

WISCASSET PLANNING BOARD
MINUTES, APRIL 14, 2008

Present: Al Cohen, Earl Dighton, Chairman Steve House, Jackie Lowell, Peter McRae, Karl Olson and Ray Soule

Absent: Tony Gatti and Jill Lorom

1. Call meeting to order

Chairman House called the meeting to order at 7 p.m.

2. Public Hearing: Noise Ordinance (1/14/08 draft). Proposed amendment to Article II, Building Laws

Town Planner Jeffrey Hinderliter said the noise ordinance was developed in response to a request and is a zoning tool, not a means of policing unacceptable noise. It is applicable in all zoning districts and applies to all non-residential development established after the date of ordinance adoption. It requires the developer responsible to prove compliance. Noise measurement will be at the property line and permissible level is between 60 and 70 dBA. The ordinance provides for exemptions for home maintenance activities, watercraft, aircraft and recreational activities. He gave sound level examples and explained the standards which would be applicable for development the town would be seeking to regulate.

This ordinance will not be on the ballot in June; the Ordinance Review Committee will continue to work on it.

Brian Mulligan, West Alna Road, expressed concern about the noise from the racetrack and increased use since the new owner began operation. He asked that the Board look at monitoring the noise, sound barriers or some means of controlling the noise and frequency of races, which, he said, had increased this year.

Ray Soule, an abutter to the racetrack, said that it is hard to change the rules after the fact. He said the noise did not bother him.

The public hearing closed at 7:16 p.m.

3. Consideration of January 28, 2008 minutes

Earl Dighton moved, Karl Olson seconded, to approve the minutes. Vote 6-0-1 (McRae abstained).

4. Discussion: Noise Ordinance (1/14/08 draft)

Al Cohen said the noise from the Mason Station, which had been measured at 44 decibels, was extremely loud at times and the Board should be careful about setting the decibel limits.

5. Doug Fitts and Bret Benway - Preliminary Subdivision Plan Review, Clark's Point Subdivision, Map R-5, Lot 122

Jeffrey Hinderliter said items needed to complete the application were municipal impact letters from the Police and Ambulance Departments and the condominium association documents and covenants, all of which have been received. Copies of the documents will be made available to Board members.

Doug Fitts said that he is still waiting for DEP approval for the entire subdivision; DEP has approved the pond, which will be constructed first.

The condominium documents submitted are a draft, which Fitts is hoping to simplify; however, the final documents will not be available until they are approved by the Homeowners Association. He suggested that the Board might condition approval by requiring that nothing would be sold until the final covenants have been received and accepted.

Hinderliter said there is the issue of the width of the right-of-way and the width of the paved surface. He said there is the possibility that an ordinance change could be made before construction begins. Article VII, Section 2.3.5.x gives the Planning Board authority to diminish the requirement to remove tree stumps, roots, organic matter from the right-of-way after giving consideration to safety requirements and attractiveness of the area. The Planning Board also has the right to vary the traveled way from the center of the right-of-way and the applicant should make that a formal request. Hinderliter said the plan has to conform to the ordinance and he suggested that the plans show a 20-foot paved surface up to the driveway. This could be changed in the future, if there is an ordinance amendment. Fitts said he would not be starting construction until he had a decision from the DOT regarding the route of the bypass.

Al Cohen moved, Jackie Lowell seconded, to accept the application for Phase II as complete with the following conditions: 1. Include a true north arrow or note concerning true north on the final plan; 2. Amend the applicable plans to represent conformance with the subdivision street standards, and 3. If necessary, amend plans to ensure buildings meet the 10-foot setback. Vote 7-0-0. A public hearing will be scheduled for April 28 at 7 p.m.

6. Other Business

Katharine Bunin-Stevenson explained the need for additional parking at her dental practice at 93 Churchill Road. She submitted a Site Plan Review Pre-application and there was discussion relative to the approval required. The dental office had been remodeled in 2006 and Site Plan Review had been waived as the total square footage involved had been less than 2,000.

Jeffrey Hinderliter said the area proposed for parking was approximately 5,000 sq. ft., and he referred the Board to Article VIII, Section 2.3, which indicates that Site Plan Review is needed for proposals to pave, strip, grade or remove earth materials from areas of more than 10,000 sq. ft. within a 10-year period. He suggested that a site walk be scheduled, the Board consider the performance standards and make a decision how the application should be handled (i.e. a mini-site plan review was suggested). A site walk by Karl Olson, Ray Soule and Jackie Lowell was scheduled for April 17 at 5 p.m. and the Board will decide at the next meeting how the application is to be handled.

7. Adjourn

Al Cohen moved, Jackie Lowell seconded, to adjourn the meeting at 7:59 p.m.

Submitted by,

Jackie Lowell, Secretary

cc: (Upon Planning Board approval) Board of Selectmen