction, including porches and steps of existing buildings within a historic district, or a historic site;

e. New signs placed in a historic district or on a historic site or landmark;

f. New construction of walls, fences and parking lots in a historic district that are visible from a public way; and

g. Sandblasting of brick or stone buildings within a historic district, site or landmark.

10.5.1.2 A building permit for work described in Subsection 10.5.1.1 above shall be issued only after the required certificate of appropriateness is issued by the Historic Preservation Commission.

10.5.2 Application for Certificate of Appropriateness

10.5.2.1 Application forms and fees. An application for a certificate of appropriateness shall be obtained from the Planning and Codes Department. A fee established in the Town of Wiscasset Fee Schedule by the Board of Selectmen shall be paid at the time of submission of the application.

10.5.2.2 Application procedure. A completed application for a certificate of appropriateness shall be submitted to the Planning and Codes Department who shall date the application and transmit the application to the Historic Preservation Commission. The Commission shall consider each application and, within 30 days of the date of submittal, hold a public meeting and approve, approve with conditions or deny the application. Upon mutual written consent of the Commission and the applicant, the review period may be extended. Notice of all decisions shall be sent to the applicant, Planning Board and Code Enforcement Officer within ten days of the decision.

10.5.2.3 Alternative procedure for review of installation or alteration of any exterior sign; minor alteration and temporary alterations. In order to process certificates of appropriateness more efficiently, applications for minor alterations shall be reviewed by the Code Enforcement Officer and by the Historic Preservation Commission. The Code Enforcement Officer will review the application to the standards of this Ordinance and shall approve the application, approve the application with modifications or deny the application. No public meetings are required for applications reviewed under this procedure by the Code Enforcement Officer. The Historic Preservation Commission members shall receive a copy of all decisions. If the Code Enforcement Officer has not acted within 10 working days, the applicant may seek approval from the Historic Preservation Commission, rather than from the Code Enforcement Officer. Inaction by the Code Enforcement Officer does not constitute approval or disapproval of the application.

a. If the applicant is not satisfied with the determination of the Code Enforcement Officer, the applicant shall be permitted to have the application reviewed by the Commission. The

Code Enforcement Officer can, for any reason, forward any minor alteration to the Commission for review. The Code Enforcement Officer shall provide the Commission with written notice of any action. Where the Commission conducts a review of an application where the Code Enforcement Officer has made a determination under this subsection, the Commission shall conduct a de novo review of the application and make its own decision and findings on whether the application meets the requirements of this Ordinance. The Commission shall conduct its review under the procedures set forth in Section 10.6.1 of this Ordinance.

b. For purposes of this section only, "temporary" is defined as either a one-time occurrence that does not exceed 30 days or as an annual occurrence that does not exceed one 30-day period each year.

10.5.2.4 Application contents. The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined below. The Commission may waive any application requirement if it determines that it is not necessary to the application.

a. The applicant's name, address and interest in the subject property;

b. The owner's name and address, if different from the applicant's, and the owner's signature

c. The address, tax map and lot number of the subject property;

d. The present use and zoning classification of the subject property;

e. A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the certificate of appropriateness;

f. A drawing or drawings, preferably scaled, of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the certificate of appropriateness is being applied. As used herein, "drawings" shall mean plans or exterior elevations drawn, preferably to scale, with sufficient detail to show as far as they relate to

exterior appearances, the architectural design of the building(s), including materials and textures and samples of exterior materials. Drawings shall be clear, complete and specific;

g. Photographs of the buildings may be used to show the information required in Subsection 10.5.2.4.f. above if the Code Enforcement Officer and Commission deem them appropriate. They should include the buildings involved and adjacent buildings; and

h. A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other relevant elements.

10.6 ADMINISTRATIVE PROCEDURES

10.6.1 Administrative Procedures

10.6.1.1 Notice to applicant, property owner and abutters. Before consideration of a certificate of appropriateness, the Town shall inform the applicant and property owner of the date, time and location of meeting at which the application shall be reviewed. Failure of any person to receive notice shall not necessitate another hearing or invalidate any action of the Commission.

10.6.1.2 Hearing. The Commission will hold a public meeting on each application before it. Applications under 10.5.2.3, Alternate procedure for review of installation or alteration of any exterior sign, minor alteration and temporary alterations, do not require a public meeting if reviewed by the Code Enforcement Officer. A notice of the public meeting will be posted at Town Hall at least five days before the public meeting and on the Town's website. In the case of an application for a new building or the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation.

10.6.1.3 Approval. A vote to approve a certificate of appropriateness must receive the affirmative votes of three of the members seated. If the Commission determines that the proposed construction, reconstruction, alteration, moving or demolition meets the standards of this Ordinance and is therefore appropriate, it shall approve a certificate of appropriateness and the Commission shall notify the applicant and Code Enforcement Officer in writing of the determination and any

conditions of approval. All decisions shall include the Commission's findings and conclusions.

10.6.1.4 Disapproval. If the Commission determines that a certificate of appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of this Ordinance. The Commission shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination. All decisions shall include the Commission's findings and conclusions.

10.6.1.5 Appeals. An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved, within 30 days from the date of the final decision, to the Zoning Board of Appeals. Where an appeal is from a decision of the Historic Preservation Commission, the review by the Board of Appeals shall be appellate in nature and shall be limited to a review of the record developed before the Historic Preservation Commission. The person submitting the appeal and any opponents to the position of that person may make written and/or oral presentations to the Board of Appeals about why they feel the decision of the Historic Preservation Commission was correct or incorrect, but they shall not be allowed to present any evidence that was not presented to the Historic Preservation Commission. The Board of Appeals shall only reverse the decision of the Historic Preservation Commission if it determines that the decision contained a procedural error or was clearly contrary to the provisions of this Ordinance, or was not supported by the facts.

10.7 STANDARDS OF EVALUATION, ORDINARY MAINTENANCE AND EXEMPTION FOR SUBSTANTIAL HARDSHIP

10.7.1 Standards of Evaluation. The standards and requirements contained in this section and in the U.S. Department of the Interior's Standards for the Treatment of Historic Properties, dated 1995, or its most recent revision, a copy of which is on file in the Planning and Codes Department, shall be used in review of applications for Certificates of Appropriateness and specifically as to the procedures before demolition or removal can take place. Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus.

10.7.1.1 The following standards shall be followed to provide a consistent appearance for new or renovated buildings, structures and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds. The following standards apply:

a. The distinguishing original qualities of character of a building, structure or site shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features shall be avoided when reasonably possible.

b. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis should be avoided when reasonably possible.

c. Changes which may have taken place in the course of time are evidence of this history and the development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.

d. Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

e. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material shall match the material being replaced in design, texture and visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.

f. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic materials shall not be undertaken.

10.7.1.2 Visual compatibility factors. Within the historic districts and on historic sites, new construction, additions to existing buildings or structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through

exterior surfaces shall be visually related generally in terms of the following factors:

a. Height. Height shall comply with the height standards of Article II, Building Laws, Section 3.2 of the Town of Wiscasset Ordinances.

b. Width.

c. Windows and doors.

d. Relations of solids to voids in front facades.

e. Rhythm of spacing of buildings on streets.

f. Rhythm of entrance and/or porch projection.

g. Relationship of materials and texture.

h. Roof shapes.

i. Scale of buildings.

j. Directional expression of front elevation.

10.7.1.3 Construction of new buildings and structures in historic districts. In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the area.

10.7.1.4 Signs. General: Signs shall be governed by the standards of Article III, Signs, of the Town of Wiscasset Ordinances, and this section. If there is any conflict, the stricter standards shall apply. All signs either new or upon alteration, require a certificate of appropriateness. Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards,

lower cornices, lintels and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

a. Location. Wall signs shall be generally located no higher than the window sill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage should not substantially obscure visibility through the window.

b. Design. The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read and scaled appropriately for both the sign and the building shall be used. Pictographs (such as a projecting sign in the shape of a key for a key shop) can be an appropriate feature if consistent with the standards of this Ordinance.

c. Illumination. Generally, signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission (but not the Code Enforcement Officer) may approve certain special illuminated signs. Special situations such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.

d. Additional guidelines for special categories of signs.

(i.) Awnings, canopies and marquees. The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed and fully fill the width of the individual window or door opening. Besides the signs standards of this Ordinance, these sign types and all advertising signs must comply with all other historic design standards.

(ii.) Painted wall signs. Painted wall signs such as business names may be appropriate if designed in conformance with this Ordinance.

(iii.) Outdoor murals. Painted walls such as murals scenes shall be used only to enhance the streetscape, not for advertising purposes.

10.7.1.5 Demolition or removal.

a. Scope. The following provisions apply to any proposal involving demolition, moving or removal of any historic landmark, or any building or structure or any appurtenance thereto, in a historic district. The purpose of this subsection is to further the purposes of this Ordinance by preserving historic buildings which are important to the education, culture, traditions and the economic value of the Town, and to afford the Town, interested persons, historical societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

b. Procedure. An historic resource or any building or structure in an historic district, or any appurtenance thereto, shall not be demolished or moved and a certificate of appropriateness shall not be approved until either:

(i.) The building or structure has been identified by the Commission as incompatible or non-contributing with the historic district in which it is located; or

(ii.)The building or structure, or important portions and features thereof, has been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures.

10.7.2 Ordinary Maintenance and Repair. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature or change in color in a historic district or any historic landmark which does not involve a change in the design, material or outward appearance thereof.

10.7.2 Exemption for Substantial Hardship

10.7.2.1 If a certificate of appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines (Standards of Evaluation, Section 10.7.1) for historic resources. Substantial hardship is to be considered by the Historic Preservation Commission where one or more of the following unusual and compelling circumstances exist:

a. The resource cannot reasonably be maintained in the manner dictated by the ordinance;

b. There are no other reasonable means of saving the resource from deterioration or collapse; or

c. It is not feasible to maintain the property appropriately.

10.8 CONFLICTS, AMENDMENTS AND VIOLATIONS

10.8.1 Conflicts with other Ordinances. This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law regulation or bylaw. Where this Ordinance imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.

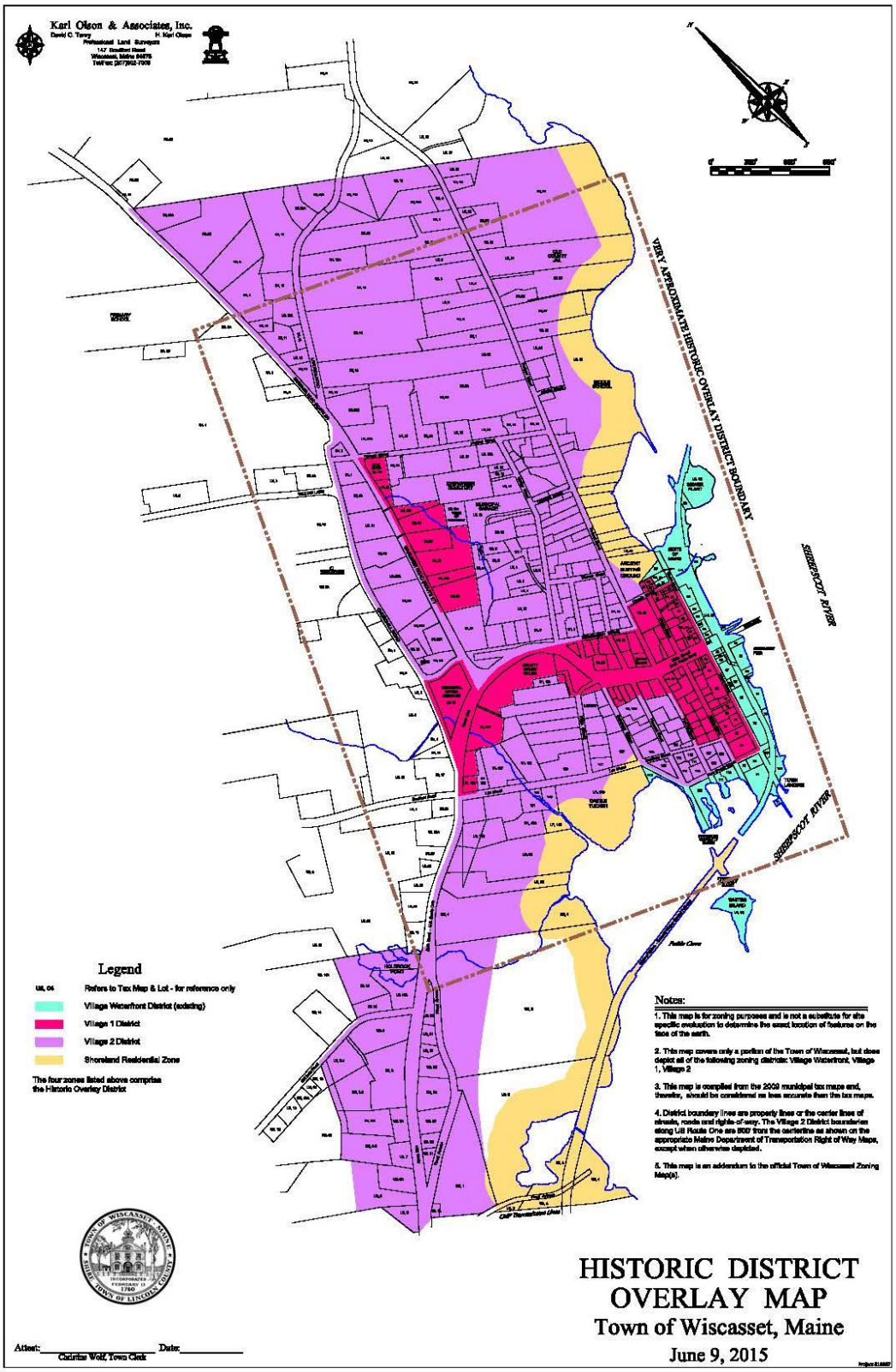
10.8.2 Amendments. The Board of Selectmen, the Planning Board, the Commission or the public itself through a Maine revised Statutes Title 30-A may initiate action to amend this Ordinance. The request to amend shall be referred to the Ordinance Review Committee and the Commission for a report within 90 days thereof. The Commission shall hold a joint public hearing with the Planning Board at least 10 days before the report is made to the Board of Selectmen. Notice of the hearing shall be made by notice in a newspaper of general local circulation at least two times, with the date of the first publication at least 12 days before the public hearing and the date of the second at least seven days before the public hearing. The notice of the proposed amendment shall be posted in the Town Hall at least 13 days before the public hearing. This Ordinance shall be amended only by vote of the governing body at the annual Town Meeting.

10.8.3 Violations. It shall be deemed a violation of this Ordinance if an applicant and/or property owner fails to comply with the plans and conditions as approved by the Historic Preservation Commission when it issued the certificate of appropriateness, and/or any activity listed in Section 10.5.1 is carried on without first obtaining a certificate of appropriateness which permits the activity to proceed. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer determines that any provision of this Ordinance has been violated, he shall send a written notice to the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Code Enforcement Officer shall order the removal of illegal buildings or structures or of additions, alterations or structural changes thereto; order the discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or state law to ensure compliance with or to prevent a violation

of this Ordinance. When violation of any provision of this Ordinance shall be found to exist, the Code Enforcement Officer shall notify the Board of Selectmen, who shall initiate any and all actions to be brought in the name of the Town. The fines and penalties set forth in 30-A M.R.S.A. § 4452 shall apply to violations of this Ordinance.

10.9 SEVERABILITY

10.9.1 If any portion of this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.


Karl Olson & Associates, Inc.
Legend
Refers to Tax Map & Lot - for reference only
Village Waterfront District (existing)
Village 1 District
Village 2 District
Shoreland Residential Zone
The four zones listed above comprise the Historic Overlay District
Notes:
1. This map is for zoning purposes and is not a substitute for site specific evaluation to determine the exact location of features on the face of the earth.
2. This map covers only a portion of the Town of Wiscasset, but does depict all of the following zoning districts: Village Waterfront, Village 1, Village 2
3. This map is compiled from the 2009 municipal tax maps and, therefor, should be considered as less accurate than the tax maps.
4. District boundary lines are property lines or the center lines of streets, roads and rights-of-way. The Village 2 District boundaries along Lilli Route One are 500' from the centerline as shown on the appropriate Maine Department of Transportation Right of Way Maps, except when otherwise depicted.
5. This map is an addendum to the official Town of Wiscasset Zoning Map(s).
VERY APPROXIMATE HISTORIC OVERLAY DISTRICT BOUNDARY
SHEEPSCOT RIVER
HISTORIC DISTRICT
OVERLAY MAP
Town of Wiscasset, Maine
June 9, 2015
Attest:
Christine Wolf, Town Clerk
Date:

****

SUMMARY OF PERMITTED USES

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Schedule of Uses- Land Use Matrix

1. Activity categories. The various land uses contained in the matrix are organized into the following activity classifications: Open Space; Residential; Institutional; Commercial; Industrial; and Other.

2. Symbols used in schedule of uses. The following symbols contained in the Schedule of Uses have the following meanings:

- Yes - No permit required (must comply with land use standards)
- CEO - Permitted uses which require a building permit or other type of permit from the Code Enforcement Officer
- PB - Uses requiring approval from the Planning Board in accordance with the requirements of Article VIII, Site Plan Review.
- 1,2, etc. - Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.
- Blank - Not permitted

3. Matrix

Use	**Districts**					
	Village 1[1, 8]	**Village 2[1, 8]**	**Residential**	**Commercial**	**Rural**	**Nequasset Watershed[5]**
Open Space Uses						
Community garden, greenhouse, nursery or similar agricultural use		**CEO**	**CEO**	**CEO**	**CEO**	**CEO**
Agriculture		**PB**	**PB**	**PB**	**PB**	**PB**
Park, playground	**Yes**	**Yes**	**PB**	**PB**	**PB**	**PB**
Parking lot	**Yes[3]**	**Yes[3]**		**PB[3]**	**PB[3]**	**PB[3]**
Public park	**Yes**	**Yes**	**PB**	**PB**	**PB**	**PB**
Campgrounds, commercial					**PB**	**PB**
Cemeteries					**PB**	**PB**
Confined feeding operations					**PB**	**PB**
Storage of fishing, clamming and similar gear			**Yes**	**Yes**	**Yes**	**Yes**
Golf course/driving range				**PB**	**PB**	**PB**
Commercial outdoor recreation				**PB**	**PB**	**PB**
Timber harvesting					**PB**	**PB[7]**
Aquaculture					**PB**	**PB**

Use	Districts					
	Village 1[1, 8]	**Village 2[1, 8]**	**Residential**	**Commercial**	**Rural**	**Nequasset Watershed[5]**
Residential Uses						
Single-family dwelling	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**
Two-family dwelling	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**
Multi-family dwelling for 3 or more families	**PB**	**PB**	**PB[4]**	**PB**	**PB**	**PB**
Renting of rooms in a private dwelling		**Yes[2]**	**Yes**	**Yes**	**Yes**	**Yes**
Home occupation	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**
Planned residential development			**PB**	**PB**	**PB**	**PB**
Open space (cluster) subdivision			**PB**	**PB**	**PB**	**PB**
Mobile home park					**PB**	**PB**
Institutional Uses						
Charitable or educational institution	**PB**	**PB**	**PB[4]**	**PB**	**PB**	**PB**
Church, parish house	**PB**	**PB**	**PB**	**PB**	**PB**	**PB**
Clinic, medical or dental	**PB**	**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Convalescent or rest home, nursing home or elderly congregate housing	**PB**	**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Day nursery		**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Day care facility		**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Municipal use	**PB**	**PB**	**PB[4]**	**PB**	**PB**	**PB**
Public Utility Installation	**PB**	**PB**	**PB**	**PB**	**PB**	
Group home with more than 8 residents			**PB[4]**	**PB**	**PB**	**PB**
Hospice	**PB**	**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Library	**PB**	**PB**	**PB[4]**	**PB**	**PB**	**PB**
Museum	**PB**	**PB**	**PB[4]**	**PB**	**PB**	**PB**
Civic service facilities, clubhouses, social and fraternal organizations	**PB**	**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Municipal solid waste facility					**PB**	**PB**
Social and fraternal organizations			**PB[4]**	**PB**	**PB**	**PB**
Commercial Uses						
Antique shop	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Convenience store	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Convenience store with fuel sales				**PB**	**PB**	**PB**
Restaurant	**PB**	**PB[2]**		**PB**	**PB**	**PB**

Use	Districts					
	Village 1[1, 8]	**Village 2[1, 8]**	**Residential**	**Commercial**	**Rural**	**Nequasset Watershed[5]**
Restaurant with drive-thru				**PB**	**PB**	**PB**
Drinking establishment	**PB**			**PB**	**PB**	**PB**
Funeral home		**PB[2]**		**PB**	**PB**	**PB**
Hotels, motel	**PB**			**PB**	**PB**	**PB**
Marina, boatyard					**PB**	**PB**
Marine research facility	**PB**				**PB**	**PB**
Offices	**PB**	**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Professional building	**PB**	**PB[2]**	**PB[4]**	**PB**	**PB**	**PB**
Recreational use such as a bowling alley, theater, dance hall	**PB**			**PB**	**PB**	**PB**
Retail business unless otherwise listed	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Retail and wholesale outlet				**PB**	**PB**	**PB**
Service establishment such as a bank, barbershop, tailor, Laundromat	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Adult bookstore/adult video store				**PB**	**PB**	**PB**
Adult entertainment facility				**PB**	**PB**	**PB**
Airports					**PB**	**PB**
Bed and breakfast	**PB**	**PB**		**PB**	**PB**	**PB**
Race track					**PB**	**PB**
Farm market/farm stand	**PB**	**PB**		**PB**	**PB**	**PB**
Grocery store	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Kennel/Dog daycare				**PB**	**PB**	**PB**
Small engine repairs	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Vehicle body shops				**PB**	**PB**	**PB**
Vehicles sales and/or service	**PB**			**PB**	**PB**	**PB**
Auction barn				**PB**	**PB**	**PB**
Boat building and repair				**PB**	**PB**	**PB**
Veterinary clinic	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Shopping center				**PB**	**PB**	**PB**
Redemption center				**PB**	**PB**	**PB**
Recycling facility					**PB**	**PB**
Transportation facilities	**PB**			**PB**	**PB**	**PB**
Spas, health clubs	**PB**	**PB[2]**		**PB**	**PB**	**PB**
Indoor/outdoor boat storage				**PB**	**PB**	**PB**

Use	Districts					
	Village 1[1, 8]	**Village 2[1, 8]**	**Residential**	**Commercial**	**Rural**	**Nequasset Watershed[5]**
Agricultural/lawn equipment sales and service	**PB**			**PB**	**PB**	**PB**
Lumber yard				**PB**	**PB**	**PB**
Industrial Uses						
Gravel pits					**PB**	**PB[6]**
On-site manufacturing				**PB**	**PB**	**PB**
Trucking/distribution terminal					**PB**	**PB**
Industrial					**PB**	**PB**
Light industrial					**PB**	**PB**
Abattoir					**PB**	**PB**
Auto graveyards/junkyards					**PB**	**PB**
Bottling facility					**PB**	**PB**
Breweries and distilleries				**PB**	**PB**	**PB**
Microbreweries and brew pubs	**PB**			**PB**	**PB**	**PB**
Hazardous materials manufacturing/storage/distribution				**PB**	**PB**	**PB**
Sawmills				**PB**	**PB**	**PB**
Research laboratories				**PB**	**PB**	**PB**
Warehousing				**PB**	**PB**	**PB**
Other Uses						
Essential services	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**
Essential service buildings	**PB**	**PB**	**PB**	**PB**	**PB**	**PB**
Uses similar to use requiring permit from the CEO	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**	**CEO**
Uses similar to use requiring Planning Board approval	**PB**	**PB**	**PB[4]**	**PB**	**PB**	**PB**

(1) See Article VI Section 9 for Development Standards related to new construction requirements for Village 1, Village 2, and Village Waterfront District.

(2) Uses must be located entirely within 500 feet of the centerline of Routes 1 or 27 and on lots that directly abut or have direct legal access to Routes 1 or 27. Said access to Routes 1 or 27 must serve as the only access for the use except the Planning Board, pursuant to Site Plan Review, may allow access to be located on a less traveled road. New buildings shall not exceed 6,500 square feet in total floor area.

(3) Proposals to pave, strip, grade, or remove earth materials from areas of more than 10,000 square feet within a five-year period shall receive site plan review.

(4) Permitted uses provided buildings are not more than 3 stories in height, and are of the same general architectural appearance as existing buildings in the immediate neighborhood, and provided there are adequate off-street parking areas for the normal amount of vehicles expected to be used by inhabitants, clients and employees.
(5) All streams in the Nequasset Lake watershed shall be protected by state shoreland regulations extended to the uppermost source of each stream. Public sewer lines, public waterlines, and municipal sewage treatment plants are not permitted.
(6) Permitted per State Regulations.
(7) Timber harvesting is permitted only in accordance with the standards established in Article VI Section A.3.[3-92]
(8) See Article VI Section 10, Historic Preservation Ordinance, for Certificate of Appropriateness Standards related to: a) new construction, b) demolition of any landmark, building or portion of any building, c) moving of any building, d) additions, alterations or reconstruction of existing buildings, e) new signs, f) construction of walls, fences & parking lots, and g) sandblasting of brick or stone buildings within the Historic Overlay District. [6-15]

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SUMMARY OF PERMITTED USES IN THE SHORELAND DISTRICTS

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A. SHORELAND RESOURCE PROTECTION DISTRICT.

A.1 Permitted Uses:

A.1.1 Harvesting a wild crop such as salt marsh hay or berries.

A.1.2 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking.

A.1.3 Wildlife management practices.

A.1.4 Motorized vehicular traffic on roads and trails, and snowmobiling. [6-74, 6-78]

A.1.5 Forest management activities: timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads. [6-74, 6-88]

A.1.6 Fire prevention activities. [6-88]

A.1.7 Soil and water conservation practices and archaeological sites. [3-92]

a. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts including severe erosion, mass soil movement, improper drainage, and water pollution whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soils Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, an other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist. These requirements shall include the procedures of Article VII Section 2.3.3 g and h. [3-91]

b. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body. [3-91]

c. Any proposed land use activity involving structural development or soil disturbance on or adjacent to land sites listed or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision to the applicant. [3-92]

A.1.8 Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimum disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed area and to protect the public health and safety. [3-91]

A.1.9 Surveying and resource analysis. [6-88]

A.1.10 Emergency operations, which shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury. [6-88]

A.1.11 Essential Services. Where feasible, the installation of essential services shall be limited to public ways and existing service corridors. The installation of essential services is not permitted in a Resource Protection District except to provide services to a permitted use within said district, or where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources including visual impacts. [3-91]

A.1.12 Signs, with a permit from the Sign Control Officer of Wiscasset, subject to the provisions set forth in Article III of the Town Ordinances.

A.2 After review and approval of the Planning Board on finding that the proposed use is not incompatible with use of the surrounding area; the proposed use is not

harmful to natural resources or scenic values in the area of proposed use; and the proposed use will not degrade the air, water or soil, the following uses may be permitted by Special Exception Permit:

A.2.1 Agriculture and Aquaculture in Shoreland Areas. [3-91]

a. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.

b. Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance of water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

c. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

d. There shall be no tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and wetlands Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

e. After the effective date of this Ordinance, newly established livestock grazing area shall not be permitted within seventy-five (75) feet horizontal distance of water bodies, nor; within twenty-five (25) feet horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan. [3-91]

A.2.2 Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. [3-91]

a. Roads and driveways shall be set back at least seventy-five (75) feet from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body.

* On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

* This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located near to the shoreline due to an operational necessity.

b. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body. [3-93]

c. New permanent roads are not permitted within the shoreland zone along Significant River Segments except:

* To provide access to structures or facilities within the zone; or

* The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they should be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

d. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary Stream, upland edge of a wetland.

e. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the

provisions for erosion and sedimentation control contained in subsection Q.

f. Road grades shall be no greater than ten (10) percent except for short segments less than two hundred (200) feet. [3-93]

g. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which directed to a unscarified buffer strip shall be diffused or spread out to prompt infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. [3-93]

h. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strip before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

* Ditch relief culverts, drainage dips and associated water turnouts shall be spanned along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0- 2	250
3- 5	200-135
6-10	100- 80
11-15	80- 60
16-20	60- 45
21+	40

* Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

* On road sections having slopes greater than ten (10) percent, ditch relief culvert shall be placed across the road at approximately a thirty(30) degree angle downslope from a line perpendicular to the centerline of the road.

* Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

i. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning. [3-91]

A.2.3 Public facilities for educational, scientific or nature study purposes. Such facilities must be nonresidential and designed for low-intensity use.

A.2.4 Nonresidential structures, accessory to permitted uses, such as boathouses. [3-93]

A.2.5 Public and private parks and recreation areas involving minimal structural development. Within the Shoreland Zone adjacent to tidal and non-tidal areas the minimum lot area shall be 40,000 sq. ft. and the minimum shore frontage shall be 200 feet. [3-91]

A.2.6 Permanent (remain in the water for 7 months or more in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies, which in addition to federal or state permits which may be required, shall conform to the following: [6-88]

a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. [6-88]

b. The location shall not interfere with developed or natural beach areas. [3-91]

c. The facility shall be located so as to minimize adverse effects on fisheries. [6-88]

d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. [6-88]

e. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity. [3-91]

f. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water

body or within a wetland shall be converted to residential dwelling units in any district. [3-91]

g. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. [3-92]

h. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C. [3-91]

A.2.7 Public utilities, including sewage collection and treatment facilities. [6-88]

A.2.8 Filling or other earth-moving activity of more than 10 cubic yards, which shall be conducted in such manner to prevent to the maximum extent possible erosion and sedimentation of surface waters. On slopes greater than 25% there shall be no grading or filling within 100 feet of the normal high water mark except to protect the shoreline and prevent erosion. [6-88]

a. A person performing any dredging, bulldozing, removal or displacing soil, sand, vegetation or other materials shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA, Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them. [3-91, 3-93]

b. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for: [3-91]

* Mulching and revegetation of disturbed soil.

* Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

* Permanent stabilization structures such as retaining walls or riprap.

c. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided

wherever possible, and natural contours shall be followed as closely as possible. [3-91]

d. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion. [3-91]

e. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition: [3-91]

* Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

* Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

* Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

f. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater and shall be stabilized with vegetation or lined with rip-rap. [3-91]

A.3 The following uses only are permitted with a permit from the Code Enforcement Officer: [6-88]

A.3.1 Timber harvesting. [3-91]

a. Within the strip of land extending 100 feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting Gardiner Pond there shall be no timber harvesting, except to remove safety hazards. [3-92]

b. Except in areas as described in Paragraph "a" above, timber harvesting shall conform with the following provisions:

c. Each tree removed is to be marked for cutting by either a private consulting forester or a State forester who will supervise the cutting and removal of same.

d. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

* Within seventy-five (75) feet, horizontal distance, of the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

* At distances greater than seventy-five (75) feet, horizontal distance, of the normal high-waterline of water bodies or the upland edge of a wetland harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

* The Planning Board may approve timber harvesting in excess of the 40% limitation upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such exemption is necessary for good forest management and is carried out in accordance with the purposes of the Act. The planning board must also notify the Department of Environmental Protection of any permits issued for timber harvesting in excess of 40 percent. [3-92]

e. Areas in the Shoreland Resource Protection District beyond 250 feet from the high water mark will not require a permit by the Code Enforcement Officer, but each tree removed is to be marked for cutting by either a private consulting forester or a State forester who will supervise their removal and see that all slash is disposed of in accordance with existing State laws.[3-93]

f. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part there extends more than four (4) feet above the ground.

Any debris that falls below the normal high-water line of a water body shall be removed.

g. Timber harvesting equipment shall not use stream channels as travel routes except when:

* Surface waters are frozen; and

* The activity will not result in any ground disturbance.

h. All crossings of flowing water shall require abridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

i. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

j. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland, For each ten (10) percent increase in slope the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of water body or upland edge of a wetland.

k. Timber harvesting operations not in conformance with Section A.3.1 a. & b. above may be allowed by the Planning Board upon approval of a permit granted upon a clear showing by the applicant that such an exception is necessary for proper timber management.

A.3.2 Structures accessory to permitted uses, shall be setback at least 75 feet from the normal high water line of water bodies, tributary streams, or the upland edge of wetland, except that in the Village Waterfront Zone the setback from the normal high-water line shall be at least twenty-five (25) feet. [3-91]

a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational

necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses. [3-91]

b. Principal or accessory structures and expansions of existing structures shall be governed by the provisions of the Building Laws, Article II, Section 3, Requirements for Building Exteriors. [3-93]

c. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by some types identified as recent flood plain soils. [3-91]

d. The total area of all structures, parking lots and other non-vegetated surfaces within the shoreland zone shall not exceed (20) percent of the lot or portion there of, located within the shoreland zone including land area previously developed. [3-91]

e. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreland access in areas of steep slopes or unstable soils provided; that the structure limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property. [3-91]

A.3.3 Clearing of Vegetation for Development [3-91]

a. Within a shoreland area zoned for Resource Protection abutting Gardiner Pond, there shall be no cutting of vegetation within the strip of land extending 75 feet horizontal distance, inland from the normal high-water line, except to remove safety hazards.

b. Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

c. Except in areas as described in A.3.3.a, above, and except to allow for the development of permitted uses, within a strip of land extending to a great pond and seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

* There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

* Selective cutting of trees within the buffer strip is permitted provided that well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

  Note: As an example, adjacent to water bodies, tributary streams and wetlands, if a25' x 25' plot contains 3 trees between 2" and 4" in diameter, 3 trees between 4" and 12" in diameter, and 3 trees over 12" in diameter the rating score is:

  $$(3x1) + (3x2) + (3x4) = 21 \text{ points.}$$

  Thus, the 25' x 25' plot contains trees worth 21 points. Trees totaling 13 points (21-8=13) may be removed from the plot provided that no cleared openings are created.

* Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

* Pruning of tree branches on the bottom 1/3 of the tree is permitted.

* In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

d. The provisions contained in A.3.3.c, above, shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas however, shall be limited to the minimum area necessary.

e. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year

period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet aboveground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

f. In no event shall cleared openings for development, including but not limited to principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development or Commercial Fisheries/Maritime Activities District.

g. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

h. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

A.3.4 Temporary (remaining in the water less than 7 months in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to federal or state permits which maybe required they shall conform to A.2.6 a-h above. [6-88, 3-91]

A.3.5 Filling or other earth-moving activity of less than 10 cubic yards, subject to the provisions in A.2.8 above. [6-88]

A.4 Individual Private Campsites [3-91]

A.4.1 Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

a. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever less, may be permitted.

b. Campsite placement on any lot, including the area intended for a recreation vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

c. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

d. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

f. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

A.5 The following are not permitted in the Shoreland Resource Protection Districts:

A.5.1 Residential structures unless excepted by Paragraph A.6 [3-96]
A.5.2 Commercial structures
A.5.3 Industrial structures
A.5.4 Government structures
A.5.5 Institutional structures
A.5.6 Campgrounds
A.5.7 Private sewage disposal systems
A.5.8 Structures not accessory to permitted uses
A.5.9 Professional buildings
A.5.10 Outdoor advertising

A.6 Special Exception to Permit Residential Structures [3-96]

A.6.1. The Planning Board may issue a permit for construction of a single-family residence in a Resource Protection District if the applicant demonstrates that all of the following conditions are met. [3-96]

a. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.

b. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District which defined such areas in March, 1993.

c. The proposed location of all buildings, sewage disposal systems and other improvements are:

* Located on natural ground slopes of less than 20; and

* Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance. If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be 1/2 the width of the 100-year floodplain. For purposes of this subparagraph, "floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot in height and "velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

d. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.

e. All structures, except functionally water dependent structures, are set back from the normal high-waterline or upland edge of a wetland to the greatest practical extent, but not less then 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

B. SHORELAND RESIDENTIAL DISTRICT.

B.1 The following are permitted without permit from either the Planning Board or Code Enforcement Officer.

B.1.1 Any use permitted in the Resource Protection District without permit. [3-93]

B.1.2 Small nonresidential facilities for educational, scientific or nature interpretation purposes. [6-88]

B.1.3 Public and private parks and recreation areas involving minimal structural development. [6-88]

B.2 The following are permitted with permit from the Planning Board: [6-88]

B.2.1 Residential dwelling unit. [6-88]

B.2.2 Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

a. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site. [3-91]

b. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. [3-91]

B.2.3 Permanent piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to Federal or State permits which may be required, they shall conform to the criteria listed in A.2.6 a-h above. [6-88, 3-91]

B.2.4 Public utilities, including sewage collection and treatment facilities. [6-88]

B.2.5 Government structures. [6-88]

B.3 The following only are permitted with a permit from the Code Enforcement Officer: [6-88]

B.3.1 Structures accessory to permitted uses are subject to the provisions of A.3.2, a-f. [3-91]

B.3.2 Temporary (remaining in the water less than 7 months in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in

addition to federal or state permits which may be required they shall conform to A.2.6 a-h above. [6-88,3-91]

B.3.3 Filling or other earth-moving activity of more than 10 cubic yards subject to the provisions in A.2.8 above.[6-88]

B.4 The following is allowed only with a permit from a Licensed Plumbing Inspector: [6-88]

Private sewage disposal systems, provided that all subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size and shall be setback no less than 100 horizontal feet from the normal high water mark of a water body. This requirement shall not be reduced by variance. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules. Subsurface waste disposal systems shall require a soils report, prepared by a State-Certified soil scientist or geologist based on anon-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal. [6-88]

B.5 The following are not permitted in the Shoreland Residential Districts:

B.5.1 Commercial structures. [6-88]

B.5.2 Multifamily dwelling units, municipal use, charitable or educational institutions, convalescent or rest homes, nursing homes, day nurseries, and professional buildings or Elderly Congregate Housing. [3-01]

B.5.3 Industrial structures. [6-88]

B.5.4 Institutional structures. [6-88]

B.5.5 Structures within 75 feet of normal high water mark, except those permitted within the Shoreland Resource Protection District or those which require direct access to the water as an operational necessity, such as piers, docks and retaining walls. [6-74, 6-88]

B.5.6 Timber Harvesting, except that authorized by Section A.3.1. [3-91]

B.5.7 Dwelling units in Shoreland area on lots of less than 150 feet shore frontage, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water elevation; excepting those Lots or Deeds or Plans of Record on the effective date of this ordinance.

B.5.8 Structures covering more than 20% of the area of any lot in the Shoreland area, excepting those Lots or Deeds or Plans of Record on the effective date of this Ordinance.

B.5.9 Residential, governmental, institutional, commercial, and industrial structures in the Shoreland Zone will conform to the following Land Use Standards. [3-91]

a. Minimum Lot Standards within the Shoreland Zone

	Lot Area (sq.ft.)	Shore Front. (ft.)
Residential (per dwelling unit)		
Adjacent to Tidal Areas	43,560	150
Adjacent to Non-Tidal Areas	43,560	200
Governmental, Institutional, Commercial or Industrial (per principal structure)		
Adjacent to Tidal Areas Exclusive of Those Areas Zones for Commercial Fisheries and Maritime Activities	43,560	200
Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
Adjacent to Non-tidal Areas	60,000	300
Public and Private Recreational Facilities		
Adjacent to Tidal and Non-tidal Areas	43,560	200

b. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

c. Lots located on opposite sides of a public or private road shall be considered each a separate tractor parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

d. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

e. If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

f. Clustered housing is permitted within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered. [3-91]

C. SHORELAND BUSINESS DISTRICT.

C.1 The following uses are allowed without permit from the Planning Board or the Code Enforcement Officer.

C.1.1 Any use permitted in the Shoreland Resource Protection District or in the Shoreland Residential District without permit.

C.1.2 Structures accessory to permitted uses, provided all such structures shall conform to the criteria set forth in A.3.2 above. [6-88, 3-93]

C.2 The following are permitted with Planning Board permit and must conform to land use standards set forth in B.5.9 above. [3-91]

C.2.1 Residential dwelling units. [6-88]

C.2.2 Commercial structures. [6-88]

C.2.3 Industrial structures. [6-88]

C.2.4 Government structures. [6-88]

C.2.5 Institutional structures. [6-88]

C.2.6 Campground, provided they conform to B.2.2 above.[3-91]

C.2.7 Permanent piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to Federal or State permits which may be

required, they shall conform to the criteria listed in A.2.6 a-h above. [6-88, 3-91]

C.2.8 Public utilities, including sewage collection and treatment facilities. [6-88]

C.3 The following uses are permitted with a permit from the Code Enforcement Officer: [6-88]

C.3.1 Temporary (remaining in the water less than 7 months in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to federal or state permits which may be required they shall conform to A.2.6 a-h above. [3-91]

C.3.2 Filling or other earth-moving activity of more than 10 cubic yards subject to the provisions in A.2.8 above.[6-88]

D. VILLAGE WATERFRONT DISTRICT

D.1.0.0 Purpose

The purpose of the Village Waterfront District is to preserve and maintain for the citizens of Wiscasset the character of the Wiscasset Village Waterfront, including its scenic value, its accessibility to the public, and its economic value for functionally water-dependent uses.

To assure respect for the historic visual experience and avoid incompatible and adverse impacts, development is encouraged to draw its inspiration from traditional New England examples. Building design requires coordination of architectural form, massing, use of materials, color, and detailing to achieve harmony and continuity of design. Suitable design elements are pitched roofs and exterior sheathing such as brick, stone, shingles or clapboards.

D.2.0.0 Permitted Uses

D.2.1.0 Except to the extent permits may be specifically required by the Village Waterfront District ordinance, the following uses are allowed without a permit from the Planning Board or the Code Enforcement Officer in the Village Waterfront District, provided development is in compliance with all applicable laws, rules and regulations:

(a) The permitted uses in the Shoreland Resource Protection District as set out in the following subsections: Article VI, Sections A.1.1, A.1.2, A.1.3, A.1.6, A.1.9 and A.1.10;
(b) Filling and earthwork of less than ten (10) cubic yards of soil;

(c) Filling and earthwork of more than ten (10) cubic yards of soil if required by state or federal governmental agency order;
(d) Routine maintenance operations;
(e) Emergency operations; and,
(f) Electric Utility Substation and Facilities existing as of the effective date of this ordinance.

D.2.2.0 The following uses are permitted with Code Enforcement Officer approval in the Village Waterfront District, provided development is in compliance with all applicable laws, rules and regulations:

(a) Accessory uses and structures except for those that are accessory to uses and structures requiring Planning Board approval;
(b) Structures for any use permitted in the Village Waterfront District which remain for less than seven (7) months in any period of (12) twelve consecutive months;
(c) Service drops, as defined, to approved development;
(d) Signs subject to applicable sign ordinances;
(e) Retaining walls beyond twenty-five (25) feet of the upland edge of the coastal wetland;
(f) Driveways;
(g) Landscaping in accordance to the Landscaping Standards;
(h) Seasonal, non-attached buildings or structures located on existing piers;
(i) Single family dwellings; and,
(j) Two-family dwellings.

D.2.3.0 The following uses are permitted with Planning Board approval in the Village Waterfront District, provided development is in compliance with all applicable laws, rules and regulations:
Commercial:
(a) Professional, business and general offices;
(b) Restaurants, eating establishments and drinking establishments;
(c) Retail and service establishments, but excepting establishments with automobile gas pumps;
(d) Banking and financial services;
(e) Indoor recreation and family amusement establishments;
(f) Intermodal transportation facilities;
(g) Off-street parking lots;
(h) Personal services;
(i) Business services;
(j) Communication studios, broadcast and receiving facilities, excluding Wireless Telecommunication Facilities;
(k) Spa, health club or similar facility;
(l) Museum art gallery or similar facility;
(m) Convenience store; and,
(n) Hotels, motels and ancillary uses.

Marine:

(a) Marine products wholesaling and retailing;
(b) Marine repair services and machine shops;
(c) Harbor and marine supplies and services and ship supply;
(d) Boatbuilding and facilities for construction, maintenance and repair of vessels;
(e) Marinas with ancillary services customary to the primary use;
(f) Marine museums and aquariums;
(g) Indoor boat storage facilities;
(h) Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the upland edge of a coastal wetland or within a wetland;
(i) Functionally water-dependent structures are permitted in the Village Waterfront District which remain for seven (7) or more months in any period of twelve (12) consecutive months;
(j) Aquaculture; and,
(k) Yachting or sailing clubs, and schools that give marine or nautical instruction.

Institutional:

(a) Clinics;
(b) Churches;
(c) Private clubs or fraternal organizations;
(d) Marine related colleges, universities or trade schools with ancillary services including dormitories, customary to primary use.

Public:

(a) Government buildings and uses;
(b) Boardwalks;
(c) Recreational trails;
(d) Utility substations including sewage collection and pumping stations and water pumping stations; and,
(e) Public parks and recreational areas.

Other:

(a) Studios for artists and craftspeople;
(b) Accessory uses or structures customarily incidental and subordinate to the location, function and operation of uses or structures permitted by the Planning Board;
(c) Parking areas, excluding parking garages;
(d) Roads;
(e) Essential Services;
(f) Structural development in a recreational area;
(g) Non-residential facilities for marine related educational, scientific, or nature interpretation purposes;

(h) Retaining walls within twenty-five (25) feet of the upland edge of a coastal wetland;
(i) Filling or earth-moving activity of more than ten (10) cubic yards; and,
(j) Electric Utility Substation and Facilities existing as of the effective date of this ordinance.

D.3.0.0 Prohibited Uses

Uses which are not enumerated in sections F.2.1.0 – F.2.3.0 as permitted uses are prohibited in the Village Waterfront District.

D.4.0.0 Dimensional Requirements

The following dimensional requirements shall apply within the Village Waterfront District provided development is in compliance with all applicable laws, rules and regulations:

(a) Minimum lot size:
1. Residential: None
2. Non-residential: None

(b) Minimum frontage:
1. Water: None
2. Road/Street: None

(c) Minimum setback requirements:
1. Front setback: None
2. Side setback: None
3. Rear setback: None

(d) Minimum water body setback:
i. There shall be a minimum setback of twenty-five (25) feet, horizontal distance, from the normal high water line. There shall be no minimum setback for roads or structures that require direct water access as an operational necessity including, but not limited to, piers, docks, wharfs and bridges; buildings in existence as of the effective date of this ordinance; buildings, structures, or permissible uses of land for public benefit/use; seasonal, non-attached buildings or structures on existing piers. Any enlargement of these existing buildings must comply with all applicable setback requirements in this ordinance.

(e) Maximum lot coverage: The total of all non-vegetated surface areas shall be no more than seventy percent (70%).
(f) Maximum height of structures: Principle or accessory structures and expansions of existing structures shall not exceed thirty-five (35) feet in height from finished grades averaged on all sides. This provision shall not apply to structures such as transmission towers, small wind

energy conversion systems, antennas, and similar structures having no floor area.

D.5.0.0 General Land Use Standards

All land use activities in the Village Waterfront District shall conform to the following standards, if applicable.

(a) The lowest floor elevation or openings of all buildings and structures including basements constructed after the effective date of this ordinance shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

(b) No structures shall be constructed on slopes greater than 20% within seventy-five (75) feet from the upland edge of a water body unless they are permissible functionally water-dependent uses or structures or their accessories.

(c) Notwithstanding the requirements stated above, ramps, stairways, or similar structures may be allowed to provide shoreline access in areas of steep slopes or unstable soils provided:

1. The structure is limited to the maximum width necessary for proposed use, not to exceed six (6) feet in width;
2. The structure does not extend below or over the upland edge of a coastal wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C), and;
3. The property owner demonstrates that no reasonable alternative exists on the property within 150 feet of the desired point of access.

D.5.1.0 Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Upland Edge of a Coastal Wetland or Within a Wetland.

(a) Access from shore shall be developed on soils appropriate for such use and constructed to control erosion.

(b) The location shall not interfere with existing developed natural beach areas.

(c) The facility shall be located to minimize adverse effects on fisheries.

(d) The facility shall be no larger in dimension than necessary to carry on permitted land use activities as determined by the municipal permitting authority.

(e) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the upland edge of a coastal wetland or within a wetland unless the structure requires direct access to the water as an operational

necessity, or is a functionally water-dependent use or an accessory to a functionally water-dependent use.

(f) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the upland edge of a coastal wetland of a water body or within a wetland shall be converted to residential dwelling units.

D.5.2.0 Roads and Driveways.

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(a) Roads and driveways shall be set back at least twenty-five (25) feet from the upland edge of a coastal wetland, excepting roads which require access to the shoreline.

On slopes greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.
This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures and uses.

(b) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.

(c) Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection F.5.5.0.

(d) Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

(e) In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained where feasible to empty onto an unscarified buffer strip at least twenty-five (25) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the upland edge of a coastal wetland or normal high-water line. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(f) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

i Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

ii Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

iii On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road.

iv Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(g) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

D.5.3.0 Storm Water Runoff

(a) All new construction and development shall be designed to manage stormwater runoff on the site in excess of the natural predevelopment conditions. Existing natural runoff-control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(b) Stormwater runoff control systems shall be maintained to ensure proper functioning

D.5.4.0 Landscaping Standards

(a) All applicants for permits for buildings or structures, subdivisions and site plan review exceeding six-hundred (600) square feet in floor area shall submit a plan for the preservation, planting and/or replacement of trees on the site to the extent that, at maturity of twenty years, the existing tree canopy shall be maintained. The Codes Officer or Planning Board shall be responsible for the review of all landscape plan and tree preservation plans. All landscape plans shall include:

1. Scale. Plans shall be drawn to a scale of not more than 30 feet to the inch on sheets not exceeding 24 by 36 inches.

2. Contents. All plans shall illustrate with sufficient detail the location of all proposed construction including driveways, parking areas, curbs, sidewalks, utility lines, utility easements, structures, and landscape areas. Landscape areas shall indicate the type, quantity and dimensions of all proposed vegetation and shall be illustrated at their mature growth. Landscape material proposed must comply with the standard industry planting practices.

D.5.5.0 Erosion and Sedimentation Control

(a) All activities which involve filling, grading, excavation or other similar activities which result in unstable soil conditions and which require a permit shall require a written soil-erosion and sedimentation-control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

1. Mulching and re-vegetation of disturbed soil;

2. Temporary runoff-control features such as hay bales, silt fencing or diversion ditches; and,

3. Permanent stabilization structures such as retaining walls or riprap.

(b) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes, high cuts and fills shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(c) Erosion and sedimentation-control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(d) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(e) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

D.5.6.0 Soils

(a) All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction.

D.5.7.0 Water Quality

(a) No activity shall deposit on or into the ground or discharge into the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.

D.5.8.0 Archaeological Site

(a) Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days before action being taken by the permitting authority. The permitting authority shall consider comments received from the commission before rendering a decision on the application.

D.6.0.0 Performance Standards

All uses in the Village Waterfront District shall comply with the following standards:

(a) Outdoor storage of materials: Outdoor storage of materials accessory to normal conduct of business shall be suitably screened from the public way and from abutting properties by a fence at least six (6) feet in height or by a solid evergreen planting strip. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. All food processing waste shall be stored within a completely enclosed structure. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area.

(b) Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the Village Waterfront District shall not exceed seventy (70) decibels on the A scale at the boundaries of any lot between the hours of 7:00 AM and 9:00 PM and fifty (50) decibels between the hours of 9:00 PM and 7:00 AM. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1). The following activities and use shall be exempted from the above-mentioned noise requirements:

1. Construction and maintenance activities between the hours of 7:00 AM and 8:00 PM;

2. The noises of safety signals, warning devices, emergency pressure relief valves, and other emergency devices;

3. Traffic noise on public and private roads;

4. Noise created by refuse and solid waste collection, provided that the activity is conducted between 7:00 AM and 6:00 PM;

5. Emergency construction or repair work by public utilities at any hour including, but not limited to, mobile substations;

6. Noise created by any recreational activities which are permitted by law, including but not limited to parades, sporting events, and fireworks displays;

(c) Vibration: Vibration inherently and recurrently generated, except during periods of construction, shall be imperceptible without instruments at lot boundaries.

(d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air.

(e) Floodplain management regulations: Any lot or portion of a lot located within a flood hazard zone as identified on the most recent version of the Town of Wiscasset Flood Insurance Rate Maps shall be subject to applicable Federal Emergency Management Agency Floodplain Management rules and Town of Wiscasset Floodplain Ordinance.

(f) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries, except glare existing

before the adoption of this ordinance and glare generated from sources directly associated with safety and security of the site.

(g) Lighting: All exterior lighting fixtures, except fixtures existing before the adoption of this Article shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from adjoining properties except illumination generated from sources directly associated with emergency operations on the site.

(h) All new electric or telecommunications distribution lines shall be installed underground.

(i) All structures requiring water and sewer shall be connected to public water and public sewer.

(j) It shall be the responsibility of the property owner, applicant or their representative to demonstrate to the Town that development is in compliance with applicable performance standards. For any development requiring Planning Board approval, the Planning Board shall have authority to require that any developer bear the expense to investigate and prepare studies deemed necessary by the Planning Board to evaluate impacts and demonstrate compliance with the standards of this Section. If needed, the Planning Board shall have the authority to hire, at the developer's expense, its own consultants to evaluate the developer's plans and studies.

(k) Waiver: The Planning Board may modify or waive any of the Performance Standards F.6.0.0 (a) – F.6.0.0 (j), stated above, when the applicant clearly establishes and documents that the standard would not be applicable.

D.7.0.0 Applicability of Article VII – Subdivision Ordinance

When the Planning Board is reviewing any application for a subdivision in the Village Waterfront District, the Planning Board may modify or waive any Subdivision requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable. Additionally, the following provisions of Article VII – Subdivision Ordinance shall apply as follows:

(a) Section 2.3.3(n), single-family and multiple family-dwellings minimum lot size requirements do not apply; and,

(b) Section 2.3.5, street and road construction requirements shall not apply, provided the applicant submits documented proof to the Planning Board that all road and street construction meets the design criteria established by the American Association of State Highway and Transportation Officials based upon projected land uses and traffic volumes.

D.8.0.0 Applicability of Article VIII – Site Plan Review Ordinance

When the Planning Board is reviewing a proposal that requires Site Plan Review in the Village Waterfront District, the following provisions of Article VIII – Site Plan Review shall apply as follows:

(a) Section 6.8.3, minimum parking space requirements shall not apply.

(b) Section 7.1, waiver standards shall be replaced with: The Planning Board may modify or waive any Site Plan Review requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable.

D.9.0.0 Applicability of Article II – Building Laws

When the Planning Board or Code Enforcement Officer is reviewing an application for Subdivision, Site Plan Review or building permit in the Village Waterfront District, the following provisions of Article II – Building Laws shall not apply:

(a) Sections 2.1 – 2.14, lot size and setback requirements.

(b) Section 3.2, height.

(c) Section 7.9, State lot size for water and sewer lines and disposal regulation.

E. SHORELAND BUSINESS II/ MARINE OVERLAY DISTRICTS

E.1.0.0 Purpose

The purpose of the Shoreland Business II and Marine Overlay Zoning Districts, hereinafter referred to as the Districts, is to provide geographic areas on the +/- 33.19-acre Birch Point peninsula (which was formerly used as an industrial site) where a mixture of uses, including residential, marine, commercial, related ancillary business, and low-impact industrial is encouraged. The Districts are designed to provide and maintain safe and healthy living conditions; prevent degradation of the natural environment; protect and promote marine industries; conserve shoreland vegetation and harmonize commercial, marine business, low-impact industrial and residential uses with the surrounding built and natural environment. The Districts are also intended to allow uses that provide housing and services for their residents and opportunities for economic growth. In addition, the Districts are designed to co-exist with the existing Electric Utility Substation and Facilities located adjacent to and within the Districts.

The Shoreland Business II and Marine Overlay Zoning Districts, as of the effective date of this ordinance, are characterized by an existing, heavily-developed lot with potential for high density, clustered housing, marina facilities, mixed-use development as well as the environmentally-friendly reuse of existing land and buildings. Any mixed use development shall rely on shared infrastructure systems including electrical, telecommunications, water and sewer services, parking lots, transportation facilities, stormwater management, and driveways.

The Special Setback Area is bounded and described as follows**:** A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled "Shoreland Business District II & Marine Overlay Districts Zoning Map" dated February 28, 2005 bounded and described as follows: Beginning at an iron rod set labeled "F" on the above mentioned Zoning Map on the northerly line of the land now or formerly of Central Maine Power Company; thence N 51°24'15" W along the northerly line of the land of Central Maine Power Company 51.79' to an unmonumented point at the high water mark of Hilton Cove labeled "A" on the above mentioned Zoning Map; thence northeasterly, easterly, and southeasterly by the high water mark of Hilton Cove and Sheepscot River to an unmonumented point that lies S 86°04'44" W 13.94' from a drill hole in ledge set labeled "H" on the above mentioned Zoning Map; thence S 86°04'44" W 126.43' to an unmonumented point; thence S 41°13'35" W 198.61' to an unmonumented point; thence S 06°32'42" W 55.56' to an unmonumented point; thence S 16°01'17" E 32.63' to an unmonumented point at the center of the railroad spur; thence S 73°50'02" W along the center of the railroad spur 151.17' to an unmonumented point; thence S 72°46'31" W along the center of the railroad spur 53.16' to an unmonumented point; thence S 69°51'14" W along the center of the railroad spur 60.04' to an unmonumented point; thence S 66°48'56" W along the center of the railroad spur 74.39' to an unmonumented point; thence S 57°32'59" W along the center of the railroad spur 12.06' to an unmonumented point on the northerly line of the land of Central Maine Power Company; thence N 51°24'15" W along the northerly line of the land of Central Maine Power Company 284.64' to the point of beginning

The Impervious Surface Ninety Percent (90%) Area is bounded and described as follows**:** A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled "Shoreland Business District II & Marine Overlay Districts Zoning Map" dated February 28, 2005 bounded and described as follows: Beginning at an unmonumented point on the northerly line of the land now or formerly of Central Maine Power Company at the center of a railroad spur; said point lying S 51°24'15" E, a distance of 284.64 from a rebar set at the top of the bank of Hilton Cove; said rebar being labeled "F" on said Zoning Map; thence N 57°32'59" E along the center of the railroad spur 12.06' to an unmonumented point; thence N 66°48'56" E along the center of the railroad spur 74.39' to an unmonumented point; thence N 69°51'14" E along the center of the railroad spur 60.04' to an unmonumented point; thence N 72°46'31" E along the center of the railroad spur 53.16' to an unmonumented point; thence N 73°50'02" E along the center of the railroad spur 151.17' to an unmonumented point; thence N 16°01'17" W 32.63' to an unmonumented point; thence N 06°32'42" E 55.56' to an unmonumented point; thence N 41°13'35" E 198.61' to an unmonumented point; thence N 86°04'44" E 101.43' to an unmonumented point that lies S 86°04'44" W 38.94' from a drill hole in ledge set labeled "H" on the above mentioned Zoning Map; thence southerly along the westerly boundary of the Marine Overlay District by a line that is 25' from (on the landward side) and parallel to the high water mark of Sheepscot River to a point that lies N 64°11'45" W from an unmonumented point labeled "J" as shown on the above mentioned Zoning Map; thence S 64°11'45" E along the southerly boundary of the Marine Overlay District 25.00' to an unmonumented point at the high

water mark of Sheepscot River labeled “J” on the above mentioned Zoning Map; thence southwesterly by the high water mark of the Sheepscot River to the center of the old dam at the outlet of the ice pond; thence southwesterly along the high water mark of the ice pond to an unmonumented point labeled “K” on the above mentioned Zoning Map; thence N 05°57'43" W 388.19' to an unmonumented point on the northerly side of the access road at the southwest corner of the land now or formerly of Central Maine Power Company; thence N 84°02'17" E partly along the northerly edge of the access road 398.71' to an unmonumented point; thence N 05°57'43" W along the land now or formerly of Central Maine Power Company 97.21' to an unmonumented point; thence N 24°23'29" E along the land now or formerly of Central Maine Power Company 200.41' to an unmonumented point; thence N 65°16'49" W along the land now or formerly of Central Maine Power Company 31.33' to an unmonumented point; thence N 11°18'11" E along the land now or formerly of Central Maine Power Company 36.34' to an unmonumented point; thence N 32°23'50" W along the land now or formerly of Central Maine Power Company 110.13' to an unmonumented point; thence N 23°54'42" E along the land now or formerly of Central Maine Power Company 33.76' to an unmonumented point; thence N 65°49'25" W along the land now or formerly of Central Maine Power Company 58.04' to an unmonumented point; thence N 51°24'15" W along the land now or formerly of Central Maine Power Company 47.86' to the point of beginning. Bearings mentioned above are oriented towards Grid North (NAD 83) as shown on the above mentioned Zoning Map.

Impervious Surface Fifty Percent (50%) Area: All areas of the Shoreland Business II and Marine Overlay Districts not included in the Impervious Surface Ninety Percent (90%) Area.

E.2.0.0 Definitions – The following definitions apply only to the Shoreland Business II District and the Marine Overlay District. All other definitions contained in Wiscasset Ordinances, to the extent they are not in conflict with the following definitions, also apply to the Shoreland Business II District and the Marine Overlay District.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Business service: A service provided to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar services.

Clinic: An establishment where patients are admitted for examination and treatment by one (1) or more professionals including, but not limited to, physicians, dentists, psychologists or social workers.

Community Center: A building used for recreational, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency.

Community Hall: A building or portion of a building, used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dances, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Convenience store: A retail establishment offering for sale a limited line of groceries and household items intended for convenience of the neighborhood.

Day care facility: A facility which, for consideration, provides regular care and protection for children under the age of sixteen (16) for any part of the day and is required to be licensed by the state.

Drinking establishments: An establishment required to be licensed to sell alcoholic beverages for on-premises consumption, and which is not regularly used for the purpose of providing full-course meals on the premises, as defined in Title 28-A of the Maine Revised Statutes.

Earth moving activity: Any removal, placement, excavation, filling, stockpiling or grading of soil, earth, loam, sand, gravel, rock, or other natural mineral deposits.

Eating establishment: An establishment that prepares and serves food and beverages intended for immediate consumption in consideration of payment.

Electric Utility Substation and Facilities: Any electrical power transmission or distribution substations and associated equipment and operations including, but not limited to, communications equipment, portable generation, overhead and underground electrical transmission and distribution lines, cables and towers and associated utility corridors, electric distribution line extensions as defined under Chapter 395 of the Maine Public Utilities Commission Rules, and electric utility service centers and equipment.

Facility: A structure, open area, or other physical contrivance or object.

Family: One person, or a group of people living together as a single housekeeping unit, together with incidental domestic servants and temporary nonpaying guests.

Family amusement center: Any structure, open to the public, which may contain coin-operated games and similar entertainment and amusement devices.

Fill: Soil, earth, loam, sand, gravel, rock and other similar deposits.

Filling: The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits.

Impervious surface area: Any surface area which does not absorb rain and includes the footprint of all buildings, roads, sidewalks, parking areas, and any area paved with bricks, gravel, concrete or asphalt.

Intermodal Transportation Facility: A facility which accommodates the change from one mode of transportation to another such as docks, park and ride lots, bus stops and railroad stations.

Low-impact industrial uses: Facilities and/or industrial activity involving the manufacturing, packaging, assembly or distribution of products from previously prepared materials including, but not limited to, the following: bakeries, breweries, bottling, printing and publishing, machine shops, assembly of electronic components, tool and die shops and the packaging of foods; and/or, the manufacturing of: precision instruments, watches, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry. Low-impact industrial uses do not include salvaging operations.

Personal services: Services provided to a person such as laundering of apparel, photography, beauty and barber care, but excluding commercial or industrial laundering of apparel and dry cleaning.

Private club: A nonprofit social or recreational facility that is open exclusively to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available.

Professional office: An office maintained by an individual or firm for the practice of a professional such as physician, dentist, lawyer, engineer, architect, teacher, accountant, realtor, insurance broker or other professional.

Recreational area: A place designed and equipped for sports, leisure time activities and/or other customary and usual recreational activities**.**

Recreational trail: A trail open to the public, established for walking, hiking, non-motorized biking, snow-shoeing, or cross-country skiing, with a tread path no more than twelve (12) feet in width and an overall width including trail side-slopes of twenty (20) feet or less. No motorized vehicles are permitted on a recreational trail except electrically and solar-operated vehicles and similar transportation-related equipment used by persons with limited physical or mental abilities, and vehicles necessary for trail maintenance and emergency purposes.

Restaurant: An establishment with a food preparation area, dining area, and persons to prepare and serve food and drinks to guests in consideration of payment.

Retail establishment: Any shop or store offering goods, services or merchandise to the general public for direct consumption and not for resale.

Service drop: Any utility service to a customer provided that:

1. in the case of electrical service

    a. A "service drop" is the service cable or other conductor providing secondary voltage to the customer's service entrance equipment from a transformer or from a secondary conductor located on the utility's distribution system or on a privately owned line extension.

2. in the case of telecommunication service

    a. the extension, regardless of the length, will be made by the installation of telecommunication wires to existing utility poles, or
    b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Studios for artists and craftspeople: A facility for the production of arts and crafts products such as paintings, sculpture or other arts, or the practice of arts such as music or dance, or the production of custom handcrafted work.

Theater: An establishment devoted to showing motion pictures, or used for dramatic, musical or other live performances.

Use: The purpose for which land or structures thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied, maintained, owned, rented or leased.

Utility substation: A sewage- or water-pumping station, telecommunications equipment enclosures, or other similar structures owned or operated by a public utility, excluding **any** Electric Utility Substation and Facilities.

Warehousing: Storage of goods, wares and merchandise in a structure in consideration of payment.

Water-dependent uses: Uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

Wholesale business: A business primarily engaged in the selling of merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to wholesalers; or, a wholesale business is a business that acts as agent or broker and buys merchandise for, or sells merchandise to, such individuals or companies.

E.3.0.0 Permitted Uses

E.3.1.0 Except to the extent permits may be specifically required by the Shoreland Business II / Marine Overlay Districts ordinance, the following uses are allowed without a permit from the Planning Board or the Code Enforcement Officer in the Shoreland Business II and Marine Overlay Districts, provided development is in compliance with all applicable laws, rules and regulations:

(g) The permitted uses in the Shoreland Resource Protection District as set out in the following subsections: A.1.1, A.1.2, A.1.3, A.1.6, A.1.9 and A.1.10;
(h) Filling and earthwork of less than ten (10) cubic yards of soil;
(i) Filling and earthwork of more than ten (10) cubic yards of soil if required by state or federal governmental agency order;
(j) Routine maintenance operations;
(k) Emergency operations; and,
(l) Electric Utility Substation and Facilities existing as of the effective date of this ordinance.

E.3.2.0 The following uses are permitted with Code Enforcement Officer approval in the Shoreland Business II District, provided development is in compliance with all applicable laws, rules and regulations:

(k) Accessory uses and structures except for those that are accessory to uses and structures requiring Planning Board approval;
(l) Structures for any use permitted in the Shoreland Business II District which remain for less than seven months in any period of twelve consecutive months;
(m) Service drops, as defined, to approved development;
(n) Signs subject to applicable sign ordinances;
(o) Structural development not exceeding 500 sq. ft. that is accessory to and located within a recreational area approved by the Planning Board;
(p) Non-residential facilities for educational, scientific, or nature interpretation purposes not exceeding 500 sq. ft., provided facility is accessory to development approved by the Planning Board;
(q) Retaining walls set back a minimum of twenty-five (25) feet from the upland edge of a coastal wetland or the normal high water line of Hilton Pond;
(r) Driveways; and,
(s) Clearing of vegetation for development that does not require Planning Board approval.

E.3.3.0 The following uses are permitted with Planning Board approval in the Shoreland Business II District, provided development is in compliance with all applicable laws, rules and regulations:

Commercial:

(o) Professional, business and general offices;
(p) Restaurants, eating establishments and drinking establishments;
(q) Meeting and convention halls;
(r) Hotels and motels and ancillary services customary to the primary use;
(s) Low-impact industrial uses;
(t) Retail and service establishments, but excepting establishments with automobile gas pumps;
(u) Theaters;
(v) Banking and financial services;
(w) Laundry services ancillary to the primary use of another permitted use such as hotel and/or marina, but excluding independent commercial laundry facilities and dry cleaning facilities;
(x) Indoor recreation and family amusement establishments;
(y) Intermodal transportation facilities;
(z) Off-street parking lots and garages;
(aa) Personal services;
(bb) Business services;
(cc) Communication studios, broadcast and receiving facilities;
(dd) Self-storage facilities, only within buildings or structures existing on the date of the adoption of this Article;
(ee) Community center;
(ff) Community hall;
(gg) Spa, health club or similar facility;
(hh) Museum art gallery or similar facility; and,
(ii) Warehousing and wholesaling.

Marine:

(l) Marine products wholesaling and retailing;
(m) Marine repair services and machine shops;
(n) Harbor and marine supplies and services and ship supply;
(o) Boatbuilding and facilities for construction, maintenance and repair of vessels;
(p) Marinas with ancillary services customary to the primary use;
(q) Marine museums and aquariums;
(r) Indoor and/or outdoor boat storage facilities;
(s) Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the upland edge of a coastal wetland or within a wetland; and,
(t) Aquaculture.

Residential:

(a) Single-family, two-family and multifamily dwelling units.

Institutional:

(e) Public or private schools of any type with ancillary services including dormitories, customary to primary use;
(f) Clinics;
(g) Churches;
(h) Private clubs or fraternal organizations;
(i) Colleges, universities or trade schools with ancillary services including dormitories, customary to primary use; and,
(j) Nursery schools, kindergartens, and day care facilities.

Public:

(f) Government buildings and uses;
(g) Utility substations including sewage collection and pumping stations and water pumping stations; and,
(h) Public parks and recreational areas.

Other:

(k) Studios for artists and craftspeople;
(l) Accessory uses or structures customarily incidental and subordinate to the location, function and operation of uses or structures permitted by the Planning Board;
(m) Parking areas;
(n) Roads;
(o) Essential Services;
(p) Recreational trails;
(q) Recreational areas;
(r) Structural development exceeding 500 sq. ft. in a recreational area;
(s) Principal non-residential facilities for educational, scientific, or nature interpretation purposes**;**
(t) Non-residential facilities for educational, scientific, or nature interpretation purposes exceeding 500 sq. ft;
(u) Retaining walls within twenty-five (25) feet of the upland edge of a coastal wetland or the normal high-water line of Hilton Pond;
(v) Filling or earth-moving activity of more than ten (10) cubic yards;
(w) Electric distribution facilities, telecommunication facilities, including but not limited to, communications equipment, overhead and underground distribution lines, cables and poles; and,
(x) Clearing of vegetation for development uses requiring Planning Board approval.

E.3.4.0 The following uses are permitted with Code Enforcement Officer approval in the Marine Overlay District, provided development is in compliance with all applicable laws, rules and regulations**:**

(a) Signs, subject to applicable sign ordinances;
(b) Structures for any use permitted in the Marine Overlay District which remain for less than seven (7) months in any period of twelve(12) consecutive months;
(c) Service drops;
(d) Structural development not exceeding 500 sq. ft. that is ancillary to functionally water-dependent recreational areas; and,
(e) Driveways to permitted uses.

E.3.5.0 The following uses are permitted with Planning Board approval in the Marine Overlay District provided development is in compliance with all applicable laws, rules and regulations:

(a) Marinas with ancillary services customary to primary use;
(b) Marine repair services;
(c) Boatbuilding and facilities for construction, maintenance and repair of vessels;
(d) Boat storage facilities;
(e) Functionally water-dependent structures permitted in the Shoreland Business II District or the Marine Overlay District which remain for seven (7) or more months in any period of twelve (12) consecutive months;
(f) Essential services;
(g) Commercial marine transport and excursion services including ferries, captained chartered services, sport fishing and water taxis;
(h) Warehousing and cargo handling facilities that are:

(i) Temporary in nature (i.e. not to remain for more than 12 consecutive months) and not of a size and scale to permit use as a warehouse meant to serve as a distribution, or wholesale center; or,

(ii) Storage facilities particular to the marina service businesses including, but not limited to, storage facilities for the fuel and petroleum products or repair parts used in the routine servicing of marina customers and storage facilities for consumer waste or consumer retail products normally associated with a full-service, waterfront marina and boatyard.

(i) Fishing, recreational and commercial berthing;
(j) Public landings;
(k) Commercial fisheries activities excluding fish processing plants;
(l) Marine and marine-related uses and activities;
(m) Electric distribution facilities, telecommunication facilities, including but not limited to, communications equipment, overhead and underground distribution lines, cables and poles;

(n) Utility substations including sewage collection and pumping stations and water pumping stations;
(o) Recreational trails;
(p) Accessory uses or structures;
(q) Professional offices that support marine-related activities, marine research, education and laboratory facilities, restaurants and other eating and drinking establishments provided the use shall have no adverse impact on any adjacent water body or wetland. In determining that no adverse impact will occur, the Planning Board shall require proof from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, access to water, flood plain management, archaeological and historic resources and functionally water-dependent uses. Any use permitted in this section may only be established within buildings or structures existing as of the effective date of this ordinance;
(r) Filling or earth-moving activity of more than ten (10) cubic yards; and,
(s) Retaining walls.

E.4.0.0 Prohibited Uses

Uses which are not enumerated in sections K.3.1.0 – K.3.5.0 as permitted uses are prohibited in the Shoreland Business II and Marine Overlay Zoning Districts.

E.5.0.0 Dimensional Requirements

The following dimensional requirements shall apply within the Shoreland Business II and Marine Overlay Zoning Districts provided development is in compliance with all applicable laws, rules and regulations:

(a) Minimum lot size: None.

(e) Minimum frontage: None.

(f) Minimum setback requirements:
1. Front setback: None required;
2. Side setback: None required; and,
3. Rear setback: None required.

(g) Minimum water body setback:

1. Shoreland Business II District:
   i. There shall be no minimum setback for roads or structures that require direct water access as an operational necessity including, but not limited to,

piers, docks, wharfs and bridges, or for buildings in existence as of the effective date of this ordinance. Any enlargement of these existing buildings must comply with all applicable setback requirements in this ordinance;

ii. In the Special Setback Area, there shall be a minimum setback of fifty (50) feet from the upland edge of a coastal wetland for one- and two-family dwelling units and their accessory structures, for parking areas and driveways, for structures in a recreational area, for educational, scientific, or nature interpretation non-residential facilities, for clearing of vegetation for approved development, and for signs and service drops. For all other structures located in the Special Setback Area, there shall be a minimum setback of seventy five (75) feet from the upland edge of a coastal wetland; and,

iii. In all other portions of the Shoreland Business II District, there shall be a minimum setback of twenty five (25) feet from the upland edge of a coastal wetland, or the normal high-water line of Hilton Pond, for all residential structures (including hotels and motels) and their accessory structures, parking areas, driveways and roads, and fifty (50) feet for all non-residential structures and their accessory structures.

2. Marine Overlay District: There shall be no setback for permitted structures and uses.

(h) Maximum lot coverage: The total of all impervious surface areas shall be:

1. No more than ninety percent (90%) of the Impervious Surface Ninety Percent (90%) Area ; and,
2. No more than 50% for all remaining land in the Shoreland Business II and Marine Overlay Districts.

E.6.0.0 Maximum Height of Structures

(a) Shoreland Business II District

1. The existing Mason Station building shall not exceed the height of the building as of the effective date of this ordinance;
2. Each non-habitable structure existing as of the effective date of this ordinance that exceeds an applicable height restriction shall not exceed its height as of the effective date of this ordinance;

3. In the Special Setback Area, all one- and two-family dwelling units and their accessory structures within 250 feet of the upland edge of a coastal wetland shall not exceed a maximum height of thirty five (35) feet;
4. In all other portions of the Shoreland Business II District, one and two family dwelling units and their accessory structures shall not exceed a maximum height of thirty five (35) feet; and,
5. All other structures shall not exceed a maximum height of seventy five (75) feet.

(b) Marine Overlay District

1. All habitable structures shall not exceed forty (40) feet in height; and,
2. All non-habitable structures shall comply with applicable Wiscasset ordinances.

E.6.1.0 General Land Use Standards

All land use activities in the Shoreland Business II and Marine Overlay Districts shall conform to the following standards, if applicable.

(d) The first floor elevation or openings of all buildings and structures including basements constructed after the effective date of this ordinance shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

(e) No structures shall be constructed on slopes greater than 20% within seventy-five (75) feet from the upland edge of a water body unless they are permissible functionally water-dependent uses or structures or their accessories.

(f) Notwithstanding the requirements stated above, ramps, stairways, or similar structures may be allowed to provide shoreline access in areas of steep slopes or unstable soils provided:

1. The structure is limited to the maximum width necessary for proposed use, not to exceed a maximum of six (6) feet in width;
2. The structure does not extend below or over the upland edge of a coastal wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C), and;
3. The property owner demonstrates that no reasonable alternative exists on the property within 150 feet of the desired point of access.

E.6.2.0 Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Upland Edge of a Coastal Wetland or Within a Wetland.

(f) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(g) The location shall not interfere with existing developed natural beach areas.

(h) The facility shall be located so as to minimize adverse effects on fisheries.

(i) The facility shall be no larger in dimension than necessary to carry on permitted land use activities.

(j) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the upland edge of a coastal wetland or within a wetland unless the structure requires direct access to the water as an operational necessity, or is a functionally water-dependent use or an accessory to a functionally water-dependent use, or as a permitted use under the provisions of K.3.4.0 and K.3.5.0.

(k) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the upland edge of a coastal wetland of a water body or within a wetland shall be converted to residential dwelling units.

E.6.3.0 Parking Areas

Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body and, where feasible, to retain all run-off on site.

E.6.4.0 Roads and Driveways**.** The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(h) Roads and driveways shall be set back at least twenty-five (25) feet from the upland edge of a coastal wetland, excepting roads which require access to the shoreline.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures and uses.

(i) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.

(j) Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection K.6.7.0

(k) Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

(l) In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained where feasible to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the upland edge of a coastal wetland or normal high-water line of Hilton Pond. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(m) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

i Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-3	250
3-6	200-135
6-11	100-80
11-16	80-60
16-21	60-45
21 +	40

ii Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

iii On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road.

iv Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(n) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

E.6.5.0 Storm Water Runoff

(c) All new construction and development shall be designed to manage stormwater runoff on the site in excess of the natural predevelopment conditions. Existing natural runoff-control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(d) Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning

E.6.6.0 Clearing of Vegetation

(a) Except to allow for development of permitted uses within a strip of land extending seventy-five (75) feet, horizontal distance, from the upland edge of a coastal wetland, a buffer strip of vegetation shall be preserved as follows:

1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

2. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to water bodies and wetlands is defined as maintaining a minimum rating score of 8 per 25-foot x 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 – 4 in.	1
> 4 – 12 in.	2
> 12 in.	4

3. Notwithstanding the above provision, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.

4. Pruning of tree branches on the bottom 1/3 of the tree is permitted.

(b) In order to maintain a buffer strip of vegetation when the removal of storm damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these opening shall be replanted with native tree species unless existing new tree growth is present.

(c) At distances greater than seventy-five (75) feet, horizontal distance, from the upland edge of a coastal wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

(d) Cleared openings legally in existence on the effective date of this Ordinance may be maintained but shall not be enlarged except as permitted by this Ordinance.

(e) Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

(f) In addition to the clearing of vegetation for development standards stated herein, the maintenance of a seventy five-(75) foot vegetated buffer where one currently exists shall be required, except for the area where approved construction occurs.

(g) Notwithstanding the above provisions, to the extent a DEP-approved remediation plan requires the removal of vegetation in excess of the limits stated herein, the developer shall submit to the Planning Board and Code Enforcement Officer a plan to re-vegetate the area in a manner consistent with the regulations for the clearing of vegetation for development as stated herein.

E.6.7.0 Erosion and Sedimentation Control

(f) All activities which involve filling, grading, excavation or other similar activities which result in unstable soil conditions and which

require a permit, shall require a written soil-erosion and sedimentation-control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

4. Mulching and re-vegetation of disturbed soil;

5. Temporary runoff-control features such as hay bales, silt fencing or diversion ditches; and,

6. Permanent stabilization structures such as retaining walls or riprap.

(g) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes**,** high cuts and fills shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(h) Erosion and sedimentation-control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(i) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(j) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

E.6.8.0 Soils

(b) All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

E.6.9.0 Water Quality

(b) No activity shall deposit on or into the ground or discharge into the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.

E.6.10.0 Archaeological Site

(l) Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the commission before rendering a decision on the application.

E.7.0.0 Performance Standards

All uses in the Shoreland Business II/Marine Overlay Districts shall comply with the following standards:

(b) Outdoor storage of materials: Outdoor storage of materials accessory to normal conduct of business shall be suitably screened from the

public way and from abutting properties by a fence at least six (6) feet in height or by a solid evergreen planting strip. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. All food processing waste shall be stored within a completely enclosed structure. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area;

(m) Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the Shoreland Business II/Marine Overlay Districts shall not exceed seventy (70) decibels on the A scale at the boundaries of any lot between the hours of 7:00 AM and 9:00 PM and fifty (50) decibels between the hours of 9:00 PM and 7:00 AM. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1). The following activities and use shall be exempted from the above-mentioned noise requirements:

7. Construction and maintenance activities between the hours of 7:00 AM and 8:00 PM;

8. The noises of safety signals, warning devices, emergency pressure relief valves, and other emergency devices;

9. Traffic noise on public and private roads or noise created by railroads;

10. Noise created by refuse and solid waste collection, provided that the activity is conducted between 7:00 AM and 6:00 PM;

11. Emergency construction or repair work by public utilities at any hour including, but not limited to, mobile substations;

12. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, and fireworks displays;

(n) Vibration: Vibration inherently and recurrently generated, except during periods of construction, shall be imperceptible without instruments at lot boundaries;

(o) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air;

(p) Off-street parking and loading: The applicant and/or property owner shall provide documented proof that proposed use(s) will have adequate, on-site parking spaces, which may include shared parking spaces, to fulfill the needs of the development in accordance with the most recent edition of the Parking Generation Manual published by the Institute of Traffic Engineers;

(q) Floodplain management regulations: Any lot or portion of a lot located within a flood hazard zone as identified on the most recent version of the Town of Wiscasset Flood Insurance Rate Maps shall be subject to applicable Federal Emergency Management Agency Floodplain Management rules and Town of Wiscasset Floodplain Ordinance;

(r) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries, except glare existing before the adoption of this Article and glare generated from sources directly associated with safety and security of the site;

(s) Lighting: All exterior lighting fixtures, except fixtures existing before the adoption of this Article shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from adjoining properties except illumination generated from sources directly associated with emergency operations on the site;

(t) To mitigate potential adverse impacts between the Shoreland Business II District and the existing Utility Substation and Facilities, the Planning Board may require a buffer strip of not more than twenty five (25) feet in width contiguous to that portion of the Rural District and the Shoreland Business District on which the utility substation is located as of the effective date of this ordinance. In the buffer strip, the Planning Board may require non-residential uses, physical barriers or design features that mitigate potentially adverse visual, sound, safety and security impacts. Non-residential uses or physical barriers may include, but are not limited to, vegetation, commercial structures, berms, fences, walls, and other similar structures. The responsibility

for implementing such non-residential uses, physical barriers or design features in the buffer strip shall rest with the owner of the property being developed;

(u) Road and street construction shall meet the design criteria established by the American Association of State Highway and Transportation Officials based upon projected land uses and traffic volumes;

(v) Except in the Marine Overlay District, all new electric or telecommunications distribution lines shall be installed underground;

(w) All structures requiring water and sewer shall be connected to public water and public sewer; and,

(x) It shall be the responsibility of the property owner, applicant or their representative to demonstrate to the Town that development is in compliance with applicable performance standards. The Planning Board shall have authority to require that any developer bear the expense to investigate and prepare studies deemed necessary by the Planning Board to evaluate impacts and demonstrate compliance with the standards of this Section. If needed, the Planning Board shall have the authority to hire, at the developer's expense, its own consultants to evaluate the developer's plans and studies.

E.8.0.0 Applicability of Article VII – Subdivision Ordinance

When the Planning Board is reviewing any application for a subdivision in the Shoreland Business II/Marine Overlay Zoning Districts, the Planning Board may modify or waive any Subdivision requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable. Additionally, the following provisions of Article VII – Subdivision Ordinance shall apply as follows:

(c) Section 2.3.3(n), single-family and multiple family-dwellings minimum lot size requirements do not apply;

(d) Section 2.3.5, street and road construction requirements shall not apply in its entirety**,** provided applicant submits documented proof to the Planning Board that all road and street construction meets the design criteria established by the American Association of State Highway and Transportation Officials based upon projected land uses and traffic volumes; and,

(e) Section 5.2, timing requirements shall apply, except that the subdivider shall have two (2) years to commence construction and ten (10) years to

complete the specifications on the final subdivision and site plan review plans and documents.

E.9.0.0 Applicability of Article VIII – Site Plan Review Ordinance

When the Planning Board is reviewing a proposal that requires Site Plan Review in the Shoreland Business II/Marine Overlay Districts, the following provisions of Article VIII – Site Plan Review shall apply as follows:

(c) Section 6.2.3, placement of fill shall not apply if the applicant is conducting such activities in accordance with Department of Environmental Protection approved order, permit, closure or remediation plan;

(d) Section 6.8.3, minimum parking space requirements shall not apply except that applicant shall clearly establish and document that proposed use(s) will have adequate on-site parking spaces, which may include shared parking spaces, to fulfill the needs of the development in accordance with the most recent edition of the Parking Generation Manual published by the Institute of Traffic Engineers; and,

(e) Section 7.1, waiver standards shall be replaced with: The Planning Board may modify or waive any Site Plan Review requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable.

E.10.0.0 Applicability of Article II – Building Laws

When the Planning Board or Code Enforcement Officer is reviewing an application for Subdivision, Site Plan Review or building permit in the Shoreland Business II/Marine Overlay Districts, the following provisions of Article II – Building Laws shall not apply:

(d) Sections 2.1 – 2.17, lot size and setback requirements.

(e) Section 3.2, height.

(f) Section 7.9, State lot size for water and sewer lines and disposal regulations.

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DEFINITION OF DISTRICTS and ZONING MAP

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The following text defining Districts and Zones are included herein for assistance only. The official Zoning Map is the definitive document delineating Districts and Zones and is incorporated into these Town Ordinances. Where boundaries are shown following property lines, it is intended that the official Zoning Map delineate Districts and Zones precisely along these property lines. However, it is probable that in various instances a property line as depicted on the Zoning Map will not precisely correspond to the property line as determined by a survey or by deed research. Therefore, any inconsistency between the Zoning Map and a property line in effect at the time the Zoning Map was adopted or is amended shall be resolved in favor of the actual property line. In the following definitions of Districts, lots are referred to by Tax Map and Lot number, or by owner. [6-90, 3-92]

PROCEDURE FOR CONTROL OF THE OFFICIAL ZONING MAP.

The Town Clerk shall maintain a record of changes to the official Zoning Map as voted by the Town starting with town meetings after 1 June 1992; Maps presented to the Town and adopted by the Town shall be attested to by the Town Clerk. A composite map shall be maintained in the Town Office to sum up the display of the latest definitions of districts. A small-scale composite shall be in the town ordinances. A working copy shall be maintained by the Town Clerk to show the latest zoning changes. [6-92]

AA. SHORELAND RESOURCE PROTECTION DISTRICT

AA.1 From the northerly Crandall property limit along the Sheepscot River, southerly and westerly along Clark's Point to the southerly property of Kahl.

AA.2 From the northeasterly line of Stetson, White and Scaife to the end of their property where it meets the Lord property.

AA.3 From the northern property line of Maine Yankee and the Sheepscot River to 30 feet north of the northern side of Old Ferry Road on the property of Maine Yankee.

AA.4 From a line drawn from the cove where Maine Yankee property abuts that of King to the easterly shore of that point of land (Ready Point) owned by Maine Yankee and thence to the property of said King.

AA.5 From the intersection of King and U.S. Gypsum land, northerly along Chewonki Creek and thence southerly to the intersection of the Chewonki and Gould property on said creek.

AA.6 From the southerly property line of Chewonki and Gould, northerly to the property line of Brackett.

AA.7 From a line 130 feet north of the property line of Sewall with Maine Yankee to the southerly center of Gorham Road.

AA.8 One hundred (100) feet around the entire shore of Gardiner Pond, as a possible future source of town water.

AA.9 All islands and ledges lying within the Town of Wiscasset except Foxbird Island and the Town property on Cow Island are Shoreland Resource Protection District.

AA.10 Stream resource protection areas. The following subparagraphs relate to activities in these areas.

A.2.1 Agricultural activities
A.2.2 Roads and Driveways
A.2.8 Filling and earth-moving activities
A.3.1 Timber harvesting
A.3.2 Structures
A.3.3 Clearing of vegetation
A.4.1 Campsites
B.2.2 Campgrounds
B.5 Structures

AA.10.1 Polly Creek Stream Protection. From the point of confluence of two perennial streams located within lot R-5-74, presently owned or previously owned by Brun and lot R-5-76 presently owned or previously owned by J. Sutter thence flowing through the following properties to the point where it joins the existing Shoreland zone at its outlet into the Sheepscot River.

LOT NUMBER	PRESENTLY OWNED OR PREVIOUSLY OWNED BY
R-5-75	Fuegen
crosses Route #218	
R-5-96	Central Maine Power
R-5-95A	Sannella
R-5-92	- - - -
R-5-95	Owen
R-5-94	Morrell
R-5-93	Sheldon
R-5-122	Fowles

AA.10.2 Montsweag Brook Stream Protection. From the point of confluence of two perennial streams located within lot R-2-42C presently owned or previously owned by Webber; the westerly branch of Montsweag Brook flows easterly and southerly through the following properties to its point of confluence with the easterly branch in lots R-2-15A and R-2-15B.

LOT NUMBER	PRESENTLY OWNED OR PREVIOUSLY OWNED BY
R-2-42B	Munson
R-2-14A	J. Delano
R-2-12A	Colby
R-2-12	Judkins
R-2-13	Town
R-2-14	Delano
R-2-15D	Nichols
R-2-15	Morton
R-2-15A	McConnell

From the point of confluence of two perennial streams located within lot R-3-23 presently owned or previously owned by Dauplaise; the easterly branch of Montsweag Brook flows southerly through the following properties to its point of confluence with the westerly branch in lot R-2-15A and R-2-15B.

LOT NUMBER	PRESENTLY OWNED OR PREVIOUSLY OWNED BY
R-3-30	Barnes
R-3-28	L. Colby
R-3-29	Craft
R-3-27	Faulkingham

From the point of confluence of its East and West branches located within lots R-2-15A presently owned or previously owned by McConnell and R-2-15B presently owned or previously owned by Soule; Montsweag Brook flows southerly through the following properties to Gorham Road where it joins the previously established Shoreland Zoning.

LOT NUMBER	PRESENTLY OWNED OR PREVIOUSLY OWNED BY
R-2-15	Morton
R-2-17C	Applebee
R-2-16	Colby
R-2-17F	Mullins
R-2-17D	Thayer

R-2-17B	Sproul
R-2-17A	Connors
R-2-17E	Delorme
R-2-18A	House
R-2-39	R. & S. Construction
R-2-18	Mank
R-2-19A	T. Barnes
R-2-19B	J. Barnes
R-2-19	F. Barnes
R-2-21	Crocker
R-2-28	Stinson
R-2-22	Hall
R-2-26	Belanger
R-1-12	Amirault
R-1-12A	Delano
R-1-13	Heineck
R-1-9	S. Jones
R-1-14	Leavitt
R-1-15C	Savage
R-1-15E	J. Jones
R-1-16	Ames
R-1-15	Rumrill Pres. Group
R-1-17	Chancellor
R-1-2A	Colby
R-1-1A	C.M.P
R-1-1	L. Colby
R-1-26A	Erskine
R-1-25	Titcomb
R-6-43	Hanson
R-7-87	Maine Yankee
R-7-75-5	Lane
R-7-75-6	Lane
R-7-75-3	Harvey
R-7-74A	Banker
R-7-74	Kinney
R-7-75	Harvey
Gorham Road	

AA.10.3 Nequasset Lake Watershed. All streams and ponds, regardless of size, within the Watershed District.

BB. SHORELAND RESIDENTIAL DISTRICT

BB.1 From the Alna town line to the southeast to the property of Crandall.

BB.2 Beginning at the easterly boundary of Kahl property following the shore around Clark's Cove, northerly and southerly, to the southerly boundary of the Ancient Cemetery, being land of the Town of Wiscasset.

BB.3 From the northwestern boundary of Map U1 Lot 148 where it intersects the continuation of Fore Street (known as Front Street),thence north to the middle of Lee Street and the end of the 250-foot Shoreland Zone; thence westerly and southwesterly following the shore of the Sheepscot River to the property of Central Maine Power Company.

BB.4 From the westerly boundary of Eastern Realty Sales, Inc. (Lord) around Cushman Point following the shore of the Sheepscot River to the northern boundary of Maine Yankee.

BB.5 From the westerly boundary of Maine Yankee to the northerly boundary of King.

BB.6 From the southerly boundary of Brackett by the shore of Montsweag Creek to the southern property line of Sewall.

BB.7 Along Gardiner Pond from the 100 feet of Shoreland Resource Protection District to the end of the Shoreland Zone.

CC. SHORELAND BUSINESS DISTRICT

CC.1 From the point of land of Maine Central Railroad and the Town of Wiscasset Sewage Disposal Plant westerly along the cove to the northwesterly extension of the center line of Water Street; thence southwesterly along the center of Water Street to the extension of the Hammond property; thence westerly along the Hammond property to the Ancient Cemetery and the end of the Shoreland Zone; thence southwesterly along the Shoreland Zone to the center line of Big Foot Alley; thence easterly along the center of Big Foot Alley to its intersection with the center of Water Street; thence southwesterly to the end of Water Street at the edge of the Sheepscot River; thence in a northeasterly direction along the shore to the point of beginning.

CC.2 The property of Central Maine at Mason Station from the property of Lewis south and ending at the Stetson-White-Scaife line excepting the property described in Article VI, Section KK and LL.

CC.3 From the beginning of the property of Maine Yankee below the Bailey property along the shores of Bailey's Point; thence along the westerly shore of Ready Point to the line described in Shoreland Resource Protection District. (This section from the brook at the head of the cove is to be treated by Maine Yankee as Shoreland Resource Protection District.)

CC.4 All land lying within 250' of normal high-water mark of any pond, river or saltwater body and not part of the Shoreland Resource Protection District or the Shoreland Residential District.

DD. RESIDENTIAL DISTRICT

Beginning at the intersection of Willow Lane and Churchill Street westerly along the centerline of Willow Lane to the eastern boundary of parcel R6 lot 36; thence southwesterly along the western boundary of parcel R6 lot 49 and U5 lot 9 to Rocky Ridge Drive; thence south along Rocky Ridge Drive to the Bradford Road, thence south along the western boundary of parcel U7 lot 1; thence southeasterly following the southern boundary of parcels abutting Bradford Road (and including U6 lot 3 and U6 lot 4A) to US Route 1.
Parcels U6 lot 19, U6 lot 20, U6 lot 21 and U6 lot 22 in their entirety at the time of this Ordinance.
Contained within a line beginning at the intersection of the center line of the northerly end of the Old Bath Road and the westerly line of Haggat Road R/W, thence southerly along the westerly line of Haggat Road R/W and Parcel U9 lot 8-1 following a line 500 feet from the centerline of US Route 1 south through parcel U9 lot 6; thence southerly along the western boundary of parcel U9 lot 5 to the northerly boundary of CMP transmission line property, R7 lot 58, thence southerly along a line 500 feet from the center line of U.S. Route One following the northern boundary of the Route 1 Commercial District to the Old Bath Road; thence westerly along the center line of the Old Bath Road to its intersection with the southerly line of Aponte (R-8-1-2), extended, thence westerly to the southern property line, extended, of Fogg (R-8-1A), thence westerly to the center line of Montsweag Brook (Town Line), thence northerly along the center line of the Brook to the northern boundary, extended, of R. Clarke (R-7-90-3), thence easterly along the northerly property lines of Dentico (R-7-90-4), and Ames (R-7-91) to its intersection with the Central Maine Power Company northerly property line, extended, thence northerly along the Central Maine Power Company property line to its intersection with the southerly line of M. Rafter(U-9-14), thence easterly along the M. Rafter property line, extended, to its intersection with the center line of the Old Bath Road, thence easterly along the center line of the Old Bath Road to the point of beginning. [6-91, 6-12]

EE. VILLAGE I DISTRICT

Commencing on the northerly tip of parcel formerly identified as Map U2 lot 56; continuing southerly to Lincoln Street then southerly to the

intersection of Water Street and southerly to Fore Street; thence along the southern boundary of parcel U1 lot 74; thence north along the eastern side of Middle Street to Bradbury Street; continuing along the southern edge of parcels U1 lot 100 and U1 lot 101; thence northerly along Fort Hill Road to the southern boundary of parcels U1 lot 121, U1 lot 122, U1 lot 131, U1 lot 132, U1 lot 133, U1 lot 134; thence along the northern boundary of parcels U1 lot 142 and U1 lot 143; thence across High Street to the northern boundary of parcel U1 lot 164; thence north along the easterly boundary of U1 lot 165 A and U1 lot 65; thence southwesterly along the southern boundary of the Lincoln County Courthouse, parcel U1 lot 166; thence south along the easterly edge of U1 lot 168 and U1 lot 169; and thence westerly along the parcel U1 lot 170 to the Bath Road.

From the Bath Road at the southwesterly corner of parcel U1 lot 170; continuing northerly to include the entire parcel of the Municipal building on U5 lot 1; thence easterly along the northerly edge of US Route 1 to Washington Street. Continuing easterly along the southern edge of Washington Street to Federal Street; thence north along the easterly side of Federal Street to the northwest corner of parcel U1 lot 36; thence easterly along the northern boundary of parcel U1 lot 36 to its northeast corner; thence north along the western boundary of town parcel U2 lot 50 to the point of the beginning.

Beginning at the center line of Hooper Street at its intersection with Gardiner Road; thence easterly by Hooper Street to the northerly extension of the easterly property line of Benedix; thence southerly by Benedix to land of Shorey; thence easterly by Shorey to land of the Town of Wiscasset; thence southerly, easterly and southerly by Shorey's easterly bounds to land of Tims; thence easterly by Tims and land of First National Bank of Damariscotta to the northeast corner of the land of First National Bank of Damariscotta; thence southerly by First National Bank of Damariscotta and land of Petrie to Petrie's southeast corner and land of Doering; thence westerly by Petrie, to the corner of Gardiner Road; thence northerly by the center of Gardiner Road to the point of the beginning. [6-12]

FF. VILLAGE II DISTRICT

Commencing from the northeast corner of parcel U3 lot 20 along the Sheepscot River to the north easterly corner of the Ancient Burying Ground; thence along the southern boundaries of the Ancient Burying Grounds to Federal Street; thence south along the western side of Federal Street to Washington Street; thence westerly along Washington Street to Hodge Street; thence westerly along the northern edge of US Route 1 to the southeastern corner of parcel U1 lot 1; thence north along parcel U 1 lot 1; thence east along the northern boundary of parcel U1 lot 1; thence northeast along the eastern boundaries of U5 lot 22, U5 lot 22A, U5 lot 21, U5 lot 20, U5 lot 19A' thence westerly along the north boundary of U5 lot 19A to the southeasterly corner of parcel U5 lot 19B; thence northeasterly

along the eastern boundary of U5 lot 19B; thence westerly along the boundary of U5 lot 19B to the southeastern corner of U4 lot 23; thence northeasterly to Hooper Street; thence north westerly along Hooper Street to Gardiner Road; thence along the north along the eastern edge of Gardiner Road to the northwest corner of parcel R6 lot 28C; thence southeast along the northwest boundary of parcels R6 lot 28 C, R6 lot 28, U4 lot 16, R6 lot 28A, R6 lot 28B, U3 lot 10A, U3 lot 10, U3 lot 18, U3 lot 20A, and U3 lot 20 to the point of the beginning.
All land between Churchill Street, Gardiner Road and Washington Street (U4 lot 1, U4 lot 5, U5 lot 23, U5 lot 24, U5 lot 25, U5 lot 25A; U5 lot 26, U5 lot 26A, U5 lot 26B, U5 lot 27, U5 lot 28, U5 lot 29).
Beginning from the intersection of Fore Street and Middle Street traveling westerly along Fore Street to the southern corner of U1 lot 128; thence along the western boundary of U1 lot 128 to the northeastern corner of U1 lot 148; thence south along U1 lot 148 to the Sheepscot River; thence southerly along the Sheepscot River to the southern corner of parcel U8 lot 4; thence following the southern boundary of parcel U8 lot 4 for to a distance of 500' from US Route 1; thence southwesterly 500' south of US Route 1 to the northern boundary of the CMP Transmission Line Parcel, U10 Lot 5; thence northwesterly to US Route 1. Continuing northwesterly across Route 1 along the northern boundary of CMP Transmission Line Parcel, R7 Lot 58, thence along the western boundary of parcel U9 lot 5 to parcel U9 lot 6; thence westerly along the southern boundary of parcel U9 lot 6 to a distance of 500' from the centerline of Route 1; thence northeasterly at a distance of 500' from US Route 1 to the western boundary of parcel U9 lot 8-1; thence northeasterly along the western boundary of parcel U9 lot 8-1 and along the western boundary of the Haggat Road R/W to Old Bath Rd; thence rom the Old Bath Rd easterly to the corner of U9 lot 16; thence north along the western boundary of parcel U9 lot 16 to the northwestern corner of parcel U9 lot 15; thence easterly to the western boundary of parcel U6 lot 19; thence northeasterly along the southern boundary of parcel U6 lot 19 to US Route 1; thence traveling northeasterly to Lee Street; thence following the southern boundary of the Village 1 District to the intersection of Fore Street and Middle Street. [6-12]

GG. VILLAGE WATERFRONT DISTRICT

Beginning at the shore of a cove which is part of the Sheepscot River at the easterly most corner of the Ancient Burying Ground as shown on Tax Map U-2;

thence generally northeasterly, easterly, southerly, southeasterly and southwesterly along the shore to the southeasterly corner of the property referred to as Castle Tucker, being Lot 148 on Tax Map U-1;

thence northerly along the easterly boundary of the Castle Tucker property and on a continuation thereof to the centerline of Bradbury Street;

thence southerly and easterly along the centerline of Fore Street (a.k.a. Front Street) to its intersection with the centerline of Water Street;

thence northerly along the centerline of Water Street and crossing Main Street, to its intersection with the centerline of Lincoln Street;

thence westerly along the centerline of Lincoln Street to its intersection with the southerly projection of the westerly line of the property shown as Lot 53 on Tax Map U-2;

thence northeasterly along said projection and along the westerly line of the property shown as Lot 53 on Tax Map U-2 and along the westerly line of the property shown as Lot 54 on Tax Map U-2 to the southerly line of land shown as Lot 55 on Tax Map U-2;

thence westerly along the southerly line of land shown as Lot 55 on Tax Map U-2 to the Ancient Burying Ground;

thence easterly along the southerly line of land known as the Ancient Burying Ground to shore of the cove at the point of beginning.

Said district is to include the adjacent area between the shore and the low water mark from the northeasterly most corner of the land of the State of Maine, being Lot 57 on Tax Map U-2 near the Wiscasset Sewer District treatment plant to a southeasterly projection of the easterly boundary of the property shown on Tax Map U-1 as Lot 1 and commonly referred to as Castle Tucker, said district to include White's Island, so called.

All references to municipal tax maps and lots refer to the maps as revised in 2009.

HH. COMMERCIAL DISTRICT

From the Woolwich town line to northerly edge of the CMP Transmission lines, U10 Lot 5, R7 Lot 58, all land abutting Route 1, and within approximately 500' of Route 1, measured from the center line of Route 1 as depicted on the Maine Department of Transportation Right of Way Maps. [6-91, 11-00, 9-03, 6-12]

HHII. NEQUASSET WATERSHED DISTRICT

All land in the Nequasset Lake Watershed.

JJ. RURAL DISTRICT

All land not listed in one of the above Districts (AA-HH, KK and LL).

KK. SHORELAND BUSINESS II DISTRICT

A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled "Shoreland Business District II & Marine Overlay Districts Zoning Map" dated February 28, 2005 bounded and described as follows: Beginning at an iron rod set at the assumed southerly sideline of a town way leading easterly from Birch Point Road to the former Mason Station property at the northeast corner of the land now or formerly of the Chewonki Foundation, Inc. and Thomas B. Stetson, Anne Tierney Stetson & Ethan F. Stetson; thence N 02°40'15" W along the end of the town way 13.35' to an iron rod set; thence N 09°25'15" W along the end of the town way 54.76' to an iron rod set; thence continuing N 09°25'15" W along the land now or formerly of Central Maine Power Company 64.16' to an unmonumented point at the high water mark of Hilton Pond labeled "M" on said Zoning Map; thence northeasterly and northwesterly along the high water mark of Hilton Pond and a concrete dam to a point at an old earth dam on the boundary of the land now or formerly of Central Maine Power Company; thence N 20°04'45" E along the land now or formerly of Central Maine Power through the old earth dam to the high water mark of Hilton Cove; thence northwesterly, easterly, southerly, and easterly along the high water mark of Hilton Cove to the land now or formerly of Central Maine Power Company at an unmonumented point at the high water mark of Hilton Cove labeled "L" on the above mentioned Zoning Map; thence S 51°24'15" E along the land now or formerly of Central Maine Power Company 172.82' to an unmonumented point; thence S 05°57'43" E along the land now or formerly of Central Maine Power Company 101.26' to an unmonumented point on the northerly side of the access road; thence N 84°02'17" E partly along the northerly edge of the access road 398.71' to an unmonumented point; thence N 05°57'43" W along the land now or formerly of Central Maine Power Company 97.21' to an unmonumented point; thence N 24°23'29" E along the land now or formerly of Central Maine Power Company 200.41' to an unmonumented point; thence N 65°16'49" W along the land now or formerly of Central Maine Power Company 31.33' to an unmonumented point; thence N 11°18'11" E along the land now or formerly of Central Maine Power Company 36.34' to an unmonumented point; thence N 32°23'50" W along the land now or formerly of Central Maine Power Company 110.13' to an unmonumented point; thence N 23°54'42" E along the land now or formerly of Central Maine Power Company 33.76' to an unmonumented point; thence N 65°49'25" W along the land now or formerly of Central Maine Power Company 58.04' to an unmonumented point; thence N 51°24'15" W along the land now or formerly of Central Maine Power Company 332.50' to an iron rod set labeled "F" as shown on the above mentioned Zoning Map; thence continuing N 51°24'15" W along the land now or formerly of Central Power Company 51.79' to an unmonumented point at the high water mark

of Hilton Cove labeled “A” on the above mentioned Zoning Map; thence northeasterly, easterly, and southeasterly by the high water mark of Hilton Cove and Sheepscot River to an unmonumented point that lies S 86° 04'44" W 13.94'from a drill hole in ledge set labeled “H” on the above mentioned Zoning Map; thence S 86° 04'44" W along the northerly boundary of the Marine Overlay District 25.00' to an unmonumented point; thence southerly along the westerly boundary of the Marine Overlay District by a line that is 25' from (on the landward side) and parallel to the high water mark of Sheepscot River to a point that lies N 64° 11'45" W from an unmonumented point labeled “J” as shown on the above mentioned Zoning Map; thence S 64° 11'45" E along the southerly boundary of the Marine Overlay District 25.00' to an unmonumented point at the high water mark of Sheepscot River labeled “J” on the above mentioned Zoning Map; thence southwesterly by the high water mark of the Sheepscot River to the center of the old dam at the outlet of the ice pond; thence southwesterly along the high water mark of the ice pond to the land now or formerly of the Chewonki Foundation, Inc. et.als. at an unmonumented point labeled “N” on said Zoning Map; thence N 02° 40'15" W along the land now or formerly of the Chewonki Foundation, Inc. et.als. 168.61' to the point of beginning. Bearings mentioned above are oriented towards Grid North (NAD 83) as shown on the above mentioned Zoning Map.

LL. MARINE OVERLAY DISTRICT

A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled “Shoreland Business District II & Marine Overlay Districts Zoning Map” dated February 28, 2005 bounded and described as follows: Beginning at a drill hole set in ledge below the high water mark of Sheepscot River lying about 420' northerly of the northeast corner of the brick building known as Mason Station; said drill hole being labeled “H” on the above mentioned Zoning Map; thence N 86° 04'44" E into Sheepscot River 600.00' to an unmonumented point; thence S 01° 50'59" W 886.03' to an unmonumented point; thence S 34° 19'32" W 681.78' to an unmonumented point; thence N 64° 11'45" W 600.00' to an unmonumented point at the high water mark of Sheepscot River; said point being labeled “J” on the above mentioned Zoning Map; thence continuing N 64° 11'45" W along the boundary of Shoreland Business II District 25.00' to an unmonumented point; thence northerly along the easterly boundary of the Shoreland Business II District by a line that is 25' from (on the landward side) and parallel to the high water mark of Sheepscot River to a point that lies S 86° 04'44" W, a distance of 38.94' from the point of beginning; thence N 86° 04'44" E 25.00' to the high water mark of Sheepscot River; thence continuing N 86° 04'44" E 13.94' to the point of beginning. Bearings mentioned above are oriented towards Grid North (NAD 83) as shown on the above mentioned Zoning Map.

MM. HISTORIC OVERLAY DISTRICT

The Wiscasset Historic District is defined by the boundaries of the zoning districts of Village I, Village II, and Village Waterfront, as explained above. [6-15]

(zoning map goes here)

ARTICLE VII – SUBDIVISION

1. PURPOSE AND ADMINISTRATION

A. Purpose. The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community.

B. Authority. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, §§ 4401-4407 and all amendments thereto.

C. Administration

(1) The Planning Board of the Town of Wiscasset, hereinafter called the Board, shall administer this Ordinance.

(2) The provisions of this Ordinance shall pertain to all land, buildings or otherwise within the boundaries of the Town of Wiscasset, Maine.

D. Procedure. An application for a minor or major subdivision will follow at a minimum the following steps, which are further described in Article VII, Section 3.

(1) Preapplication meeting
(2) Submission of preliminary application and plan(s) with preliminary review
(3) Public hearing
(4) Submission of final application and plan(s) with final review and decision

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

2. DEFINITIONS

See Glossary of the Town of Wiscasset Ordinances.

3. SUBDIVISION APPLICATION

A. Preapplication

(1) Procedure

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

to the Planning Board in making its determination.

(b) The Sketch Plan shall be submitted to the Board before said meeting at which the subdivider wishes to be heard. Ten (10) copies of the sketch plan shall be submitted ten (10) days before the meeting.

(c) The Planning Board or its designee shall determine whether the Sketch Plan application is complete and shall not schedule the application for Planning Board review until it is found complete.

(d) At said meeting, the Board and the subdivider shall arrange for a joint inspection of the site with the Board. This provision shall not limit the Board's authority to require additional site visits if deemed necessary.

(2) Submissions

(a) The Sketch Plan shall show, in simple sketch form, neatly done and to scale the proposed layout of streets, lots and other features in relation to existing conditions. It is recommended that the Sketch Plan include the information listed below.

(1) Tax map parcel lines with tax map and lot number information.

(2) Streets on and adjacent to the tract with name and right-of-way width and location, if known.

(3) Walks and culverts.

(4) Approximate locations of existing utilities on and adjacent to the tract.

(5) Type of land use on and adjacent to the tract.

(6) Proposed name of the subdivision or identifying title. This name shall not duplicate or closely resemble the name of a subdivision already existing or proposed in the Town.

(7) The date, north point, graphic map scale, name and address of record owner and subdivider, and the names of adjoining property owners.

(b) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. It is recommended that this information include:

(1) Data on existing covenants.

(2) Soils map from the United States Department of Agriculture Natural Resources Conservation Service. (Note that as of May, 2011 such maps are available from the NRCS web site located at http//websoilsurvey.nrcs.usda.gov/app.)

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

B. Preliminary Subdivision plan

(1) Procedure.

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

(b) The preliminary application shall be accompanied by a fee as established in the Town Fee Schedule as revised from time to time by the Selectboard and payable by check to the Town of Wiscasset, Maine with a note indicating the specific purpose of the fee. The preliminary application shall not be placed on the agenda for a Board meeting until such fee has been paid.

(c) If the Planning Board makes a written finding of fact that professional review of the preliminary application is required, the Board shall choose a consultant to complete such review. The applicant shall deposit into escrow an additional fee in an amount determined by the Board to cover the cost of such review. The Planning Board shall not schedule any further review of the preliminary application until such professional review fee is paid. When 75% of the escrow has been disbursed, review of the application shall cease until the applicant replenishes the escrow in an amount to be determined by the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent.

(d) The applicant, or a duly authorized representative, shall attend meetings of the Planning Board to present the preliminary application. Failure to attend shall result in a delay of the Board's receipt of the preliminary application or action on the application until the next regular meeting which the applicant or a representative attends. The applicant, or a duly authorized representative of the applicant, shall also attend any public hearing on the preliminary application to

present the application and address questions of the Board and the public. Failure to attend a public hearing shall result in cancellation without prejudice of the hearing. The applicant shall be required to pay all costs associated with a canceled hearing.

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

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

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

(2) Submissions for All Subdivisions

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

(a) Location Map. The Preliminary Plan shall be accompanied by or contain a Location Map based upon the Town's tax maps drawn graphically to scale to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area and shall include the following information:

(1) All existing subdivisions

(2) All existing property lines and adjacent properties.

(3) The locations and designations of parks and other public spaces within 1,000 feet of the subdivision.

(b) Preliminary Subdivision Plan. The Preliminary Subdivision Plan shall be submitted, with ten (10) copies of each map or drawing, together with ten (10) copies of any attachments required for approval.

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

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

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

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

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

(1) All existing information provided as part of the Sketch Plan, as amended.

(2) Name and address of the property owner and developer, if different.

(3) The name, registration number and seal of the appropriate professional(s) who prepared the plan(s) and reports.

(4) Number of acres within the proposed subdivision.

(5) Municipal zone boundaries.

(6) Proposed lot lines with dimensions, lot numbers, lot areas and suggested locations of buildings and setbacks.

(7) Sufficient data to determine readily the location, bearing and length of

every street line, lot line and boundary line, and to reproduce such lines upon the ground. Approximate property lines between adjacent abutters shall be shown.

(8) Existing and proposed easements, forested areas, perennial and intermittent watercourses and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by an appropriate qualified professional.

(9) Contour lines at intervals of not more than five (5) feet for all portions of the property proposed to be developed. USGS contours may be acceptable if approved by the Board.

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

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

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

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

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

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

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

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

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

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

the proposed subdivision.

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

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

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

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

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

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

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

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

(26) Any conditions of approval required by the Board

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

modification shall take place.

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

(3) Additional Submissions for Major Subdivisions

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

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

(1) An outline of the proposed subdivision together with its street system
(2) An indication of the future probable street system of the remaining portion of the tract if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

(b) Preliminary Subdivision Plan. In addition to the information listed in Section 11.3.B(1)(b), the following additional information shall be provided for major Subdivisions

(1) Typical cross-sections of the proposed grading for roadways, sidewalks, etc., including width, type of pavement, elevations and grades, road profiles, and location, dimensions and design details of all utilities and components of the stormwater system. All such plans shall be based on an on-ground topographic survey at two (2) foot contour interval or less. Assumed datums are not acceptable.

(2) A hydrogeologic assessment prepared in accordance with Article VII, Section 5.A(14) by a certified geologist or registered professional engineer experienced in hydrogeology unless the subdivision utilizes public water.

(3) The locations of all natural features or site elements to be preserved.

(4) A storm water management plan, prepared by a registered professional engineer. Such plan shall be designed so that the post-development storm water runoff does not exceed the pre-development storm water runoff for the 24-hour duration, 2-,10-, and 25-year frequency storm events. The storm water plan shall be prepared in accordance with *Stormwater Management for Maine: Best Management Practices,* latest edition, prepared by the Maine Department of Environmental Protection, which is

incorporated herein by reference and made a part thereof. The storm water plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Knox-Lincoln Soil and Water Conservation District.

If the subdivision requires a Stormwater Permit from the Department of Environmental Protection (DEP), the Board may accept the Stormwater Permit issued by DEP as evidence that Article VII, Section 8.A(17) has been satisfied and that an additional submission required under this section is not required.

(5) An erosion and sediment control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:

(i) The name, address, and telephone number of the person responsible for implementation of the plan.

(ii) A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.

(iii) Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.

(iv) A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.

(v) Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.

(vi) Description of temporary and permanent erosion control practices that will be used.

(vii) Identification of the locations of the temporary and permanent erosion control practices.

(viii) Identification of how and where collected sediment will be disposed.

(ix) Measures to control dust and tracking of material onto public roads.

(x) Inspection and maintenance procedures, including schedule and frequency.

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

(6) A landscaping plan.

(7) A plan for ensuring an adequate on-site water supply for fire suppression. Such plan shall consist of extending public water to the site or, at the discretion of the Board, installation of one or more minimum 10,000 gallon underground storage tank(s), together with appurtenant piping and hydrants, designed by a registered professional engineer, or an approved building sprinkler system. The plan shall include any existing or proposed perpetual easements necessary to ensure access to fire fighting water supply or hydrants.

(8) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road in accordance with the provisions of Article X Section 14.

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

(9) Impact assessment on groundwater quantity as described in Article VII, section 5.A(16).

(10) A plan for summer and winter maintenance of all proposed roads by lot owners. If the roads are proposed to be accepted by the Town, the plan shall cover that period up to the time when such roads are accepted. Such plan shall include provisions for establishing, approving and annually funding a road maintenance budget by lot owners sufficient to keep all

roads in good repair. All lot owners shall be required to participate in such plan. If the proposed roads are to remain private, a homeowners association shall be established to ensure proper maintenance of the roads and any other common elements. Association documents shall be submitted to the Planning Board for approval.

C. Final Subdivision Plan

(1) Procedure

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

(b) If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.

(c) Unless individual wells serving each building site are to be used, water supply system proposals contained in the Subdivision Plan shall be approved in writing by a civil engineer registered in the State of Maine. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Human Services.

(d) If a separate central sewage collection and treatment system is to be utilized, sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by the State of Maine Department of Health and Human Services. Such approval shall be secured before official submission of the Final Plan.

(e) A public hearing may be held on the Final Plans as prescribed in Article VII, Section 3.B(1)(f) concerning any changes between the preliminary and final plans.

(f) At its first meeting following submission of the final application as described in Article VII, Section 3.C(2), the Planning Board shall review the application and determine whether it is complete, including receipt of all fees, or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the application is now complete

(g) Within thirty (30) days after the conclusion of the public hearing, if held, or within sixty (60) days of the date of receipt of a completed Final Plan application, the Board shall act on the Final Plan. The time period for a decision on the application may be extended by written, mutual agreement of the Board and the subdivider.

(h) Upon completion of the requirements in Article VII, Section 3.C(1) and (2) and a finding by the Planning Board that the Final Plan is consistent with the Preliminary Plan, including any revisions or conditions imposed by the Board on the Preliminary Plan, it shall be deemed to have final approval and the mylar plan(s) and copies shall be properly signed by a majority of the members of the Board, using black ink.

(i) At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more phases subject to any conditions of the Plan. Such phases shall be shown on the final plan. The applicant may request that only a section of the approved Plan be filed with the Board and the Lincoln County Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining phases of the Plan shall remain in effect for two (2) years or a period of time mutually agreed to by the Board and the Subdivider. A note memorializing such an agreement shall be on the final plan(s).

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

(2) Final Plan Submissions

The Final Plan shall be submitted with the mylar original, two reproducible mylars and ten (10) copies, of each map or drawing, together with ten (10) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the Preliminary Plan. The Final Plan application shall also include one 11" x 17" copy of each plan. Space shall be reserved thereon

for endorsement by all appropriate agencies. No modifications to the final plan(s) at a planning board meeting will be allowed.

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

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

The Final Plan shall show:

(a) All of the information presented on the Preliminary Plan, Location Map and any amendments thereto required by the Board.

(b) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.

(c) Lots within the subdivision numbered as prescribed by the Board, who shall seek the input of the tax assessor.

(d) The Final Plan shall indicate the proposed landscaping program of the subdivider.

(e) Any conditions of approval required by the Board

(f) A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.

(g) Written offers of cession to the Town of Wiscasset of all public open space shown on the Plan that is to be transferred to the Town and for open space, which is reserved by the developer, copies of agreements or other documents showing the manner in which it is to be maintained.

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

(1) One mylar copy and at least three paper copies of the Final Plan shall be properly signed by a majority of the members of the Board, using black ink. One (1) mylar copy and at least two (2) paper copies of the plans shall be returned to the

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

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

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

E. Public Acceptance of Streets and Recreation Areas

(a) The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Wiscasset, Maine of any street, easement or other open space shown on such plan and a note to this effect shall be on the final plan(s).

(b) When a park, playground or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Town of Wiscasset of such areas. The Board shall require the Plan to be endorsed with appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Town covering future deed and title, dedication and provision for the cost of grading, development, equipment, and maintenance of any such

recreation area.

4. PERFORMANCE GUARANTEES

A. Performance Guarantee. With submittal of the application for final plan approval, the subdivider shall file with the town a performance guarantee in an amount set by the Selectboard for an amount adequate to cover the total construction costs of all required improvements. The performance guarantee shall be in the form of a certified check payable to the Town of Wiscasset, a performance bond running to the Town of Wiscasset, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Selectboardand/or Town Manager. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Selectboardand the municipal attorney as to form, sufficiency, manner of execution and surety.

B. Project Phasing**.** The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

C. Period for Completion of Improvements. A period of one year (or such period as the Selectboard may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.

D. Inspection of Required Improvements

(1) At least fifteen (15) days before commencing construction of required improvements, the subdivider shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements so that the Selectboard can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board of Selectboard. Inspection shall be made of all required public improvements as defined above.

(2) At least five (5) days before commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Wiscasset stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.

(3) If upon inspection of the improvement performed before the expiration date of the

performance bond, the inspector finds that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall so report in writing to the Selectboard, Road Commissioner and Code Enforcement Officer. The Selectboard shall then notify in writing the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

(4) If at any time before or during the construction of the required improvements the applicant demonstrates to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Selectboard, authorize modifications, provided these modifications are minor, are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Planning Board. The inspector shall issue any authorization under this section in writing explaining the changes and reasons and shall transmit a copy of such authorization to the Code Enforcement Officer and Planning Board.

(5) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.

(6) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body of the town or the owner’s association, as applicable.

(7) Release of Performance Guarantee. The performance guarantee shall not be released by the Selectboard until:

(a) The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.

(b) The Selectboard and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur in writing with his findings.

(c) Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

5. GENERAL REQUIREMENTS AND STANDARDS.

The following requirements and standards shall apply to all subdivisions unless the Planning

Board determines that, due to the specific nature of a subdivision proposal, one or more such requirements and standards are not applicable.

A. General Requirements

(1) Compliance with General Requirements. In reviewing applications for the subdivision of land, the Planning Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

(2) Conformity with Comprehensive Plan. Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Wiscasset and with the provisions of all pertinent state and local codes and ordinances.

(3) Relationship to Community Services. The Planning Board shall consider whether the subdivision will have an unreasonable effect on existing community services and facilities including, but not limited to schools, including busing, road maintenance and snow removal, police and fire protection, solid waste disposal, recreation facilities, stormwater disposal and water and sewer utilities. In making its determination, the Board may require a list of construction and maintenance items that must be borne by the municipality. The Board may also require a Community Impact Statement for the above services, including reasonable cost estimates to the town and the expected tax revenue of the subdivision.

(4) Retention of Proposed Public Sites and Open Spaces

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

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

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

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

adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

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

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

(5) Preservation of Natural and Historic Features. The Planning Board shall require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. A fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.

(6) Traffic Sight Distance. All points of access from the subdivision onto existing or proposed public or private roads shall be so designed in profile and grading and so located as to provide a minimum sight distance as specified in Article X, Section 14.

(7) Conformance to Shoreland Zoning. Wherever situated, in whole or in part, within 250 feet of the normal high water mark of any pond, river or other salt or fresh water body, or otherwise as shown on the Official Shoreland Map, the proposed subdivision shall conform to Article VI.

(8) Easements for Natural Drainage Ways. Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse of such width as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

(9) Net Residential Density. The calculation of density for all residential subdivisions shall be based on the net residential area or acreage of the parcel as defined herein.

(10) Lots. In addition to the provisions of Article II and Article VI, lots in a subdivision shall comply with the following:

(a) In a new subdivision, only contiguous buildable land shall be counted for

purposes of calculating minimum lot size.

(b) Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development proposed.

(c) When lots have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

(d) Side lot lines shall be perpendicular to the street to the greatest extent possible.

(e) The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

(f) All lots shall meet the minimum lot size requirement.

(11) Utilities

(a) The size, type and location of public utilities, such as street lights, electricity, telephones, fire hydrants, etc. shall be approved by the Planning Board and installed in accordance with the requirements of the Board and this Ordinance.

(b) Utilities shall be installed underground except as otherwise approved by the Board.

(c) All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

(12) Additional Requirements

(a) Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.

(b) The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a planting screen easement at least twenty (20) feet wide, except as may otherwise be required by the Town of Wiscasset Ordinances, between abutting properties that are so affected.

(c) Where a tract is subdivided into lots substantially larger than the minimum size, the Planning Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in

this Ordinance.

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

(14) Impact on Ground Water Quality.

(a) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

(1) A map showing the basic soils types.

(2) The depth to the water table at representative points throughout the subdivision.

(3) Drainage conditions throughout the subdivision.

(4) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

(5) An analysis and evaluation of the effect of the subdivision on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision and at the subdivision boundaries. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.

(6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries when available.

(b) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

(c) No subdivision shall increase any contaminant concentration in the ground water, at any on-site well, at any lot line or at the subdivision boundary to more than the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water at any on-site well, at any lot line, or at the subdivision boundary to more than the Secondary Drinking Water Standards.

(d) If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

(e) If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

(f) Subsurface waste water disposal systems and drinking water wells shall be constructed where shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

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

Per Acre Phosphorus Allocations for Great Ponds in Wiscasset

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

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

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

(a) Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;

(b) A letter from the Maine Department of Health and Human Services with review comments on the proposed subdivision if it utilizes a public non-municipal water system.

(c) Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist with demonstrated groundwater hydrology impact assessment experience and training. This report shall include the following information:

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

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

(d) Performance standards

(i) Water table. The quantity of water to be taken from groundwater sources shall not substantially lower the groundwater table beyond the property lines, cause salt water intrusion to any existing well, cause undesirable changes in groundwater flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten (10) years.

(ii) Water quality. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

(iii) Recharge area. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Planning Board has considered any information supplied by the operator and finds that no adverse effect on a public water supply will result.

(iv) Records. The operator shall maintain records as required by the Department of Health and Human Services and make them available to the Code Enforcement Officer or a designee.

(v). Groundwater rights. Nothing in this procedure, and no decision by the Planning Board, shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law

(17) Adequate financial and technical capacity.

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

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

B. Design Standards

(1) Monuments

(a) Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.

(b) All monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The monument shall clearly show the registration number of the licensed land surveyor in charge. Where the

placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

(2) Street Signs

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

(3) Streets

(a) All streets shall comply with the provisions of the Town of Wiscasset Ordinances.

(b) All streets in the subdivision shall be so designed that, in the opinion of the Planning Board, they shall provide safe vehicular travel while discouraging, when desired, movement of through traffic.

(c) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.

(d) Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses.

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

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

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

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

Board at the time of final review.

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

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

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

(4) Driveway Construction. A new driveway shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals. Driveways shall conform to the provisions of the Town of Wiscasset Ordinances.

(5) Pedestrian Facilities. Plans for major subdivisions shall include pedestrian facilities, such as a sidewalk or off-road pedestrian path, suited to the needs of subdivision residents unless the subdivider demonstrates to the satisfaction of the Board that environmental or physical conditions prohibit construction of such facilities. If the subdivision is located within five hundred (500) feet of an existing public sidewalk, as measured along a street right of way, and sufficient public right-of-way is available, the public sidewalk shall be extended to the subdivision at the expense of the subdivider and shall interconnect with on-site pedestrian facility. All sidewalks shall conform to the applicable provisions of the Town of Wiscasset Ordinances.

(6) Water Supply

(a) All proposed lots and/or structures in a subdivision shall be served by public water if public water is available and legally accessible within 500 feet along a public road of any subdivision boundary, including any road entrance.

(b) Hydrants or other accepted methods of storage shall be provided as necessary to meet fire protection needs as determined by the Fire Department at the subdivider's expense. The Fire Department shall submit a letter to the Planning Board approving or disapproving the provisions for fire-fighting water supply.

(c) If water is to be supplied by the Wiscasset Water District, approval by said district of design plans for the water service shall be required before the Board may grant preliminary approval of the subdivision and construction of such improvements shall be under the supervision of said district. All other water

supply systems shall be designed, approved and installed in accordance with requirements of the Maine Department of Health and Human Services.

(d) Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not technically feasible to develop other groundwater sources.

(e) Fire fighting water supply, hydrants, storage tank or other accepted methods that are not maintained by the Town shall be maintained by the lot owners.

(7) Sewage Disposal. In addition to the provisions of the Maine State Plumbing Code, subdivisions shall comply with the following:

(a) All proposed lots and/or structures in a subdivision shall be served by public sewer if public sewer is available and legally accessible within 500 feet of any subdivision boundary, including any road entrance.

(b) If the subdivision is to be served by public sewer, the approval by the Wiscasset Sewer District of design plans for the sanitary sewer system shall be required before the Board may grant preliminary approval of the subdivision.

(c) The following are applicable to subdivisions that are not using public sewer.

(1) In no instance shall a septic disposal system be allowed in soil rated poor or very poor for such purpose by the Maine Plumbing Code.

(2) An application for an individual septic system shall be completed by a licensed soil scientist or site evaluator in full compliance with the requirements of the State of Maine Plumbing Code.

(3) Plans for Engineered Systems as defined in the Maine State Plumbing Code shall be designed by a professional civil engineer and approved by the Department of Human Services.

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

(8) Surface Drainage

(a) All improvements recommended in the drainage plan shall be shown on the approved plan.

(b) Topsoil shall be considered part of the subdivision. Except for "surplus" topsoil for roads, parking areas and building excavations, it is not to be

removed from the site.

(c) The Planning Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in the sedimentation and erosion plan. Except for normal thinning and landscaping and except as provided for in the Erosion and Sediment Control Plan, existing vegetation shall be left intact to prevent soil erosion.

(d) To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning provisions.

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

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

6. WAIVERS AND LEGAL PROVISIONS

A. Waivers

(1) Where the Planning Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, the standards, or other requirements, to permit a more practical and economical development provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the Town of Wiscasset Ordinances or any applicable state laws.

(2) Where the Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.

(3) In granting waivers to any of these standards, the Board shall require such conditions as will assure the objectives of this ordinance are met

(4) When the Board grants a waiver to any of the standards of this ordinance, the Final Plan shall indicate the waivers granted.

B. Enforcement

(1) No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the Planning Board. No plan of a subdivision of land within the boundaries of the Town of Wiscasset which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Lincoln County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in this Ordinance, nor until such approval shall have been entered on such Final Plan by the Board. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Lincoln County Registry of Deeds.

(2) Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished in accordance with the provisions of Title 30-A M.R.S.A. §4452 for each such conveyance, offering or agreement. The Town of Wiscasset may institute proceedings to enjoin the violation of this section.

(3) No public utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

(4) Creating a subdivision, grading or construction of roads, grading of land or lots, or construction of buildings without Board approval is a violation of law until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, approved and endorsed as provided in this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Lincoln County Registry of Deeds.

(5) The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

(6) An appeal of any order, relief or denial made by the Planning Board may be referred by any party to the Board of Appeals. Pursuant to Article I.

7. OPEN SPACE SUBDIVISIONS

A. Policy

It is the policy of the Town of Wiscasset to encourage the use of Open Space Subdivisions in order to preserve a sense of space, provide for agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Wiscasset Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural and village landscapes of the Town.

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

B. Purposes

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

1. Long term protection and conservation of existing natural and other resources and landscapes identified in the Comprehensive Plan and the Zoning Ordinance including but not limited to:

    a. State-defined critical areas, and unique natural features located on the parcel to be subdivided;

    b. Historic land use patterns and historic structures;

    c. Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;

    d. Contiguous stands of mature trees;

2. Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;

3. Provision of adequate buffers for adjoining properties where needed;

4. Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;

5. Conservation of land suitable or actively used for agriculture and forestry uses, particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;

6. Conservation of traditional land uses;

7. Creation of choices in the type of residential environment and type of housing available that will be a long-term asset to Wiscasset;

8. Construction of affordable housing;

9. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and

10. Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.

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

C. Planning Board Review

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

(1) Pre-application Procedure

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

(2) Application Procedure

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

(3) General Requirements

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

a. Use and District Requirements

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

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

(4) Layout and Siting Standards

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

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

a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;

b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;

c. In such manner that the boundaries between residential lots and active agricultural or forestry lands are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural or forestry uses;

d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall Plan for site development;

e. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the District;

f. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged; and

g. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, so as to improve the view from and of buildings.

(5) Space Standards

a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the District.

b. Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.

c. The required maximum lot size or maximum land area per dwelling unit for the building envelope shall be one (1) acre.

d. Minimum road frontage requirements may be waived or modified by the Planning Board provided that:

(1) Any applicable provisions regarding roads in Article VII, Section 7.C(7) are satisfied; and

(2) Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways;

(3) A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be no less than twenty-five (25) feet or that required for the applicable Zoning District, whichever shall be less. For the perimeter of a multi-family open space development, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning District unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.

(4) No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

(6) Utilities

At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided they shall not unreasonably interfere with the open space purposes or uses

to be achieved under this Section and for the particular parcel(s) that is the subject to the application for a Open Space Subdivision.

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

b. If a private central collection system is proposed, the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface wastewater disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed. In the case of the use of chambers, there shall be designed an excess capacity of thirty (30) percent.

c. If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board. The Planning Board may require the developer and homeowners association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the Code Enforcement Officer.

(7) Roads

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

a. The applicant shall submit to the Planning Board as part of the application for approval a plan prepared by a registered professional engineers showing the location and drainage characteristics, dimensions and grade of roads and common driveways as well as specifications setting forth their proposed composition.

b. The Subdivision Plan shall show the road clearly labeled "private road" and a condition of approval shall state the following:

> "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners. Roads proposed to be accepted and maintained by the Town shall first meet all municipal street design and

construction standards and, in addition, then shall be proposed for acceptance by the Town Meeting. Such roads shall not be public roads until and unless they are accepted by the Town Meeting."

c. Whenever possible and as far as practicable, the roads and common driveways shall:

(1) follow natural contours in an effort to limit phosphorous export;
(2) be limited in width, curvilinear in design, and keeping within the rural character of the Town;
(3) turn away drainage from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate predevelopment and post-development drainage and flows, where necessary.

d. Travel ways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:

(1) Common driveways serving 3 or fewer dwelling units: 12 foot travel way.
(2) Roads serving 4 units: 16-foot travel way and 3-foot shoulders.
(3) Roads serving 5 to 10 units: 16-foot paved travel way and 3-foot shoulders.
(4) Roads serving 11 to 50 units: 20 foot paved travel way and 3 foot shoulders.

D. Open Space Requirements

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

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

(1) Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

a. On parcels that contain significant portions of land suited to agriculture, open space shall be preserved for agriculture or other compatible open space uses such as forestry, recreation (active or passive) and resource conservation;

b. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation such as trails for walking and cross country skiing;

c. Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town;

d. The use of any open space may be limited by the Planning Board at the time of Final Plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of Final Plan approval, shall be reviewed by the Planning Board as an amendment to the approved Plan;

e. Further Subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in below:

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

f. Preservation in Perpetuity. An owner of a parcel of land shall designate all or portions of the parcel for open space use in perpetuity if the applicable purposes set forth in Article VII, Section 7.B are achieved and all other requirements of this Article VII, Section 7 are met subject to the following conditions:

(1) A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the Open Space Plan;

(2) The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Municipal Officers, and acceptance at Town Meeting

or to a qualified not-for-profit conservation organization acceptable to the Planning Board;

(3) Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of Plan approval hereunder;

(4) The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Wiscasset if the Town is not the holder of the conservation easement or beneficiary of the declarations;

(5) The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use; and

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

8. REVIEW CRITERIA

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

(1) Pollution. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at minimum consider:

(a) The elevation of the land and its relation to flood plains;
(b) The nature of soils and subsoils and their ability to adequately support waste disposal;
(c) The slope of the land and its effects on effluents;
(d) The availability of streams for disposal of effluents; and
(e) The applicable State and local health and water resources regulations.

(2) Sufficient water. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(3) Municipal water supply. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

(4) Erosion. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(5) Traffic. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section

(6) Sewage disposal. Will provide for adequate solid and sewage waste disposal;

(7) Municipal solid waste disposal. Will not cause an unreasonable burden on the ability of the Town of Wiscasset to dispose of solid waste and sewage with respect to the use of municipal facilities existing or proposed;

(8) Municipal & governmental services. Will not place an unreasonable burden on the ability of the Town of Wiscasset to provide municipal or governmental services;

(9) Aesthetic, cultural and natural values. Will not have an undue adverse effect on the scenic or natural beauty of the area as defined in the comprehensive plan, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Wiscasset or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

(10) Conformity with local ordinances and plans. Is in conformance with the subdivision ordinance, comprehensive plan, zoning ordinance, floodplain management ordinance or other duly adopted Town of Wiscasset ordinance. In making this determination, the municipal review authority may interpret these ordinances and plans;

(11) Financial & technical capacity. The subdivider has adequate financial and technical capacity to satisfy these review criteria;

(12) Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the Mandatory Shoreland Zoning, Act Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water.

(13) Groundwater. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater and aquifers;

(14) Flood areas. If the subdivision, or any part of it, is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the subdivider shall determine and verify the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision

plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

(15) Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps or site plans submitted as part of the application, regardless of the size of these wetlands;

(16) River, stream or brook. Any river, stream, or brook, as defined in the Natural Resources Protection Act, Title 38, Section 480-B, within or abutting the subdivision has been identified on any maps or site plans submitted as part of the application;

(17) Storm water. The subdivision will provide for adequate storm water management;

(18) Spaghetti lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

(19) Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision;

(20) Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

(21) Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority shall determine before granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal

reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

(22) Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application.

(23) Access to direct sunlight. The municipal reviewing authority may, to protect and ensure access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and set-back requirements or other permissible forms of land use controls.

ARTICLE VIII - SITE PLAN REVIEW (11-2012)

1. PURPOSE

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

2. ACTIVITIES REQUIRING SITE PLAN REVIEW

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

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

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

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

B. The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five (5) year period by more than 2,500 square feet or 25% in total floor area, whichever is smaller.

C. Construction of new multifamily housing or the enlargement of existing multifamily building if the construction, modification or expansion results in three or more new or additional dwelling units in a five year period. Such multi-family housing is also subject to the provisions of Article VII.

D. The conversion of an existing building from residential to nonresidential use.

E. The conversion of an existing nonresidential use to another nonresidential use when the new use is designated in Article VI as requiring site plan approval from the Planning Board and when the new use increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review.

F. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than 10,000 square feet within a five year period.

G. Any new use designated in Article VI as requiring site plan approval from the Planning Board

H. The establishment of a new nonresidential use or expansion of an existing non residential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, groundwater extraction, extractive industries, which shall comply with the Town of Wiscasset Ordinances, and other nonstructural nonresidential uses.

I. Any use that requires construction of one or more drive-up windows or remote teller facilities.

J. Resumption of uses which have been discontinued for at least two years and which are designated in Article VI as requiring site plan approval from the Planning Board

3. PROHIBITION WITHOUT SITE PLAN APPROVAL

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

4. PREAPPLICATION

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

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

(1) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal.

(2) Allow the applicant to understand the development review process and required submissions.

(3) Identify issues that need to be addressed in future submissions.

(4) Make the applicant aware of any opportunities for coordinating the development with community policies, programs or facilities.

(5) Determine the appropriate level of information needed to make an informed determination concerning the proposed development.

B. Waivers

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

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

(1) A Sketch Plan shall show, in simple sketch form, neatly done and to scale, the proposed site, including its location, size and general characteristics of any proposed structures, access from existing roads, existing sidewalks, on-site parking areas and other features that would assist the board's understanding of the proposed development.

(2) Description of any existing easements or covenants on the site and existing uses on the site and on adjacent properties.

(3) The nature of the proposed use and development

(4) Proposed method of providing water and sanitary sewer services to the development.

(5) The name, address and phone number of the owner of the property and the applicant, if different, and the street address, zoning, map and lot of the property to be developed.

(6) A tax map with the property clearly indicated.

(7) Waiver requests shall be submitted in writing.

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

5. SITE INSPECTION, MODIFICATIONS AND WAIVERS OF SUBMISSION REQUIREMENTS AND PERFORMANCE STANDARDS.

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

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

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

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

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

6. SITE PLAN REVIEW APPLICATION

A. Procedure

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

(2) The application shall be accompanied by a fee for site plan review as established in a Town Fee Schedule revised from time to time by the Board of Selectmen and

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

(3) At its first meeting following timely submission of the application, the Planning Board shall review the application and determine whether it is complete, including receipt of all fees, or, if the application is incomplete, the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the application is now complete.

(4) Owners of property within 250 feet of the properties involved shall be notified by Certified Mail, by the applicant, of a pending application at least seven (7) days prior to the Board meeting at which the applicant will be heard. This notice shall indicate the time, date and place of the Planning Board consideration of the application.

(5) The applicant, or a duly authorized representative, shall attend meetings of the Planning Board to present the application. Failure to attend may result in a delay of the Board's receipt of the application or action on the application until the next regular meeting which the applicant or a representative attends. The applicant, or a duly authorized representative of the applicant, shall also attend any public hearing on the application to present the application and address questions of the Board and the public. Failure to attend a public hearing shall result in cancellation without prejudice of the hearing. The applicant shall be required to pay all costs associated with a canceled hearing.

(6) If the application is determined to be complete, the Board shall deem the application pending and determine whether or not to set the matter to a public hearing. If a hearing is scheduled, it shall be held within thirty (30) days of acceptance of the application. The time period may be extended by written, mutual agreement of the Board and the applicant. Notice of the time, place and date of such hearing shall be sent by the applicant by First Class US mail not less than ten (10) days before the hearing to the town and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Wiscasset. Notice shall also be published

by the town in a newspaper of general circulation in the Town of Wiscasset at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

(7) Within sixty (60) days of receipt of a completed site plan review application or within thirty (30) days of a public hearing, the Board shall take action to give final approval, with or without modifications, or disapproval of such application. The reason for any modification required or the grounds for disapproval shall be stated upon the records of the Board and a copy provided to the applicant. The time period may be extended by written, mutual agreement of the Board and the applicant. If no public hearing is held, the Planning Board may at its discretion act upon the application at the same meeting at which completeness is determined.

(8) Site plan review approval shall expire after a period of three (3) years after the date of approval if a substantial start of the development has not begun or after a period of five (5) years after the date of approval if development is not complete. A statement to this effect shall appear on all approved plans. For the purposes of this subsection, substantial start of the development shall mean at least one-half of the value of all improvements approved by the Planning Board unless the project was approved in phases in which case it shall mean one-half of the value of all improvements in all phases approved by the Board. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request shall be in writing and shall be made to the Planning Board. The Planning Board may grant up to two (2) six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

B. Submissions

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

(1) Ten executed and signed copies of the application form

(2) Evidence of right, title and interest in the property.

(3) Fees in the amounts specified by Section 6.A(2).

(4) Ten copies of written materials plus 10 sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval. The application shall also include one 11"x17" copy of each plan.

(5) All plans for site plan review presented for approval under this article shall be drawn at a scale of 50 feet, or less, to the inch and shall include the applicable

information set forth in Sections 6.B(6), (7) and (8) unless the Planning Board waives any or all requirements as provided for in Section 5.

(6) General information.

(a) The name and address of the property owner, the name and address of the applicant (or, with written permission, his or her authorized agent), plus the name of the proposed development, Tax Map and lot numbers and a copy of the deed or record of ownership.

(b) The property lines as shown on the Tax Maps on file in the Town office of all abutting and neighboring properties within 250 feet of the proposed development, including those properties across the street and waterways, together with the names and addresses of the owners of said properties as disclosed in Tax records on file in the Town office as of the date of the development plan review application.

(c) Sketch map showing general location of the site within the town.

(d) Location map showing the boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

(e) The name(s), registration number(s) and seal(s) of the appropriate professionals assisting with the preparation of the plan.

(7) Information regarding existing conditions. The following information regarding existing conditions is required:

(a) Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in more than one zoning district or abuts a different district.

(b) The bearings and distances of all property lines of the property to be developed and the source of this information, prepared by a professional land surveyor as a recent boundary survey.

(c) Location and size of any existing sewer and water mains and culverts on or off the property that will serve the development.

(d) Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development.

(e) The location, dimensions, setbacks and ground floor elevations of all existing buildings on the site.

(f) The location of buildings on abutting properties and within 100 feet of the property line of the proposed development.

(g) The location and dimensions of existing driveways, parking and loading areas and walkways on the site.

(h) Location of intersecting roads or driveways within 250 feet of the site.

(i) Topography of the site at an appropriate contour interval (1 foot, 2 feet or 5 feet) depending on the nature of the use and character of the site, as determined by the Planning Board.

(j) Major natural features on the site and within 250 feet of the boundaries of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats including deer wintering areas, archaeological resources or other important natural features. The boundaries of any wetlands depicted on the plans shall be delineated by an appropriate qualified professional.

(k) The location and results of tests to ascertain subsurface soil conditions and depths to maximum ground water level shall be submitted if a private sewage disposal system is proposed.

(l) Location of existing natural drainageways, storm drainage facilities, including dimensions of culverts, pipes, etc., open drainage courses, wetlands, significant stands of trees and other important natural features, fences and hedges with a description of such features to be retained.

(m) The direction of existing surface water drainage flow across the site.

(n) The location and dimensions of existing signs unless such signs are not to be used for the proposed development.

(o) The location and type of all existing exterior lighting unless such lighting is not to be used for the proposed development.

(p) A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.

(q) The location of any floodplain as shown on the FEMA Flood Insurance Rate Maps.

(r) The location of the Shoreland Zone and the 75-foot or 100-foot Shoreland Zone setback, as appropriate

(8) Information regarding proposed development activity. The following information regarding the proposed development activity is required:

(a) All proposed contours and proposed finished grade elevations of the developed site and the system of drainage proposed to be constructed. Contour intervals shall be 2 feet, unless otherwise specified by the Planning Board.

(b) The location, name and widths of all proposed streets within the premises in question.

(c) All proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.

(d) The location of all proposed building setbacks and buffers required by this ordinance.

(e) The location, dimensions, including heights, building elevations and ground floor elevations of all proposed buildings on the site and proposed use thereof.

(f) The location and dimensions and materials to be used in the construction of proposed access drives and curb cuts to the lot from public streets.

(g) Location, dimensions and materials to be used in the construction of proposed pedestrian walkways.

(h) Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.

(i) Location, inverts (if applicable) and dimensions of all proposed utilities and easements, including sanitary sewerage, water, electricity and fire protection systems.

(j) Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use.

(k) Provisions for handling all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.

(l) The size, location and direction and intensity of illumination of all major outdoor lighting apparatus and signs.

(m) Location, front view, dimensions, materials and size of all proposed signs, together with the material for securing the signs, and all permanent outdoor fixtures.

(n) The location, type and size of all existing and proposed catch basins, storm drainage facilities, streams and watercourses.

(o) All landscaped areas and features (including fencing, piers and open spaces) and the size and type of plant material upon the premises in question.

(p) A schedule of construction, including anticipated beginning and completion dates.

(q) The type, size and location of all incineration devices.

(r) The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot lines except machinery or equipment being used in construction of the proposed development.

(s) The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.

(t) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road.

(u) Approval block. Space shall be provided on the plan drawing for the signatures of the Wiscasset Planning Board and date, together with the words, "Approved Town of Wiscasset Planning Board."

(v) Block for conditions of approval, if any.

(w) A stormwater management plan as described in Article VII, Section 3.B(3)(b)(4).

(x) An erosion and sediment control plan as described in Article VII, Section 3.B(3)(b)(5).

(y) A hydrogeologic assessment as described in described in Article VII, Section 5.A(14) for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.

(z) A phosphorus control plan as described in Article VII, Section 5.A(15) if any portion of the development is within the watershed of a great pond.

(aa) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.

(bb) A planting plan and schedule keyed to the site plan and indicating the general species and sizes of trees, shrubs and other plants to be planted on the site.

(cc) A traffic impact analysis as described in Article VII, Section 3.C(2)(b)(26).

(dd) A written statement from the Wiscasset Water District as to the adequacy of the water supply in terms of quantity and pressure for domestic flows, if public water supply is to be utilized, and a plan for ensuring adequate on-site water supply for fire suppression as described in Article VII, Section 3.B(3)(b)(7).

(ee) The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks in conformance with Article IX, Section 8.

(ff) Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by an appropriate qualified professional.

(gg) The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until such time as they may be accepted by the town.

(hh) Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks or other open space dedicated for public use and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.

(ii) Cost of the proposed development and evidence of financial and technical capacity to complete it as described in Article VII, Section.5.A(17).

(jj) An assessment of the impact of the development on wetlands, streams, ponds, floodplains, archaeological resources and significant wildlife habitats, including review letters from appropriate state officials.

7. OTHER REQUIRED PERMITS.

The granting of site plan approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use, such as

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

8. ACCESS TO SITE AND RECORDS.

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

9. SITE PLAN REVIEW STANDARDS.

A. Utilization of site.

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

B. Traffic access.

(1) Adequacy of road system.

(a) Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate 50 or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one mile of any entrance road which are functioning at Level of Service D (35 to 55 seconds of delay per vehicle at unsignalized intersections) or better prior to the development shall function, at a minimum, at Level of Service D after development. If any such intersection is functioning at Level of Service E (55 to 80 seconds of delay per vehicle at unsignalized intersections) or lower prior to the development, the project shall not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the town's adopted

Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

(b) A development not meeting this requirement may be approved if the applicant demonstrates that:

(1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or

(2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guaranty acceptable to the municipality.

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

(a) Any driveway or proposed street shall be designed so as to provide at least the minimum sight distance as required by Article IX, Section 8.

(b) Points of access and egress shall be located to avoid hazardous conflict with existing turning movements and traffic flows.

(c) The grade of any proposed drive or street shall not be more than plus or minus 3% for a minimum of 40 feet, from the edge of travel way.

(d) The intersection of any access/egress drive or proposed street shall function at Level of Service D following development if the project will generate 100 or more peak hour trip or at a level which will allow safe access into and out of the project if less than 100 peak hour trips are generated.

(e) Where a lot has frontage on two or more streets, the primary access to and egress from the lot shall be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other streets may be allowed by the Planning Board if it finds if it is safe and does not promote shortcutting through the site.

(f) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, and if required by the DOT or if recommended by a traffic engineer, the Planning Board in consultation with the appropriate town official may require the applicant to provide turning lanes, traffic directional islands and traffic controls within public streets.

(g) Accessways shall be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

(h) The following criteria shall be used to limit the number of accessways serving a proposed project:

(1) No use which generates fewer than 100 vehicle trips per day shall have more than one two-way driveway onto a single roadway. Such accessway shall be no greater than 30 feet wide.

(2) No use which generates 100 or more vehicle trips per day shall have more than two points of entry from and two points of egress to a single roadway. The combined width of all accessways shall not exceed 60 feet.

(3) Accessway location and spacing. Accessways shall meet the following standards:

(a) Private entrances/exits shall be located at least 50 feet from the closest unsignalized intersection and 150 feet from the closest signalized intersection, as measured from edge of the private entrances/exits to edge of the intersection, excluding radii . This requirement may be reduced if the shape of the site does not allow conformance with this standard.

(b) Private accessways in or out of a development shall be separated by a minimum of 75 feet where possible.

(4) Internal vehicular circulation. The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.

(a) Nonresidential projects that will be served by delivery vehicles shall provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles (semitrailer trucks with an overall wheelbase of 40 ft).

(b) Clear routes of access shall be provided and maintained for emergency vehicles to and around buildings and shall be posted with appropriate signage (for example – "Fire Lane - No Parking").

(c) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot.

(d) All roadways shall be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction.

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

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

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

(3) Parking stalls and aisle layout shall conform to the following standards:

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

(4) In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(5) Parking areas for nonresidential uses shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

(6) Provisions shall be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

D. Pedestrian access.

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

E. Buildings.

(1) Building placement.

(a) The site design shall avoid creating a building surrounded by a parking lot through practical landscape design applications.

(b) In all districts except for the rural district, buildings shall be located as close to the front property line as possible to provide scale and interest to the auto and pedestrian environment. The majority of parking shall be located at the rear or side of the building.

(c) In rural district, buildings shall be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a

generous, landscaped buffer between road and parking lot is to be provided. Unused areas shall be kept natural, as field, forest, wetland, etc.

(d) All buildings shall be oriented to create useable, safe, and attractive pedestrian spaces, preserve significant site features, and minimize the appearance of parking areas.

(2) Setback and alignment of buildings. Where there is a reasonably uniform relationship between the front walls of existing buildings and the street, new buildings shall be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets shall be maintained.

(3) Building entrances.

(a) The main entrance to the building shall be oriented to the street, unless the parking layout or the grouping of the buildings justifies another approach, and shall be clearly identified as such through building and site design, landscaping and/or signage.

(b) At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.

(4) Building and site illumination. All lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent dwellings. In addition:

(a) Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination shall be concealed.

(b) Building entrances may be illuminated using recessed lightings in overhangs and soffits or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

(c) The proposed development shall have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting shall be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.

(5) Drive-through facilities. Any use that provides drive-through service shall be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communication systems shall not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. The following minimum number of queuing spaces shall be provided to prevent any vehicles from having to wait on a public street, within the

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

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

F. Storage of materials.

(1) Exposed nonresidential storage areas, exposed machinery, except for that being used in construction of the development, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse, shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

(2) All dumpsters or similar large collection receptacles for trash or other wastes, except for those being used in construction of the development, shall be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it shall be screened by fencing or landscaping.

(3) Where a potential safety hazard is likely to arise, physical screening sufficient to deter individuals from entering the premises shall be provided and maintained in good condition.

G. Water supply.

Shall comply with Article VII, Section 5.B(6) except that the development shall be served by public water if it is legally accessible and is available within 500 feet of the project parcel.

H. Sewage disposal.

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

waste generation and:

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

b. If the public collection system is available by public right-of-way within one hundred (100) feet for a single family home, two family home, or other use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a use with a design sewage flow of more than 500 gal/day.

(2) When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure property maintenance of the system.

(3) Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality when compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilation. Pretreatment standards shall be determined by the Wiscasset Waste Water Treatment Plant.

I. Utilities.

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

J. Natural features.

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

K. Water quality protection.

All aspects of the project shall be designed so that:

(1) Except as provided for in Subsection (2), below, or elsewhere herein, no person shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that may run off, seep, percolate or wash into surface or ground waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged

debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

(2) All storage facilities for fuel, chemicals, chemical or industrial wastes and biodegradable raw materials shall meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's office.

L. Hazardous, special and radioactive materials.

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

M. Shoreland relationship.

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

N. Capacity of the applicant.

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

O. Solid waste management.

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

P. Historic and archaeological resources.

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

Q. Floodplain management.

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

R. Off-Site Improvements

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

S. Groundwater Protection

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

T. Erosion Control

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

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

U. Buffering

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

V. Additional Route 1 design standards

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

(1) Curb cuts on Route 1. Site plans shall be designed to minimize the number of curb cuts on Route 1 to increase vehicular and pedestrian safety.

(2) Internal Connections. Where feasible, connections between parking lots and driveways on adjacent parcels shall be provided to facilitate deliveries and minimize turning movements onto major roadways. Internal connections shall provide safe, direct access between adjacent lots in a manner that prevents them from becoming vehicular shortcuts. Cross easements shall be provided as required to facilitate circulation. The site plan shall anticipate future vehicular connections to abutting undeveloped property.

(3) Parking spaces for seasonal uses may be developed on grass surfaces or other pervious surfaces designed for parking.

(4) Shared Access. Shared driveways along Route 1 shall be installed where feasible to reduce the number of curb cuts and provide a safer vehicular and pedestrian environment.

(5) The minimum number of parking spaces required in Article VIII, Section 9 C may be reduced by the Planning Board if the parking lot is to be shared by two (2) or more uses that require parking during different time periods.

10. CONDITIONS ATTACHED TO SITE PLAN APPROVALS.

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

11. PERFORMANCE GUARANTEE

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

12. POST APPROVAL ACTIVITIES.

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

B. Minor changes to approved plans. Minor changes in approved plans necessary to address field conditions or structure orientation may be approved by the Code

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

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

13. APPEAL OF PLANNING BOARD ACTIONS.

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

ARTICLE IX - REGULATIONS, LICENSES AND PERMITS

1. MISCELLANEOUS

1.1 GROUPS IN PUBLIC WAYS

Three or more persons shall not stand in a group, or near each other, on any sidewalk, or cross walk, or in any street or public way, or on the steps, or in the passage ways or entrances to buildings, in such manner as to obstruct free passage, after request from any officer of the peace to move on.

1.2 NOISES IN STREETS

No person shall in any street or public place, make any loud or unusual noises, by shouting, discharging firearms, sounding horns or other instruments or things, or sing or utter obscene or indecent songs or words or in any unruly or boisterous manner disturb the peace, quiet and good order of the town.

1.3 FIREWORKS

No fireworks or other things of an explosive or pyrotechnic nature shall be discharged or set off in the public or private ways of the town at any time.

1.4 TEMPORARY BUSINESS ORDINANCE [6-06, 6-11, 6-16]

1.4.1 Purpose. It is the intent of this ordinance to regulate temporary business activities so that temporary stands, concessions and exhibits are allowed only upon meeting certain minimum regulations.

1.4.2 Definitions.

a. Temporary Business Activity: Any activity, stand, concession, carnival, road show, trade show, fair or public exhibition, taking place from a temporary structure and/or temporary location, whose purpose is to advertise, display, or offer goods for sale for no more than ninety (90) consecutive days during a three hundred sixty-five (365) day period.

b. Temporary Business License: A document obtained from the Wiscasset Code Enforcement Officer that grants the applicant permission to conduct a temporary business activity in the Town of Wiscasset.

1.4.3 Permits. It shall be unlawful for any individual, person, firm, corporation, partnership, or other business entity to conduct temporary business

activities in the Town of Wiscasset without first applying for and obtaining a temporary business license.

a. To operate a temporary business 15 days or fewer, the applicant shall obtain a temporary business license from the Wiscasset Code Enforcement Officer before engaging in any activities associated with this section. The Code Enforcement Officer shall have the authority to approve or deny any temporary business license pursuant to this ordinance.
b. To operate a temporary business for more than 15 days or on the Town Common, the applicant shall obtain approval from the Selectmen before obtaining a temporary business license from the Code Enforcement Officer.

c. The Selectmen and the Code Enforcement Officer shall deny a license to an applicant when the application is incomplete, contains misrepresentation, false or misleading statement, is unsigned; or the applicant evades, suppresses or refuses to furnish information material to the proper issuance of the license; or the activity for which the license is sought is unlawful, or constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordinance regulating the business, the business property, or the business location.

d. A single temporary business license shall be valid for a maximum of ninety (90) consecutive days during a three hundred sixty-five (365) day period, beginning on the commencement of the temporary business activity.

e. The temporary business license fee shall be established by the Selectmen.

f. Any temporary business that would like to be located on the Town Common and Town-owned and maintained properties must first get approval from the Selectmen. The Town Common is not to be used for any private enterprise other than community-sponsored affairs. The Town Common and Town-owned and maintained properties are defined as:

    i. The grounds surrounding the Municipal Complex.

    ii. The grounds surrounding the Public Works Garage.

    iii. The grounds surrounding the Powder House.

    iv. The grounds surrounding the Maine Art Gallery

v. The grounds surrounding the Waste Water Treatment Plant

vi. The grounds surrounding the Wiscasset Scout Hall

vii. The Sunken Garden

viii. The Commercial and Recreation Piers

ix. The grounds located at the northern end of Churchill Street, between Churchill Street, Hooper Street, and Gardiner Road (Route 27).

x. The grounds located between Washington Street (middle section), Bath Road (Route 1), and Gardiner Road (Route 27).

xi. The grounds located between the sidewalk and Washington Street (middle section).

xii. The grounds located between Washington Street (eastern section), Summer Street, and Bath Road (Route 1).

xiii. The grounds located between High Street, Main Street, and Bath Road (Route 1). This is commonly referred to as the "Town Common."

xiv. The grounds located between the north side of Main Street (Route 1) and the sidewalk, between Summer Street and Federal Street (Route 218).

xv. The grounds located between the south side of Main Street (Route 1) and the sidewalk, between High Street and Middle Street.

xvi. The grounds located between the north side of Fore Street and the sidewalk, between Middle Street and Water Street.

xvii. The grounds located between Fore Street and the bridge to Whites Island.

g. Any temporary business that wishes to be located on the Main Street Pier shall abide the Town of Wiscasset's Main Street Pier Policy.

1.4.4 Regulations. Each licensee shall meet all of the requirements listed below. Failure to meet any of the requirements listed herein shall constitute grounds for non-issuance or revocation of a temporary business license.

a. No temporary business activity shall create hazardous traffic conditions.

b. No temporary business activity shall obstruct or act as a cause of obstructing any sidewalk, street or highway within the Town of Wiscasset.

c. Each licensee shall be required to clean up its site, repair any related damages and remove all materials associated with its temporary business activity within twenty-four (24) hours of license or event expiration, whichever occurs first. Failure to remove shall result in the Town removing materials at the expense of said licensee and shall constitute a violation of this ordinance.

d. Temporary licenses shall be conspicuously displayed at the place of business.

e. Signs shall comply with the applicable provisions of the Wiscasset Sign Ordinance, Article III.

f. Adequate toilet facilities shall be provided as determined by the Wiscasset Local Plumbing Inspector.

g. Written permission shall be obtained from the land owner before applying for a temporary business license.

1.4.5 Exemptions. The following is exempt under this ordinance:

a. Private garage or yard sales conducted on the seller's owned or leased property.

b. Temporary business activities (see Section 1.4.2.a above) that have been invited to a town-sponsored event.

c. Temporary activities involving craft fairs, flea markets and yard sales that are sponsored by churches, civic organizations and nonprofit organizations that are tax exempt under the provisions of the Internal Revenue Code.

d. Temporary business activities shall not be considered in determining the minimum lot size requirements for the use or uses made of any lot.

1.4.6 Violation. Any individual, person, firm, corporation, partnership or other business entity violating the provisions of this ordinance shall receive a warning for the first offense. For each and every offense thereafter a fine

or not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) shall be levied. Each day of a continuing violation after the issuance of a written notice of violation shall be deemed a separate offense. The Wiscasset Police Department and Code Enforcement Officer shall be responsible for the enforcement of this ordinance.

2. GENERAL PROVISIONS

2.1 Any person violating any of the town's ordinances, rules or regulations shall be subject to the following. In the event that two or more penalty provisions apply to the same violation, the Selectmen shall choose which one or more penalty sections to apply. [3-99]

2.1.1 If the violation is one which is within the scope of 30-A M.R.S.A. 4451 (Enforcement of Land Use Laws and Ordinances) as the same may be amended from time to time, the violator shall be subject to the procedure and penalty provisions as set out in that statute as the same may be amended from time to time. [3-99]

2.1.2 If the ordinance, rule or regulation which is violated provides for a particular penalty, the violator shall be subject to the penalty as so provided. [3-99]

2.1.3 If the ordinance, rule or regulation which is violated does not provide for a particular penalty, the violator shall be subject to a fine of $100.00 per day for each day or part of a day that the violation occurs. [3-99]

2.1.4 If the violation arises from the improper parking of a vehicle, a Selectman or any Police Officer may employ a wrecker service to remove the vehicle and store it, and the person owning or controlling such vehicle shall be liable for the towing and storage fees. [3-99]

2.1.5 If the violation arises from the improper docking or mooring of a boat, a Selectman, the Harbor Master, or a U.S. Coast Guard official may move or cause to be moved the boat and take custody of it, and the person owning or controlling the boat shall be liable for all expenses incurred. [3-99]

2.2 These regulations, or any part of them, may be amended, added to or repealed by a majority vote of any Town meeting, provided due notice of any change to be considered has been given in advance.

2.3 Should any provisions of this Ordinance be declared by the courts to be invalid, the decision shall not invalidate any other provisions of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are severable.

2.4 The provisions of this Ordinance are minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, deed, restriction or covenant, the most restrictive or that imposing the higher standard shall govern.

2.5 All Ordinances or parts of Ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

2.6 The above Police Regulations of the Town of Wiscasset shall be deemed to be in full effect on and after May 30, 1961.

2.7 The above regulations are made in accordance with authority vested in the Municipal Officers at the annual Town Meeting of March, 1946, Article 71 of the Town Warrant.

3. PARKING, TRAFFIC AND VEHICLE REGULATIONS

3.1 PARKING

3.1.1 MIDDLE STREET: Parking shall be prohibited on the westerly side of Middle Street from Main Street to Fore Street.

3.1.2 WATER STREET: Parking is prohibited on the west side of Water Street, starting at a point parallel with the curb at Main Street, running 160 feet south, also the east side of Water Street, starting parallel with the south side of Big Foot Alley and running south for 195 feet. Parking on Water Street is prohibited on the east side from the end of the sidewalk to Lincoln Street.

3.2 The following streets shall be one-way the entire year:

3.2.1 SHIN BONE ALLEY: One-way easterly from Middle Street to Water Street.

3.2.2 BIG FOOT ALLEY: One-way westerly from Water Street to Middle Street.

3.3 It shall be unlawful to operate any vehicle on any street or alley designated as a one-way street or alley by ordinance in any direction other than that so designated.

3.4 Parking on any street is prohibited within twelve (12) feet of the intersecting line of any other street, except at the intersections of Main and Water Streets and Main and Middle Streets.

3.5 Parking is prohibited within ten (10) feet of the point on the street closest to any fire hydrant unless a no-parking zone has been painted on the street beside the hydrant, in which case the painted zone supersedes the ten-foot restriction. [6-10]

3.6 Parking on any street within the Town in a manner so as to obstruct the free flow of traffic on that street is prohibited.

3.7 Vehicles shall be no more than twelve inches (12") from the curb or within the designated areas on all streets where parking is allowed.

3.8 The Chief of Police or any other person designated by the Selectmen shall post or cause to be posted suitable signs designating all one-way streets and parking areas.

3.9 Parking is prohibited between the sidewalk and the traveled portion of Main Street or any street situated westerly of the easterly line of Fort Hill Street and of Federal Street.

3.10 The Selectmen are authorized to fix the permitted hours of parking in all public parking areas in the town. [3-93]

3.11 Parking is prohibited on all sidewalks and marked crosswalks.

3.12 The Chief of Police is authorized to designate areas on streets, whether designated by these ordinances for parking or not, as loading zones, and to post them accordingly.

3.13 Any person, firm, corporation or other entity who violates any portion of this Section 3 shall be subject to the following [1-08]:

3.13.1 A $20.00 fine for overtime parking or parking in a loading zone, a $100.00 fine and/or vehicle towed for parking within ten (10) feet of the point on the street closest to any fire hydrant unless a no-parking zone has been painted on the street beside the hydrant, in which case the painted zone supersedes the ten-foot restriction. [1-08, 6-08, 6-10];

3.13.2 Twice the appropriate amount set out in subparagraph 3.13.1, above, if the applicable fine is paid later than the end of the second town workday commencing the workday after the date of the violation [1-08];

3.13.3 Court action if the applicable fine is not paid within 14 calendar days of the date of the violation (not counting the date of the violation itself). If the Town initiates a Court action, the violator will be liable for the applicable $40.00 or $200.00 fine, plus Court costs, plus attorney's fees which the Town incurs in presenting the suit. [3-88, 1-08, 6-08]

3.14 STREETS WHERE PARKING IS PROHIBITED

3.14.1 Parking shall be prohibited on the west side of the northern section of Water Street in the Town of Wiscasset beginning on the south side of Shin Bone Alley running to the south side of the Cost residence driveway, being a distance of 225 feet.

3.14.2 Parking shall be prohibited on the east side of Water Street from the driveway on lot 56 on map U-1 to the far boundary of lot 57, being a distance of 80 feet.[3-93]

3.14.3 Parking shall be prohibited on the east side of the southern section of Water Street from CMP pole #05 to CMP pole #06, being a distance of 120 feet.

3.14.4 Parking shall be prohibited on the easterly side of Federal Street in the following area: beginning at the intersection of Federal Street and U.S. Route #1; thence northerly 3,800 feet, more or less, to the southwest corner of the property known as the Old State Garage.

3.14.5 Parking shall be prohibited on the westerly side of High Street from the library to the intersection with Lee Street, except where a parking indentation has been made in the curbing. [4-08]

3.14.6 Parking shall be prohibited on Morton Street.

3.15 No person shall park any horse, carriage or motor vehicle within the limits of any street, road or way in the Town of Wiscasset in such manner that the same shall in any way interfere with or hinder the removal of snow by mechanical or hand means from the streets, roads, ways or sidewalks within said town. A Selectman or any Police Officer shall have the authority to employ wrecker service to remove any parked vehicle interfering with such snow removal and have it taken to a public garage or other place of safety, or he may remove such vehicle himself, all at the expense of the person owning or in control of such vehicle.

3.16 No person shall park any horse, carriage or motor vehicle upon any street or way closer than twelve (12) feet to the line of an intersecting street or way or within ten (10) feet of the point on the street closest to any fire hydrant unless a no-parking zone has been painted on the street beside the fire hydrant, in which case the painted zone supersedes the ten-foot restriction. [6-10]

3.17 The Selectmen of said Town of Wiscasset may establish time limits for parking on any streets or parts of streets, and may establish areas in which no parking shall be allowed and they may close any streets or parts of streets to vehicle traffic or establish one way streets when in their opinion public safety and convenience

so require. Notice of action taken pursuant to the above shall be posted in two conspicuous places in said town at least twenty-four hours before becoming effective, and the streets, parts of streets and areas affected shall be reasonably signed and posted to inform travelers of the limited use thereof permitted.

3.18 No parking will be allowed on any grass or planted road shoulders or planted street shoulder owned by the Town. Violators will be subject to a fine of $10. The Town may tow any offending vehicle and the owner of such vehicle shall be liable for all towing fees. [3-87]

3.19 SPEED LIMITS

The speed limit on Federal Street is hereby reduced from 30 miles per hour to 25 miles per hour in the area from U.S. Route One to the residence of Freda Hussey, being a distance of 3550 feet.

3.20 WEIGHT LIMIT ON FEDERAL STREET

3.20.1 No person, business, corporation or other entity shall operate or cause to be operated any truck, trailer, tractor or other vehicle that has a gross weight of more than 6,000 pounds or a width greater than eight feet, on that section of Federal Street which runs northerly from State Highway #1 to the former State Highway Garage as now situated, a distance of 3,800 feet.

3.20.2 Provided, however, that this section shall not apply to persons operating general service vehicles engaged in conducting business on said street.

3.20.3 Whoever violates this section shall, upon conviction, be punished by a fine of not less than $10.00 nor more than $100.00. [2-73]

3.21 LOUD AND/OR UNNECESSARY NOISE

3.21.1 No automobile horn shall be sounded in any unreasonable manner or so as to make objectionable noise. No operator of a motor vehicle shall make any unnecessary noise by cutting out the muffler or operating with a defective muffler.

3.21.2 No person shall operate a motor vehicle upon any street or way or any other place so as to make any loud, unusual or unnecessary noise against the peace, quiet or good order of the town.

3.22 PULL OVER FOR EMERGENCY VEHICLES

Drivers of a vehicle on the approach of a fire engine or other fire apparatus, police vehicles or ambulances (answering an alarm) shall immediately draw up said

vehicle as soon as possible to the right hand curb and parallel thereto and bring it to a standstill.

3.23 CLEARANCE FOR FIRE APPARATUS

No automobile or other vehicle shall trail, follow or approach any piece of fire apparatus going to or at a fire nearer than two hundred feet.

3.24 Deleted 3/99

3.25 BICYCLES

3.25.1 No person shall ride a bicycle upon the foot bridge or any of the sidewalks in the Town of Wiscasset in such a manner as to interfere with pedestrians. Upon approach of any person, bicycle riders shall stop or leave the sidewalk.

3.25.2 Every bicycle rider shall provide his bicycle with a suitable bell or horn which shall be sounded on overtaking other vehicles or persons and on the crossings in the Town of Wiscasset.

3.25.3 No operator of a bicycle shall carry any other person thereon or ride abreast of another bicycle, but two or more bicycle operators shall ride one ahead of the other in single file. No operator of a bicycle shall weave from one side of the street to the other but shall keep as far to the right as possible.

3.26 AIRCRAFT

Aircraft whether lighter or heavier than air shall at all times be operated at more than 500 feet above the ground or water except when landing or taking off.

3.27 TRAVEL AROUND MONUMENTS

No person shall, with any horse and wagon or other team, or on horseback or with any motor vehicle of any kind, on the streets, ways, roads or highways in the Town of Wiscasset, in the County of Lincoln and State of Maine, pass to the left of any monument or other device, established by said town, or by or with the authority of the Selectmen of said town, marked “Keep to Right" or with any other mark of equal import.

3.28 ENFORCEMENT

Constables and police officers shall have authority to enforce the preceding sections and no person shall proceed with any horse, team, or motor vehicle after

being called upon or signaled to stop by any constable, inspector of police or officer of the law.

4. ANIMAL CONTROL [3-97, 06-2017]

The purpose of this section is to prevent injury to persons, damage to property, creation of a nuisance, or spread of contagious disease by requiring animals to be kept under the control of their owners at all times. The provisions which apply to the owner of an animal apply equally to any person having its custody or possession.

4.1 ANIMALS CREATING A NUISANCE BY NOISE

Any animal which barks, howls, or makes other sounds continuously for twenty (20) minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. Dogs barking at trespassers on private property on which the dog is situated, dogs barking as part of an organized hunt, or dogs barking as a result of provocation shall not be deemed a nuisance.

4.2 ANIMALS AT LARGE

It is unlawful for animals to run at large except when being used for hunting. Animals running at large shall be impounded by the Animal Control Officer, hereafter referred to as ACO, and taken to an animal shelter. Any dog or ferret not on the property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and voice control of its master. Dogs shall not be allowed off leash in any Town owned or maintained cemetery. Any animal in violation may be impounded by the ACO. Any animal so impounded may be destroyed if it is not claimed within eight (8) days following impoundment. The ACO, his representative, or other law enforcement officer may take the animal to its owner if known. The owner, however, will be subject to a charge of $10 payable to the Town for services rendered. [3-01]

4.3 CONFINEMENT OF CERTAIN DOGS

Dogs of fierce, dangerous, or vicious propensity, or in heat shall be properly confined or tied by the owner in a reasonable manner to prevent harm to the public. If the owner of such a dog is found in violation of this section, the dog shall be impounded and not released except on the approval of the ACO, the Police Chief, or a police officer, and only if all provisions of Section 4.7 “Impoundment Fees" have been satisfied.

4.4 ANIMAL CONTROL OFFICER (ACO)

An Animal Control Officer shall be appointed from time to time by the selectmen. The ACO, under the direction of the Chief of Police, shall be responsible for the control, regulation, and enforcement of all laws related to domesticated and undomesticated animals in accordance with 7 MRSA Section 3947 and the Town Ordinances.

4.5 DOG LICENSES

All dogs kept, harbored, or maintained by their owners in the Town of Wiscasset shall be licensed in accordance with 7 MRSA Chapter 721. No later than the end of the grace period of January 31 each year all dogs over the age of six (6) months must be licensed by the Town Clerk. Proof of a rabies vaccination must be shown to obtain a license.

4.6 REGISTRY AND NOTIFICATION OF IMPOUNDMENT

When impounding any animal, the ACO or police officer shall, at the time of impoundment, list the number and description of violations, and make a complete registry of the date of impoundment, breed, color, sex, general condition of the animal, whether licensed or unlicensed, and the name of the owner on a registry form. A copy of this form shall be furnished to the animal shelter, together with written instructions setting the conditions under which the animal may be released. The administrator of the shelter shall contact the owner if possible within 48 hours, and report to the Town Clerk a description of the animal and its place of impoundment. If not claimed by the owner, the animal shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with state law.

4.7 IMPOUNDMENT FEES

Owners may reclaim their animal by first licensing (if necessary), and by paying to the Town a fee of$30. If the dog is not currently vaccinated for rabies, the owner shall pay the Town fee of $30 and shall have ten working days to vaccinate and license their dog or receive a summons. Impounded cats shall be released to the owners upon proof of current rabies vaccination. If a cat is not currently vaccinated for rabies the owner shall pay the Town a fee of $30 and shall have 10 working days to vaccinate their cat for rabies or receive a summons. The owner will also be responsible for any additional costs incurred by the animal at the shelter prior to reclamation. Fees must be paid to the Town Clerk and a receipt of same presented to the shelter prior to the release of an animal. [06-17]

4.8 DISPOSITION OF DISEASED ANIMALS

The owner of an animal which has bitten a human or may have been exposed to a contagious disease shall be served a quarantine notice. The owner shall confine and control the animal for the amount of time ordered. The owner must observe and obey all written instructions and procedures included in the quarantine notice.

In addition to the fines or penalties described in subsection 4.10, failure to comply with this subsection may also result in court ordered seizure of the animal, and placement in a state licensed facility that houses such animals. All related expenses shall be paid by the owner. Length of confinement shall be in accord with the current State Rabies Management Manual including exposure by proximity.

4.9 ANIMALS CREATING A PUBLIC HEALTH THREAT

The municipal health officer or his designee shall order suppression and removal of animals and conditions posing a public health threat, when there is a reasonable cause to suspect the presence of a communicable disease, and the owner has failed to comply with the properly served quarantine notice.

4.10 It is a violation of this Article for any person who owns, possesses or controls a dog to fail to properly remove and dispose of any feces left by that dog on any street, sidewalk or publicly owned property. [3-01]

4.11 VIOLATIONS

Any person found in violation of any provision contained in this section shall be subject to a fine of not less than $25 and not more than $100 for each offense; however, licenses shall be issued with a fine of $3.00 each for dogs past the grace period.

Any person found in violation of subsections 4.8 or 4.9 shall be subject to a fine of not less than $100 and not more than $1000 for each offense. Fines collected under this section shall be deposited in a separate account and retained for use by the Town as required in 7 MRSA Section 3945.

4.12 SEVERABILITY

The invalidity of any part of this section shall not invalidate any other part.

5. TRANSPORTATION

5.1 No person, firm or corporation shall operate or cause to be operated, a taxicab, unless licensed as herein provided. No license shall be issued unless and until the Board of Selectmen has issued a certificate that public convenience and necessity require the operation thereof. Application for such certificate shall be made on forms provided by the Town Clerk and shall set forth the name and address of the applicant, the trade name under which the applicant does or proposes to do business; where proposed stands and garages are to be located; the number of vehicles the applicant desires to operate, with a clear description of each vehicle, and such other facts as the Board of Selectmen may require.

5.2 Upon presentation of such certificate within thirty days from its date and satisfactory evidence that license fees herein required have been paid and that the insurance policy required by law has been duly filed with the Secretary of State, the Board of Selectmen may issue to the applicant a license for each car set out in said certificate. The license fee shall be five dollars ($5.00) yearly for each taxicab. All taxicab licenses shall expire June 30 of each year.

6. USER FEES

6.1 Wiscasset's Board of Selectmen shall establish fees, where they deem them to be appropriate, for the use of Town owned or Town controlled property or facilities unless a fee is already established by these Ordinances or by an applicable law. The Selectmen shall also determine the time at which such fees shall be paid.

7. IMPROVEMENTS TO TOWN PROPERTY

The Selectmen, or the Town Manager at the Selectmen's direction, are authorized to grant permission to individuals or entities to do work on Town owned or controlled property, at the individuals' or entities' own expense, upon such terms as the Selectmen or the Town Manager may direct, and to accept as Town property all materials incorporated into the work. [9-03]

8. STREET EXCAVATION ORDINANCE

8.1 General

8.1.1 Purpose

This Ordinance has been enacted by the Town of Wiscasset to regulate the use of public rights-of-way in the interest of public safety and convenience, and to protect public infrastructure. Excavation and restoration standards, control of access, and regulation of vehicle loads are required to preserve the integrity, operational safety, and function of the public right-of-way.

8.1.2 Definitions

1. Town shall mean the Town of Wiscasset and/or its Public Works Authority.

2. Commissioner shall mean the Road Commissioner of the Public Works Department and/or his or her designee.

3. Contractor shall mean one contracts for the completion of an entire project, including purchasing all materials, hiring and paying subcontractors, and coordinating all the work.

4. Emergency shall mean any event, which may threaten public health or safety, where action is necessary to prevent personal injury, death or the loss or disruption of a private or public utility or service. The burden of proof of such emergency rests with the applicant.

5. Excavation shall mean any operation in which earth, rock, paving or like material, on, or below the surface of the ground, is moved, displaced, dug, trenched, tunneled or in any similar manner disturbed, except the agricultural tilling of soil or gardening.

6. Applicant shall mean a person applying for a permit required by this Ordinance.

7. Permit Holder shall mean a person who has obtained a permit as required by this Ordinance. A applicant may be any natural or corporate "person", business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

8. Public right-of-way shall mean the entire width of every way and place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic, except for private roads and private ways. The definition shall include the area on, above and below the public right-of-way, dedicated to public use, and any dedicated, but unaccepted street or way. The definition shall also include any publicly owned space or park. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

9. Entrance shall mean direct vehicular access to property abutting the public right-of-way.

10. M.D.O.T shall mean the Maine Department of Transportation.

11. Technical and Design Standards shall mean the standards cited herein and adopted by the Town of Wiscasset and the Maine Department of Transportation (MDOT) Standards and Specifications for Highways and Bridges, latest edition.

12. Utility shall mean a public utility, as defined in 35-A M.R.S.A. § 102 as it may be hereinafter amended and shall specifically include the non-regulated activities of such a utility.

8.1.3 Administration

1. The Commissioner is the responsible authority for the enforcement of this ordinance.

2. A Highway Opening and/or Entrance permit is required prior to the commencement of any excavation in the public right-of-way. It shall be unlawful for any person to excavate, or to place, deposit or leave upon any public right-of-way any earth or other material, equipment or structure tending to interfere with the free use of the public right-of-way, unless such person shall first have obtained a permit.

3. All Federal and State requirements for safe operation within the right-of-way shall be followed, including, but not limited to, OSHA and the Manual of Uniform Traffic Control Devices (MUTCD).

4. The permit holder shall hold harmless the Town of Wiscasset and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of any permits issued under this ordinance.

5. Environmental Considerations

   a) In the course of any work in the right-of-way, the permit holder shall not remove any trees or shrubs which exist in the public right-of-way area without first obtaining the approval of the Commissioner.

   b) Best Management Practices (BMP's) as defined in the Maine Department of Transportation Practices for Erosion and Sedimentation Control, dated September 1997 shall be followed for all construction in the public rights-of-way.

6. The Road Commissioner or his/her designee shall make such inspections as are necessary in the enforcement of this ordinance.

7. Permit holders shall maintain accurate drawings, including plans and profiles showing the location and character of all underground structures including abandoned installations proximate to their

work. Corrected as-built plans shall be filed with the Commissioner within sixty (60) days after new installations, changes or replacements are completed.

8. Penalty. Any person, firm or corporation who shall violate any provision of this Ordinance shall be subject to a fine in an amount established by Title 30-A M.R.S.A. Section 4452. Each day of continued violation and every violation of a provision of this Ordinance shall constitute a new and separate offense.

9. If any work performed under any permit issued under this ordinance is not completed in compliance with the terms of this ordinance, the Town shall cause such work to be repaired and prepare a bill for the cost of repair to be paid for by the Permit Holder. In the event such repair was undertaken without a permit, the Town shall prepare a bill for the cost of the repair, plus an additional amount of fifty (50) percent to be paid by the person doing the work. The Town shall issue no further permits to any person who has performed such work until the Town receives payment from the person for the repair work.

10. Working Hours: Except for emergency repairs or as approved by the Commissioner, working hours shall be between the hours of 7:00 a.m. and 7:00 p.m., prevailing time. Starting or warming up equipment prior to 7:00 a.m. is prohibited. Work on the weekend or legal holidays is prohibited unless specifically authorized by the Commissioner.

8.2 Entrances to Public Right-of-Ways

8.2.1 Purpose

This Article provides for the review, of any entrance onto a public way for compliance with sound construction and design practices, to ensure that traffic safety, drainage and public improvements are not adversely affected.

8.2.2 Permit Required.

No person shall construct, cause or permit to be constructed, alter or relocate any driveway, entrance, or approach or other improvement within the public right-of-way except in accordance with an entrance permit. This Ordinance applies to all proposed entrances or substantive changes to existing entrances to public roads after the effective date of the Ordinance. [6-10]

8.2.3 Administration

1. A permit, completed in conformance with applicable Wiscasset Street Excavation Ordinance Standards, may be issued upon application to the Commissioner for the purpose of securing access to private property.

2. An entrance permit does not authorize parking or servicing vehicles within such right-of-way.

3. A permit fee established by order of the [*Town Selectboard*] shall be paid for each permit.

4. The Commissioner may establish a review fee for staff or consultant review of the application. This fee shall be based on the estimated time for review and be placed in a cash escrow account with the Town prior to issuance of a permit.

5. The Application on standard form available at the Town Office or Public Works garage shall be filed with the Commissioner together with an application fee. The applicant shall furnish a copy of plans or sketches showing the following information:

   (a) location(s), width, and arrangement;

   (b) distance between existing entrances within 100 feet of the proposed entrance(s);

   (c) distance(s) from the centerline of the traveled way to any structures, gasoline pumps, or other obstructions within 100 feet of the proposed entrance(s) etc.;

   (d) property lines and easements;

   (e) length, size and location of existing pipes, culverts, catch basins or manholes, curbing, curb and gutter, and/or sidewalks, and above ground utilities within 100' of the proposed entrance(s); and

   (f) The proposed location of new pipes, culverts, catch basins or manholes, curbing, etc.

6. The entrance permit shall be valid for a period of twelve months from the date of original issue.

7. A contractor and/or permit holder must complete all work within the right-of-way.

8. The Commissioner may approve any variances from the Entrance Standards contained in the permit.

8.2.4 Entrance Standards

1. Sight Distance Criteria:

a) All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public way and to maneuver safely and without interference with traffic. One and two family dwelling unit entrances are exempt from the site distance criteria. Unobstructed sight distance both ways for an exiting vehicle shall be in accordance with the following schedule:

Posted Highway Speed (MPH)	Minimum Sight Distance (in feet)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

b) Unobstructed sight distance shall be that distance of clear sight measured from a point 10′ from the edge of pavement or curb line at a height of 3.5 feet to an object in an approaching lane with a height of 4.5 feet.

c) Clearing, limbing and removal of other obstructions within the right-of-way necessary to provide the required sight distance shall be the responsibility of the permit holder and require the approval of the Commissioner.

2. Geometry

a) The entrance shall be designed such that the grade within the right-of-way does not exceed 10%.

b) In rural sections the entrance grade shall match the edge of the existing shoulder and slope away from the road surface at a

rate of one half inch per foot, for a distance of ten (10) feet from the edge of pavement.

c) In curbed sections, the entrance grade shall match the existing gutter line and slope up at a rate of one inch per foot for a distance of not less than six (6) feet from the curb line.

d) The entrance should intersect the traveled way at a horizontal angle of 90 degrees but in no case shall the horizontal angle be less than 75 degrees.

e) The entrance shall not be located closer than 50 feet from an intersection.

f) Not more than two entrances (or exits) shall be allowed on any parcel of property for which the frontage is less than two hundred (200) feet. Additional entrances for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted only after showing of necessity. When frontage is fifty (50) feet or less, only one entrance is permitted, the width of which shall not exceed thirty (30) feet.

3. Drainage

a) Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the entrance. The permit holder shall provide suitable and approved drainage structures/culverts at all entrances.

b) Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.

c) Where a drainage culvert is required to maintain roadside drainage the Commissioner must approve the pipe diameter, length and material type prior to installation. Minimum pipe size shall be 15 inch diameter.

4. Construction Standards

a) The Permit Holder and/or contractor is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Public right-of-way.

b) The entire portion of any entrance within the limits of the Public right-of-way shall be stripped of all organics. The base

for the entrance shall be constructed with a minimum 15-inch well-graded gravel base course conforming to MDOT Standard Specifications, Section 703.

c) If the entrance grade within the Public right-of-way exceeds five (5%) percent slope then the entrance shall have a paved surface within the limits of the Public right-of-way.

d) Where culverts are not required or where they are continuous between multiple entrances, an island raised not less than six (6) inches above the surface of the adjacent drives shall be provided. The island shall be curbed, loamed and seeded, or paved. If an open swale is used between entrances, the raised island is not necessary.

e) When sidewalk, curbing or curb and gutter is to be removed, it shall be replaced in kind at the transition points of the entrance. All curbing at the side of entrance shall be rounded with a radius of not less than five (5) feet.

5. Curb and Sidewalk

a) When sidewalk or curb exists at the proposed entrance the permit holder shall remove and replace such materials at the permit holder's expense. Any granite curb to be removed by the permit holder will remain the property of the Town.

b) Curb transitions shall be provided at each side of a new entrance.

c) Where sidewalk is removed to accommodate a new entrance, a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances shall meet handicap accessibility requirements and conform to the American with Disabilities Act guidelines. In general sidewalks shall meet the following:

1) The maximum sidewalk longitudinal transition slope is not to exceed 1 vertical to 12 horizontal.

2) The maximum sidewalk cross-slope is not to exceed 2%.

3) No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is ½ inch or less.

8.3 Excavation and Utility Installation in Public Right-of-Way

8.3.1 Purpose

The purpose of this Article is the regulation of the use of public right-of-ways in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Excavation and restoration standards are required to preserve the integrity, operational safety and function of the public right-of-way.

8.3.2 Highway Opening Permit Required.

No person, except utilities performing emergency excavations, shall make any excavation in any public right-of-way without first obtaining a Highway Opening permit from the Commissioner. All such excavations are governed by 23 M.R.S.A., Sec. 3381 et seq. as amended from time to time, and this Ordinance.

8.3.3 Administration

1. A permit, completed in conformance with applicable Wiscasset Street Excavation Ordinance Standards, may be issued upon application to the Commissioner for the purpose of excavation and utility construction within the public right-of-way.

2. An application fee established by order of the (*Town Selectboard*) shall be paid for each permit.

3. The Commissioner may establish a consultant review fee for staff or consultant review of the application. This fee shall be based on the estimated time for consultant review and be placed in cash escrow account with the Town prior to issuance of the permit.

4. No person shall be granted a permit to excavate or open any public right-of-way or sidewalk from November 15 of each year to March 31 of the following year, unless an emergency or special condition exists and permission is obtained in writing from the Commissioner. Any person wishing to obtain a Highway Opening permit between these aforementioned dates shall first explain fully in writing the emergency or special condition to the Commissioner before issuance is granted. If a hazardous condition which could endanger life and/or property exists, excavation work shall not be delayed by this section of this Ordinance; however, a written explanation shall be delivered to the Commissioner within two (2) working days, and a Highway opening permit obtained for the work.

5. The Application on standard form available at the Town Office or Public Works garage shall be filed with the Commissioner together with the Application review and opening fee (if applicable) and plans and specifications of the work including property lines and easements.

6. Upon review for completeness and submission of all fees the Commissioner may issue the Highway Opening Permit if the permit is in conformance with the applicable standards of this ordinance

7. In cases of emergency as defined above or in cases of minor alteration, the Commissioner shall have the authority to waive the provisions of this ordinance.

8.3.4 General Policy and Construction Standards

A. Protection and Restoration of Highway Items and Protection of the Traveling Public.

1. Maintenance

The permit holder and/or contractor shall be responsible for maintaining the excavated/construction area in a safe, passable condition satisfactory to the Commissioner until the project is accepted. A temporary bituminous patch shall be placed on all trenches that cannot be permanently patched within 48 hours of initial disturbance. Permanent restoration of the pavement structure including hot bituminous base and surface shall be made within 15 days.

One lane of traffic shall be maintained at all times, unless traffic has been detoured. The permit holder and/or contractor shall provide traffic control officers, barricades, lights, warning signs and other devices to safeguard traffic and pedestrians while the work is in progress.

Two-way traffic shall be maintained during all non-working hours, unless approved by the Commissioner. In the event that two-way traffic cannot be maintained during these hours, the permit holder and/or contractor shall install and maintain barriers and lights, as specified in the MUTCD until a permanent surfacing has been installed.
All equipment and materials shall be removed and located off the highway during non-working hours.

A highway opening permit does not authorized parking or servicing vehicles within such right-of-way.

2. Removal and Protection of Utilities

   The permit holder and/or contractor shall not interfere with any existing utility other than their own facilities without the written consent of the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the Town shall be moved to accommodate the permit holder unless the cost of such work be borne by the permit holder and/or contractor. The cost of moving privately owned utilities shall be borne by the permit holder unless he makes other arrangements with the utility owner. The permit holder and/or contractor shall support and protect all pipes, conduits, poles, wire or other apparatus which may be in any way affected by the excavation work. In case any of said pipes, conduits poles, wire or apparatus should be damaged, they shall be repaired by the utility or person owning them and the expense of such repairs shall be charged to the permit holder and/or contractor. The permit holder and/or contractor shall be responsible for any damage done to any public or private property by reason of the damage any water, sewer, gas pipe, electric conduit or other utility. Permit holder and/or contractor shall inform itself as to existence and location of all underground utilities and protect the same against damage. Above ground utilities abandoned as a result of relocation or replacement shall be removed in its entirety.

3. Protection of Adjoining Property

   The permit holder and/or contractor shall at all times and at his own expense preserve and protect from damage any adjoining property by providing proper protection and taking other measures necessary for the purpose. Where- the protection of such property is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permit holder and/or contractor shall obtain written permission from the owner of such private property. The permit holder and/or contractor shall, at its own expense shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property resulting from its failure properly to protect said work facilities.

4. Restoration and Replacement

   The Permit Holder and/or Contractor shall be responsible for permanently restoring or replacing roadway items damaged as a

consequence of any construction operations. These items are to be permanently replaced in kind, in the same thickness and to the same grade as originally found and shall include, but not be limited to, the following items:

a) Bituminous pavement;
b) Portland Cement Concrete Pavement, including that displaced by blasting, undermined, or broken by construction equipment. Concrete pavement under, bituminous pavement shall be replaced with a digable concrete fill of equal thickness;
c) Bituminous, concrete and brick sidewalks;
d) Aggregate base and subbase material under roadways, shoulders, and walks;
e) Curbing, all types
f) Gravel surfacing and shoulders;
g) Turf slopes and ditches;
h) Drainage pipes, structures, and ditches;
i) Guard rail and fencing;
j) Property and other survey monuments

The contractor shall guarantee the restoration/ replacement against defects in material and workmanship for a period of one (1) year from the date of acceptance, and shall replace any defective work at the written directive of the Commissioner.

5. Emergency Coordination

a) The permit holder and/or contractor shall furnish the Commissioner, local and State Police Departments with a list of names, addresses and telephone numbers of Contractor personnel who may be reached in case of emergency during hours when no work is being performed. On weekends and during storms the permit holder and/or contractor shall assign certain personnel to stand-by duty and shall inform the Commissioner of the arrangements.

B. Construction Standards

1. All excavations on paved public right-of-way surfaces shall be precut in a neat straight line with pavement breakers or saws. Cutouts of the trench lines must be normal or parallel to the trench line. Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench. Unstable pavement over cave-ins shall be removed and aggregate bases restored. Jointed or broken pavement within one (1) foot of the restoration edge shall be removed. Prior to permanent surfacing the pavement shall be

saw cut an additional six inches beyond the disturbed edge and removed.

2. When multiple openings are located with less than five (5) feet of original pavement remaining between adjacent openings, the permit holder/contractor shall neatly cut and remove the area of pavement between these adjacent areas and shall patch as one trench.

3. All previous sections shall also apply to sidewalks in all cases except concrete sidewalks. Concrete sidewalks shall be saw cut. Use of pavement breakers will not be allowed. On concrete sidewalks, all cuts shall be made to the nearest joint or score line on either side of the excavation. All sidewalk restorations shall be in accordance with the requirement of paragraph B4.

4. All backfilling of public right-of-way openings shall be done in accordance with the following standards:

   a) All work must be conducted in strict accordance with the latest regulations of OSHA for excavations, and other applicable safety regulations.
   b) All work must be protected from freezing.
   c) Whenever water is found standing in the excavation area, the water shall be removed by pump or other means before backfilling operations can commence.
   d) Backfilling of excavations shall be performed by the Permit Holder/Contractor as soon as practicable so that the least possible subsequent settling will occur. Backfill material shall be spread in layers not exceeding eight (8″) inches in loose depth and compacted to no less than 95% of the maximum dry density of the material as established by ASTM D1557. Rocks, broken pavement, or ledge particles larger than six (6) inches will not be allowed in the backfill. The Permit Holder/contractor shall notify the Commissioner, prior to beginning the backfilling operations to allowing adequate time for inspection.
   e) Where the excavated material is primarily silt or rock, it shall be allowed for use as backfill only upon the express approval of the Commissioner, with the intention of minimizing differential settling.
   f) All remaining excavated material shall be removed from the job site and disposed of by the permit holder/contractor, in such a manner that will minimize interference with pedestrian and vehicular traffic. No material shall be left within the right-of-way once the repair and/or installation is complete.

5. Temporary resurfacing shall be provided on all arterial and connector type public right-of-ways and when directed by the Commissioner. Temporary resurfacing shall consist of a minimum of two (2) inches of compacted temporary bituminous surfacing. Such temporary material shall be cold-mix except that the permit holder under this article may use or the Town may require hot-mix. The temporary surface material shall be placed and compacted to provide smooth even surface for the safe passage of pedestrian traffic and safe vehicular travel at the legal posted speed. The permit holder/contractor shall maintain the temporary paving for a period not to exceed 15 calendar days. At such time, the permanent restoration shall be made.

6. Permanent restoration of the pavement structure shall consist of aggregate subbase and base and hot bituminous pavement base and surface conforming to the following:

   a) Minimum Compacted

Layer	M.D.O.T. Specification	Thickness
Subbase Course	Aggregate Subbase – 703.06 Type D	18″
Base Course	Aggregate Base – 703.06 Type A	4″
Pavement Base	19.0 MM Superpave	3″
Pavement Surface	9.0 MM Superpave	1 1/2″

   b) Aggregate material shall be spread in layers not exceeding eight (8″) inches in loose depth and compacted to no less than 95% of the maximum dry density of the material as established by ASTM D1557.

   c) The maximum dry density of the material to be used in the trench along with the corresponding moisture contents, in accordance with ASTM D1557, shall be filed at the time of application to obtain a permit. The Town reserves the right to verify maximum density and field density at any time.

   d) Hot bituminous pavement (Superpave) shall be placed and compacted in accordance with the latest MDOT specification.

7. All temporary resurfacing shall be maintained for the safety of pedestrian and vehicular traffic until the permanent restoration is made. The permit holder/contractor shall erect and maintain

warning signs, barriers, and lights as specified in the MUTCD until a permanent surfacing has been installed.

C. Excavations in reconstructed or repaved roads.

1. After a public road has been reconstructed or repaved, a Highway Opening Permit shall not be granted for five (5) years unless an emergency condition exists or unless the necessity for making such installation could not have been reasonably foreseen at the time of the reconstruction or repaving. This section shall be void unless the Town shall have given sixty (60) days notice by registered and/or certified mail of the impending work to all public utilities serving the road.

8.4 Approved Contractors

8.4.1 Purpose

The purpose of this Article is the regulation of Contractors and Utilities performing work in public rights-of-ways in the interest of public safety and protection of public works infrastructure.

8.4.2 Insurance

1.) The Commissioner may require each contractor to maintain at all times a minimum of $300,000.00 public liability insurance coverage protecting himself, his agents and the Town from all such claims for damages or injuries and naming the Town of Wiscasset as an additional insured. Evidence of such coverage shall be submitted in a form satisfactory to the Commissioner. Coverage shall be maintained throughout the period of work performed under this ordinance and shall not be less than the following amounts:

a.) General liability including comprehensive form, premises/operations, underground explosion and collapse hazard, products/completed operations, contractual, independent contractors, broad form property damage and personal injury.
$300,000 Bodily Injury and Property Damage Each Occurrence
$500,000 Bodily Injury and Property Damage Aggregate
$300,000 Personal Injury Aggregate

b.) Automobile liability including any vehicle, hired vehicle and non-owned vehicle- $300,000 bodily injury and property damage combined.

c.) Workers' Compensation and Employers' Liability
$100,000 each accident. [9-04]

9. BUSINESS LICENSE [6-06, 6-16]

9.1 PURPOSE OF PROVISIONS

The purpose of this chapter shall be to require the annual registration of all business activities and enterprises located within the town and to provide the town with the necessary information concerning the business within the town, including but not limited to the nature of the business operation, number of employees, location of business, and emergency contacts, in order to protect the health, welfare and safety of the town's inhabitants. For the purpose of this section, business activities and enterprises shall include any person or persons carrying on the businesses, trades, professions, or selling of goods, and any establishment that serves or prepares food or drink for public consumption.

9.2 DEFINITIONS

Business: Means and includes all kinds of vocations, occupations, home occupations, professions, enterprises, and nonprofits, any of which are conducted on any premises in the Town of Wiscasset.

Premises: Means and includes all land, structures and places, and the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to, or otherwise used in connection with, any such business conducted on such premises.

9.3 LICENSE REQUIRED

A person or organization may not engage in any business activity or enterprise without first obtaining a license from the Town Clerk. In addition, the applicant is responsible for compliance with all pertinent town ordinances and state laws. A separate license shall be required for each business entity and each location. All business licenses shall expire three years after the date of issuance by the Town Clerk. A thirty-day (30) grace period, beginning on the date of permit renewal, is allowed.

9.4 FEE

There shall be no fee for a business license.

9.5 PROCEDURE

Applications for business licenses shall be obtained from the Town Clerk. Applications shall be made in writing and shall state the name of the business, location of business, description of business, name of owner, mailing address of owner, emergency contact information, number of employees; Also, driver's license number, proof of insurance, and proof of registration for those businesses and enterprises associated with motor vehicle use.

9.5.2 The Town Clerk shall submit the business license application to the Selectmen for their approval.

9.5.3 The Selectmen shall deny a license to an applicant when the application is incomplete, contains misrepresentation, false or misleading statements, is unsigned; or the applicant evades, suppresses or refuses to furnish information material to the proper issuance of the license; or the activity for which the license is sought is unlawful, or constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordiance regulating the business, the business property, or the business location.

9.6 AUTHORIZATION

9.6.1 Registration does not permit the conduct of any business or enterprise if the premises to be used for the business, or the conduct of such business, does not fully comply with the Wiscasset Ordinances.

9.6.2 Non-resident businesses employed on a temporary basis to improve or repair the landowner's property.

9.7 VIOLATIONS

Any person, firm or corporation, including but not limited to a landowner or his/her agent, who violates any provision of the ordinance after receiving notice of such violation shall be subject to the applicable provisions in Town of Wiscasset Ordinances Article IX, Section 2 (General Provisions). The Wiscasset Board of Selectmen or their designee shall be responsible for the enforcement of this ordinance.

9.8 SEVERABILITY

If any portion of this ordinance shall be held to be invalid, such decision shall not affect to the validity of the remaining portions thereof.

9.9 EFFECTIVE DATE

The effective date of this ordinance shall be the date of its adoption.

10. BLASTING ORDINANCE [6-16]

10.1 AUTHORITY AND SCOPE

10.1.1 This ordinance is enacted pursuant to 30-A M.R.S.A., Section 3001.

10.1.2 This ordinance in no way replaces or negates or relieves any person from compliance with the provisions pertaining to explosives contained under M.R.S.A., part 6, Chapter 318, subchapter 1, as they may be amended, regarding rules for the manufacture, transportation, storage, and use of explosive materials. This ordinance is supplemental to the State Statute, and the Town of Wiscasset expects firms or persons conducting blasting activities to be in compliance with said statute.

10.2 PURPOSE

Because the transport, storage and use, including detonation, of explosive material (hereinafter referred to as blasting activities) are inherently dangerous, and because blasting activities may involve risks of psychological, physical, economic or nuisance damage to persons, property, geologic and hydro-geological resources, wildlife resources and the environment in the Town of Wiscasset, it is the purpose of this ordinance to secure and promote the public health, safety and welfare of the inhabitants of Wiscasset by controlling and regulating blasting activities in the Town and to require that firms or individuals who engage in such activities accept and assume strict liability for them.

10.3 EXCLUSIONS

This ordinance does not apply to:

10.3.1 The Armed forces of the United States or the State Militia;

10.3.2 Explosives in forms prescribed by the official United States Pharmacopoeia;

10.3.3 Possession, transportation and use of small arms, small arms ammunition including smokeless or black powder when possessed for noncommercial purposes in quantities of five pounds or less;

10.3.4 The sale or use of fireworks; and

10.3.5 The sale or use of explosives or blasting agents by the Town of Wiscasset and its agencies acting in their official capacity.

10.4 DEFINITIONS

Applicant: The person, company or corporation identified on the application for a blasting permit as responsible and accountable for managing and conducting the requested blasting operations.

Blasting: The use of one or more explosive to break up or otherwise aid in the extraction of rock, earth or other materials.

Blast Site: The location or locations in which the explosive materials will explode when detonated.

Blast Zone: The area within a radius of 1,000 feet of the blast site.

Business Day: Any day that is not a Saturday, Sunday or a legal holiday observed under the laws of the United States.

Explosive: Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion.

Strict Liability: Liability to others for personal injury and property damage without regard to fault or negligence arising from inherently dangerous activities, herein regarding blasting.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Unforeseen Circumstance: A minor, unforeseen blasting need which arises in the completion of a previously permitted building project.

10.5 PERMITS

The following permits are required:

10.5.1 A permit from the Maine Commissioner of Public Safety is required to manufacture, store, transport, use or detonate explosives within the Town of Wiscasset.

10.5.2 A Blasting Permit issued by the Code Enforcement Officer is required for blasting within the Town of Wiscasset. Application for a Blasting Permit shall be made in writing to the Code Enforcement Officer and shall set forth the purpose of obtaining the blasting permit. Blasting that requires filling and/or earth moving in excess of 100 cubic yards or that will be carried out in connection with any other activity or use that requires Planning Board approval shall require Planning Board approval before a

blasting permit is issued. The following information shall be submitted in the application:

10.5.2.1 Name, address, phone number of the applicant.

10.5.2.2 Names of individual(s) who shall actually be doing the blasting and a photocopy of each such identified person's current Maine explosives permit issued by the Commissioner of Public Safety.

10.5.2.3 Name of the insurer, policy number and agent providing insurance coverage as required by this ordinance.

10.5.2.4 Location listing tax map and lot number and date of proposed blasting and a description of the precise location of the blast site.

10.5.2.5 Procedure for pre- and post-blasting inspections.

10.5.2.6 Such other information as may be required by the Code Enforcement Officer to decide the application.

10.5.2.7 The application shall be accompanied by a fee which is set by the Board of Selectmen.

10.5.2.8 The application shall provide a space for comments by the Planning & Development Department and Fire Chief.

10.5.3 A true copy of the permit issued by the Town of Wiscasset shall be conspicuously posted at the job site.

10.5.4 A Blasting Permit shall be valid for six (6) months from the date of issuance.

10.6 BOND AND PROOF OF INSURANCE

The applicant shall submit with the application a certificate of insurance issued by an insurance carrier authorized to conduct business in the State of Maine showing that comprehensive liability insurance is in full force and effect for the blasting operations to be carried out by applicant in the Town of Wiscasset, for all personal injury and property damage arising out of blasting operations including completed operations, contractual liability, explosion, underground and collapse, in an amount not less than $2,000,000 per occurrence, combined single limit. Said certificate shall indicate the effective dates of the liability coverage, the name and address of the agent or broker through whom the insurance coverage was issued and who is responsible for attesting to the existence of the insurance coverage. Said certificate shall provide for 10 days' advance written notice to the Code Enforcement Officer in the event the insurance policy is

canceled, terminated or modified and receipt of such notice of termination shall be grounds to revoke a permit for blasting.

10.7 INDEMNIFICATION

By accepting a Blasting Permit under this ordinance, the applicant agrees, as a condition of the permit, to indemnify and hold harmless the Town of Wiscasset and its agents and employees from and against all claims, damages, losses and expenses, including attorneys' fees, arising out of or resulting from the performance of the applicant's blasting operations, provided each claim, damage, loss or expense is attributed to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the blast itself), including the loss of use as a result, caused in whole or in part by any act or omission of the applicant, anyone directly or indirectly employed by them, or anyone for whose acts applicant may be liable.

10.8 PROCEDURE

The Code Enforcement Officer shall act upon a Blasting Permit application within 10 business days from receipt of a complete application, but not before Planning Board approval if the blasting will be carried out in connection with an activity or use that requires Planning Board approval. The Code Enforcement Officer shall notify the applicant in writing by first class mail within five business days after acting upon the application. For an unforeseen circumstance as defined in Section 10.4 of this ordinance, the Code Enforcement Officer may issue a temporary blasting permit, which shall be valid for no more than 48 hours.

10.9 STRICT LIABILITY

By accepting a Blasting Permit under this ordinance, the applicant agrees, as a condition of the permit, to be strictly liable for personal injury and property damage arising from blasting operations conducted by applicant in the Town of Wiscasset.

10.10 PRE-BLAST NOTIFICATION AND INSPECTION

10.10.1 Except in the case of a temporary blasting permit for an unforeseen circumstance, the applicant must provide written notification at least ten business days before the commencement of the initial blast (the "waiting period") to all the owners of properties abutting the property on which the blasting will occur and to all owners of structures within the blast zone. At the discretion of the Code Enforcement Officer, the waiting period required under this section may be shortened if all owners who requested a pre-blast inspection during the 5-business-day window described in

Section 10.10.3 below have received a pre-blast inspection report. Notification will be conducted as follows:

10.10.1.1 Notification via certified mail, return receipt, must be provided at applicant's expense to the property owners referenced in Section 10.10.1 above at the most recent address listed in the records maintained by the Town of Wiscasset; or

10.10.1.2 Alternatively, if the notice is hand-delivered, proof of delivery of the required notice must be obtained as evidenced by the signature of an occupant of the structure who is not a minor. The signed receipt must indicate whether or not the signing occupant is the owner of the property. If the signing occupant is not the owner of the property, then written notification to the property owner is not excused and must be provided as set forth in the above Section.

10.10.2 The written notification must describe the blasting that will take place, including dates and times, or a range of dates and times, when blasting may occur, its possible effect on the owners or residents, the ability to obtain, at applicant's expense a pre-blast and post-blast inspection of structures and wells, instructions about how and where to contact the applicant, or his/her representative concerning blast-related complaints or claims.

10.10.3 The written notification must include a mailing address and telephone number that property owners can use to obtain information or, to request at no cost, pre-blast/post-blast inspections. Property owners must be given a five-business day window to request pre-blast/post-blast inspection. Property owners are not obliged to accept a pre-blast/post-blast inspection offer.

10.10.4 Prior to detonation of explosives, the applicant must provide to the Code Enforcement Officer a list of all parties and property owners notified under Sections 10.10.1, 10.10.2, and 10.10.3, including whether or not a pre-blast inspection request was received by the applicant in each case. Applicant shall also make certification that all requests for pre-blast inspection have been carried out.

10.10.5 The pre-blast inspection must contain complete documentation of all visible interior and exterior defects observed at the structure(s). Interior and exterior photographs, or video documentation of structures containing observed defects must be identifiable as to the property, structure, location, and date recorded.

10.10.6 Water quality protection: Water is a precious resource and measures shall be taken to protect and preserve groundwater quality. Wells within the blast zone shall be tested for quality/quantity and turbidity pre-blast and post-blast with post-blast testing to be done no sooner than 24 hours or not later than 72 hours following the final detonation. Testing shall be conducted by the Maine Health & Environmental Testing Laboratory using "Test A" at the expense of the applicant.

10.10.7 The date and location of each inspection and/or test and the name of the person or firm performing the inspection or making the test must be recorded in written form along with a description of observed defects and/or well water test results.

10.10.8 Before the first blast, a copy of the pre-blast inspection and test results shall be provided upon request, by the applicant, without charge to each property owner or occupant. Additionally, when requested, a copy shall be provided by the applicant without charge to the Code Enforcement Officer.

10.10.9 Not later than ten business days after completion of blasting operations, applicant shall, at applicant's expense, provide post-blast inspection and well-test reports to property owners and residents who previously requested same under the provisions above. Water for post-blast well tests shall be drawn not less than 24 hours or more than 72 hours from time of the final blast. The owner may request an additional test of the water quality/quantity within 90 days of the initial post-blast test and the applicant shall provide such additional test at the applicant's expense.

10.10.10 Content and documentation of post-blast inspections shall be the same as required for pre-blast inspections.

10.10.11 Certification by the applicant that all initial post-blast inspections and tests have been completed, including all the names and addresses, must be provided to the Code Enforcement Officer within 15 business days following the completion of blasting operations.

10.11 RESTRICTIONS

Detonation may take place no earlier than 8 a.m. and no later than 6 p.m. and only on business days, as defined in Section 10.4 of this ordinance.

10.12 CONFLICT

Whenever the requirements of provisions of this ordinance are in conflict with the provisions of any other ordinance or statute, the most restrictive requirements will apply.

10.13 SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any provision of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, that portion will be deemed a separate provision and will not affect any remaining provision of the ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such unconstitutional provision was not included.

10.14 ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered and enforced by the Town of Wiscasset Code Enforcement Officer. Noncompliance with any provision of this ordinance or with any condition attached to a permit granted under this ordinance shall be grounds for revocation of a permit, and shall constitute a civil violation for which shall be imposed a minimum penalty of $100 and a maximum penalty of $1,500. Each day that the violation is not corrected after notice of violation will be considered an additional, separate violation. Upon becoming aware of a violation, the Code Enforcement Officer shall serve written notice upon the person or persons responsible for the violation and order corrective action, where applicable. If such notice does not result in correction or abatement of the violation, the Board of Selectmen is authorized to institute any and all actions or proceedings, legal or equitable, that may be necessary or appropriate to enforce the provisions of this ordinance and obtain the civil penalties provided for herein.

ARTICLE X - MISCELLANEOUS ORDINANCES

1. SPECIAL AMUSEMENTS [3-79, 3-86]

1.1 This ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Wiscasset, Maine.

1.2 The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A MRSA Section 1054, and in or around facilities charging admission or fees.

1.3 No licensee shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the Selectmen.

1.4 Applications for all special amusement permits shall be made in writing to the Selectmen and shall state the name of the applicant; his residence address, the name of the business to be conducted; his business address; the nature of his business, the location to be used, whether the applicant has ever had a license to conduct the business therein described either denied or revoked, and if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony, and if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Selectmen in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

1.5 No permit shall be issued for anything, or act, or premises if the premises and buildings to be used for the purposes do not fully comply with all ordinances, articles, bylaws or rules and regulations of the municipality.

1.6 The fee for a special amusement permit shall be $10.00

1.7 The Selectmen shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken. The Selectmen have the right to waive the public hearing requirement for applications from non-profit organizations.

1.8 The Selectmen shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare or would violate municipal ordinances, or rules and regulations, articles or bylaws.

1.9 A permit shall be valid for only one year from the date of issuance. The above regulations shall not apply to school functions.

1.10 The Selectmen may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare, or violates any municipal ordinances, articles, bylaws or rules and regulations.

1.11 The Selectmen are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

1.12 Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

1.13 Any licensee requesting a special amusement permit from the Selectmen shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.

1.14 Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in Article I, Section 5. The municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

1.15 A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

1.16 Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred dollars ($100.00) for the first offense, and not

more that five hundred dollars ($500.00) for the subsequent offenses, to be recovered, on complaint, to the use of the Town of Wiscasset.

1.17 The invalidity of any provision of this Ordinance shall not invalidate any other part.

1.18 The effective date of this Ordinance shall be July 3, 1979, and as amended March 15, 1986.

2. REGULATIONS FOR INDIVIDUAL MOBILE HOMES [3-00]

Throughout this section, whenever "mobile home" or "mobile home park" is referred to, also see 30-A MRSA 4358.

2.1 No person shall maintain and occupy a mobile home without a permit issued by the Building Inspector.

2.2 Each owner of a mobile home shall be required to apply for and obtain from the Building Inspector a permit to locate in the Town of Wiscasset.

2.3 No person shall maintain and occupy a mobile home in the Town of Wiscasset, Maine, except on a one acre lot as provided in Section 2.1 or in a duly licensed mobile home park. [3-83, 6-83, 12-89, 3-97, 3-02]

2.4 Within a mobile home park no mobile home shall be parked less than ten feet from the adjacent mobile home lot or property line. [6-83, 12-89, 3-02]

2.5 No permit shall be issued authorizing the establishment of a mobile home park within the "urban area" of the Town of Wiscasset, Maine. The "urban area" as used in this section shall be the urban compact area as indicated on the map of the Department of Transportation dated 1976.

2.6 No permanent additions, foundations, lean-tos, studs, or rooms shall be added to any mobile home; provided however that open porches with awnings may be installed and skirting of suitable building material approved by the Building Inspector, may be applied for the purpose of insuring added comfort.

2.7 In the event the wheels are removed, or the mobile home is permanently attached to the ground, the mobile home shall immediately become subject to all the provisions of the Building Ordinance of Wiscasset, Maine. Existing mobile homes may not be extended or altered except in conformance with the Building Ordinances of the Town of Wiscasset.

2.8 Individual mobile homes shall comply with State of Maine regulations regarding sanitary waste and sewage disposal means.

2.9 This Chapter shall not apply to mobile homes in the hands of dealers as stock in trade for resale, so long as said mobile homes remain unoccupied, except that no mobile home shall be exhibited for sale for commercial purposes in any urban area, mobile home park, or singly occupied mobile home site.

2.10 This Chapter shall not apply to mobile homes that are unoccupied and stored temporarily in buildings, garages, or on private property if said mobile homes are not objectionably visible from any public street or way.

2.11 This Chapter shall not apply to existing mobile homes or replacement of mobile homes on an existing site established prior to its effective date.

2.12 Any person found guilty of violating any provision of this Chapter shall be subject to a fine of not more than one hundred ($100) dollars for each offense. Each month in which a violation is proved to exist may constitute a separate offense under this section.

2.13 The Building Inspector shall inspect all mobile homes and mobile home parks being located, altered, repaired, replaced or relocated wherever situated in the Town of Wiscasset and issue a certificate of occupancy the purpose of which is to enforce the provisions of this ordinance, governing the construction, alteration, replacement or repair in accordance with the Building Laws of the Town of Wiscasset.

2.14 The Building Inspector or his assistant in the performance of his duties, as prescribed by State Law, may enter any mobile home for the purpose of making the inspection required by this Chapter.

3. UNDERGROUND TANKS [3-87]

3.1 No person, firm or corporation shall install or cause to be installed any new or replacement underground oil storage tank without first obtaining a permit from the Building Inspector. The Building Inspector shall under no circumstances issue such a permit until the applicant has obtained all necessary D.E.P., State and federal permits required. Permits shall be issued at a cost of $50 per each underground tank regardless of size.

3.2 Following the issuance of a Building Permit, the installer shall file a written notification with the Building Inspector indicating the date and location of each installation. Permits shall be renewed annually at a cost of $10 to the applicant.

3.3 No permit shall be issued for any new or replacement tank to be located within 1000 feet of Ward Brook, Montsweag Brook, Gardiner Pond or any other surface water or water supply within the Town of Wiscasset.

3.4 Installation or replacement of any underground storage tanks without first obtaining a permit from the Building Inspector shall be punishable by a fine of not less than $500 (five-hundred dollars) and not more than $1000 (one-thousand dollars).

4. FLOOD PLAINS ORDINDANCE [6-15]

4.1 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.

4.2 PERMIT REQUIRED

Before any construction or other development (as defined in Section 4.14), 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.

4.3 APPLICATION FOR PERMIT

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

4.3.1 The name and address of the applicant;

4.3.2 An address and a map indicating the location of the construction site;

4.3.3 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;

4.3.4 A statement of the intended use of the structure and/or development;

4.3.5 A statement of the cost of the development including all materials and labor;

4.3.6 A statement as to the type of sewage system proposed;

4.3.7 Specification of dimensions of the proposed structure and/or development;

[Items 4.3.8-4.3.11.b apply only to new construction and substantial improvements.]

4.3.8 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:

a. base flood at the proposed site of all new or substantially improved structures, which is determined:

i. In Zones AE, from data contained in the "Flood Insurance Study - "Lincoln County, Maine," as described in Section 4.1; or,

ii. 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 Section 4.6.11 and 4.9.4.

(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.

b. highest and lowest grades at the site adjacent to the walls of the proposed building;

c. lowest floor, including basement; and whether or not such structures contain a basement; and

d. level, in the case of non-residential structures only; to which the structure will be floodproofed;

4.3.9 A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 4.6.

4.3.10 A written clarification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

4.3.11 The following certifications as required in Section 4.6 by a registered professional engineer or architect:

a. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the flood proofing methods for any non-residential sructures will meet the floodproofing criteria of Section 4.3.8.d, Section 4.3.7; and other applicable standards in Section 4.6;

b. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet with the standards of Section 4.6.12.a.;

c. a certified statement that bridges will meet the standards of Section 4.6.13.;

d. a certified statement that containment walls will meet the standards of Section 4.16.14.;

4.3.12 A description of the extent to which any water course will be altered or relocated as a result of the proposed development, and,

4.3.13 A statement of construction plans describing in detail how each applicable development standard in Section 4.6 will be met.

4.4 APPLICATION FEE AND EXPERT'S FEE

4.4.1 A non-refundable application fee as established in the Town Fee Schedule as revised from time to time by the Selectboard and payable by check to the Town of Wiscasset, Maine with a note indicating the specific purpose of the fee shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

4.4.2 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 of the Planning Board may appeal that decision to the Board of Appeals.

4.5 REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

4.5.1 Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Section 4.7 (Development Standards) have, or will be met;

4.5.2 Utilize, in the review of all Flood Hazard Development Permit applications:

a. the base flood data contained in the "Flood Insurance Study – Lincoln County, Maine," as described in Section 4.1.;

b. in special flood hazard areas where base flood elevation 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 sources including information obtained pursuant to Section 4.3.8.a.i.; Section 4.6.11.; and Section 4.9.4, in order to administer Section 4.6 of this Ordinances; and,

c. when the community establishes a base flood elevation in a Zone A by methods outlined in Section 4.3.8.a.i., the community shall submit that data to the Maine Floodplain Management Program.

4.5.3 Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 4.1 of this Ordinance;

4.5.4 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;

4.5.5 Notify adjacent municipalities, the Department of Environmental Protection, and the Maine State 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;

4.5.6 If the application satisfies the requirements of the Ordinance; approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

a. 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 Section 4.6 **,** paragraphs 4.6.6, 4.6.7, or 4.6.8**.** 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,

b. 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 Section 4.6.7.a.i., ii., and iii. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

c. 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 Section 4.6.10., 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 Section 4.7.

4.5.7 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 Section 4.10 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Sections 4.3**,** 4.6, and 4.8 of this Ordinance.

4.6 DEVELOPMENT STANDARDS

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

4.6.1 All Development – All development shall:

a. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. use construction materials that are resistant to flood damage;

c. use construction methods and practices that will minimize flood damage; and,

d. 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.

4.6.2 Water supply – All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

4.6.3 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.

4.6.4 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.

4.6.5 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.

4.6.6 Residential – New construction or substantial improvement of any residential structure located within:

a. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

b. 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 Section 4.3.8.a.ii.: Section 4.5.2; or Section 4.9.4.

4.6.7 Non Residential – New construction or substantial improvement of any non-essential structure located within:

a. 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:

i. 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;

ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

iii. 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 Section 4.3.11. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

b. 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 Section 4.3.8.a.ii.; Section 4.5.2; or Section 4.9.4., or

i. together with attendant utility and sanitary facilities meet the floodproofing standards of Section 4.6.7.a.

4.6.8 Manufactured Homes – New or substantially improved manufactured homes located within:

a. Zones AE shall:

i. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

ii. 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,

iii. 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 Section 4.6.8.iii.(1) & (2) shall be capable of carrying a force of 4800 pounds.

b. Zone A shall:

i. be elevated on a permanent foundation, as described in Section 4.6.8.ii., 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 4.3.6.ii.; Section 4.5.2; or Section 4.9.4.; and

ii. meet the anchoring requirements of Section 4.6.8.a.iii.

4.6.9 Recreational Vehicles – Recreational Vehicles located within:

a. Zones A and AE, shall either:

i. be on the site for fewer than 180 consecutive days,

ii. 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,

iii. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 4.6.8.a.

4.6.10 Accessory Structures – Accessory Structures, as defined in Section 4.14, located within Zones A and AE, shall be exempt from the elevation criteria required Sections 4.6.5 & 6. above, if all other requirements of Section 4.6 and all the following requirements are met. Accessory Structures shall:

a. be 500 square feet or less and have a value less than $3000;

b. have unfinished interiors and not be used for human habitation;

c. have hydraulic openings, as specified in Section 4.6.12..b., in at least two different walls of the accessory structure;

d. be located outside the floodway;

e. 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,

f. 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.

4.6.11 Floodways –

a. 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.

b. 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 Section 4.6.11.c. 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:

i. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

ii. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

c. 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.

4.6.12 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 Section 4.6, including the elevation requirements of Section 4.6, paragraphs 4.6.6, 4.6.7, or 4.6.8 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:

a. Enclosed areas are not "basements" as defined in Section 4.14;

b. 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:

i. be engineered and certified by a registered professional engineer or architect; or,

ii. 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;

c. The enclosed area shall not be used for human habitation; and,

d. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

4.6.13 Bridges – New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

a. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

b. a registered professional engineer shall certify that:

i. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 4.6.11.; and

ii. 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.

4.6.14 Containment Walls – New construction or substantial improvement of any containment wall located within:

a. Zones A and AE shall

i. have the containment wall elevated to at least one foot above the base flood elevation;

ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

iii. 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 Section 4.3.11.

4.6.15 Wharves, Piers, 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:

a. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

b. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

4.6.16 Coastal Floodplain –

a. All new construction located within Zones A and AE shall be located landward of the reach of mean high tide except as provided in Section 4.6.16.b.

b. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Section 4.6.7. 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 Section 4.6.1., 4.6.11., and 4.6.12. are met:

i. 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.

ii. 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.

iii. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

iv. The structure shall have unfinished interiors and shall not be used for human habitation.

v. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.

vi. 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.

4.7 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.

4.7.1 Review Procedure for a Conditional Use Flood Hazard Development Permit

a. 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.

b. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.

c. 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.

d. 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.

e. 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.

4.7.2 Expansion of Conditional Uses

a. 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.

4.8 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

4.8.1 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 Section 4.6, paragraphs 4.6.6, 4.6.7, or 4.6.8.

4.8.2 The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

4.8.3 Within 10 working days, the Code Enforcement Officer shall:

a. review the Elevation Certificate and the applicant's written notification; and,

b. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

4.9 REVIEW OF SUBDIVISIONS 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:

4.9.1 All such proposals are consistent with the need to minimize flood damage.

4.9.2 All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

4.9.3 Adequate drainage is provided so as to reduce exposure to flood hazards.

4.9.4 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.

4.9.5 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.

4.10 APPEALS AND VARIENCES

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:

4.10.1 Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

4.10.2 Variances shall be granted only upon:

a. a showing of good and sufficient cause; and,

b. 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,

c. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

d. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

i. that the land in question cannot yield a reasonable return unless a variance is granted; and,

ii. 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,

iii. that the granting of a variance will not alter the essential character of the locality; and,

iv. that the hardship is not the result of action taken by the applicant or a prior owner.

4.10.3 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.

4.10.4 Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

a. other criteria of Section 4.10 and Section 4.6.11. are met; and,

b. 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.

4.10.5 Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

a. the development meets the criteria of Section 4.10, paragraphs 4.10.1. through 4.10.4. above; and,

b. 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.

4.10.6 Any applicant who meets the criteria of Section 4.10, paragraphs 4.10.1. through 4.10.5. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

a. 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;

b. such construction below the base flood level increases risks to life and property; and,

c. 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.

4.10.7 Appeal Procedure for Administrative and Variance Appeals

a. 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. A variance request shall be treated as an appeal *de novo.* All other appeals shall be an appellate review.

b. 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.

c. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

d. The person filing the appeal shall have the burden of proof.

e. 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.

f. 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.

g. 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.

4.11 ENFORCEMENT AND PENALTIES

4.11.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

4.11.2 The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

4.11.3 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;

a. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

b. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

c. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

d. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

e. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

4.12 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.

4.13 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.

4.14 DEFINTIONS

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 VI.L..

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 earths 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.

4.15 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).

5. SEWER USE [3-74, 3-00, 6-12]

5.1 To promote the general welfare, prevent disease and promote health; to provide for the public safety and comfort of the people, and protect the environment, the following Sewer Use Ordinance is hereby enacted.

5.2 PROHIBITED USES

No person, firm, corporation or other legal entity shall introduce or allow to be introduced into the sewerage system or treatment system of the Town of Wiscasset, any pollutant which:

5.2.1 is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307(a)of the Federal Water Pollution Control Act of 1972(hereinafter called the "Act");

5.2.2 creates a danger of fire or explosion in the treatment system;

5.2.3 causes corrosive structural damage to the treatment works of the Town, including all wastes with a PH lower than 5.0;

5.2.4 contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the treatment works; or,

5.2.5 contains a pollutant in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304(d)(1) or 307 (b) of the "Act".

5.2.6 Disposal of unpolluted waters prohibited

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted process waters to any Sanitary Sewer. [3-98]

5.2.7 Discharge method specified

Stormwater and all other unpolluted drainage shall be discharged to such public sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Board of Selectmen. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Board, to a storm sewer or natural outlet. [3-98]

5.3 No person, firm, corporation or other legal entity shall discharge or allow to be discharged into the sewerage or treatment system of the Town of Wiscasset in any one day amounts in excess of five per cent (5%) of the average total daily discharge into said system, or discharge which contains any toxic pollutant unless they shall notify the Selectmen of the Town of Wiscasset at least 45 days before the date of such discharge.

5.4 Every person, firm, corporation or other legal entity which discharges into the sewerage or treatment system of the Town of Wiscasset, shall perform such monitoring of its discharges as the Town may reasonably require, shall keep permanent records of the results of such monitoring and shall report results of such monitoring to the Town annually.

5.5 The Selectmen shall have the power to establish regulations for the installation, use and maintenance of monitoring equipment. The Selectmen of the Town of Wiscasset or their representatives shall have the right to enter into, upon or through the premises of any business or industry discharging into the system for the purpose of inspecting monitoring records, monitoring equipment and for the purpose of sampling any discharge into the system.

5.6 Any person, firm, corporation or other legal entity who shall be in violation of the provisions of any section of this ordinance, shall be liable for a fine of not more

than $500.00. Each day a violation of said section exists shall constitute a separate offense.

5.7 No person, firm, corporation or other legal entity shall connect a private drain with the sewerage or treatment system of the Town of Wiscasset without obtaining a permit for said connection from the Plumbing Inspector, who shall supervise and inspect said connection.

5.8 Any person, firm, corporation or other legal entity being in violation of Section 5.7 shall be liable for a fine of not more than $50.00 and shall be further subject to the provisions of 30-A MRSA Section 3423 and any amendments thereto.

5.9 VALIDITY/SEVERABILITY CLAUSE

The invalidity of any provisions of this ordinance shall not invalidate any other part.

5.10 SEWER FEES [3-00]

5.10.1 DEFINITIONS

CONNECTION FEE shall mean a fee charged to connect to the Town's sewer.

DUMPING FEE shall mean a fee charged to dispose of wastewater or septage at the Town's Wastewater Treatment Plant or other site designated by the Town.

PLUMBING INSPECTOR shall mean a person appointed by the Board of Selectmen to perform duties set out in 30 M.R.S.A. 3222.

CUSTOMER shall mean an owner or tenant of real estate, which is connected to the Town's sewer system. All owners and tenants in a structure or a group of structures who are connected to a single meter shall constitute one customer.

USAGE FEE shall mean a fee charged based upon water used.

IMPACT FEE shall mean a fee charged for a new connection. The impact Fee is the cost to the sewer system. The impact fee is based upon the estimated volume of wastewater to be generated by the new customer in relation to the overall treatment plant capacity. [03-03

5.10.2 USE OF PUBLIC SEWERS REQUIRED

The owner of a structure for which a septic system is required by law shall, at his expense, connect the structure in question to the Town's sewer when (1) it is a new structure within 200 feet of the Town's sewer system, or (2) it is an existing structure within 200 feet of the Town's sewer system which, in the opinion of the plumbing inspector, has a failed private septic system.

Notwithstanding the foregoing, the owner of a structure shall not be required to connect to the Town's sewer when:

a. It is legally impossible to do so; or

b. The construction cost for connecting to the Town's sewer exceeds the construction cost of installing on the owner's lot a sub-surface septic disposal system in conformance with all applicable laws and ordinances. "Construction Cost," as used in this sub-section (b), shall be determined by the Town's plumbing inspector.

5.10.3 CONNECTIONS AND METERING

Sewer connection applications will be accompanied by payment of a nonrefundable connection fee.

A sewer connection authorization will expire one year after the date the Town issued it. If a structure for which the connection authorization was obtained is not connected to the Town's sewer within this one-year period, a new connection application must be submitted to the Town together with another connection fee.

A separate application along with appropriate fees will be required for each connection to the Town's sewer system after July 20, 2000.

Water meters are mandatory for all customers who connect to the Town's sewer system after July 1, 2000 and mandatory for all existing unmetered customers by July 1, 2001. Only water meters approved by the Water District may be installed for measuring water usage.

5.10.4 INSPECTIONS

The Selectmen and their duly appointed officials shall be permitted to enter upon all properties, upon reasonable notification and at times mutually convenient for the Town and the property owner, for the purpose of verifying compliance with this ordinance.

5.10.5 FEES

CONNECTION FEE: A nonrefundable connection fee will be charged to each person when he or she applies to connect to the Town's sewer system.

USAGE FEE: A usage fee will be charged to each customer based upon water used as follows:

Unmetered residential customers will be billed at 1200 cubic feet of water per quarter.

Metered customers will be billed quarterly at a minimum of 900 cubic feet of water per quarter year plus the cubic foot charge for each cubic foot over 900 used during the quarter of the year in question.

A customer, who in the opinion of the Wiscasset Selectmen generates substantial volume of wastewater, may be billed monthly for each cubic foot of water used.

DUMPING FEE: Except as otherwise set out herein, a septage-dumping fee shall be charged per 1000 gallons or any part thereof. A recreational vehicle dumping fee will be charged per 50 gallons or any part thereof. A bus or train dumping fee will be charged per 100 gallons or any part thereof.

LATE CHARGE: There shall be a late charge assessed to all delinquent accounts in accordance with State Statute. [6-12]

LIENS: Accounts in arrears will be subject to liens in accordance with State Statute. [6-12]

RATES: The Wiscasset Board of Selectmen will set all fees provided for in this ordinance. All fees shall be reviewed at least annually and adjusted from time to time as the Selectmen may determine. Prior to setting, reviewing or adjusting a fee, the Wiscasset Board of Selectmen shall hold a public hearing on the issue.

6. SHELLFISH CONSERVATION ORDINANCE [6-93, 9-96, 9-99, 3-00, 6-13, 6-17, 11-17]

6.1 Authority: This ordinance is enacted in accordance with 12 M.R.S.A. Section 6671.

6.2 Purpose: To establish a shellfish conservation program for the Town of Wiscasset which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

a. Licensing.
b. Limiting the number of shellfish harvesters.
c. Restricting the time and area where digging is permitted.
d. Limiting the minimum size of clams taken.
e. Limiting the amount of clams taken daily by a harvester.

6.3 Shellfish Conservation Committee: The Shellfish Conservation Program for the Town of Wiscasset will be administered by the Shellfish Conservation Committee consisting of seven members to be appointed by the selectmen for terms of three years(s). The responsibilities of the committee include: [9-96]

a. Establishing annually in conjunction with the Department of Marine Resources the number of shellfish digging licenses to be issued.

b. Surveying each clam producing area at least once each three years to establish size distribution and density and annually estimating the status of the town's shellfish resources.

c. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation.

d. Keeping this ordinance under review and making recommendations for its amendments.

e. Securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.

f. Recommending conservation closures and openings to the Board of Selectmen or Council in conjunction with the Area Biologists of the Department of Marine Resources.

g. Submitting an annual report to the Municipality and the Department of Marine Resources covering the above topics and all other committee activities.

6.4 Definitions:

a. Resident: The term "resident" refers to a person who has been domiciled in this municipality for at least two years next prior to the time his claim of such residence is made. [9-96]

b. Nonresident: The term "nonresident" means anyone not qualified as a resident under this ordinance.

c. Shellfish, Clams and Intertidal Shellfish Resources: When used in the context of this ordinance the words "shellfish", "clams", and "intertidal shellfish resources" mean soft shell clams (Mya arenaria) and quahogs (Mercenaria mercenaria). [6-17]

d. Municipality: Refers to the Town of Wiscasset, Maine.

e. Conservation Work: The following activities constitute conservation work: Seeding events, group shoreline cleanup, maintenance and/or operations work on upweller, net project activities, overwintering cage work, seed clam harvesting, attending shellfish committee meetings, and any other activity so designated by the chairman of the shellfish committee or his designee. [6-08]

6.5 Licensing: A Municipal Shellfish Digging License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this ordinance.

A Commercial Digger must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources.

6.5.1 Designation, Scope and Qualifications:

a. Resident Commercial Shellfish License: The license is available to residents of the Town of Wiscasset and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.

b. Nonresident Commercial Shellfish License: The license is available to nonresidents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.

c. Residential Recreational Shellfish License: The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family.

d. Nonresident Recreational Shellfish License: The license is available to nonresidents of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family. [9-99]

e. License must be signed: The licensee must sign the license to make it valid. [9-99]

6.5.2 Application Procedure: Any person may apply to the Town Clerk for the licenses required by this ordinance on forms provided by the municipality.

a. Contents of Application: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature, proof that the applicant has completed his or her annual twelve (12) hours of conservation work, as verified by the designee of the shellfish committee, and whatever information the municipality may require. [6-08, 6-13]

b. Conservation Time: Commercial Shellfish License applicants shall complete conservation time by May 15 of each year. The conservation period starts May 16 and runs until May 15 of the following year. [6-11]

c. Misrepresentation: Any person who gives false information on a license application will cause said license to become invalid and void.

6.5.3 Fees: The fees for the licenses shall be set by the Board of Selectmen and must accompany in full the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer except for $l.00 each license which will be retained by the clerk as payment for issuing the license. Fees received for shellfish licensing shall be used by the town for shellfish management, conservation and enforcement. [9-99, 3-00, 11-2017]

Resident and Nonresident Commercial shellfish diggers will not be allowed to buy recreational licenses.

6.5.4 Limitation of Diggers: Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the town. It is essential that the town carefully husband its shellfish resources. Following the annual review of the town's clam resources, its size distribution, abundance and the warden's reports, as required by Section 3, the Shellfish Conservation Committee in consultation with the DMR area biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.

a. Prior to May 1, the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence under 12 MRSA Section 6671(3). [9-99]

b. After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to May 15, the Shellfish

Conservation Committee shall notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.

c. Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.

d. The Town Clerk shall issue commercial licenses as allocated to those applicants who have met the requirements of obtaining a commercial shellfish license. The sale of both resident and nonresident licenses will be held at the Town Office on the first business day after June 1st, except that commercial license holders who have purchased their licenses before September 1st of the previous year and who have completed twelve (12) hours of conservation work under the supervision of the designee of the shellfish committee may purchase a shellfish license during the first two (2) business days preceding the regular sale date. All commercial license holders who have purchased their licenses before September 1st of the previous year and have completed twelve (12) hours of conservation work shall purchase their licenses within fourteen (14) business days following June 1st. Any license not purchased in that time period shall be made available to applicants as allocated, who have completed the application procedure, by lottery drawing. Licenses remaining unsold by September 1st will be issued to residents and nonresidents, who have completed the application procedure, by lottery drawing. [9-99, 6-08, 6-13]

e. Licenses may be returned to the town voluntarily, and reissued to another person at the current fee according to the priorities established in this section. Said license will be entered into a lottery drawing for reissue. [9-96]

f. Licenses may not be transferred from one individual to another. [9-96, 6-08]

g. <u>Open License Sales</u>: When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year:

1. Notice of the dates, places, times and the procedures for the license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general industry circulation, which the municipal officers consider effective in reaching persons affected, not less than

ten days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the Commissioner of Marine Resources.

2. For each commercial license category, the Town Clerk shall issue one license to nonresidents when six licenses are issued to residents and one more to nonresidents when four more are issued to residents; thereafter, one nonresident license will be issued for every ten additional resident licenses issued. For each recreational license category, the Town Clerk shall issue one license to a resident and one to a nonresident; thereafter, one nonresident license will be issued for every ten additional resident licenses sold. [9-99]

6.5.5 License Expiration Date: Each license issued under authority of this ordinance expires at midnight on 31st day of May next following date of issuance.

6.5.6 Reciprocal Harvesting Privileges: Licensees from any other municipality cooperating with this municipality on a joint clam management program may harvest clams according to the terms of their licenses.

6.5.7 Fee Waiver: Recreation shellfish license fees will be waived for applicants 65 years or older and 12 years or younger. [9-04]

6.5.8 Suspension: Any shellfish licensee having three convictions for a violation of this ordinance shall have his shellfish license automatically suspended for a period of thirty (30) days.

a. A licensee whose shellfish license has been suspended pursuant to this ordinance may reapply for a license only after the suspension period has expired.

b. The suspension shall be effective from the date of mailing of a Notice of Suspension by the Town Clerk to the Licensee.

c. Any licensee who shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written Request for Hearing with the Town Clerk within thirty (30) days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectmen/Town Council by filing a written Request for Appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.

6.6 Opening and Closing of Flats: The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources area biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on findings of fact.

6.6.1 It shall be unlawful for any person to harvest, take, or possess shellfish from any areas closed by the Town of Wiscasset in accordance to DMR Regulation chapter 7, Harvesting Shellfish in Closed Area. [06-17]

6.7 Minimum Legal Size of Soft Shell Clams: It is unlawful for any person to possess soft shell clams within the Town of Wiscasset, County of Lincoln, which are less than two inches in the longest diameter except as provided by Subsection B of this section.

6.7.1 Definitions:

a. Lot: The word "lot" as used in this ordinance means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.

b. Possess: For the purpose of this section, “possess" means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clamshell stock.

6.7.2 Tolerance: Any person may possess soft shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

6.8 Possession of License [3-00]

6.8.1 Exhibit on Demand. When any person is engaged in an activity, which is licensed under this ordinance, he/she shall, on the request of a Law Enforcement Officer, or other authorized person, exhibit his/her license.

6.8.2 Prima Facie Evidence. A failure to exhibit a license within a reasonable amount of time, when requested, shall be prima facie evidence that the person is not licensed.

6.9 Consent to inspection [3-00]

6.9.1 Violation: Any person who signs an application for a license or receives a license under this ordinance has a duty to submit to inspection and search for violations related to the licensed activities by a Law Enforcement Officer under the following conditions:

a. Watercraft or vehicles and the equipment located on watercraft or vehicle which are used primarily in a trade or business requiring a license under this ordinance may be searched or inspected at any time.

6.9.2 Seizure of Evidence: Any person who signs an application for a license or receives a license under this ordinance has a duty to permit seizure of evidence of a violation of this ordinance found during an inspection or search.

6.9.3 Refusal: Refusal to permit inspection or seizure shall be a violation of this ordinance.

6.10 Stopping for Inspection; Penalty [3-00]

It shall be unlawful for any person:

6.10.1 To fail or refuse to stop immediately upon request or signal of a Law Enforcement Officer in uniform.

6.10.2 After he/she has so stopped, to fail to remain stopped until the officer reaches his/her immediate vicinity and makes known to that person the reason for the request or signal.

6.10.3 To fail or refuse to stand by immediately for inspection on the request of a Law Enforcement Officer in uniform.

6.10.4 Who has been requested or signaled to stop by a Law Enforcement Officer in uniform to throw or dump into any water any marine organism, or any pail, bag, barrel or other container of any type or the contents thereof, before the officer has inspected the same.

6.11 Penalty: A person who violates this ordinance shall be punished as provided by 12 MRSA Section 6671 (10). [3-00]

6.12 Effective Date: This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption. [3-00]

6.13: Period of Ordinance: This ordinance shall remain in effect until repealed or amended by vote of the legislative body. [3-00, 3-03]

Note: Previously Shellfish Conservation Ordinances could be adopted for a maximum period of three years. This requirement has been repealed.

6.14 Separability: If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance. [3-00]

6.15 Repeal: Any ordinance regulating the harvesting or conservation of shellfish in the town and any provisions of any other town ordinance, which is inconsistent with this ordinance, is hereby repealed. [3-00]

7. RECREATIONAL VEHICLES [3-00]

7.1 No recreational vehicle (RV) shall be used as a dwelling unit in the Town of Wiscasset unless it is situated in a State-approved campground or RV park. However, RVs may stay temporarily on private property under the following conditions:

7.1.1 The RV is not on a public way or in a public parking area.

7.1.2 The location of the RV has safe access to and from a public way.

7.1.3 The RV complies with State of Maine regulations regarding sanitary wastes and sewage disposal.

8. AUTOMOBILE JUNKYARDS, AUTOMOBILE GRAVEYARDS, AND AUTOMOBILE RECYCLING BUSINESSES [9-00]

8.1 Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards, automobile junkyards and automobile recycling businesses do not have a deleterious impact on the public health, safety, and general welfare.

8.2 Authority

This ordinance is enacted pursuant to 30-A MRSA 3001 et seq. and 3751 et seq.

8.3 Applicability

This ordinance shall apply to all automobile graveyards, automobile junkyards and automobile recycling business as defined in 30-A MRSA 3752. (See Glossary)

8.4 Permit Required

No person may establish, operate or maintain an automobile graveyard, automobile junkyard or automobile recycling business without first obtaining a nontransferable permit from the Selectmen.

8.5 Administration

8.5.1 This ordinance shall be administered by the Board of Selectmen. No automobile graveyard, automobile junkyard or automobile recycling business permit shall be issued unless all of the provisions of this ordinance are met.

8.5.2 Upon receipt of an application, the Selectmen shall hold a hearing in accordance with 30-A MRSA 3754.

8.5.3 Permits shall be renewed annually to remain valid. Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The Selectmen shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

8.5.4 A nonrefundable fee of $100 shall be submitted with the permit application.

8.6. Submission Requirements

Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:

8.6.1 The property owner's name and address and the name and address of the person or entity that will operate the site.

8.6.2 A site plan drawn to scale not to exceed 1"=100', on which is shown:

8.6.2.1 The boundary lines of the property

8.6.2.2 The soils

8.6.2.3 The location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist

8.6.2.4 The location of any residences or schools within 500 feet of the area where vehicles will be placed

8.6.2.5 The location of any bodies of water on the property or within 200 feet of the property lines

8.6.2.6 The boundaries of the 100-year flood plain

8.6.2.7 The location of all roads within 1000 feet of the site

8.6.2.8 A plan for containment of fluids, containment and disposal of batteries; and storage or disposal of tires; and

8.6.2.9 The location within the property boundary lines where vehicles are drained, dismantled or stored.

8.7 Performance Standards

The following performance standards are required of all automobile graveyards, automobile junkyards and automobile recycling businesses, whether new or existing:

8.7.1 The site must be enclosed by a visual screen at least 6 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A MRSA 3759. It shall be the responsibility of the owner of the property to see that such screening is provided.

8.7.2 No vehicle shall be stored within 100 feet of any water body or inland wetland or pond or stream or any private well, excluding only a private well that serves only the premises and/or the owner's or operator's abutting residence.

8.7.3 No vehicle shall be stored within 500 feet of any school, church or public playground or public park.

8.7.4 No vehicles shall be stored over a sand and gravel aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

8.7.5 No vehicles shall be stored within the 100-year flood plain.

8.7.6 When a vehicle is dismantled all fluids shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground, or into any body of water, storm water drain or wetland.

8.7.7 No vehicle shall be located closer than 30 feet from any lot line.

8.7.8 All dismantling of motor vehicles shall take place only between the hours of 7 a.m. and 6 p.m. Mondays through Saturdays.

8.7.9 No automobile graveyard, automobile junkyard, or automobile recycling business shall be started after the adoption of this ordinance on less than 2 acres of land, if standing alone, or three acres of land if including a residence, in all districts.

8.8 Enforcement

This ordinance shall be enforced by the Selectmen or their authorized agents in accordance with state law. Any violation of this ordinance shall be subject to a fine of $50 (Fifty Dollars) per day for a period not to exceed 30 days from official notice. If the violation is not remedied within that time, the permit shall become void, and the automobile graveyard, junkyard or automobile recycling business shall be terminated. All costs incurred in the clearing of the site shall be borne by the owner of the property. Any costs for remedying environmental pollution shall be borne by the owner of the property.

8.9 Effective Date

This ordinance shall become effective on the date of adoption and may be amended by vote of the legislative body.

8.10 Exemption

All holders of valid Automobile Graveyard and/or Junkyard permits as of the effective date of adoption of this ordinance are exempt from the requirements of this ordinance.

8.11 Severability and Conflict

In the event that any provision of this ordinance is ruled to be invalid by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State statute, the State statute shall govern.

9. GENERAL ASSISTANCE [6-07]

The Town of Wiscasset administers a general assistance program. The Town of Wiscasset Board of Selectmen, after notice and public hearing, shall annually vote on the Appendices annually received from the Department of Health and Human Services. A copy of the General Assistance Ordinance and Appendices is available at the town office. This Ordinance and Appendices are also filed with the Department of Health and Human Services in compliance with Title 22 M.R.S.A. § 4305(4).

10. SMALL WIND ENERGY CONVERSION SYSTEMS [6-07]

10.1 Purpose and Intent

The purpose of this ordinance is to provide standards for small wind energy conversion systems that are used to produce electrical power for on-site consumption. The intent of this section is to encourage the development of small wind energy systems and to protect the public health, safety and welfare.

10.2 Authority

The Wiscasset Planning Board is vested with the authority to review and approve, conditionally approve or reject any application for Small Wind Energy Conversion Systems.

10.3 Applicability

The requirements of this Ordinance shall apply to all Small Wind Energy Conversion Systems proposed, operated, modified, or constructed after the adopted date of this Ordinance.

10.4 Conflict

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule, regulation, statute, or other provision of the law except as specifically provided in this ordinance. If any provision in this ordinance imposes restrictions different from any other ordinance, rule, regulation, statute, or other provision of the law, the provision that is more restrictive or imposes higher standards shall control.

10.5 Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

10.6 Definitions

(a) Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for approval under this ordinance

(b) Habitable Building: Places likely to be occupied on a continuous basis. This includes, but is not limited to, dwellings, commercial businesses, places of worship, nursing homes, schools or other places used for education, day-care centers, motels, hotels, or correctional institutions.

(c) Line of Sight: The direct view of the object from selected places of concern.

(d) Negative Visual Impact: A change in the appearance of the landscape as a result of a Small Wind Energy Conversion System development that is both excessively out-of-character with a significant designated resource and which significantly diminishes the scenic value of the significant designated resource. Mere visibility, even startling visibility of a Small Wind Energy Conversion System, does not of itself constitute a negative visual impact.

(e) Significant Designated Resources: A specific location, view, or corridor, identified as a scenic resource in the adopted Wiscasset Comprehensive Plan or by a state or federal agency.

(f) Site: The parcel(s) of land where a Small Wind Energy Conversion System is to be placed. The site can be publicly or privately owned and may include several or more adjacent lots. Where the site is comprised of several adjacent lots the combined lots shall be considered one for the purpose of applying setback requirements and the maximum number of permissible Small Wind Energy Conversion Systems.

(g) Small Wind Energy Conversion System: A wind energy conversion system consisting of a wind turbine, a tower, footings, electrical infrastructure, fence and any other associated equipment or structures, which has a rated capacity of not more than 100 kilowatts and which is intended to produce electrical power for on-site consumption.

(h) Total Height: The vertical distance measured from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the Small Wind Energy System tower to the highest point of the wind turbine blade when the tip is at its full vertical position.

(i) Viewshed Map: A map that shows the geographic area from which a Small Wind Energy Conversion System may be seen.

(j) Wind Energy Conversion System: All Small Wind Energy Systems, related transformers, electrical conductors, substations, and connection points to transmission or distribution lines.

(k) Windmill: A wind-driven machine that does not produce electricity.

10.7 Applications. Small Wind Energy Conversion System applications shall include the following (Please note: the items below are in addition to applicable Site Plan Review Application items and shall be completed on a separate application):

10.7.1 Name, address, telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.

10.7.2 Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner confirming that the property owner is familiar with the proposed application and authorizing its submission.

10.7.3 Address of each proposed Small Wind Energy Conversion System's location, including Tax Map and Lot numbers.

10.7.4 A description of the project, including the number and maximum rated capacity of each Small Wind Energy Conversion System.

10.7.5 In addition to the Site Plan Review Ordinance requirements (Article VIII, Section 4.3), a Small Wind Energy Conversion System Site Plan shall show the planned location of each Small Wind Energy Conversion System, property lines, setback lines, fencing, access roads and turnout locations, substations(s), electrical cabling from the system to the substation, accessory equipment, buildings and structures, right-of-way boundaries, railroads, and the layout of all structures within the Small Wind Energy Conversion System setback area.

10.7.6 A scaled representation of the Small Wind Energy Conversion System showing the total height. One drawing may be submitted for each system of the same type and total height.

10.7.7 Evidence the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.

10.7.8 A visual analysis of the Small Wind Energy Conversion System(s) as installed, which may include a computerized photographic simulation demonstrating the visual impacts from nearby strategic vantage points.

The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the site that is intended to lessen the system's visual prominence.

10.7.9 Written evidence that the electrical utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electrical generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.

10.7.10 Sufficient evidence, including plans and documentation that the Small Wind Energy Conversion System(s) successfully complies with Zone Restrictions (9.8), Dimensional Requirements (9.9) and Development Standards (9.10) as stated below.

10.7.11 List of property owners, with their mailing address, within 200 feet of the boundaries of the proposed site.

10.8 Zone Restrictions

Small Wind Energy Conversion Systems are permitted only in the Rural Zoning District.

10.9 Dimensional Requirements

10.9.1 Minimum Site Area. The minimum site area for a single Small Wind Energy Conversion System shall be 1 acre. No more than 3 Small Wind Energy Conversion Systems are permissible per site.

10.9.2 Setbacks. All Small Wind Energy Conversion Systems shall be setback a minimum horizontal distance of 1.1 times the total height of the system from property lines, roads, easements, and habitable buildings. New habitable buildings shall not be constructed within the setback area after a Small Wind Energy Conversion System is constructed and operating.

10.9.3 Height. The Total Height of a Small Wind Energy Conversion System shall not exceed 140 feet. The allowed height shall be reduced if necessary to comply with Federal Aviation Administration Requirements.

10.10 Development Standards. All Small Wind Conversion Systems shall comply with the following standards. Additionally, such systems shall also comply with other applicable Wiscasset Ordinances including Site Plan Review.

10.10.1 Small Wind Energy Conversion Systems shall be used to produce electrical power for on-site consumption.

10.10.2 The maximum power output for each Small Wind Energy Conversion System shall be 100 kilowatts.

10.10.3The system's tower and blades shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruption.

10.10.4 The system shall be designed and located in such a manner to minimize negative visual impacts on significant designated resources. The application shall include a visual impact analysis of the Small Wind Energy Conversion System(s) as installed, which shall include, at a minimum, a photographic simulation, viewshed map, any visual screening incorporated into the development that is intended to lessen the system's visual prominence, the color treatment of the system's components, and an inventory documenting significant designated resources located within the line of sight of the development.

10.10.5 Exterior lighting on any tower or turbine associated with the Small Wind Energy Conversion System shall not be allowed except that which is specifically required by the Federal Aviation Administration.

10.10.6 All on-site electrical wires associated with the systems shall be installed underground except for "tie-ins" to a public utility company transmission poles, towers and lines. This standard may be modified by the Planning Board if the project terrain is determined to be unsuitable due to reasons of the need for excessive grading or similar factors.

10.10.7 The system shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.

10.10.8At least two signs shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery.

10.10.9 Towers shall be constructed to provide either one of the following means of access control or another appropriate method of access control as approved by the Planning Board:

(a) Tower climbing apparatus located no closer than twelve (12) feet from the ground.

(b) A locked anti-climb device installed on the tower.

(c) A locked, protective fence at least six feet in height that encloses the tower.

10.10.10 Anchor points for any guy wires for a system tower shall be located within the site and not on or across any above-ground electrical transmission lines. The point of attachment for the guy wires shall be enclosed by a fence or sheathed in bright orange or yellow covering from three to eight feet above the ground.

10.10.11 Construction of on-site access roads shall be minimized.

10.10.12 All Small Wind Energy Conversion Systems shall comply with applicable Federal Aviation Administration (FAA) rules and regulations. The applicant shall present proof of compliance with FAA rules and regulations prior to the Planning Board's final decision.

10.10.13 No Small Wind Energy Conversion System shall be installed or operated in a manner that causes interference with the operation of any aviation facility.

10.10.14 The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

10.10.15 The system shall be operated such that no disruptive electromagnetic interference is caused to off-site telecommunications, surveillance or other similar systems. If it has been demonstrated that a system is causing such disruptive interference, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.

10.10.16 Except during short-term events including utility outages and severe wind storms, the audible noise due to wind turbine operations shall not be created which causes the noise level at the property boundary line of the proposed site to exceed fifty (50) dBA for more than five (5) minutes out of any one hour time period or to exceed fifty-five (55) dBA for any time period. Certification shall be provided before construction demonstrating compliance with this requirement.

10.11 Abandonment of Use

A Small Wind Energy System which is not used for eighteen (18) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

10.12 Waivers or Modifications

10.12.1 Small Wind Energy Conversion System Ordinance Waivers or Modifications. The Planning Board may, after a public hearing, grant a waiver or modification from the strict application of the provisions of this ordinance if, in the opinion of the Planning Board, the grant of the waiver or modification is in the best interests of the Town of Wiscasset. The Planning Board may consider as reasonable factors in evaluating the request, which may include, the impact of the waiver or modification on the neighborhood, including the potential detriment to nearby properties; the benefit to the applicant; feasible alternative; the scope of the request; the lack of adverse effect on the general health, safety and welfare of the town. The applicant shall have the burden of proof.

10.12.2 Site Plan Review (Article VIII) Waivers or Modifications. The Planning Board may waive or modify any Site Plan Review requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable or would be an unnecessary burden upon the applicant and would not adversely affect the abutting landowners or the general health, safety and welfare of the public.

11. STREET NAMING AND ADDRESSING [6-10]

11.1 Purpose

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, emergency medical services personnel, and postal delivery in the Town of Wiscasset.

11.2 Authority

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A, M.R.S.A., Section 3001.

11.3 Administration

This ordinance shall be administered by the Wiscasset Board of Selectmen with advisement from the addressing officer. The addressing officer is authorized to recommend the assignment of road names and numbers to all properties in accordance with subsections 11.4, 11.5 and as outlined within the most recent edition of the Enhanced 9-1-1 Addressing Office Manual. The addressing officer shall also be responsible for maintaining the following official records of the ordinance:

A. A Town of Wiscasset Enhanced 9-1-1 Maintenance Map Book showing road names and numbers.

B. A data base of all property owners as identified by current assessment records, by last name, showing the assigned numbers.

C. A data base of all roads with property owners listed in order of their assigned numbers.

11.4 Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. For the purposes of this ordinance, a "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Wiscasset shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

A. No new roads shall be given the same name as existing roads (e.g., Pine Road and Pine Lane).

B. No new roads shall have similar sounding names as existing roads (e.g. Beech Street and Peach Street).

C. Each new road shall have the same name throughout its entire length.

D. New road signs shall be purchased and installed by the Town of Wiscasset. Road signs on private roads and drives will be maintained and replaced by the owners thereafter. [6-12]

11.5 Numbering System.

Numbers shall be assigned along both sides of the road at locations determined by the addressing officer. The addressing officer shall assign numbers to new properties at the time of subdivision approval, building permits or certificate of occupancies. The following criteria shall govern the numbering system:

A. Property address numbers shall be whole numbers and shall not have fractions (e.g., 45½ Brown Street).

B. The addressing officer shall keep records of all numbers assigned under this ordinance.

C. Upon assigning a number to any property, the addressing officer shall send written notice of the assigned number to the owner, occupant or person in charge of the property.

D. Where a structure contains more than one dwelling or business, the addressing officer shall determine whether each dwelling or business shall be assigned its own road number or whether, because of the quantity or configuration of the dwellings or places of business within the business, only one road number should be assigned to the structure.

11.6 Posting of Road Address

All owners of structures shall, within 30 days after receipt of written notice from the addressing officer or on the effective date of this ordinance, display and maintain in a conspicuous place and legible from the road, the assigned number in the following manner:

A. The number must be made of materials which are reflective or which contrast with the background materials so that the number is visible after dark when illuminated by a flashlight from the road.

B. Where one driveway allows shared access to more than one address, a road number sign shall be erected at the road intersection. The sign must clearly represent the range of addresses that can be accessed by this shared driveway and a similar sign must appear at every split or fork of the driveway.

C. Where a dwelling or business is set back out of view from the road and there is no mailbox available to post the address, a road number sign shall be displayed on a post, fence, wall, mailbox, or on some structure in order to clearly display the assigned road address.

D. Where a principal structure contains more than one dwelling or business and each dwelling or business has been assigned a separate road number, the road number shall be displayed at a location that is conspicuous and legible from the road.

E. The owner, occupant or person in charge of each dwelling, business or structure to which a number has been assigned shall maintain such number so it is conspicuous and legible form the road at all times of the year.

11.7 Enforcement

The Wiscasset Code Enforcement Officer shall enforce the provisions of this ordinance. Any individual, person, firm, corporation, partnership or other business entity violating the provisions of this ordinance shall be duly notified by

a written warning stating the action necessary to achieve compliance and a compliance date by which such action must be taken. If the individual, person, firm, corporation, partnership or other business entity to which the notice is addressed does not correct the violation by the compliance date, such person is subject to a fine not less than $10.00 nor more than $50.00. Each day of a continuing violation shall be deemed a separate offense.

11.8 Effective Date

This ordinance shall become effective as of June 9, 2010. The addressing officer shall notify owners of properties existing on or before the effective date of this ordinance which do not have posted road addresses of the requirements of this ordinance. It shall be the duty of each property owner to comply with this ordinance within 30 days following notification.

12. FIREWORKS ORDINANCE

12.1 TITLE AND AUTHORITY

This ordinance shall be known as the "Town of Wiscasset Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A

12.2 DEFINITIONS IN ACCORDANCE WITH 8 M.R.S.A. § 221-A, SUBSECTION 1-A

Consumer Fireworks. "Consumer Fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer Fireworks" does not include the following products:

A. Missile-type rockets, as defined by the State Fire Marshal by rule;

B. Helicopters and aerial spinners, as defined by the state Fire Marshal by rule; and

C. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

Fireworks. "Fireworks" means any:

A. Combustible or explosive composition or substance;

B. Combination of explosive compositions or substances;
C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction;
D. Fireworks containing any explosive or flammable compound; or
E. Tablets or other device containing any explosive substance or flammable compounds.

The term "Fireworks" does not include Consumer Fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

12.3 SALES

12.3.1 The sale of Fireworks is prohibited.

12.3.2 The sale of Consumer Fireworks is permitted in the Rural and Commercial Districts along Route 1 from the Wiscasset/Woolwich town line to the southerly end of Flood Avenue.

12.3.2.1 The sale of Consumer Fireworks shall occur only on a lot that is conforming as to lot size and on which retail sales are allowed under the Wiscasset Zoning Ordinance.
12.3.2.2 The sale of Consumer Fireworks shall comply with all federal state and local laws, ordinances, rules and regulations.

12.3.2.3 The sale of Consumer Fireworks requires a conditional use permit from the Wiscasset Planning Board under Article VIII, Site Plan Review; a business license from the Wiscasset Town Clerk under Article IX, Section 9, of the Ordinances of the Town of Wiscasset; and an annual license from the Board of Selectmen. The application for the annual license shall be on a form provided by the Town and require the payment of an application fee in an amount set by the Selectmen that will offset the Town's processing and inspection costs. A public hearing shall be held for the first annual application and may be held for renewal applications. The Board of Selectmen shall issue a license if they find the applicant:

12.3.2.3.1 has not been convicted of a Class A, B or C crime;

12.3.2.3.2 has not, through the use of Fireworks, Consumer Fireworks or in any other way, created a danger to the general public; and

12.3.2.3.3 has complied with all federal, state and local laws, ordinances, rules and regulations.

12.4 USE PROHIBITED

12.4.1 No person or group of persons shall use, display, fire or cause to be exploded Fireworks, except in a fully permitted fireworks display.

12.4.2 No person shall use, display or cause to be exploded Consumer Fireworks, except in compliance with all federal, state and local laws, ordinances, rules and regulations. The use of Consumer Fireworks requires a permit from the Wiscasset Fire Chief or his or her designee on a form to be provided by the Fire Department. Application for a permit should be submitted at least seven (7) days prior to the discharge or use of the Consumer Fireworks. A permit must be obtained prior to discharge or use of the Consumer Fireworks. This permit at minimum shall include the name and address of the applicant, date of application, date of discharge, hours of discharge, location of discharge, written permission of landowner if location is not on land owned by applicant, plot plan showing area of discharge and signature of applicant. The Fire Chief or his or her designee shall issue a permit if it is found that the use will not create a fire danger, a danger to the persons at the location of the discharge, or a danger to the general public. A copy of the approved application shall be forwarded to the Wiscasset Police Department and Code Enforcement Office. The Selectmen shall establish a fee for the Consumer Fireworks use permit.

12.5 FIREWORKS DISPLAY

A Fireworks display requires a permit from the Maine Commissioner of Public Safety or his or her designee under the provisions of 8 M.R.S.A. §§ 221 – 237, and particularly section 227-A. The Fire Chief, or his or her designee, shall inspect the proposed display site at the time of the inspection conducted by a representative of the Maine Public Safety Department under 8 M.R.S.A. § 227-A(2). A Fireworks display shall comply with all federal, state and local laws, ordinances, rules and regulations.

12.6 CONDITIONS TO USE OR DISPLAY OF CONSUMER FIREWORKS

12.6.1 The Town assumes no liability for injuries that result from the use or display of Fireworks or Consumer Fireworks regardless of the status of a permit.

12.6.2 Consumer Fireworks cannot be used or displayed within 300 feet of any combustible structure or within 50 feet of overhead power lines.

12.6.3 Spectators may be no closer than 100 feet from the discharge point of Consumer Fireworks.

12.6.4 Permits issued for the use or display of Consumer Fireworks shall specifically identify and restrict the date, time, duration, location and direction (if restricted) of the fireworks discharge or display.

12.6.5 Any permit issued for the use or display of Consumer Fireworks may be denied or revoked by the Fire Chief or his or her designee where cause exists that environmental or any other condition should preclude such issuance.

12.6.6 It shall be unlawful for any person or firm to use or display Consumer Fireworks without providing for the cleanup and removal of all debris.

12.6.7 Any person using or displaying Fireworks or Consumer Fireworks must not consume alcohol, be under the influence of alcohol or be otherwise impaired while discharging the fireworks.

12.6.8 Means to extinguish any spot fires resulting from the use or display of Fireworks or Consumer Fireworks must be available. This includes fire extinguishers and garden hoses. Access to 9-1-1 must also be available during the use or display of Fireworks or Consumer Fireworks should an emergency arise.

12.6.9 A permit for Consumer Fireworks will not be issued if the forest fire danger is greater than a Class “3”. A permit is issued for one day; alternative (rain) dates may be listed on the permit.

12.7 CIVIL PENALTIES

Whoever violates any of the provisions of the foregoing Sections shall be subject to a civil penalty of not less than five hundred dollars ($500) per occurrence and not more than twenty-five hundred dollars ($2,500) per occurrence, plus attorney’s fees and costs.

13. ADULT ENTERTAINMENT ESTABLISHMENT ORDINANCE

13.1. PURPOSE

It is the purpose of this ordinance to regulate adult entertainment establishments and related activities to promote the health, safety, and general welfare of the citizens of the municipality, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the Town of Wiscasset. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

13.2 LOCATION RESTRICTIONS

Adult entertainment establishments shall be permitted in accordance with Article VI, Zoning, of the Town of Wiscasset Ordinances provided that no nudity of live persons shall be displayed and no live persons in a state of nudity, as defined, shall appear in such establishment, and provided that no alcoholic beverages are allowed on the premises in such establishment, and also provided that:

A. The adult entertainment establishment may not be operated within:

1. 1,500 feet of a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

2. 1,500 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education school, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school;

3. 1,500 feet of a public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas, or other similar public land within the Town which is under the control, operation, or management of the Town park and recreation authorities;

4. 250 feet of the property line of a lot zoned for residential use and devoted to a residential use as defined in the Zoning Ordinance; or

5. 1,500 feet of another adult entertainment establishment.

B. An adult entertainment establishment may not be operated in the same building, structure, or portion thereof, containing another adult entertainment establishment.

C. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment establishment is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, lot containing a residence, or licensed child care facility.

D. For purposes of subsection (C) of this section, the distance between any two adult entertainment establishment uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

13.3 NON-CONFORMING USES; AMORTIZATION.

A. Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a nonconforming use. The non-conforming use will be permitted to continue for a period not to exceed five years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more adult entertainment establishments are within 1,500 feet of one another and otherwise in a permissible location, the adult entertainment establishment that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.

B. An adult entertainment establishment lawfully operating as a conforming use is not rendered a non-conforming use by the location of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed child care facility, public park, or residential use within 1,500 feet of the adult entertainment establishment, provided the rights of the adult entertainment establishment have vested prior to the location of one of the uses or structures listed in this subsection. Vesting shall have occurred if the owner/applicant for the

adult entertainment establishment:

1. exercised due diligence in attempting to comply with the law;

2. demonstrated good faith throughout the proceedings;

3. expended substantial unrecoverable funds in reliance on the Planning Board's approval;

4. The period during which an appeal could have been taken from the approval of the application has expired; and

5. There is insufficient evidence to prove that individual property rights or the public health, safety or welfare would be adversely affected by the project as approved.

13.4 ADDITIONAL REGULATIONS FOR ADULT MOTELS

A. Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this ordinance.

B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise, that is not validly permitted as an adult entertainment establishment, rents or sub rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub rents the same sleeping room again.

C. For purposes of subsection (B) of this section, the terms "rent" or "sub rent" mean the act of permitting a room to be occupied for any form of consideration.

13.5. ADDITIONAL REGULATIONS FOR ESCORT AGENCIES

A. An escort agency shall not employ any person under the age of 18 years.

B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

13.6 ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS

A. A nude model studio shall not employ any person under the age of 18 years.

B. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

13.7 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS AND VIDEOS

A. A person who operates or causes to be operated an adult entertainment establishment, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction, that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. A manager's station may not exceed thirty-two (32) square feet of floor area.

2. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

3. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose, including video viewing booths, and excluding only restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

4. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (3) of this section remains unobstructed at all times. No doors, walls, partitions, curtains, merchandise, display racks, or other object(s) shall obstruct from view of the manager's station any portion of the premises to which patrons have access.

5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candle as measured at the floor level.

6. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

7. No viewing room or booth may be occupied by more than one person at any time.

8. No opening of any kind shall exist between viewing rooms or booths.

9. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booths or rooms, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.

10. The operator of the adult entertainment establishment shall, each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

11. The operator of the adult entertainment establishment shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting

12. The operator of the adult entertainment establishment shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48”) inches of the floor.

13.8 EXTERIOR PORTIONS OF ADULT ENTERTAINMENT ESTABLISHMENTS

A. It shall be unlawful for an owner or operator of an adult entertainment establishment to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.

B. It shall be unlawful for the owner or operator of an adult entertainment establishment to allow the exterior portion of the adult entertainment establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.

C. It shall be unlawful for the owner or operator of an adult entertainment establishment to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to an adult entertainment establishment if the following conditions are met:

1. The establishment is a part of a commercial multi-unit center; and

2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

3. Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of an adult entertainment establishment.

13.9. SIGNAGE

A. All signs shall be in accordance with Article III, Signs, of the Town of Wiscasset Ordinances.

B. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

13.10 PERSONS YOUNGER THAN EIGHTEEN PROHIBITED FROM ENTRY; ATTENDANT REQUIRED.

A. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time the adult entertainment establishment is open for business.

B. It shall be the duty of the operator of each adult entertainment establishment to ensure that an attendant is stationed at each public entrance to the adult entertainment establishment at all times during such adult entertainment establishment's regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the adult entertainment establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

1. a valid operator's, commercial operator's, or chauffeur's driver's license; or

2. a valid personal identification certificate issued by the State of Maine reflecting that such person is eighteen (18) years of age or older.

13.11 HOURS OF OPERATION

No adult entertainment establishment, except for an adult motel, may remain open at any time between the hours of 12:00 A.M. and 10:00 A.M

13.12 EXEMPTIONS

A. It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:

1. by a public school, licensed by the State of Maine, a college, junior college, or university supported entirely or partly by taxation;

2. by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

B. Notwithstanding any other provision in this ordinance, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.

13.13. SEPARABILITY.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

14. ROAD ORDINANCE

14.1 APPLICABILITY

A. New Construction, expansion or lengthening:

(1) These provisions shall apply to the construction, expansion and lengthening of all roads and driveways within the Town of Wiscasset but shall not apply to roads constructed and used for the purpose of forest and natural resource management. Such roads must satisfy the design and construction standards of this ordinance before they may be used for other purposes such as residential development.

(2) A new road may be accepted by the Town of Wiscasset only if it fully satisfies all municipal road design and construction standards in Section 14.3 and, in addition, is proposed and approved for acceptance by the Town Meeting.

(3) A driveway need only meet the requirements of section 14.3.I.

B. Alterations: Alterations and widening shall be consistent with Section 14.3.

14.2. APPLICATION PROCEDURES

An application for the construction, expansion, or lengthening of any road shall be submitted to the Planning Board at least 10 (ten) days prior to a scheduled meeting of the Planning Board. Ten (10) copies of the complete application including maps and drawings and any attachments are required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch

(preferably forty (40) feet to the inch). The application shall also include one 11" x 17" copy of each plan. The application and accompanying materials shall include the following information:

A. Submission Requirements

(1) Names of applicants, owners of land for the location of the proposed road or, in the event of an existing road, the name of the existing road.

(2) A statement of any legal encumbrances on the land for the location of the proposed road.

(3) The anticipated starting and completion dates of each major phase of construction.

(4) A statement indicating the nature and volume of traffic anticipated on an average daily basis.

B. Plans

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

(1) Date, scale and magnetic or true north point.

(2) Intersections of the proposed road with existing roads.

(3) Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.

(4) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. Such structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer.

(5) Complete curve data shall be indicated for all horizontal and vertical curves.

(6) Turning radii at all intersections.

(7) Centerline gradients.

(8) Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting and cable television.

(9) Location, width, typical cross-section, grades and profiles of all proposed roads and sidewalks.

(10) A soil erosion and sedimentation control plan in conformance with the requirements of Article VII.3.B(3)(b)(5).

(11) For roads to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article VII.3.B(2)(b)(24) and Article VII.5.A(15).

(12) For a road which is to remain private a plan setting forth how the road and associated drainage structures are to be maintained. Responsibility for road maintenance may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots which utilize the private road for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Planning Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.

(13) Locations of wetlands, streams, floodplains and shoreland zones.

(14) Proposed turnaround, if applicable.

C. Municipal Review

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

D. Subdivisions

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

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

E. Application Fee

The application to construct, expand, lengthen or improve a road shall be accompanied by a fee as established in the Town Fee Schedule as revised from time to time by the Board of Selectmen and payable by check to the Town of Wiscasset, Maine with a note indicating the specific purpose of the fee. The application shall not be placed on the agenda for a Planning Board meeting until such fee has been paid.

F. Application Review

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

(1) At its first meeting following submission of the application, the Planning Board shall review the application and determine whether it is complete, including receipt of all fees, and hear any request for waivers pursuant to Section 8. If the application is incomplete, the Planning Board shall inform the applicant of the specific additional material needed to complete the application. The Planning Board shall review the additional material at its next regularly scheduled meeting if it is submitted by the close of business on the Monday prior to said meeting and determine whether the application is then complete.

(2) If the application is determined to be complete, the Planning Board shall instruct the applicant to notify abutting property owners by Certified Mail of the pending application. This notice shall indicate the time, date and place of the Planning Board consideration of the application. The Planning Board shall also determine whether to hold a public hearing on the application. If a public hearing is held, it shall take place within thirty (30) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record at a public meeting.

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

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

G. Acceptance of Public Road

Approval by the Planning Board of a proposed public road shall not be deemed to constitute nor be evidence of acceptance by the Town of said road. Acceptance of a road as a Public Road requires an affirmative vote of acceptance by a Town Meeting. A note to this effect shall be on the final plan(s).

14.3 ROAD DESIGN STANDARDS

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

A. Through Traffic

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

B. Location Within Right-of-Way

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

C. Existing Narrow Roads

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

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

D. Two Road Connections

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

E. Road Design Standards

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

Road Design Standards

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

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

F. Grades, Intersections and Sight Distances

(1) Grades of all roads shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.

(2) All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the road design speed.

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

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

(3) Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

(4) Sight distances shall be measured from the driver's seat of a vehicle resting on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of pavement, with the height of the eye 3½ feet, to the top of an object 4½ feet above the pavement. Required sight distances may be reduced upon recommendation of the Road Commissioner if he determines that the reduction will not significantly impact public safety, the sight distance is maximized to the greatest extent possible, and there is no feasible alternative location. In making this determination, the Road Commissioner may consult the Maine Department of Transportation. The Road Commissioner's determination shall be in writing.

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

(5) The Planning Board may require up to 50% greater sight distances when at least 30% of the traffic using the driveway will be vehicles that have a greater length, width or turning radius and/or lesser acceleration capacity than standard passenger vehicles or small trucks. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

(6) Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important intersections. A minimum distance of 200 feet shall be maintained between centerlines of side roads.

(7) The minimum spacing between new roads, and existing intersections shall be 100 feet for un-signalized intersections and 125 feet for signalized intersections.

G. Road Construction Standards

(1) The following are minimum thicknesses after compaction.

Road Materials	**Minimum Requirements**			
	Arterial	Collector	Minor	Private Road
Aggregate Sub-base Course (maximum sized stone 4")	18"	18"	18"	12"
Crushed Aggregate Base Course	4"	3"	3"	3"
Hot Bituminous Pavement				
Total Thickness	3¼"	2½"	2½"	
Surface Course	1½"	1"	1"	
Base Course	1¾"	1½"	1½"	

(2) Bases and Pavements

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

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

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

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

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

(d) Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.

(e) Pavements. Minimum standards for the base layer of pavement shall be the MDOT specification for plant mix grade B. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C.

H. Adequate Access

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

I. Driveways

(1) Driveway openings.

(a) Before construction begins, an approved road entrance permit shall be obtained from the municipal offices. Failure to do so shall result in fines, plus the required permit cost or removal of the driveway and/or cost of upgrading the area to meet the town's ordinances.

(b) Driveways should intersect a public way at an angle of as near to 90° as the site conditions will permit, and in no case shall the entrance be less than 60°. The sight distance standards in Section 3.F(4) shall apply to driveway openings.

(c) Along Route 1 between the Woolwich town line and Bradford Road direct access to Route 1 shall be limited to no more than one accessway per property unless adjacent properties share an accessway in which case a property may have one dedicated access and one shared access to Route 1.

(2) Area of a driveway. Driveways entering or crossing a gravel shoulder of a paved way shall be paved from the edge of the travel lane pavement, crossing the shoulder to a minimum distance of two feet into the driveway beyond (inward of) the shoulder.

(a) Driveway openings into any way shall have a culvert or other approved method necessary to maintain roadside drainage, if appropriate.

(b) No single dwelling shall have a driveway width exceeding 20 feet where it enters a public way.

(c) No commercial structure shall have a driveway width where it enters a public way that exceeds the requirements of Article VIII, Section 9.B(2)(h).

(d) All driveways shall enter a public way at the level of the edge of the traveled way and shall have a minimum negative slope of 6% to the outer edge of the right-of-way, whichever is greater.

(3) Existing rights-of-way. Where an existing right-of-way is less than the required width, new, additional extensions of the right-of-way shall meet the requirements herein.

(4) Culverts. Whenever the Public Works Department or the Board of Selectmen deems it necessary that a culvert be installed at a driveway or road entrance to a public way, the property owner shall, at his/her expense, install an approved culvert under the supervision and direction of the Road Commissioner, after which, and with all other requirements met, such culvert shall be maintained by the town.

(5) Driveway setback from intersections. The minimum setback for driveways is 50 feet for un-signalized intersections and 150 feet for signalized intersections except that at no time will a driveway be located on the radius of the two intersecting roadways.

J. Sidewalks

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

(1) Bituminous Sidewalks. The crushed aggregate base course shall be no less than 6 inches thick. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.

(2) Portland Cement Concrete Sidewalks. The sand base shall be at least 6 inches thick. The Portland cement concrete shall be 4 inches thick and be reinforced with 6-inch square, no. 10 wire mesh.

(3) Brick Sidewalks and Concrete Pavers. Base course shall be a 6” aggregate subbase 4” maximum course gravel. A minimum of 1” pavement and 1” minimum of sand shall be used.

Reconstruction of existing public sidewalks shall be at the Road Commissioner’s discretion.

14.4 ADDITIONAL IMPROVEMENTS AND REQUIREMENTS

A. Erosion Control

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

B. Cleanup

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

C. Road Names, Signs and Lighting

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

14.5 CERTIFICATION OF CONSTRUCTION

As-built plans for proposed public ways shall be submitted to the Board of Selectmen. Upon completion of road construction and prior to a vote by the Board of Selectmen to submit a proposed public way to the legislative body, a written certification signed by a registered professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this ordinance.

14.6 PERFORMANCE GUARANTEES

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

14.7 INSPECTION

A. Notification of Construction: At least 5 days prior to commencing construction or alteration of a road, the applicant shall notify the Code Enforcement Officer in writing of the proposed commencement date of construction. The Town shall cause inspection to be made either by a professional retained by the Town or, at the Town's discretion, by the applicant's engineer, in order to ensure that all municipal specifications and requirements shall be met during construction. If the Town retains a professional to inspect road construction, the applicant shall be assessed a fee to cover the costs of such inspection.

B. Noncompliance with Plan: If it is found upon inspection of the improvements that they are not being or have not been constructed in accordance with approved plans and specifications, the inspector shall so report to the Board of Selectmen and the Planning Board. The Board of Selectmen shall then notify the applicant and, if necessary, the bonding company, and take all necessary

steps to preserve the municipality's rights under the guarantee, security or bond.

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

14.8 WAIVERS

A. Where the Planning Board makes written findings of fact that there are special circumstances, it may waive portions of the submission requirements, the standards, or other requirements, to permit a more practical and economical development provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or this ordinance.

B. Where the Planning Board makes written findings of fact that, due to special circumstances, the provision of certain required improvements is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed road, it may waive or modify the requirement for such improvements, subject to appropriate conditions.

C. In granting waivers to any of these standards, the Planning Board shall require such conditions as will assure the objectives of this ordinance are met.

D. When the Planning Board grants a waiver to any of the standards of this ordinance, the Final Plan shall indicate the waivers granted.

14.9 ENFORCEMENT

A. Notice of violations. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, s/he shall notify by certified mail the person responsible for such violation, indicating the nature of the violation and the state/local regulations regarding fines, and order the action necessary to correct it. S/he shall order discontinuance of the violations of this Ordinance.

B. Legal action. When the above action does not result in the correction or abatement of the violations, the municipal officers may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

C. Fines. Any person being the owner or occupant of or having control or use of any premises, and any contractors, who violate a provision of this Ordinance, shall be guilty of a civil offense, and upon conviction, shall be punished by civil penalty of not more than $2,500 and not less than $100 for each offense (Title 30-A § 4452). Each day that such violation continues after notification shall constitute a separate offense. In the event that the Code Enforcement Officer gives a violator a specific period of time in which to correct such offense, the number of offenses shall be calculated from the date of original notification.

D. Administrative consent agreement. In lieu of court, violations of this Ordinance may be resolved by administrative consent agreement executed by the violator and the Board of Selectmen. An administrative consent agreement shall require that:

1) The violation will be corrected in all respects;
2) The violator admits to the violation; and
3) The violator pays an appropriate monetary penalty of not less than $100 and the Town's attorney's fees, and consultant fees, and costs.

15. DISORDERLY HOUSE [6-17]

15.1. Purpose:

The purpose of this ordinance is to provide adequate controls to ensure that the conduct of property owners and tenants in the Town of Wiscasset does not have a deleterious impact on the public health, safety, and general welfare.

15.2 Authority:

This ordinance is enacted pursuant to 30-A MRSA 3001 et seq.

15.3 Administration

This ordinance shall be administered by the Wiscasset Select Board.

15.4 Definition:

Disorderly House shall mean any dwelling so designated by the Wiscasset Select Board as a result of a number of police responses as designated in Section 15.5 where activities such as loud music, boisterous parties, illegal narcotics use/ sales, fights involving the owner or tenant of the dwelling or their invitees, or the arrest of the owner, tenant(s) or the owner's or tenant(s) co-habitees, guests or invitees for activities in the dwelling that constitute a crime or civil infraction under either state or local law and other similar activities have been found to unreasonably disturb the community, the neighborhood, or an individual.

15.5 Scope

Incident Reports and Notice of Disorderly House:

A. If a dwelling is visited by the police in relation to disorderly conduct as described above, in the violation of state and federal laws, the police department shall, in accordance with Section 15.6.2, send an incident report to the owner within three business days. If a dwelling is visited by the police department multiple times in any 30-day period in relation to conduct described above, the police department shall notify the owner within three business days that a hearing will be held by the Wiscasset Select Board to determine whether the dwelling is a Disorderly House.

B. The hearing notice shall require the owner or the owner's designated agent to appear at the hearing in order to present the owner's position on the incidents. If, after hearing the owner's position, the Select board determines the dwelling is a Disorderly House, the Select board may either enter into a consent agreement with the owner to control the conduct occurring in the Disorderly House, if the owner shows that a reasonable effort is being made to abate the prohibited conduct, or refer the owner of the Disorderly House to the Town Attorney for legal action.

15.6.1 Violations:

The following are violations of this section:

A. Maintaining or permitting a disorderly house
B. Failure to attend the scheduled meeting with the Town of Wiscasset Board of Selectmen.
C. Violation of a consent agreement entered into under Section 15.5 (B)
D. Conduct as described in the definition of Disorderly House if a referral has been made to the Town Attorney under Section 15.5 (B)

Violation of this ordinance shall result in a civil penalty of not less than $100 nor more than $2,500, plus attorney's fees and costs. The Town may also seek injunctive relief.

15.6.2 Incident Table

Units per Dwelling	Visits by Police in any 30-day Period Requiring Incident Report	Visits by Police in any 30-day Period to Designate Disorderly House
5 or Fewer	2	3
6 to 10	3	4
11 or more	4	5

15.7 Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XI - WIRELESS TELECOMMUNICATIONS FACILITY (WTF) ORDINANCE

1. STATEMENT OF PURPOSE

In order to establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities; to encourage the co-location of wireless telecommunications facilities thus helping to minimize adverse visual impacts on the community, and to further the goals and policies of the comprehensive plan, the following Wireless Telecommunications Facilities (WTF) regulations and procedures are adopted pursuant to 30-A M.R.S.A. Sections 3001 and 4312 et seq.

2. APPLICABILITY

This ordinance applies to any construction, expansion and co-location of any WTF except as provided in section 2.1.

2.1 The following are exempt from the provisions of this ordinance:

a. Temporary WTFs erected for emergency communications by public officials.

b. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

c. Parabolic antennas less than seven (7) feet in diameter that are an accessory use of the property.

d. Maintenance, repair or reconstruction of a WTF and related equipment, provided that there is no change in the height or any other dimension of the facility.

e. Temporary WTFs in operation for a maximum period of ninety (90) days and promptly removed.

f. An antenna that is an accessory use to a residential dwelling unit

3. APPLICATION PROCESS

All persons seeking approval of the Planning Board under this ordinance shall meet with the CEO no more than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.

The application must include the following information:

1. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

2. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

3. A USGS 7.5 minute topographic map or maps showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on rooftops, within a five (5) mile radius of the proposed facility. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

4. A site plan including:

    a. a plan prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

    b. a boundary survey performed by a land surveyor licensed by the State of Maine.

5. A scenic assessment, consisting of the following:

    a. elevation drawings of the proposed facility and any other proposed structures showing height above ground level;

    b. landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

    c. photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight,

elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

d. a narrative discussing:

i. the extent to which the proposed facility would be visible from or within a designated scenic resource;

ii. the tree line elevation of vegetation within 100 feet of the facility; and

iii. the distance to the proposed facility from the designated scenic resource's noted viewpoints.

6. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

7. Evidence demonstrating that no existing building site or structure can accommodate the applicant's proposed facility. The evidence may consist of any one or more of the following:

a. evidence that no existing facilities are located within the targeted market coverage area that meet the applicant's engineering requirements;

b. evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost (See 7d) so as to meet the applicant's engineering requirements;

c. evidence that existing facilities do not have sufficient structural strength to support applicant’s proposed antenna and related equipment. Specifically:

i. Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

ii. The applicant’s proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant’s proposed antenna.

iii. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively

d. For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or

adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

e. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access;

8. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places.

9. To encourage co-location, a signed statement binding the owner of the WTF and his or her successors and assigns to:

   a. respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

   b. negotiate in good faith for shared use of the WTF by third parties;

   c. allow shared use of the WTF if an applicant agrees in writing to pay reasonable charges for co-location; (See 7d above)

   d. require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

10. A bond or other form of surety approved by the Planning Board in the amount of 150% of the estimated demolition cost of the tower and the removal of all accessory facilities. Such cost is to be determined by an independent Registered Professional Engineer in the State of Maine. The bond or other financial surety shall be in effect for as long as the tower is in place.

11. Evidence that a notice of the application has been published in a local newspaper of general circulation in the community, at the applicant's expense.

12. The names and mailing addresses of all property owners within five hundred (500) feet of the proposed facility.

4. PLANNING BOARD APPLICATION FEE

An application for Planning Board approval shall include payment of an application fee of $100. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application fee, less all expenses incurred by the Planning Board to review the application, if the application is withdrawn within fifteen (15) days of date of filing,

5. PLANNING BOARD REVIEW FEE

An applicant shall pay all reasonable and customary costs incurred by the Planning Board that are necessary to review the application, if any. The review fee shall be paid in full prior to the start of construction. That portion of the review fee not used shall be returned to the applicant within fifteen (15) days of the Planning Board's decision.

6. NOTICE OF COMPLETE APPLICATION

Ten (10) copies of an application shall be presented to the Planning Board at a regular meeting. Upon receipt of an application, the Planning Board shall provide the applicant with a dated receipt. Within ten (10) working days of receipt of an application the Planning Board shall review the application and determine if the application meets the submission requirements.

If the application is deemed to be complete, the Planning Board shall notify all property owners within five hundred (500) feet by first-class mail, that an application has been accepted. This notice shall contain a brief description of the proposed activity and the name of the applicant, specify the location where a copy of the application is available for inspection, and provide the date, time, and place of the public hearing and the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application, nor for denial of the application.

7. PUBLIC HEARING

A public hearing shall be held within 30 days of the notice of the complete application.

8. PLANNING BOARD APPROVAL

Within ninety (90) days of receiving a complete application for approval under section 5.1 (B), the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based.

9. PLANNING BOARD APPROVAL STANDARDS

An application for approval by the Planning Board under Section 5.1 (B) must meet the following standards:

1. New wireless telecommunications facilities are permitted only in the following districts as designated in the Wiscasset zoning ordinance:
   a. Rural Districts
   b. Route One Business District

2. If an applicant proposes to locate a new WTF or expand an existing facility on municipal property the applicant must show the following:
   a. The proposed location complies with applicable municipal policies and ordinances.
   b. The proposed facility will not interfere with the intended purpose of the property.
   c. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

3. A new WTF and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional WTFs or providers.

4. A new WTF must be no more than 200 feet in height.

5. A new or expanded WTF must be set back one hundred five percent (105%) of its height from all property lines

6. A new WTF and related equipment must be screened with plants from view from abutting properties to the maximum extent practicable. Existing plants and natural landforms on the site shall also be preserved to the maximum extent practicable.

7. A new WTF must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

8. A new WTF must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. Security lighting may be used as long as it is shielded to retain light within the boundaries of the site to the maximum extent practicable.

9. A new WTF must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

10. A new WTF must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

11. A new WTF must have no substantial adverse impact upon designated scenic resources within the Town, as identified either in the comprehensive plan, or by a State or federal agency.

    a. In determining the adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

        i. The extent to which the proposed WTF is visible above the surrounding tree line, from the viewpoint(s) of the impacted designated scenic resource;

ii. the type, number, height, and proximity of existing structures and background features within the same line of sight as the proposed facility;

iii. the amount of vegetative screening:

iv. the distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and

v. the presence of reasonable alternatives that allow the facility to function consistently with its purpose.

12. During construction, repair, or replacement, operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 8 a.m. and 9 p.m. at a WTF is exempt from existing municipal noise standards.

13. The proposed facility will have no substantial adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

10. AMENDMENT TO AN APPROVED APPLICATION

Any changes to an approved application must be approved by the Planning Board in accordance with Section 5.

11. ABANDONMENT

A WTF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within sixty (60) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the owner fails to show that the facility is in active operation the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment have been removed to the satisfaction of the Planning Board.

12. ADMINISTRATION AND ENFORCEMENT

The CEO shall enforce this ordinance. If the CEO finds any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it, such action to be completed within thirty (30) days.

13. PENALTIES

Any person who owns or controls any building or property that violates this ordinance shall be fined a minimum of one hundred (100) dollars and a maximum of twenty-five hundred (2500) dollars. Each day such violation continues after notification by the CEO shall constitute a separate offense.

14. CONFLICT AND SEVERABILITY

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation, or statute, the more restrictive provision shall apply.

The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

15. EFFECTIVE DATE

This ordinance becomes effective on December 17, 2001.

16. DEFINITIONS

The terms used in this ordinance shall have the following meanings:

“Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

“Tower Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. Measurement of tower height shall include antenna, base pad and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Co-location" means the use of a WTF by more than one wireless telecommunications provider.

"Expansion" means the addition of antennas, towers, or other devices to an existing facility.

"FAA" means the Federal Aviation Administration, or its lawful successor.

"FCC' means the Federal Communications Commission or its lawful successor.

"Height" means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory feature usually erected at a height greater than the main roofs of buildings.

"Historic or Archaeological Resources" means resources that are:

a. Listed individually in the National Register of Historic Places or eligible for 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;

d. Individually listed on a local inventory of historic places;

e. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the comprehensive plan which have been listed or are eligible to be listed on the National Register of Historic Places.

"Historic District" means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

"Historic Landmark" means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, State or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places. .

"Line of sight" means the direct view of the object from the designated scenic resource.

"Parabolic Antenna" (also known as a satellite dish antenna) means an antenna, which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

"Principal Use" means the use other than one, which is wholly incidental or accessory to another use on the same premises.

"Public Recreational Facility" means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

"Designated Scenic Resource," means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency, that consists of:

a. a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of

objects, such a downtown skyline or mountain range, resulting in a panoramic view corridor; or

b. lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

"Targeted Market Coverage Area" means the area which is targeted to be served by this proposed telecommunications facility.

"Unreasonable Adverse Impact" means that the proposed project would produce an end result, which is:

a. excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and

b. would significantly diminish the scenic value of the designated scenic resource.

"Viewpoint" means that location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

"WTF" or "Facility" means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

ARTICLE XII - TOWN OF WISCASSET CABLE TELEVISION ORDINANCE

1. Designation of Ordinance

This Ordinance shall be known as the Town of Wiscasset Cable Television Ordinance. It is adopted by the Municipal Officers of the Town of Wiscasset pursuant to 30-A M.R.S.A. §3008, effective August 17, 2004.

2. Definitions

For the purposes of this Ordinance, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and vice versa. The word "shall" is always mandatory and not merely directory.

2.1 "Access" or "Access Cablecasting": Cablecasting on the Cable System's access channels for the following purposes: (i) non-commercial and non-discriminatory use by the public; (ii) carriage of non-commercial educational programs or information; and (iii) non-commercial use for governmental purposes in accordance with the Cable Act.

2.2 "Access Channel(s)": A video channel(s) which the Cable Operator shall make available to the Town of Wiscasset, without charge, for the purpose of transmitting programming by/for members of the public, Town departments, boards and agencies, public schools, educational, institutional, non-profit and similar organizations in accordance with the Cable Act.

2.3 "Affiliate" or "Affiliated Person": An entity that owns or controls is owned or controlled by, or is under common ownership with a Cable Operator.

2.4 "Alphanumeric": Consisting of a combination of letters and numbers, used in reference to keyboards permitting communication in such form and in reference to Channels or Programs transmitting information in such form.

2.5 "Area Outage": An area outage occurs when cable or equipment is damaged, fails or otherwise malfunctions (collectively called malfunctions"), and ten or more Subscribers receiving services from that section of cable or that equipment receive unusable or no service as a result of that malfunction.

2.6 "Basic Service": The minimum service transmitted to all Subscribers which includes, at a minimum, (1) all signals of domestic television

broadcast stations entitled to "must carry" status under FCC rules, (2) any Public, Educational and Governmental programming required by a Franchise Agreement to be carried on the basic tier, and (3) any additional video programming signals added to the basic tier by the Cable Operator in its sole discretion.

2.7 "Broadcast": Over-the-air transmission by a radio or television station.

2.8 "Cable Act": The Cable Communications Policy and Communications Act of 1984, as amended by the Cable Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, and as further amended.

2.9 "Cablecast": Programming (exclusive of broadcast signals) carried on the Cable System.

2.10 Cable Programming Service": Any video programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming, other than (1) video programming carried on the Basic Service tier, and (2) video programming offered on a pay-per-channel or pay-per-program basis.

2.11 "Cable Service": The one-way transmission to Subscribers of video programming or other programming services, together with Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming services.

2.12 "Cable Operator": Any Person or Persons owning, controlling, operating, managing or leasing a Cable System within the Town, pursuant to this Ordinance, and pursuant to any Franchise granted to it by the Town. This term shall include any lawful successor(s) to the interest of such Person or Persons where consent to such successor(s) is approved under the provisions of this Ordinance and under any applicable terms of a Franchise Agreement entered into pursuant to this Ordinance.

2.13 "Cable System": A facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service and other services to Subscribers as defined in the Cable Act.

2.14 "Channel" or "Video Channel": A portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television channel (as defined by the FCC by regulation).

2.15 **"**Completion of Construction**"**: That point when the Cable Operator has provided written documentation to the Grantor that a Cable System serving Wiscasset has been fully upgraded in accordance with any

applicable requirements of this Ordinance and a Franchise Agreement, and service has been made available to Subscribers and potential Subscribers pursuant to the Franchise Agreement.

2.16 **"**Converter**"**: A special tuner or device attached to the Subscriber's television set which expands reception capacity and/or unscrambles coded signals distributed over the Cable System.

2.17 "Downstream Channel": A Channel over which signals travel from the Cable System Headend, or Subheadend to an authorized recipient of programming.

2.18 "Downstream Transmissions**"**: Signals traveling from a Cable System distribution point to an authorized location.

2.19 "Drop" or "Cable Drop**"**: The interconnection between each home or building and the feeder line of the Cable System.

2.20 **"**FCC": The Federal Communications Commission or any successor agency.

2.21 "Grantor": The Town of Wiscasset.

2.22 **"**Feeder Cable": The cable, connected to trunk cable, from which cable television signal service is distributed to Subscribers, as distinguished from trunk cable (which distributes cable television service throughout the Franchise area) and drop cable.

2.23 **"**Franchise Authority": The Board of Selectmen of the Town of Wiscasset.

2.24 "Franchise": The right, privilege and franchise to construct, operate and maintain a Cable System, and appurtenances or parts thereof, in the Streets, roads, alleys, and other Public Ways of the Town.

2.25 "Gross Annual Revenues": Any and all payments made to or compensation received by a Cable Operator from Subscribers, advertisers or other users of the Cable System in connection with the operation of the Cable System to provide Cable Service within the municipality, including but not limited to revenues from Subscribers or users in payment for programs or signals received and/or transmitted, pay and subscription TV, fees paid for pay and/or pay-per-view services, charges for installation, connection, disconnection, reinstatement, downgrade, upgrade and any other similar fees, fees paid for Channels designated for commercial use, advertising revenue less agency fees, all home-shopping service(s) revenues, rentals of Local Origination facilities, rentals of converter boxes,

remote control units and other equipment, revenues from Channel leasing, and any other revenues derived from the provision of Cable Service in Wiscasset. Gross revenues shall not include revenues received from cable modem service except to the extent that, during the term of this Franchise Agreement, federal law is amended, or interpreted by the FCC or a court of competent jurisdiction, to permit local franchise authorities to collect franchise fees on revenues a Cable Operator or its affiliate collects for the provision of cable modem service in Wiscasset, and in the event of a court interpretation, such interpretation is final. In such an event, unless otherwise agreed to by the Town and the Cable Operator in writing, beginning sixty (60) days after the effective date of such amendment or interpretation, Gross Annual Revenues shall include such revenues related to cable modem service. In the event that an Affiliate is responsible for advertising, advertising revenues shall be deemed to be the pro-rata portion of advertising revenues paid to the Cable System by an Affiliate for said Affiliate's use of the Cable System for the carriage of advertising. In computing amounts due to the Town with respect to advertising revenue and other revenue not specifically attributable to residents of Wiscasset, such revenue shall be attributed to the Town on the basis of the number of Cable System Subscribers in Wiscasset as a percentage of the total number of Subscribers served by the Cable System which serves Wiscasset and other communities, using, for Wiscasset Subscribers and total system Subscribers, respectively, the average numbers of Subscribers for the period for which payment is made. Gross revenues shall include those revenues of a Parent, Subsidiary or affiliate of a Cable Operator to the extent such revenues are attributable to the operation of the Cable System to provide Cable Service in Wiscasset. Gross Annual Revenues shall not include security deposits paid to the Cable Operator by Subscribers, refunds and credits or any taxes, other than franchise fees, imposed on the services furnished by the Cable Operator which are imposed on the Subscriber or user by the local or any other governmental unit and collected by the Cable Operator on behalf of that governmental unit.

2.26 **"**Headend": The electronic center through which broadcast and cablecast signals are electronically translated or modified for distribution over the Cable System.

2.27 "Leased Channel" or "Leased Access**"**: A video and/or audio or data Channel which the Cable Operator shall make available pursuant to Section 612 of the Cable Act.

2.28 "Local Origination": Local programming produced by the Cable Operator.

2.29 "Other Programming Service": Services that a Cable Operator may make available to all Subscribers generally.

2.30 **"**Outlet": An interior cable connection that connects a Subscriber or User to the Cable System.

2.31 "Parent": When used in reference to a Cable Operator, any Person holding direct or indirect ownership or control of twenty percent (20%) or more of the rights of control of the Cable Operator; and any Person holding such ownership or control of a Parent to the Cable Operator.

2.32 "Pay Cable" or "Premium Service": Optional additional Program services, provided to Subscribers at a monthly charge in addition to the charge for Basic Service.

2.33 "Pay-Per-View": Programming delivered for a fee or charge to Subscribers on a per-program or time basis, in addition to the charge or fee to Subscribers for Basic Service, or for such other service tier required by applicable law.

2.34 "PEG": The acronym for Public, Educational and Governmental, used in conjunction with Access Channels, support and facilities.

2.35 "Person": Any corporation, partnership, limited partnership, association, trust, organization, other business entity, individual or group of individuals acting in concert.

2.36 "Video Programming": Programming provided by, or generally considered comparable to Programming provided by, a television broadcast station.

2.37 "Signal": Any transmission of electromagnetic or optical energy that carries Cable Services from one location to another.

2.38 "State": The State of Maine.

2.39 "Street" or "Public Way": The surface of, and the space above and below, any public Street, highway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, Public Way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Grantor in the Town which shall entitle the Cable Operator to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. "Street" or "Public Way" shall also mean any easement now or hereafter held by the Grantor within

the Town for the purpose of public travel, or for utility or public service use dedicated for public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Cable Operator to the use thereof for the purposes of installing or transmitting the Cable Operator's Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System. Reference herein to "Public Way" or "Street" shall not be construed to be a representation or guarantee by the Grantor that its property rights are sufficient to permit its use for any purpose, or that the Grantor shall gain or be permitted to exercise any rights to use property in the Town greater than those already possessed by the Town.

2.40 "Subheadend": A signed distribution point for part of the Cable System linked to the Headend by fiber optic cable, coaxial supertrunk or microwave, and also referred to as a "Hub."

2.41 "Subscriber": Any Person or user of the Cable System who lawfully receives Cable Services or other service from the Cable System with the Cable Operator's express permission.

2.42 "Town**":** The Town of Wiscasset organized and existing under the laws of the State of Maine and all territory within its existing and future territorial corporate limits.

2.43 "Two-way Capability": The ability to transmit audio and video signals upstream and downstream on the Cable System.

2.44 "Upstream Channel": A Channel over which signals travel from an authorized location to a Cable System distribution point.

2.45 "Upstream Transmissions": Signals traveling from Subscribers or other originating points on the Cable System to a cable distribution point.

3. Franchise Required.

No Person, firm or corporation shall install, maintain or operate within the Town or any of its Public Ways or Streets or other public areas any equipment or facilities for the operation of a Cable System unless a Franchise Agreement authorizing the use of said Public Ways or Streets or areas has first been obtained pursuant to the provisions of this Ordinance and unless said Franchise Agreement is in full force and effect.

4. Franchise Agreement.

The Municipal Officers of the Town may contract on such terms, conditions and fees as are in the best interest of the Town and its residents with one or more Cable Operators for the operation of a Cable System within the Town, including the granting of non-exclusive Franchise Agreements for the operation thereof.

Prior to issuing a request for proposals to any Cable Operators for Franchise Agreements or renewals, the Town shall hold a public hearing or conduct some other process to determine any special local needs or interests with respect to Cable Service and shall allow for a period of public comment on the request for proposals.

Franchise Agreement applications, including renewal applications, and any submittals in response to a request for proposals or solicitation of bids and related documents, are public records. Upon the filing of such documents, the Town shall provide reasonable notice to the public that such documents are open to public inspection during reasonable hours.

Each Franchise Agreement between the Town and a Cable Operator shall contain but is not limited to, the following provisions:

A statement of the area or areas to be served by the Cable Operator;

(a) A line extension policy;

(b) A provision for renewal, the term of which may not exceed ten (10) years;

(c) Procedures for the investigation and resolution of Subscriber complaints by the Cable Operator;

(d) An agreement to comply with the requirements of 30-A M.R.S.A. §3010 regarding consumer rights and protection and any amendments thereto;

(e) Penalty provisions to enforce and compel compliance with Franchise Agreement provisions;

(f) Any other terms and conditions that are in the best interests of the Town;

(g) A provision for access to, and facilities to make use of, one or more local PEG Access Channels; and

(h) A provision for the assessment of reasonable fees to defray the costs of public notice, advertising and other expenses incurred by the Town in acting upon applications for initial and renewal Franchise Agreements.

5. Town's Retained Rights and Authority

(a) Right to Grant Additional Franchises. Grantor expressly reserves the right to grant other such Franchise Agreements in the Town of Wiscasset on such terms as it deems appropriate and to operate a Town-owned Cable System. No privilege or power of eminent domain is bestowed upon a Cable Operator by the granting of a Franchise.

(b) Exercise of Police Power. All rights and privileges granted in any Franchise Agreement are subject to the police power of the Town to adopt and enforce local laws, ordinances, rules and regulations necessary to the health, safety and general welfare of the public. Expressly reserved to the Town is the right to adopt, in addition to the provisions of any Franchise Agreement, this Ordinance and any other existing laws, ordinances and regulations (collectively "laws"), such additional laws as it may find necessary in the exercise of its police power. Any conflict between the terms of any Franchise Agreement and any present or future exercise of the Town's police and regulatory powers shall be resolved in favor of the latter.

(c) Use of Public Ways. The right to use and occupy the Streets, Public Ways and public places granted in any Franchise Agreement shall not be exclusive, and the Town reserves the right to grant similar or other uses of the said Streets, Public Ways and public places to any Persons at any time during the term of any Franchise Agreement.

(d) Conflict With Public Works. The rights and privileges granted to a Cable Operator in any Franchise Agreement shall not be in preference or hindrance to the right of the Town or any other governmental agency, improvement district or other authority having jurisdiction, to perform or carry on any public works or public improvement. Should a Cable Operator's Cable System in any way interfere with the construction, maintenance or repair of such public works or improvements, the Cable Operator shall, at its own expense, protect or relocate its Cable System or part thereof, as directed by the Town or other authority having jurisdiction.

(e) Removal and Relocation. The Town shall have the power at any time to order and require a Cable Operator to remove or relocate any pole, wire, cable or other structure machinery or equipment located within a public way that is dangerous to life or property. In the event that a Cable Operator, after notice, fails or refuses to act within a reasonable time, the Town shall have the power to remove or relocate the same at the sole cost and expense of the Cable Operator.

6. Bonds, Indemnifications and Insurance

(a) Performance Bond to Town. Concurrent with the award of a Franchise to it, a Cable Operator shall file with the Town Clerk and shall thereafter annually during the entire term of such Franchise maintain in full force and effect at its own cost and expense a performance bond in the amount of at least $100,000 to guarantee the faithful performance by the Cable Operator of all of its obligations under its Franchise Agreement. Upon completion of any required construction or rebuild of the Cable System required by the terms of this Ordinance or the applicable Franchise Agreement, the performance bond shall be reduced to fifty thousand dollars ($50,000) for the remainder of the term of the Franchise Agreement. The Town agrees to execute such documents as are necessary for said reduction of the Performance Bond. The bond or fund shall be so conditioned that in the event that the Cable Operator shall fail to comply with any one or more material provisions of this Ordinance or of such Franchise Agreement and subsequent to any notice and opportunity to cure provision of this Ordinance or the Franchise Agreement, then the Town may recover from the surety any penalties assessed in accordance with Section 10 of this Ordinance and any damages or costs suffered or incurred by the Town as a consequence of such breach. Said conditions shall be a continuing obligation during the entire term of the Franchise Agreement. Not less than thirty (30) days' prior notice to the Town shall be provided of the Cable Operator's or the surety's intention to cancel, materially change, or not to renew the performance bond or security fund. In the event that the Town recovers against any portion of the performance bond, the Cable Operator shall be required to replenish the original bond in an amount equal to the amount recovered by the Town within 30 days. Failure to post an additional bond on a timely basis shall constitute a violation of a material provision of this Franchise Agreement.

(b) Hold Harmless Agreement. Any Franchise Agreement shall include provisions whereby the Cable Operator agrees to defend, indemnify and hold harmless the Town and its agents from claims and liabilities arising out of the Cable Operator's construction, ownership, operation, maintenance, repair and control of the Cable System.

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(c) Insurance. Cable Operator shall maintain during the full term of this Franchise Agreement such insurance as will protect it and Grantor from any claims which may arise directly or indirectly or result from Cable Operator's ownership, construction, repair, operation or maintenance of Cable Operator's cable system serving Wiscasset, whether such activities are performed by Cable Operator, or by anyone for whose acts Cable Operator may be liable, under the following policies:

(1) Workers' Compensation and any other legally required employee benefits, shall be supplied in such amounts as required by law;

(2) Property insurance, all risk, replacement cost basis, on all insurable Cable Operator assets in the Town;

(3) General Liability insurance shall be supplied in the following amount: combined single limit for bodily injury, personal injury, death or property damage in the amount of at least $3,000,000 per occurrence (which may be supplied by a combination of primary and excess policy limits).

(d) Non-waiver. Neither the provisions of this Section, nor any bonds accepted by the Town pursuant hereto, nor any damage recovered by the Town thereunder, shall be construed to excuse unfaithful performance by the Cable Operator or limit the liability of the Cable Operator under this Ordinance or the Franchise Agreement for damages, either to the full amount of the bond or otherwise.

7. Application

(a) Any application for a cable television Franchise Agreement in the Town must contain the following information, except that in the case of a renewal Franchise Agreement, only the information listed under this Section 7(a)(1) through (2)(A), 2(B) and 2(C) shall be required:

(1) The name, address, and telephone, number of the applicant.

(2) The most recent 10-Q or 10-K of the Cable Operator or its ultimate parent company as filed with the Securities and Exchange Commission. In the event the Cable Operator does not, at the time of application, file 10-Q or 10-K filings with the Securities and Exchange Commission, it shall instead file with the Town the following: A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following and to whatever extent required by the Town:

A. The names and business addresses of all officers and directors of the applicant.

B. The names and business addresses of all officers, Persons and entities having, controlling, or being entitled to have or control 15% or more of the ownership of the applicant and each Parent, Affiliate or subsidiary of the applicant and the respective ownership share of each such person or entity.

C. The names and addresses of any Parent, Affiliate or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement of the nature of any such Parent, Affiliate or subsidiary business entity, including but not limited to Cable Systems owned or controlled by the applicant, its Parent, Affiliate and subsidiary and the areas served thereby.

D. A detailed description of all previous experience of the applicant in providing Cable Service and in related or similar fields.

E. A detailed and complete financial statement of the applicant, its Parents, Affiliates and its subsidiaries, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the Town's Board of Selectmen, setting forth the basis for a study performed by such lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed Cable System in the Town, or a statement from a certified public accountant certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed Cable System in the Town.

F. A statement identifying, by place and date, any other cable television Franchise(s) awarded to the applicant, its Parent, Affiliate or subsidiary, the status of said Franchise(s) with respect to completion thereof; the total cost of completion or such Cable System(s); and the amount of applicant's and its Parent's, Affiliate's or subsidiary's resources committed to the completion thereof.

(3) In the case of an application for an initial franchise for a new cable system serving Wiscasset, the applicant shall provide a detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

A. A detailed map indicating all areas proposed to be served, and a proposed construction time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served, and the

time of commencement of construction and anticipated operation date.

B. A statement or schedule setting forth all proposed classifications of rates and charges to be made against Subscribers and all rates and charges to be made against Subscribers and all rates and charges as to each of said classifications, including installation charges and service charges and deposit agreement.

C. A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant. In no event shall said operational and performance standards be less than those contained in Title 47 C.F.R. Subpart K (Sections 76.601, et seq.), of the Rules and Regulations of the FCC, as amended in the future, and shall in addition comply with Section 13 herein.

D. A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any Subscriber and between the applicant and any lessee of any Channel, including provisions for reimbursement in the event of interruption of service.

E. A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any Persons, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the contract.

(4) A detailed statement setting forth in its entirety the proposed Cable System design. Such statement shall include proposals concerning system architecture, Channel capacity, Channel uses, access, programming facilities, studio location, point to point service, two-way service, Subscriber privacy, and interconnection.

(5) Such other information as required by the Town at the time of the Franchise application.

(6) No Franchise, including Franchise renewals, will be granted hereunder without notice to the public and a public hearing.

8. Contract Term, Termination and Renewal

a) Term: Any Franchise awarded by the Board of Selectmen under this Ordinance shall be for a term of not more than ten (10) years. Any renewal of a Franchise Agreement shall be upon such terms and conditions as the Board of Selectmen and the Cable Operator may mutually agree upon in accordance with the Cable Act and applicable federal law. Such renewal shall be for a period of not more than ten (10) years from the expiration of the previous Franchise.

b) Termination: The Franchise Authority may revoke or terminate any Franchise awarded pursuant to the provisions of this Ordinance and federal law or may impose reasonable penalties upon 30 days written notice to the Cable Operator, and after hearing in the event that the Cable Operator: (i) Violates any material provision of its Franchise Agreement or any rule, order or determination of the Town made pursuant to the Franchise Agreement or this Ordinance where such violation remains uncured for a period of thirty days or such time as is mutually agreed to following notice to the Cable Operator by the Town that such violation is deemed to exist; (ii) Attempts to evade any material provision of its Franchise Agreement or practices any fraud or deceit upon the Town; or (iii) Fails to provide or maintain in full force and effect the insurance coverages and the performance bond as required by this Ordinance and the terms of the Franchise Agreement.

Any appeal or challenge to a revocation or termination of a Franchise Agreement shall be to the Lincoln County Superior Court or the U.S. District Court for the District of Maine.

c) Public Hearing - New Franchise and/or Renewal. Before authorizing the issuance of any such Franchise Agreement, including renewals, the Board of Selectmen shall review, in accordance with federal law, the applicant's legal, financial and technical qualifications, the proposed agreement's ability to meet current and future cable-related needs and interests of the Town in light of the costs of meeting those needs and interests, and the adequacy and feasibility of the applicant's qualifications to operate a Cable System within the Town, and shall conduct a public hearing thereon with at least seven days advertised notice prior to said public hearing. Such public hearing shall provide a reasonable opportunity for public input on the proposed Franchise Agreement or renewal.

(d) Restriction on Transfer or Change of Control.

(1) Neither this Franchise Agreement, nor any rights or obligations of the Cable Operator in or pursuant to this Franchise Agreement or the Cable System shall be transferred in part or as a whole, by assignment, trust, lease, sublease, and is not to be sold, transferred, leased, assigned, or disposed of in part or as a whole, either by forced sale, merger, consolidation, or otherwise, nor shall title

thereto, either legal or equitable, or any right or interest therein, pass to or vest in any Person, nor shall any change in control of the Cable Operator or the Cable System occur, either by any act of the Cable Operator or by any parent company of the Cable Operator, by operation of law or otherwise, in each such case without the prior consent of the Town, which consent shall not be unreasonably withheld or delayed, and which shall be expressed in writing, subject to reasonable and lawful conditions, including, but not limited to, curing any Franchise non-compliance. Any assignment or transfer without such prior written consent or without "deemed consent" under applicable federal law shall constitute a violation of a material provision of any Franchise Agreement

(2) For purposes of this Section, any sale, assignment or any other disposition of a twenty percent (20%) ownership interest of the Cable Operator or parent company of the Cable Operator to any one Person or group of Persons acting in concert, in one transaction or a series of related transactions, shall be deemed to be a change of control of the Franchisee. The word "control" as used in this section is not limited to major stockholders but includes actual working control in whatever manner exercised.

(3) Neither the Cable Operator nor its parent company shall enter into any third party management contract or any other arrangement for the management of the Cable System, without the prior written consent of the Town, subject to reasonable and lawful conditions, including, but not limited to, curing any Franchise non-compliance.

(4) No consent will be required for a transfer in trust, mortgage or hypothecation to secure an indebtedness, provided that such transaction will not in any respect prevent the Cable Operator or any successor from complying with all of its obligations under its Franchise Agreement, but the exercise of any right to foreclose or seize such pledged assets shall be subject to the provisions of this paragraph. No transfer of control will be deemed to have taken place if the transfer is to an entity under common control with the Cable Operator provided such entity has equal or greater financial resources than the transferor and provided the transfer does not involve a change in the management or day to day operations of the Cable Operator.

(5) The Cable Operator shall promptly notify the Town of any action or proposed action requiring the consent of the Town pursuant to this Section.

(6) The Cable Operator shall submit to the Town an original and three (3) copies of its FCC Form 394 (or such other or successor form used to request consent to any such Transfer or assignment), which form shall fully describe the action or proposed action and clearly state the basis on which the Transfer or assignment should be approved. The Cable Operator shall include with the application complete responses to the informational requests attached to this Ordinance as Exhibit A. The request for approval of Transfer or assignment shall also contain all reasonably appropriate documentation and such additional information as the Town may reasonably require, provided that to the extent the Town requests additional information other than as described in Exhibit A to this Ordinance, the Town shall issue such request to the Cable Operator within 60 days of receipt of the application, and the Cable Operator shall respond to such requests for additional information within 30 days. The Transfer or assignment form shall be signed by the Cable Operator and by the proposed transferee or by its representative, evidence of whose authority shall be submitted with such petition.

(7) The consent of the Town shall be given only after a public hearing, if such a hearing is deemed necessary by either the Town or the transferee, to consider the written request for Transfer. The Town shall complete review of the request for Transfer and make a decision thereto no later than one hundred twenty (120) days after receipt of the request for Transfer. If the Town fails to render a final decision on such request within said 120 days, such request shall be deemed granted unless the requesting party and the Town agree to an extension of time. In the event the Town requests additional information pursuant to Section 8(d)(6) of this Ordinance and the Cable Operator fails to provide responses within thirty (30) days of receipt of such request, the Town's deadline to make a decision on the transfer request, and the date by which such transfer request is deemed granted, shall be thirty (30) days after the Town's receipt of such responses.

(8) For purposes of determining whether it shall consent to any such change of control and ownership, the Town shall inquire into the legal, financial, management and technical qualifications of the prospective controlling or owning Person, and including, but not limited to, such Person's cable-related experience and service record, if any, in other communities, the changes, if any, it intends to make in the operations, maintenance, technology and services of the Cable System serving Wiscasset, any and all matters relative to the ability and likelihood of such Person adhering to all of the

terms and conditions of this Franchise Agreement, and whether the proposed change of control and ownership is in the public interest.

(9) Any proposed controlling or owning Person or transferee approved by the Town shall be subject to all of the terms and conditions contained in the Franchise Agreement, including curing any Franchise non-compliance.

(10) The Cable Operator shall reimburse the Town for its reasonable expenses (including attorney's fees) incurred as a result of the reviewing and acting upon the Cable Operator's request. The Cable Operator's liability for reimbursing the Town shall not exceed Two Thousand and Five Hundred Dollars ($2,500).

9. Fees

a) Franchise Fee. As compensation for the rights and privileges granted by any Franchise awarded pursuant to the provisions of this Ordinance the Cable Operator shall pay to Grantor a franchise fee of up to five percent (5%) of the Cable Operator's Gross Annual Revenues under the Franchise Agreement. The franchise fee may be changed by Grantor subject to the five percent (5%) cap on 90 days notice to the Cable Operator, but not more frequently than once each calendar year.

b) Method of Computation**.** Payments due the Town under the terms of the Ordinance shall be computed quarterly as of March 31, June 30, September 30 and December 31 for the preceding three months and shall be paid on or before the forty-fifth calendar day from each said computation date at the office of the Town Treasurer during regular business hours. The Town shall be furnished a statement with each payment, prepared by a financial representative of the Cable Operator, and verified as correct, reflecting the total amount of Gross Annual Revenues generated by all activities within the Town, and the above charges, deductions and computations, for the three month payment period covered by the payment. The Cable Operator shall prepare and maintain financial information and records in accordance with generally accepted accounting principles and generally accepted auditing standards in the cable television industry. At Grantor's option, the information provided by the Cable Operator shall be subject to audit by an outside firm of certified public accountants selected by Grantor. Any such audit shall be at Grantor's expense except unless such audit shall disclose an underpayment of any franchise fees of more than four percent (4%) payable for the period of the audit, in which event the Cable Operator shall reimburse Grantor for the expense of such audit. Repeated failure to pay the franchise fee on a timely basis is a violation of a material provision of the Franchise Agreement for purposes of the termination provisions of this Ordinance.

Interest shall accrue on any and all overdue franchise fees at the rate of twelve percent (12%) simple interest per annum.

c) Rights of Recomputation. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable as a franchise fee under this Ordinance or for the performance of any other obligation hereunder. However, there shall be an accord and satisfaction with respect to any payment not subject to an audit within thirty-six (36) months following the close of the fiscal year to which such payment relates.

10. Penalties

10.1.Assessment**.** If a Cable Operator fails to observe any obligation under this Ordinance or any Franchise Agreement, Grantor may assess the Cable Operator, and the Cable Operator agrees to pay to Grantor, a monetary penalty in accordance with the Schedule of Penalties set forth in Section 10.8-10.12 below. Such assessment shall not constitute a waiver by Grantor of any other right or remedy it may have under this Ordinance or the Franchise Agreement, or under applicable law, including, without limitation, its right to recover from the Cable Operator such additional damages, losses, costs and expenses as may have been suffered or incurred by Grantor by reason of or arising out of such breach of this Ordinance or the Franchise Agreement; provided, that any penalties collected by Grantor from the Cable Operator pursuant hereto shall be applied against, and reduce accordingly, the amount of any recoveries due Grantor pursuant to this sentence for the failure to perform for which such penalties were assessed.

10.2.Notification. Upon Grantor's assessing a penalty pursuant to Section 10.1 above, notice of such assessment shall be sent to the Cable Operator, with a concise statement of the reasons therefor.

10.3.Hearing. Within ten (10) days after receipt of a notice pursuant to Section 10.2 above, the Cable Operator may request a hearing before the Grantor's Town Manager or his/her designee. Such hearing shall be held within thirty (30) days after receipt of the request therefor. The pendency of a request of hearing shall suspend payment of the penalty until ten (10) days after receipt by the Cable Operator of the decision of the Town Manager or designee confirming the penalty in whole or in part.

10.4.Payment. Except as provided in Section 10.3 above, the Cable Operator shall pay the full amount of any penalty to Grantor within ten (10) days after receipt of a notice pursuant to Section 10.2 above and the cure period has expired.

10.5.Default. Subsequent to the notice and opportunity to cure provision herein, upon failure of the Cable Operator to make timely payment of an assessed penalty, Grantor may recover the amount of any such penalty from the performance bond or security fund pursuant to Section 6(a) above. Failure of the Cable Operator to make timely payment of an assessed penalty is a violation of material provision of the Franchise Agreement.

10.6.Disposition. Amounts received by Grantor as penalties assessed against a Cable Operator may be used by Grantor for any purpose it deems fit.

10.7.Schedule of Penalties. Pursuant to Section 10.1, 10.2 and 10.3 above, the following monetary penalties shall apply, and liability therefor shall accrue from the date of receipt of notice pursuant to Section 10.2 above, and upon failure to cure within the time period specified below, if any opportunity to cure is provided.

10.8.$50.00 Per Day**.** The penalty for the following violations shall be fifty dollars ($50.00) per day until the violation is cured:

(a) Failure to maintain the Cable Operator's required insurance pursuant to Section 6(c) with the penalty beginning 30 days after Cable Operator receives written notification of the violation.

(b) Failure to make timely payment of the franchise fee pursuant to Section 9(b) with the penalty beginning 30 days after Cable Operator receives written notification of the violation.

(c) Violation of the privacy restrictions in Sections 12.7(d) of this Ordinance. This penalty shall be assessed with the penalty beginning 7 days after Cable Operator receives written notification of the violation.

(d) Failure to restore damaged property within the specified period pursuant to Section 11.11 with the penalty beginning 5 days after Cable Operator receives written notification of the violation.

(e) Failure to make and maintain records as required by Section 13.6 with the penalty beginning 30 days after Cable Operator receives written notification of the violation. This penalty shall be assessed for each such record not maintained.

(f) Failure to obtain and maintain the performance bond or security fund pursuant to Section 6(a) with the penalty beginning 30 days after Cable Operator receives written notification of the violation.

(g) Failure to remove, relocate or protect the Cable Operator's system pursuant to Sections 5(d), 5(e) and 11.17 with the penalty beginning 7 days after Cable Operator receives written notification of the violation.

(h) Failure to eliminate objectionable interference pursuant to Section 11.18 with the penalty beginning 14 days after Cable Operator receives written notification of the violation.

(i) Failure to provide reports within the time required by Section 18 assessed for each report not provided with the penalty beginning 14 days after Cable Operator receives written notification of the violation.

10.9 $5.00 Per Affected Subscriber Per Day. The fine for the following violations shall be five dollars ($5.00) per Subscriber affected by the violation per day until the violation is cured.

(a) Failure to respond to a request for repair or adjustment within the time required by Section 13.4. This penalty shall begin 24 hours after the Town notifies the Cable Operator in writing of the violation.

(b) Failure to commence service to a Subscriber within the time required by Section 14.0 beginning 2 days after the Town notifies Cable Operator in writing of the violation.

(c) Failure to pay a refund due a Subscriber upon termination within the time required by Section 15.6. This penalty shall begin 5 days after the Town notifies the Cable Operator in writing of the violation.

(d) Failure to respond to a billing complaint within the time required by Section 16.3. This penalty shall begin 2 days after the Town notifies the Cable Operator in writing of the violation.

(e) Failure to respond to a service complaint within the time required by Section 16.4. This penalty shall begin 2 days after the Town notifies the Cable Operator in writing of the violation.

(f) Failure to pay a rebate or apply a credit for service loss within the time required by Section 13.5. This penalty shall begin 5 days after the Town notifies the Cable Operator in writing of the violation.

10.10. $500.00 Fine. The fine shall be five hundred dollars ($500.00) for the following violations beginning 60 days after the Grantor notifies the Cable Operator in writing of the violation until the violation is cured.

(a) Failure to complete any system rebuild as required by Section 11.1 and the terms of the Franchise Agreement. This penalty shall be assessed per day until compliance is achieved.

(b) Failure to make service available to unserved areas within the time required by the terms of the Franchise Agreement. This penalty shall be assessed per day until compliance is achieved.

(c) Failure to provide access channels, facilities and equipment funding in accordance with terms of the Franchise Agreement. This penalty shall be assessed per day until compliance.

10.11. Violation of Subscriber Privacy. The fine for a violation of Section 12.7(e) is one thousand dollars ($1,000) per occurrence of selling or disclosing subscriber lists, viewing habits or personally identifiable information (and not per day or per affected subscriber).

10.12. Failure to Provide Emergency Override Capabilities. The Cable System shall incorporate emergency audio override capabilities in accordance with FCC Emergency Alert System (EAS) standards and as required by Section 11.3. The fine for a failure of the system to perform as described in the event of a public emergency or vital public information situation, shall be one thousand dollars ($1,000) assessed per occurrence, except to the extent the Cable System is rendered non-functional due to damage caused by factors outside of the Cable Operator's reasonable control.

10.13. Force Majeure**.** The Cable Operator shall not be assessed any penalties for any delay or failure to perform its obligations under the Ordinance if doing so is prevented by Act of God, the inability to secure materials despite the use of all commercially reasonable efforts by the Cable Operator, flood, storm, fire, explosions, strikes, riots, wars whether or not declared, insurrections, epidemics, or any law, rule or act of any court of competent jurisdiction or instrumentality of government or any other occurrence outside of the control of the Cable Operator when using all commercially reasonable efforts.

10.14. Further Recourse. In addition to the foregoing penalties, upon the failure, refusal or neglect of the Cable Operator to cause any work or other act required by law or by this Ordinance or the Franchise Agreement to be properly completed in, on, over or under any Street or Public Way within any time prescribed, Grantor may (but shall not be required to) cause such work or other act to be performed or completed in whole or in part and

upon so doing shall submit to the Cable Operator an itemized statement of the costs thereof. The Cable Operator shall, within thirty days after receipt of such statement, pay to Grantor the entire amount thereof.

11. Construction and Operation of Facilities

11.1 Design. Except as otherwise provided for in the Franchise Agreement, any Cable System serving Wiscasset shall in any event be designed and built for technical quality in conformance with the highest state of the art in the cable television industry for Cable Systems of comparable size. Not later than one year from the effective date of the Franchise Agreement the Cable System shall be designed and built for operation at a minimum of 750 MHz and a minimum eighty (80) video channel capacity, with full bi-directional capability. All downstream and upstream channels shall be activated by such date.

11.2 Emergency Power**.** The Cable System shall incorporate equipment capable of providing standby powering of the Headend and all Subheadends for a minimum of four hours.

11.3 Emergency Override. The Cable System shall incorporate emergency audio override capabilities in accordance with FCC Emergency Alert System (EAS) standards.

11.4 Subscribers' Antennae**.** Notwithstanding a required disconnection of a Subscriber's existing broadcast antennae and downleads to receivers connected to the Cable System, the Cable Operator shall not remove or suggest to the Subscriber the removal of such antennae and downleads. The Cable Operator shall furnish to each Subscriber so requesting, at reasonable cost, an A/B switch permitting the Subscriber to change from cable reception to home antenna reception, and back, at the option of the Subscriber. Installation of such switches at the time of initial installation of service to a Subscriber shall be without charge other than for such purchase cost.

11.5. Switching. The Headend or Subheadend shall have the capability of accepting programming on the upstream channels of the Cable System and simultaneously transmitting such programming on the downstream channels of the Cable System.

11.6. VCR/Cable Compatibility**.** In order that Subscribers to the Cable System have the capability to simultaneously view and tape any channel and set their VCR to record multiple channels remotely, the Cable Operator shall provide to any Subscriber, upon request, an A/B switch, installed at reasonable cost.

11.7 General Construction Requirements. In the construction, reconstruction, maintenance and repair of the Cable System, the Cable Operator shall utilize materials of good and durable quality and shall perform or cause to be performed all work so associated with the system in a safe, thorough and reliable manner.

11.8. Live Programming Origination Points**.** To facilitate live programming within the Town of Wiscasset each Cable Operator shall install Origination Points at the Wiscasset Town Office and such other public buildings and public locations as are designated in the Franchise Agreement.

11.9. Compliance With Regulations. All work, including all working conditions and facilities, associated with the construction, operation, maintenance, repair and removal of the Cable System shall comply with:

(a) All applicable Federal and State laws, rules and regulations;

(b) All applicable laws, codes, ordinances, rules and regulations of Grantor; and

(c) The National Electric Code, National Electrical Safety Code, the National Cable Television Association Standard Code, and the National Safety Code.

11.10. Grantor Rights. Grantor reserves the right to inspect all construction and installation work and to make such tests as it shall deem necessary to ensure compliance with applicable laws, codes, ordinances and regulations and with provisions of this Ordinance and the applicable Franchise Agreement, and may order corrections of any violations.

11.11. Restoration of Damage. The Cable Operator, at its sole expense, shall restore all damage to property, both public and private, caused by the construction, operation, maintenance or repair of the Cable System, so as to return the damaged property to a condition as good as before the damage was done. Such restoration shall be made as soon as practicable after completion of work necessitating the restoration, and shall be done in a manner approved by the owner or tenant in possession. In no event shall such restoration be made later than ten days, weather permitting and subject to force majeure, after the Cable Operator's receipt of notification from the owner of the property so damaged unless otherwise mutually agreed by the Cable Operator and the property owner; provided, that if any such damage involves streets, water-mains, storm or sanitary sewers, or other public facilities, such damage shall be repaired within forty-eight (48) hours or as soon as practicable. If the Cable Operator fails to make such restoration on a timely basis, Grantor may fix a reasonable time for

such restoration and repairs and shall notify the Cable Operator in writing of the restoration and repairs required and the time fixed for performance hereof. Upon failure of the Cable Operator to comply within the specified time period, Grantor may cause proper restoration and repairs to be made and the Cable Operator shall pay the reasonable expense of such work upon demand by Grantor.

11.12. Identification. Each Cable Operator shall ensure that all of its vehicles are clearly identified to the general public as being associated with the Cable Operator, and that all of its employees, and the employees of any agents or contractors, who enter upon private property wear an employee identification card issued by the Cable Operator, which card shall bear a picture of said employee and shall be worn in a conspicuous place.

11.13. Public Ways Hazards. Any openings or obstructions in streets or other municipal or public property made by any Cable Operator shall be guarded and protected at all times by the placement of adequate barriers, fences, boarding or other protective devices at the sole expense of the Cable Operator. During the periods of dusk and darkness, the protective devices shall be clearly designated by warning lights.

11.14. Location of Physical Facilities. Within sixty (60) days after the effective date of any Franchise Agreement, the Cable Operator shall provide Grantor with strand maps of the Town of Wiscasset clearly showing the location of all distribution lines (indicating underground, where applicable), tower, antennae, receivers, headend, and sub-headends. Revised and corrected strand maps shall be submitted to Grantor not later than ninety (90) days after such changes or additions are made.

11.15. Cable Location. Insofar as practicable, the distribution system (trunk and feeder cable) shall run along public rights-of-way. Where the cable or wire facilities of all public utilities are installed underground, the Cable Operator shall install its cable distribution system underground. Vaults and pedestals shall be suitably landscaped, such landscaping to be subject to the approval of the owner or tenant in possession, which approval shall not be unreasonably withheld. In all areas where public utility lines are aerially placed, if subsequently during the term of the Franchise Agreement all such utility lines are relocated underground pursuant to applicable law under the Town's police powers, the Cable Operator shall similarly relocate its cable distribution system underground at its sole expense. Wherever possible, the distribution system shall use the existing facilities of the public utilities. Poles shall not be installed for the sole purpose of supporting a portion of the distribution system without written justification and approval of Grantor, which approval shall not be unreasonably withheld, pursuant to Grantor's law, ordinances, rules and regulations.

11.16. Location of Construction. All lines, cables and distribution structure, and equipment, including poles and towers, erected, installed or maintained by any Cable Operator within the Town of Wiscasset shall be located so as not to obstruct or interfere with the proper use of Streets and Public Ways and to cause minimum interference with the rights of property owners who abut any of the said Streets and Public Ways, and not to interfere with existing public utility installations. A Cable Operator shall not place new poles, towers or other obstructions in Streets or Public Ways, or relocate existing poles, towers or other obstructions, without first obtaining Grantor's approval, which approval shall not be unreasonably withheld. A Cable Operator shall have no vested right in any location, and the Cable Operator shall remove such construction at its own cost and expense whenever the same restricts or obstructs or interferes with the operation or location or any future operation or location of said Streets or Public Ways.

11.17. Grade or Location Changes. If at any time during the term of a Franchise Agreement Grantor shall elect to alter, or change the grade or location of any Street, or shall engage in any construction, reconstruction, widening, repairs or other public works in, on or under the Streets, any Cable Operator shall, upon reasonable notice by Grantor, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures ("fixtures") at its own expense, and in each instance comply with the Grantor's standards and specifications.

11.18. No Interference. A Cable Operator shall not place fixtures above or below ground where the same will interfere with any gas, electricity, telephone fixtures, water hydrants, or other utility use, and all such fixtures placed in or upon any street shall be so placed as to comply with all requirements of Grantor or other applicable authority, and fully comply with local regulations, including zoning ordinances. Each Cable System shall be constructed, operated and maintained so that there will be no objectionable interference with television reception, radio reception, telephone communications or other electronic installations in the Town of Wiscasset or with the operation of any public fire, police, rescue or safety communications system. Should any such interference occur, the Cable Operator shall promptly eliminate it.

11.19. Temporary Relocation. A Cable Operator shall, on request of any Person holding a permit issued by Grantor or other appropriate authority, temporarily move its fixtures to permit the moving or erection of buildings or other objects, with the expense of any such temporary removal to be paid in advance by the Person requesting same, and the Cable Operator shall be given reasonable notice to arrange for such temporary relocation. A Cable Operator shall bear any expense to temporarily move its fixtures

to permit the moving or erection of Town- owned or constructed buildings or other public infrastructure.

11.20. Tree Trimming. Each Cable Operator shall have the authority to trim any trees upon and overhanging Grantor's Streets or Public Ways to the minimum extent necessary to prevent the branches of such trees from coming in contact with the wires and cables of the Cable System; provided that, except for incidental trimming done by the Cable Operator employees in the course of performing their other duties, any tree trimming done by the Cable Operator shall be subject, in all respects, to Grantor's prior approval. Except in an emergency, the Cable Operator will notify the abutting property owner(s) prior to starting tree trimming work. In performing tree trimming, the Cable Operator shall employ best management practices, shall use its best efforts to avoid any unnecessary damage or injury to trees, and shall comply in all respects with any Town ordinances governing tree trimming. Except for incidental trimming performed by a Cable Operator's employees in the course of performing their other duties, Grantor may elect to perform tree trimming directly or by agents under Grantor's supervision and direction, at the Cable Operator's expense.

11.21. Drops. In areas where the cable distribution is located underground, drop connections to Subscriber's structure shall be underground; in other areas the drop connection shall be aerial unless the Subscriber requests underground installation and elects to pay the cost thereof. Insofar as practicable, the Cable Operator shall adhere to the Subscriber's desire with regard to point of entry of the drop connection into the structure. Within the Subscriber's structure, drop or cable runs shall be made as unobtrusively as possible. Each drop shall be grounded at the Subscriber's structure, or, at the Cable Operator's option, at such other location as may be permitted by the National Electrical Safety Code.

11.22. Zoning and Building Codes**.** Any and all construction performed by or under the auspices of a Cable Operator, and any and all facilities used or operated by the Cable Operator, shall comply with all applicable zoning and building ordinances, codes or laws of Grantor.

11.23. Contractors, Subcontractors and Affiliates. All contractors, subcontractors and affiliates of a Cable Operator must be properly licensed under all applicable federal, state and local laws and regulations. Each Cable Operator shall be solely and completely responsible for all acts or omissions of any such contractor, subcontractor or affiliate, or any employee or agent of any such contractor, subcontractor or affiliate in the construction, reconstruction, installation, maintenance, operation or removal of the Cable Operator's cable system.

11.24. Completion of Work by Grantor. Upon failure of a Cable Operator to commence, pursue or complete any work required by this Ordinance, other applicable law or by the provisions of the Franchise Agreement in any Street or other public place within the time prescribed and to the satisfaction of the Grantor, Grantor may, at its option, cause such work to be done with reasonable expenditures therefor and the Cable Operator shall pay to the Grantor the cost thereof in the itemized amounts reported by the Grantor to the Cable Operator within thirty (30) days after receipt of such itemized report.

11.25. Lockout Key. Each Cable Operator shall make available to any Subscribers so requesting, for lease or sale, a “parental control device” or “lockout key” which will permit the Subscriber, at his or her option, to eliminate comprehensible reception of any or all of the Basic Service or pay cable Channels. If requested, a lockout key will be installed within twenty (20) days of request.

12. Operation, Service and Maintenance of System.

12.1 Each Cable Operator shall construct, maintain and operate its Cable System safely and render efficient service to Subscribers during the term of any Franchise.

12.2 Each Cable Operator shall construct, upgrade, install, operate, maintain and remove its Cable System in conformance with Occupational Safety and Health Administration regulations, the Maine Electrical Code, the National Electric Code, the NCTA Safety Manual, the National Electric Safety Code, the Bell Telephone System Code of Pole Line Construction, the rules and regulations of the FCC, all building and zoning codes, and all land use restrictions as they may now exist or may be amended or adopted hereafter.

12.3 Any tower constructed for use in a Cable Operator’s Cable System shall comply with the standards contained in "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures", TIA/EIA-222-F as published by the Telecommunications Industry Association, 2500 Wilson Blvd., Arlington, VA 22201.

12.4 Installation and physical dimensions of any tower constructed for use in a Cable Operator’s Cable System shall comply with all appropriate Federal Aviation Agency regulations, including, but not limited to, "Objects Affecting Navigable Airspace”, 14 C.F.R. 77.1 et seq., as they now exist or may be amended or adopted hereafter.

12.5 Any antenna structure used, in a Cable Operator’s Cable System shall comply with “Construction, Marking, and Lighting of Antenna

Structures", 47 C.F.R. 17.1 et seq., as said regulations now exist or may be amended hereafter.

12.6 Each Cable Operator shall install and maintain its wire, cable, mixers and other equipment in accordance with the requirements of the generally applicable ordinances of the Town as may be amended, and in such a manner which shall not interfere with any installations of the Town or any public utility serving the Town.

12.7 Privacy.

(a) The Cable Operator shall respect the rights of privacy of every Subscriber of the Cable Television System and, pursuant to applicable federal law, shall not violate such rights through the use of any device or Signal associated with the Cable Television System, and as hereafter provided.

(b) The Cable Operator shall comply with all privacy provisions contained in this Ordinance and all other applicable federal and State laws including, but not limited to, the provisions of Section 631 of the Cable Act.

(c) The Cable Operator shall be responsible for carrying out and enforcing the Cable System's privacy policy, and shall at all times maintain adequate physical, technical and administrative security safeguards to ensure that personal subscriber information is handled and protected strictly in accordance with this policy.

(d) Except as otherwise permitted by applicable law, the Cable Operator shall not tap, monitor, arrange for the tapping or monitoring, or permit any other person to tap or monitor, any cable, line, Signal, input device, or subscriber Outlet or receiver for any purpose, without the prior written authorization of the affected Subscriber; provided, however, that the Cable Operator may conduct system-wide or individually addressed "sweeps" solely for the purpose of verifying System integrity, checking for illegal taps, controlling return-path transmission, or billing for Pay Services. The Cable Operator shall report to the affected parties any instances of monitoring or tapping of the Cable Television System, or any part thereof, of which it has knowledge, whether or not the Cable Operator has authorized such activity, other than as permitted herein. The Cable Operator shall not record or retain any information transmitted between a Subscriber and any third party, except as required for lawful business purposes. The Franchisee shall destroy all subscriber information of a personal nature after a reasonable period of time except as authorized not to do so by the affected Subscriber.

(e) Except as otherwise permitted by applicable law, the Cable Operator shall not sell, disclose, or otherwise make available, or permit the use of, lists of the names or addresses of its Subscribers or any list or other information which identifies by name or address, Subscribers viewing habits, to any Person or agency for any purpose whatsoever without the prior written consent of the Subscriber; provided that the Cable Operator may make such lists available to Persons performing services for the Cable Operator in connection with lawful business purposes hereunder (e.g. a billing service) where the availability of such lists is necessary to the performance of such services. A Subscriber may withdraw said consent by providing written notice to the Cable Operator. Every Cable Operator shall provide annual notice to each Subscriber of the right to withdraw such authorization. In no event shall such authorization be obtained as a condition of service or continuation thereof, except as necessary to adequately provide particular services.

(f) Upon request, the Cable Operator shall make available for inspection by a Subscriber at a reasonable time and place all personal subscriber information that the Cable Operator maintains regarding said Subscriber. A Subscriber may obtain from the Cable Operator a copy of any or all of the personal subscriber information regarding him or her maintained by the Cable Operator.

(g) A Subscriber may challenge the accuracy, completeness, retention, use or dissemination of any item of personal subscriber information. Such challenges and related inquiries about the handling of subscriber information shall be directed to the Cable Operator's General Manager.

12.8 Performance Standards

(a) Technical Standards. Subject to Section 10.13 above, all signals carried on a Cable System shall be transmitted to Subscribers without material degradation and with a quality no less than that prescribed by rules of any Federal or State regulatory agencies having jurisdiction. Anything contained in a Franchise Agreement to the contrary notwithstanding, the technical specifications, operation and performance of the system shall, at minimum, conform at all time to the specifications established by any Federal or State regulatory agencies having jurisdiction thereof, and such specifications existing on the effective date hereof, whichever is of the higher quality.

(b) Performance Testing. At such time as the performance monitoring and testing, conducted pursuant to requirements of any Federal or

State regulatory agencies having jurisdiction, provides evidence that the Cable System's transmissions do not meet the prescribed standards, the performance monitoring and testing shall be repeated for all segments of the Cable System which do not meet such prescribed standards, upon completion of the necessary repair or adjustment, notwithstanding the lack of such requirement by the Federal or State agencies, and a report of the second test submitted to Grantor; provided, that the Cable Operator shall not be required to furnish any such reports with respect to technical problems discovered in the course of the Cable Operator's routine maintenance testing, except as may be specifically requested by Grantor in each instance. The Cable Operator shall provide and keep accurately calibrated test equipment on hand at all times for the testing of all services and operational standards outlined in this Franchise Agreement.

13. Maintenance and Repair.

13.1 Maintenance Policy. Each Cable Operator shall promulgate and adhere to a preventative maintenance policy directed toward maximizing the reliability (mean-time-between-malfunctions) and maintainability (mean-time-to-repair) of its Cable System with respect to its delivery of Cable Service to Subscribers at or above the performance standard set forth herein. Whenever it is necessary to interrupt service for the purpose of making scheduled maintenance or repairs, adjustments, installations or other maintenance activities, the Cable Operator shall do so at such a time as will cause the least inconvenience to Subscribers. Except in an emergency, and except for interruptions of five minutes or less which may occur during the course of normal maintenance, and except during the rebuild of the Cable System, service is to be interrupted for planned or scheduled maintenance or repairs between the hours of midnight and 7:00 a.m where practicable.

13.2 Repair. Each Cable Operator shall maintain a repair department comprising qualified technicians, service vehicles and equipment to provide prompt and efficient repair service within the parameters set forth below.

13.3 Notice. Except in an emergency, and except for interruptions of five minutes or less, each Cable Operator shall give Subscribers at least 24 hours notice of any planned interruption of service for purposes of maintenance or repair. In an emergency, a Cable Operator shall give such notice as is reasonable in the circumstances. Notice given on the alphanumeric channels on Basic Service shall be considered sufficient. During any rebuild of the Cable System, a Cable Operator shall not be required to provide 24 hour notice of any interruption of service if such interruption is the direct result of rebuild work. However, a Cable

Operator shall be required to provide written notification to Subscribers of planned rebuild work schedules and when Subscribers may experience service interruptions. A Cable Operator shall use its best efforts to minimize the length of any service outage due to a rebuild.

13.4 Repair Procedure. Each Cable Operator shall have a toll free telephone number listed in the local area and so operated that requests for repairs or adjustments can be received at any time, twenty-four (24) hours per day, seven (7) days per week. A recording device or answering service may be used during non-business hours. A Cable Operator's responses to such requests shall occur no later than 24 hours after the Cable Operator's receipt of such a request; provided, the response time for service complaints other than complaints of no or unusable service shall be computed excluding Sundays and holidays.

A Cable Operator shall respond within four (4) hours to any area outage that occurs between the hours of 7:00 a.m. and 10:00 p.m. of any day, and by not later than the following 11:00 a.m. to any area outage that occurs between 10:00 p.m. and 7:00 a.m. If a Cable Operator responds to a service complaint as herein required and the Subscriber is not satisfied that the problem giving rise to the original complaint has been resolved, the Subscriber shall notify the Cable Operator thereof within forty eight (48) hours of the repair visit by the Cable Operator personnel, and the Cable Operator shall have an additional period of twenty-four (24) hours within which to correct the problem. If such second complaint is made to Grantor instead of the Cable Operator, the Cable Operator shall have a period of twenty-four (24) hours after receipt of oral or written notice from Grantor within which to make the correction. The requirements for maintenance and repair shall not apply to Subscribers' television or radio receivers or other Subscriber-owned equipment.

13.5 Rebate or Credit for Service Loss. Upon request, for every loss of service in excess of six (6) continuous hours, the Cable Operator shall grant a pro rata rebate or credit of the regular monthly charge to the Subscriber. In the event a Subscriber reports a loss of service to the Cable Operator, and such outage exceeds six (6) continuous hours, the Cable Operator shall grant the credit or rebate whether or not the Subscriber specifically requests it. The credit shall be pro-rated by multiplying the applicable monthly service rate by a fraction whose numerator equals the number of days of the outage and whose denominator equals the number of days in the month of the outage. In no case shall the refund be less than twenty-four (24) hours' credit. For purposes of this paragraph, loss of Basic Service shall be considered a Subscriber's receipt of less than two-thirds of the respective available channels, and loss of pay Cable Service shall be considered the loss of signal on any pay Channel. The Cable Operator shall give the Subscriber a credit no later than the next billing cycle.

13.6 Records. Each Cable Operator shall maintain records of all oral and written complaints regarding quality of service, equipment malfunctions, billing procedure, and similar matters that requires further action on the part of the Cable Operator. Such records shall show the exact date and time of receipt of all such customer complaints, identifying the Subscriber, the nature of the complaint and the exact time action was taken by the Cable Operator in response thereto, together with a description of such action. Each Cable Operator shall also maintain a record of all whole or partial system outages, including the date, approximate time and duration, type and probable cause of each outage, except for outages caused by routine testing or maintenance. Such records shall be available at the Cable Operator's local office for at least two (2) years, for inspection by Grantor as it may from time to time request, during regular business hours and upon reasonable notice, subject to any privacy restrictions imposed by law. A Cable Operator shall, within ten (10) days after receiving a written request therefor, send a written report to Grantor with respect to any complaint. Such report shall provide a full explanation of the investigation, finding(s) and corrective steps taken.

14. Time of Installation.

Service to any Subscriber served by a standard aerial Drop shall commence by not later than seven (7) business days after service is requested; service to any Subscriber served by a standard underground Drop shall commence by not later than forty-five (45) days after service is requested unless additional time is required by severe weather or other circumstances outside of Cable Operator's control. The Cable Operator shall exert every reasonable effort to commence service to a Subscriber served by a non-standard Drop as expeditiously as possible. A standard Drop, for which the Subscriber shall be charged the Cable Operator's standard installation fee, is a drop running not more than two hundred (200) feet from feeder cable to the Subscriber's structure; provided, that any installation which requires Cable Operator to cross a street underground shall be considered a non-standard installation. An aerial Drop in excess of two hundred (200) feet in length shall be considered a non-standard installation. If the Cable Operator schedules an appointment with a Subscriber for an installation, repair or other service call, and the Cable Operator fails to arrive at the Subscriber's premises within one (1) hour of the scheduled time or scheduled window of time (which window shall not exceed four (4) hours) for reasons not caused by the Subscriber unless rescheduled in advance by the Cable Operator, the Cable Operator shall, in the case of an appointment for a standard installation, make no charge to the Subscriber for the standard installation, and in the case of a repair or other service call, shall apply a minimum twenty dollar ($20.00) credit to the Subscriber's account to reduce the cost of any make-up or late repair or service call.

15. Subscriber Rates and Charges.

15.1 Regulation. Grantor shall have the right to regulate charges to Subscribers for Cable Service to the extent allowed by law.

15.2 Rate or Service Discriminations: Special Classifications. No Cable Operator shall subject any person to any prejudice or disadvantage, preference or advantage in connection with rates, charges, service facilities, rules or regulations. Nothing herein shall prohibit the establishment of a graduated scale of rates for classified schedules to which any Subscribers within such classification shall be entitled.

15.3 Connection Charges. Subscribers shall be assessed no special connection charges other than standard installation charges for cable drops from any Cable Operator's distribution plant up to two hundred (200) feet. Subscribers requiring drops over two hundred (200) feet shall be charged only for the incremental cost of extending the drop beyond two hundred (200) feet.

15.4 Rates and Programming.

(a) Each Cable Operator shall give the Town and each Subscriber thirty (30) days written notice of any change in Subscriber rates or charges. At the Town's request, exercised by the Town giving the Cable Operator at least ten (10) days' notice thereof, the Cable Operator shall attend, and respond to questions, at any public meeting held by the Town concerning the rate increase. Notice to Subscribers of rate changes shall be by mail. Each Cable Operator shall also provide each Subscriber at least annually with a detailed explanation of downgrade and upgrade policies and the manner in which Subscribers may terminate Cable Service. Subscribers shall have at least thirty (30) days from receipt of notification of any rate increase to either downgrade service or terminate altogether without any charge.

(b) Each Cable Operator shall give the Town and each Subscriber thirty (30) days written notice of any change, including additions or deletions, or change in Channel position, in the programming carried on the Cable System, as well as any retiering of such programming, and any other changes in the programming service offered by each Cable Operator. At the request of the Town, with at least ten (10) days' notice, each Cable Operator shall meet with the Town at a public meeting to discuss programming issues and options and to hear and consider the input of the Town and the public.

(c) Each Cable Operator shall use its best efforts to provide a wide diversity of programming options to its Subscribers. Each Cable

Operator shall provide the following broad categories of programming:

(1) public broadcasting programming;
(2) educational programming;
(3) news programming;
(4) music programming;
(5) sports programming;
(6) children's programming;
(7) religious programming;
(8) arts and/or cultural programming; and
(9) family programming.

(d) Rate schedules shall be provided to Subscribers annually.

15.5 Billing Practices. Each Cable Operator shall set forth, in writing its billing and collection practices and policies, and procedures for ordering changes in or termination of services and refund policies, and shall furnish a copy thereof to each new Subscriber and to Grantor, and thereafter to Grantor and all Subscribers at such time as there is a change in such policies.

15.6 Pro-Rated Service. In the event a Subscriber's service is terminated, monthly charges for service shall be pro-rated on a daily basis and, where advance payment has been made by a Subscriber, the appropriate refund shall be made by the Cable Operator to the Subscriber within thirty (30) days of such termination.

15.7 Disconnection for Non-Payment. A Cable Operator shall have the right to disconnect a Subscriber for failure to pay an overdue account; provided, that:

(a) The Cable Operator's billing practices and policy statement set forth the conditions under which an account will be considered overdue;

(b) At least twelve (12) days prior to the proposed disconnection, the Cable Operator mails to the Subscriber written notice of intent to disconnect for delinquency in payment;

(c) The Subscriber's account is at least sixty (60) days delinquent at the time said notice is mailed, and

(d) The disconnection occurs at least twelve (12) days, and not more than sixty (60) days, after the mailing of the above written notice.

15.8 Notice of Rates and Programming. All rates and charges associated with the provision of Cable Service and the lease of Channel space shall be published. A written schedule of all such rates currently in effect, including special and promotional rates, shall be available and obtainable in person or by mail upon request during business hours at each Cable Operator's business office.

(a) At least once each calendar year, each Cable Operator shall provide to each Subscriber and the Town a complete schedule of all services, rates and charges for Cable Service provided by the Cable Operator and of the programming offered and channel alignment. Such information shall also be provided to all new or prospective Subscribers prior to installation or commencement of service.

(b) Such information shall be written in plain English and shall include, but shall not be limited to, the following: all services, tiers and rates, deposits, if applicable, installation costs, additional television set installation charges, service upgrade or downgrade charges, stolen or lost converter charges, charges for lockout devices and for connecting video cassette recorders to the Cable System.

15.9 General Customer Service. Each Cable Operator shall comply with any and all customer service standards provided under Maine law, Federal law, FCC regulations, including those regulations found at 47 C.F.R. §76.309, and as promulgated by the cable industry, (such as NCTA standards), as well as with the provisions of the applicable Franchise Agreement. To the extent of any difference or conflict in the requirements of this Ordinance, the Franchise Agreement, State and federal law, FCC regulations and/or cable industry standards, the strictest of such standards shall govern.

16. Subscriber Complaints.

16.1 Complaint Policy. Each Cable Operator shall promulgate within one hundred twenty (120) days a written policy statement setting forth the procedure for reporting and resolving Subscriber complaints and shall furnish a copy thereof to each new Subscriber and to Grantor, and thereafter, annually, to Grantor and all Subscribers. Such notice shall comply in all respects with the Cable Act, FCC Regulations, Maine law and this Ordinance.

16.2 Cable Operator Response**.** Each Cable Operator shall receive Subscriber complaints at its business office serving Grantor and shall handle all such complaints promptly but in no event later than as set forth below.

16.3 Billing Complaints. In the case of a billing complaint, the Cable Operator shall respond to the complainant by no later than five (5) business days following receipt of the complaint.

16.4 Service Complaints. In the case of a service complaint not requesting repair or adjustment, the Cable Operator shall respond to complainant within five (5) business days following receipt of the complaint.

17. Preferential or Discriminatory Practices Prohibited.

A Cable Operator shall not, as to rates, charges, service, service facilities, rules, regulations, or in any other respect, make or grant any undue preference or advantage to any person, nor subject any person to any prejudice or disadvantage.

18. Reports and Records.

18.1 General Report Filing Requirements. The Town may require each Cable Operator to maintain and file such reports, contracts and statements which are reasonably necessary to monitor compliance with this Ordinance and the Franchise Agreement, including but not limited to ownership, accounting, auditing and operating statement, engineering reports, and other data, which the Town shall deem necessary or appropriate to administer the provisions of this Ordinance.

Records which shall be available for inspection and review by the Town shall include, but not be limited to:

(a) All correspondence among the Cable Operator and any of his agents, and all regulators or other government agencies pertaining to the operation of the Cable System in the Town necessary to monitor compliance.

(b) All reports, applications, and other documents sent to, or required by, any government agency pertaining to the operation of the Cable System in the Town necessary to monitor compliance.

(c) All oral and written complaints received by the Cable Operator or its agents from the Subscribers in the Town for the preceding two (2) years of the term of the Franchise, and the disposition thereof.

d) All financial records reasonably necessary to determine compliance with and carry out the provisions of this Ordinance and any Franchise Agreement necessary to monitor compliance.

18.2 Annual Report. Not later than April 1 of each year of the Franchise Agreement, each Cable Operator shall submit an annual report to the

Town for the prior calendar year, which report shall include at a minimum:

(a) Total number of Subscribers in Wiscasset, including a breakdown of Subscribers taking basic Cable Service, Cable Programming Service and premium services as of December 31 of the prior calendar year.

(b) The increase or decrease in the number of Subscribers over the prior calendar year for Wiscasset.

(c) A specific description of any line extensions in Wiscasset in the prior calendar year.

(d) Any price or programming changes in the prior year.

(e) A description of any technological upgrades or enhancements in Cable Service over the past year.

(f) A listing of any system outages in Wiscasset over the prior year in excess of one hour, including the affected locations, the date, time, duration, cause of the outage, and steps taken to address the outage.

(g) A summary of customer complaint records for the prior year, including an identification of any significant customer service issues raised in Wiscasset in the prior year and any resolution or changes in service resulting.

(h) A summary of the most recent FCC proof of performance tests and measurement records interpreted in laymen's language describing the Cable System's compliance or lack of compliance with the FCC Technical Standards set forth in 76 C.F.R. §76.601 et seq. as the same may be modified in the future, identifying any instances of non-compliance and describing all measures taken or under way to achieve compliance.

(i) A list of any material violations by the Cable Operator of the technical rules of the FCC, including but not limited to violations of rules and regulations regarding signal quality and safety during the past 12 months, and describing all measures taken or underway to achieve compliance.

(j) A copy of the Cable Operator's most recent S.E.C. Forms 10 K and 10Q.

After delivery of the Annual Report, each Cable Operator shall, at the request of the Town, attend a meeting with the Town to review and discuss any issues or questions raised in the grantor's review of the Annual Report.

19. Rights Reserved to the Town.

(a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the Town to acquire the property of the Cable Operator, either by purchase or through the exercise of the right of eminent domain and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the Town's right of eminent domain.

(b) Neither the awarding of a franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the Town.

(c) The Town Manager is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of a Cable Operator under this Ordinance, either on behalf of the Town, the Cable Operator, or any Subscriber, in the best interest of the public.

(d) The Town shall have the right to inspect all construction of installation work for a Cable System and to make such inspections as it shall find necessary to insure compliance with the terms of this Ordinance, and Franchise awarded pursuant hereto, and any other pertinent provisions of the law.

(e) Upon revocation or denial of a renewal under the formal process of the Cable Act of any Cable Franchise, the Town shall have the right to require the Cable Operator to remove at its own expense all portions of the Cable System from all Streets and Public Ways within the Town.

(f) Nothing in this Ordinance or the Franchise shall encumber or prohibit the Town from the collection of property taxes, of whatsoever kind, allowed by state law.

20. Right to Appeal Reserved to the Cable Operator.

Should the Cable Operator become dissatisfied with any major decision or ruling of any Town official, the Cable Operator may, by written request received by the Town within 30 days of the date of the decision or ruling, appeal the matter to the Town's Board of Selectmen. The Town's Board of Selectmen may accept, reject

or modify the decision appealed and may adjust, settle or compromise any controversy or cancel any charge arising from the operations of the Cable Operator or from any provision of this Ordinance or any Franchise Agreement entered into pursuant to this Ordinance. Any further appeal shall be taken to the Lincoln County Superior Court or the United States District Court for the District of Maine.

21. Rules, Regulations and Procedures.

(a) The Municipal Officers of the Town shall, either directly or through their designees conduct public hearings and issue such appropriate orders as it may deem necessary to enforce the provisions of this Ordinance and any Franchise Agreements, including the revocation of Franchise Agreements and the assessment of penalties for violations, as well as to correct any deficiencies in the operation of the system.

(b) All such orders of the Municipal Officers shall not be in conflict with those that have been or may be adopted by the Federal Communications Commission for the operation of such Cable Systems, except that unless preempted, such ordinances, regulations, rules and orders may be more detailed, more strict or more restrictive than applicable FCC regulations.

(c) As part of its enforcement authority, the Municipal Officers have the authority to bring legal action for damages, penalties and for injunctive relief. In the event that the Town brings legal action to enforce the provisions of this Ordinance or the Franchise Agreement, and the Town prevails in the action, the Town shall be entitled to recover its costs, including reasonable attorneys fees, incurred in the prosecution of any such action.

GLOSSARY

Throughout these Ordinances of the Town of Wiscasset:

The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or any other legal entity, as well as an individual; the present tense includes the future tense; the singular includes the plural; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", "arranged to be used", and "occupied"; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the words "plot" or "parcel". Terms not defined in the GLOSSARY shall have their customary dictionary meanings.

ABBATTOIR: Slaughterhouse [6-12]

ACCESSORY STRUCTURE OR USE: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. [6-88, 3-91]

ACO: Animal Control Officer appointed by the Selectmen and supervised by the Police Chief. The ACO shall be appointed by the Selectmen in accordance with 7 MRSA Section 3947 as may be amended from time to time. [3-97]

ACTIVITY: The specific use or uses to which a premises is put.

ADJACENT GRADE: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AGRICULTURE: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. [3-91]

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance. [3-91]

ANIMAL AT LARGE: Any animal off the premises of the owner and not under the control of any person by means of personal presence or physical restraint which will reasonably control the conduct of said animal. [3-97]

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. [6-12]

ANIMAL SHELTER: Any duly licensed facility for the care of animals where impounded animals are held pending legal disposition. [3-97]

AREA OF A SHALLOW FLOODING: A designated AO and AH zone on community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. [3-91]

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Hazard Boundary Map cited in Article I of the Flood Plain Management Ordinance.

AUTOMOBILE GRAVEYARD/JUNKYARD: a field, yard or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles or parts of such vehicles. [9-2000]

AUTOMOBILE RECYCLING BUSINESS: the business premises of a person who purchases or acquires salvage vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles. [9-2000]

BASAL AREA: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. [6-12]

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

BASEMENT: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level. [6-12]

BOAT: Anything that floats capable of transporting a person on the water and of any size and shape and propelled by any means including drifting in the tide or wind. [3-86]

BOAT LAUNCHING FACILITY: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers. [6-12]

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. [3-91]

BUFFER STRIP: A visual and sound barrier consisting of evergreen trees and shrubs and may include a fence. This barrier is to divide different types of land use or different districts. [3-97, 3-98]

BUILDABLE LAND: That land in a parcel which is left over after all deductions made under the Net Residential area or acreage calculations have been made. [11-12]

BUILDING: A structure having a roof supported by columns or walls used for the support, shelter housing or enclosure of persons, animals, goods or property of any kind. [3-70, 3-83]

BUILDING INSPECTOR: The legally designated building inspection authority of the Town of Wiscasset.

BUSINESS DIRECTIONAL SIGN: A sign which is located off the premises of the business and whose function is to direct the public to the specific location of the business.

BYLAWS: The phrase "Town Bylaws" is interpreted as "Town Ordinances".

CAMPGROUND: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters. [3-91]

CAMPGROUND OR RECREATIONAL VEHICLE PARK: Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

CERTIFICATE OF COMPLIANCE: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the Flood Plain Management Ordinance.

CHANNEL: a clear area for navigation of a width and location to be determined by the Harbormaster. [3-94]

CLUSTER HOUSING: An alternative form of residential land development which permits single dwelling units in a subdivision to be grouped or clustered on smaller sites so that the residual land area shall be available for recreation and other outdoor living purposes.

COASTAL WETLANDS: All tidal and sub tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during maximum spring tide level by the Maine

Department of Environmental Protection. Coastal wetlands may include portions of coastal sand dunes. [12-89, 6-12]

CODE ENFORCEMENT OFFICER - CEO: A person appointed by the Selectmen to administer and enforce the regulations of the Town of Wiscasset. [3-02]

COMMERCIAL FISHING ACTIVITIES: Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats. [12-89]

COMMERCIAL USE: The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. [6-12]

COMMERCIAL VESSEL: any vessel from which the owner obtains a substantial portion of his income, or which is operated as part of a business enterprise whether owned or not owned by an individual. [3-94]

COMMUNITY LIVING ARRANGEMENT: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. [6-12]

COMPREHENSIVE PLAN: Any part or element of the overall plan and policy for development of the Town of Wiscasset, Maine, as defined in the Maine Revised Statutes Amended, Title 30-A, § 4314 and all amendments and revisions thereto. [11-12]

CONFINED FEEDING OPERATION: specialized livestock production enterprises with confined beef cattle or confined hog feeding or poultry or egg farms and accessory structures; and where pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season. These operations have large animal populations restricted to small areas. [6-12]

CONGREGATE HOUSING: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly occupants. [6-12]

CROSS-SECTIONAL AREA: The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or

tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel. [6-12]

DANGEROUS DOG: A dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident, or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of imminent bodily harm. [3-97]

DAY CARE: Homes and centers licensed as such by the Maine Department of Health and Human Services for children or adults. [6-12]

DBH: The diameter of a standing tree measured 4.5 feet from ground level. [6-12]

DENSELY DEVELOPED AREA: Any commercial, industrial or compact residential area of 10 or more acres with a density of at least one principal structure per 2 acres. [12-89]

DEVELOPMENT: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

DIMENSIONAL REQUIREMENTS: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height. [3-91]

DISABILITY: Any infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; including the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services. [6-12]

DISCONTINUE: To stop or cease the use of a property.

DISPLAY ADVERTISING SIGN: Any painted, printed or stenciled advertising device whether erected on a frame structure or mounted or painted on a building conveying a message promoting a business enterprise of any kind.

DISRUPTION OF SHORELINE INTEGRITY: The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions. [6-12]

DOG DAYCARE: See KENNEL. [6-12]

DOMESTICATED ANIMAL: A mammal accustomed to home life, or tamed for man's use, such as dogs, cats, ferrets, livestock, and wildlife hybrids. [3-97]

DRIVE-THRU FACILITY: A facility that allows customers to purchase products or conduct business transactions without leaving their vehicles. [6-12]

DRIVEWAY: Access route or right-of-way to any single family dwelling or to a duplex building. [11-12]

DRIVEWAY: (This definition applies only in Shoreland Districts A, B, &C.) A vehicular access-way less than five hundred (500) feet in length serving two lots or less. [3- 91]

DWELLING: A structure, whether or not affixed to the earth, containing one or more dwelling units. [3-69, 3-83, 3-97]

DWELLING UNIT: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, designed and equipped for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles. [3-69, 3-83, 6-89]

1. Single-family dwelling – any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.

2. Two-family dwelling – A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

3. Multi-family dwelling – A building containing three (3) or more dwelling units, such buildings designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. [6-12]

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

ELDERLY CONGREGATE HOUSING: a building or group of buildings on a single lot which provides housing for elderly households with shared community space and supportive facilities. Supportive facilities may include but are not limited to shared dining facilities, administrative facilities, care facilities, common areas, recreational spaces, maintenance facilities, and similar facilities necessary for the operation of the complex or the provision of services to the to the residents and may include residential accommodations for the staff that provides services or activities for the residents. An elderly congregate housing development shall include either or both dwelling units and residential care units. [3-01]

ELDERLY HOUSEHOLD: a household which includes at least one elderly person who is 55 years old or older, and no occupant less than 55 years of age unless such occupant is the spouse or companion of the elderly person. [3-01]

ELEVATED BUILDING: A non-basement building (1) built, in the case of a building in Zones A, AE, or X (see Flood Plain Management Ordinance) to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts"; and (2) 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, AE, or X "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters. [3-91]

ELEVATION CERTIFICATE: An official form (FEMA Form 81-31, May 90 as amended) that (1) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and (2) is required for purchasing flood insurance. [3-91]

EMERGENCY OPERATIONS: Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury. [6-12]

ENGINEER: A person licensed by the State of Maine as an Engineer. [11-12]

ENTERTAINMENT: Any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by a full-time or part-time employee of the licensed premises whose incidental duties include activities with an entertainment value.

ERECT: Build, construct, assemble, affix, attach, create, paint or draw.

ESSENTIAL SERVICES: Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services. [3-91, 11-08]

EXPANSION OF A STRUCTURE: (This definition applies only in Shoreland Districts A, B, & C.) An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses. [3-91]

EXPANSION OF USE: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use. [3-91]

FEMA: Federal Emergency Management Agency

FLOOD, FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source. 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 the preceding paragraph.[6-87]

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. [3-91]

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community. [6-87, 3-91]

FLOOD INSURANCE STUDY: See "Flood Elevation Study". [3-91]

FLOODPLAIN, FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source. (See FLOODING). [6-87]

FLOODPLAIN MANAGEMENT: 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: [6-87]

FLOODPLAIN MANAGEMENT REGULATIONS: 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. [6-87]

FLOOD PROOFING: 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 their contents. [6-87]

FLOODWAY: The channel of a river or other water course and the adjacent land areas that must be reserved to allow for the discharge of a 100-year flood without cumulatively increasing the water surface elevation of the 100-year flood by more than one foot. In

Zone A and AE (See Floodplain Management Ordinance) the channel of a river or other water course and the adjacent land area to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limits of the floodplain. [6-87, 12-89, 3-91]

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on federal, state, and local floodplain maps. [6-87]

FLOOR AREA: (This definition applies only in Shoreland Districts A, B, & C.) The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.[3-91] Also see TOTAL FLOOR AREA [6-12]

FINAL SUBDIVISION PLAN: The final drawings, on which the subdivider's plan of the subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the Town and the Lincoln County Registry of Deeds. [11-12]

FOREST MANAGEMENT ACTIVITIES: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads. [6-12]

FORESTED WETLANDS: Wetlands dominated by woody vegetation that is 6 meters (approximately 19.7 feet) tall or taller. [3-92]

FORMULA RESTAURANT: An eating place that is one of a chain or group of three (3) or more establishments and which satisfies at least two of the following three descriptions:

a. It has the same or similar name, tradename, or trademark as others in the chain or group;

b. It offers characteristics in a style which is distinctive to and standardized among the chain or group in exterior design or architecture;

c. It offers characteristics in a style which is distinctive to and standardized among the chain or group in uniforms, except that a personal identification or simple logo will not render the clothing a uniform; [6-12]

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material. [6-12]

FRANCHISE SIGNAGE: Signage employing a distinct style, colors and/or other elements, including trademarked logos, commonly employed by a retail or other licensed franchise that serve to promote brand identity. [6-12]

FREEBOARD: 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 condition: [6-87]

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs and similar areas which are:

1. Of ten or more contiguous areas; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

   Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. This definition of a wetland does not include a Forested Wetland. [3-91, 3-92]

FUNCTIONALLY WATER DEPENDENT USE: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. [6-12]

GARBAGE: All food wastes.

GRAVEL SURFACE: The layer of gravel which lies above the sub-grade and forms the traveled way.

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. [12-89]

GREAT POND CLASSIFIED GPA: Any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds. [3-91]

GROUND COVER: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. [6-12]

GROUND SIGN: An outdoor sign which is directly and permanently supported and physically separated from any other structure.

(a) GROUP HOME: A boarding care facility for more than eight (8) individuals wherein children under eighteen (18) years of age or adults over sixteen (16) years of age and not legally related to the operator are provided personal care, supervision and social or rehabilitative services. Uses within the meaning of this definition must be licensed by the State of Maine and may include, but are not limited to residential treatment homes but do not include foster family homes. Similar uses with eight (8) or fewer individuals shall be subject to 30-A- MRSA §4357-A: Community living arrangements. [6-12]

HARBOR: In the Port and Harbor Ordinance harbor shall include all tidal waters unless the context indicates otherwise. [3-94]

HAULER: Any person who collects, transports, or disposes of garbage, rubbish or waste material for a fee.

HARVEST AREA: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest. [6-12]

HAZARDOUS MATERIAL: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection. [6-12]

HEIGHT OF A HABITABLE STRUCTURE: Habitable structures include, but are not limited to, such structures as home, offices, barns, warehouses and similar structures designed to accommodate people living or working in them. The height of a habitable structure is the vertical distance between the average finished grade of the ground at the exterior base of the structure and the highest part of the structure, excluding any portion of the structure, which is measured pursuant to the definition of "height of a non-habitable structure". [12-03]

HEIGHT OF A STRUCTURE: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. [3-91]

HEIGHT OF NON-HABITABLE STRUCTURE: Non-habitable structures include, but are not limited to, such structures as chimneys, spires, towers, antennas and similar projects not

designed for human occupancy, work, or storage of materials. The height of a non-habitable structure is the vertical distance between the average finished grade of the ground at the exterior base of the structure and the highest part of the structure. When a non-habitable structure is situated on a habitable structure, the base of the non-habitable structures shall be deemed to be the base of the habitable structure. [12-03]

HIGH-WATER ELEVATION, NORMAL: Along non-tidal waters, the elevation where vegetation changes from predominantly aquatic to predominantly terrestrial. Along tidal waters, the mean high-water elevation as established by U.S.C.G. Survey.

HIGH-WATER LINE: See Normal High Water Line.

HIGH-WATER MARK: See Normal High Water Line.

HISTORIC STRUCTURE: 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 are registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as are registered historic district. [3-91]

HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than three (3) persons other than family members residing in the home. [6-12]

HOSPICE: A facility that provides special care, including relieving symptoms and providing quality of life and support, for people with a life expectancy of six months and for their families. [6-12]

HOTEL OR MOTEL: Any business which rents more than seven rooms on the premises whether or not the owner of the hotel or motel is dwelling on the premises.

IMPOUNDMENT: To seize and hold in legal custody, such as impoundment of an animal. [3-97]

INCREASE IN NON-CONFORMITY OF A STRUCTURE: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing

structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures. [6-12]

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms. [3-91]

INDUSTRIAL: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. [6-12]

INDUSTRIAL USE: The use of land, buildings or structures for assembling, fabricating, finishing, manufacturing, packing, shipping or processing goods or products. [12-03]

INSTITUTIONAL: A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes. [6-12]

KENNEL: An establishment, in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee. [6-12]

LAND MANAGEMENT ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads. [6-12]

LEGISLATIVE BODY: Town Meeting, Municipality, Town of Wiscasset, Maine. [11-12]

LICENSED FORESTER: A forester licensed under 32 M.R.S.A. Chapter 76. [6-12]

LICENSEE: The holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation or other legal entity, or any agent or employee of any such licensee and any person, individual, partnership, firm, association, corporation or other legal entity, or any agent of the same, who charges admission or fees to patrons or customers in or around the licensed premises.

LICENSED PREMISES: The building and/or land in or on which the licensee provides entertainment.

LIGHT INDUSTRIAL: Facilities and/or industrial activity involving the manufacturing, packaging, assembly or distribution of products from previously prepared materials including, but not limited to, the following: bakeries, breweries, bottling, printing and publishing, machine shops, assembly of electronic components, tool and die shops and the packaging of foods; and/or, the manufacturing of: precision instruments, watches, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry. Light industrial uses do not include salvaging operations. [6-12]

LOCALLY ESTABLISHED DATUM: 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) 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. (See Floodplain Management Ordinance) [6-87]

LOT: These Ordinances rely in general on the definition of LOT found in 30-A MRSA 4401.

LOT AREA: (This definition applies only in Shoreland Districts A, B, & C.) The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots. [3-91]

LOWEST FLOOR: 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 slowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in Article VI of the Floodplain Management Ordinance. [6-87]

MANUFACTURED HOME: 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. [6-87]

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [6-87]

MARINAS: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities. [3-91]

MARINE ACTIVITIES: The construction, repair, storage, loading and unloading of boats, chandlery and other commercial activities designed and intended to facilitate maritime trade. [12-89]

MARKET VALUE: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels. [3-91]

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929. [6-87]

MINERAL EXPLORATION: (This definition applies only in Shoreland Districts A, B, & C.) Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. [3-91]

MINERAL EXTRACTION: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. [3-91]

MINIMUM LOT WIDTH: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines. [6-12]

MINOR STREET: A street which is used primarily for access to the abutting properties (in a subdivision).

MINOR SUBDIVISION: A subdivision of not more than 4 dwelling units each on its own lot. If subsequent minor subdivisions are situated relative to other(s) so that in combination they equal a regular subdivision in terms of dwelling units or lots within an area, then the requirements for a regular subdivision apply to the subsequent one(s). [6-89]

MOBILE HOME: A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 450 square feet of gross floor area. [3-69, 3-83] (See Title 30-A MRSA Section 4358).

MOBILE HOME PARK: A plot of land laid out to accommodate at least three mobile homes. (See Title 30-A MRSA Section 4358).

MOBILE SIGN: A sign mounted on a movable chassis with or without wheels. [3-93]

MOORING: Any equipment used by a craft for anchoring purposes and which equipment is not carried aboard such craft when underway. [3-94]

MRSA: Maine Revised Statutes, as Amended

MULTI-FAMILY RESIDENTIAL: A residential structure containing three (3) or more residential dwelling units. [6-12]

NATIVE: Indigenous to the local environment. [6-12]

NET RESIDENTIAL AREA OR ACREAGE: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the land area that cannot be counted toward the minimum lot size under a conventional subdivision which includes steep slopes (35% or more), hydric soils, wetlands, surface water, rights of ways and easements, Resource Protection District, flood ways and coastal high hazard zones and portions used for storm water management facilities. [11-12]

NET RESIDENTIAL DENSITY: Net Residential Density shall mean the number of units per net residential acre.

NEW STRUCTURE OR STRUCTURES: Any structure for which construction begins on or after September 23, 1988, or in the floodplain area on or after June 29, 1987 structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by the community. The area included in the expansion of an existing structure is deemed to be a new structure. [3-91]

NON-CONFORMING CONDITION: Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. [6-12]

NON-CONFORMING LOT: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located. [3-91]

NON-CONFORMING STRUCTURE: (This definition applies only in Shoreland Districts A, B, & C.) A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. See Article VI. [3-91, 6-12]

NON-CONFORMING USE: (This definition applies only in Shoreland Districts A, B, & C.) Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. [3-91]

NORMAL HIGH-WATER LINE (NON--TIDAL): That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and

predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. [6-12]

NORMAL HIGH WATER OF COASTAL WATERS: See Coastal Wetland[6-88, 6-12]

ONE HUNDRED YEAR FLOOD: See BASE FLOOD. [6-87]

OPEN SPACE: Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, undevelopable land and buffers. [11-12]

OPEN SPACE USE: A use not involving: a structure; earth moving activity; or the removal or destruction of vegetative cover, spawning grounds of fish, aquatic life, bird and other wildlife habitat.

OUTDOOR SIGN: Any letter, symbol, number or combination of these which is visible from the traveled portion of the public way. A double faced sign shall be considered a single sign. [6-85]

OUTSTANDING RIVER SEGMENT: The Sheepscot River from the railroad bridge in Wiscasset northerly to the town line. [12-89]

PARKS: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, monuments, green strips, open space. The term shall not include campgrounds, or commercial recreation and amusement centers. [6-12]

PARKING SPACE: A minimum area of two hundred (200) square feet exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

PERSON: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity. [3-91]

PERSON: (Article V, Public Dumps only) Any individual, corporation, partnership, association, municipality, state agency or any other group or legal entity.

PIERS: Docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months. [3-91]

PLANNED RESIDENTIAL DEVELOPMENT: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open spaces and other site features. [6-12]

PLAYGROUND: See PARKS. [6-12]

POND: Any inland body of water which has a surface area at normal high water of 10 acres.

PRELIMINARY SUBDIVISION PLAN: The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration. [11-12]

PREMISES: One or more parcels of land which are in the same ownership or are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises. [3-91]

PRINCIPAL STRUCTURE: A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. [6-88, 12-89, 3-91]

PRIVATE CONSULTING FORESTER: Someone who holds a degree in Forestry from an accredited School of Forestry.

PROFESSIONAL BUILDING: A building maintained by an individual or firm for the practice of a profession such as physician, dentist, lawyer, engineer, architect, teacher, accountant, realtor, insurance broker and other professional occupations.

PROJECTING SIGN: An outdoor sign which is attached to a wall and extends more than 18 inches at a 90 degree angle from the wall and clears the ground or sidewalk by at least eight feet.

PUBLIC SEWER: Either a sanitary sewer or a storm sewer system. [3-98]

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public. [6-12]

PUBLIC WAY: Any way designed for vehicular use and maintained with public funds.

QUARANTINE NOTICE: A legal order issued by the Police Department requiring the owner of an animal to comply with certain confinement, isolation, and observation procedures, or risk seizure of the animal. [3-97]

RECENT FLOOD PLAIN SOILS: The following soil series as described and identified by the National Cooperative Soil Survey. [3-91] [6-12]

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities. [6-12]

RECREATIONAL VEHICLE: A vehicle or attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles. [3-83, 3-91]

RECYCLING: Separating, collecting and/or reprocessing of manufactured materials or residues for reuse either in the same form or as part of a different product. [6-11]

REGULATORY FLOODWAY: See FLOODWAY.

RESIDENTIAL CARE UNITS: rooms in Elderly Congregate Housing designed with sleeping and sanitary facilities, but which do not include kitchen facilities. [3-01]

REPLACEMENT SYSTEM: A system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge. [6-12]

RESIDENTIAL STRUCTURE: (See Dwelling Unit)

RESIDUAL BASAL AREA: The average of the basal area of trees remaining on a harvested site. [6-12]

RESIDUAL STAND: A stand of trees remaining in the forest following timber harvesting and related activities. [6-12]

RESUBDIVISION: The division or alteration of an existing subdivision. [11-12]

RIPRAP: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less. [3-91]

RIVER: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. [12-89, 3-91]

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. [6-87]

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

ROOF SIGN: An outdoor sign which is displayed above the eaves of a building.

RUBBISH: All non-food wastes.

SALT MARSH: Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed. [6-12]

SALT MEADOW: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common threesquare occurs in fresher areas. [6-12]

SERVICE DROP: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone or cable service

    a. the extension, regardless of length, will be made by the installation of wires to existing utility poles, or

    b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length. [6-12]

SANITARY SEWER: A sewer intended to only carry wastewater from homes, businesses and industries. [3-98]

SETBACK: The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, or property line, to the nearest part of a structure, road, parking space, or other regulated object or area. [6-12]

SHARED COMMUNITY SPACE: Space designed to be used in common for the enjoyment and leisure of residents of Elderly Congregate Housing. [3-01]

SHARED DINING FACILITIES: a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required for meal preparation in conjunction with Elderly Congregate Housing. [3-01]

SHORE FRONTAGE: The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation. [3-91]

SHORELAND AREA: Land within 250 feet, horizontal distance, of the normal high-water mark of any pond, river or salt-water body.

SHORELAND ZONE: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland, including all areas affected by tidal action; or within seventy-five (75) feet of the normal high-water line of a stream.[3-91] [6-12]

SHORELINE: The normal high-water line, or upland edge of a freshwater or coastal wetland. [6-12]

SIDEWALK: A paved way for pedestrian traffic, which is constructed parallel to a road. [11-12]

SIGN: A name, identification, description, display or illustration which is affixed to, or painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, place, activity, person, institution, organization, or business. An outdoor sign. Markings on commercial vending machines shall not be deemed signs under this ordinance. [3-93]

SIGN AREA: The area of the smallest square, rectangle, triangle, circle or combination thereof which encompasses the lettering, numbering, picture, insignia, background, or border. The structural supports of a sign are to be excluded in determining the signable area. [3-93]

SKID TRAIL: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation. [6-12]

SLASH: The residue, e.g., treetops and branches, left on the ground after a timber harvest. [6-12]

SOLID WASTE FACILITY: Area of town owned land used for the collection and disposal of town resident solid waste. This can mean any facility authorized and approved by State laws for solid waste.

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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; not 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. [6-87]

STORM SEWER: A sewer separate from the sanitary sewer that carries unpolluted drainage from storms, surface drains, cellar drains, foundation drains, industrial cooling water, roof leaders, sump pumps and street wash; but does not include any sanitary waste. [3-98]

STREAM: A free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or joins another water body or wetland within a shoreland zone. [12-89, 3-92]

STREET: The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way intended for vehicular traffic. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc. [11-12]

STRUCTURE: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. [6-12]

SUBDIVISION: The division of a tract or parcel of land as defined in Title 30-A § 4401 et. seq., as amended, including the division of a structure for commercial or industrial use.[11-12]

SUBDIVISION PLANS - FINAL: The final plan presented in proper form for signature by the Planning Board and for recording in the Lincoln County Registry of Deeds, as described in Section 3 (of Article VII, Subdivision Regulations).

SUBDIVISION, MAJOR: A subdivision containing six (6) or more lots or dwelling units, or units in a commercial development. [11-12]

SUBDIVISION, MINOR: A subdivision other than a major subdivision. [11-12]

SUB-GRADE: The shaped and compacted foundation of a road lying beneath the traveled way.

SUBSTANTIAL DAMAGE: 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. [3-91]

SUBSTANTIAL IMPROVEMENT: Any reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds 50% 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:

1. 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

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." [3-91, 6-91]

SUBSTANTIAL START: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost. [3-91]

SUBSURFACE SEWAGE DISPOSAL SYSTEM: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. [6-12]

SUSTAINED SLOPE: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. [3-91]

TAXICAB: Any motor vehicle used or to be used for the conveyance of persons for hire from place to place within Wiscasset, or from anyplace in Wiscasset to and across the town line of any adjoining town, except a motor vehicle subject to regulation by the Maine

Public Utilities Commission, and motor vehicles collecting fares by tickets or coupons sold for interstate transportation.

TEMPORARY OR SEASONAL BUSINESSES: Those for profit and not for profit activities in Wiscasset which operate and set up less than six months out of the year. [3-95]

TIDAL WATERS: All waters affected by tidal action during the maximum spring tide. [6-12]

TIMBER HARVESTING: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. [6-12]

TIMBER HARVESTING RELATED ACTIVITIES: The construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. [6-12]

TOTAL FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls plus the horizontal area of any unenclosed portions of the structure such as porches and decks but not including unfinished attics or cellars or areas where the ceiling height is less than six (6) feet. [6-12]

TRACT OR PARCEL OF LAND: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel unless the road was established by the owner of land on both sides of the road. [12-89]

TRANSPORTATION FACILITY: The use of land, buildings or structure for uses such as but not limited to aircraft landing fields, airports and related uses, heliports, railroad yards, train stations, bus stations and terminals, intermodal facilities, truck terminals and port facilities. [6-12]

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. [3-91]

UNDOMESTICATED ANIMAL: A mammal considered to be wild by the Department of Inland Fisheries and Wildlife. [3-97]

UNDUE HARDSHIP is defined (in Article I, Section 5.3.2.c.) by the following criteria:

* That the land in question cannot yield a reasonable return unless a variance is granted; and,
* 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
* That the granting of a variance will not alter the essential character of the locality; and
* That the hardship is not the result of action taken by the applicant or a prior owner.

UNDUE WATER POLLUTION is defined by the State of Maine Primary Drinking Water Standards in groundwater and surface water at any existing or planned well sites within the subdivision; or at waterbodies and wetlands wholly, or partially within the subdivision as defined appropriately in the Subsurface Wastewater Disposal Rules (Chapter 241, State Plumbing Code), in the State Protection of Natural Resources Act (Section 480-B), and in the permit requirements of the Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; or at any point on the boundary of the subdivision. Whether or not pollution will occur shall be determined by hydrogeologic studies utilizing site-specific hydrogeologic, soils, and test data including background nitrate-nitrogen levels, and performed by professionals certified by the State to make such studies; [3-89]

UPLAND EDGE OF A WETLAND: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller. [6-12]

URBAN AREA: The Compact Area indicated on the compact area map of Wiscasset published by the Maine Department of Transportation and dated 1976, a copy of which is made a part of this ordinance. [6-83]

VARIANCE: A grant of relief by a community from the terms of a floodplain management regulation. [6-87]

VEGETATION: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level. [3-91]

VELOCITY ZONE: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. [6-12]

VIOLATION: The failure of a structure or other development to fully comply with a community's floodplain management regulations or ordinance. [6-87]

VISIBLE: Capable of being seen without visual aid by a person of normal visual acuity.

VOLUME OF A STRUCTURE: (This definition applies only in Shoreland Districts A, B, & C.). The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof. [3-91]

WALL SIGN: an outdoor sign which is attached flat to, painted on or pinned away from the wall and does not project more than 18 inches from the wall.

WALL SIGN AREA: the area of the facade of a building up to the roof line, excluding windows, doors, and major architectural features.

WAREHOUSING**:** The storage, deposit or stocking of merchandise or commodities in a structure or room. [6-12]

WASTE MATERIALS: Garbage and rubbish.

WATER BODY: any great pond, river, stream or tidal area. [3-91]

WATERCRAFT: any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation other than a seaplane. [3-94]

WATER CROSSING: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities. [3-91, 6-12]

WETLAND: A freshwater or coastal wetland. [3-91]

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river. [3-91]

WINDFIRM: The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage. [6-12]

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs. [6-12]

Index to Town of Wiscasset Ordinances

All references are to Article, Section, and indicated subsection(s) of the Town of Wiscasset Ordinances. A reference includes all subsections of the specified reference. For example, the reference "Bicycles, IX.3.28" indicates that information about Bicycles is found in Article IX, Section 3.28 and all its subsections (3.28.1, 3.28.2, and 3.28.3). Similarly, the reference "Preliminary Plan - requirements (Subdivision), VII.2.2.3" refers to all the subsections (a) - (k) of Section 2.2.3 of Article VII.
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