



Office of Planning & Codes

WISCASSET ORDINANCE REVIEW COMMITTEE.

Minutes, January 26, 2015

Present: Al Cohen, Larry Lomison, Jackie Lowell, Karl Olson, and Town Planner Jamel Torres

1. Call to Order

Chairman Karl Olson called the meeting to order at 5 p.m.

2. Approve January 12, 2015 minutes

Al Cohen moved to approve the minutes of January 12, 2015. Vote 4-0-0.

3. Proposed Historic Preservation Ordinance

Karl Olson said the committee had been working on the previously drafted ordinance for almost a year to bring it into a form which would work with the Town's ordinance structure. He pointed out a blowup of a section of the proposed zoning map showing the areas of town affected by the ordinance.

Albert Kontrath of Ferry Road said he was familiar with historic preservation ordinances and complimented the committee on the accuracy, attention to detail and completeness of the information provided in the ordinance that was being proposed; he said he was 100% behind the ordinance. He suggested that the notice time be 45 rather than 30 days. Karl Olson explained that, although he agreed with the expanded time for feedback, the ordinance was drafted in the same format as other Town ordinances.

In response to Linda Pope's question regarding changes made to structures, which were not in accordance with the ordinance, Karl Olson said that minor changes could be approved by the Code Enforcement Officer, but if a certificate of authorization had not been obtained the Code Enforcement Officer could issue a cease and desist order and the owner could be fined, and the building would have to be brought into compliance. The Selectmen could waive the fine or the applicant could apply to the Board of Appeal.

Town Planner Jamel Torres summarized the ordinance, listing the five themes: To protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks; to prevent, without prior review, the demolition or removal of significant historic buildings or structures within the designated districts or designated sites or landmarks and other significant design elements; to preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings or structures; to 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; and to promote the educational, cultural, economic and general welfare of the people of the Town of Wiscasset.

Torres said a historic preservation commission is proposed, members to be appointed by the Board of Selectmen. Members may be residents, property owners, or appointed representatives of non-profit properties. The Commission will conduct an inventory of local historic and cultural resources, advise and inform owners and abutters of the ordinance, make recommendations to establish historic districts, sites or landmarks; review proposed additions, reconstruction, alternations, construction, etc.; review all proposed National Register nominations within the district; advise and educate the Board of Selectmen; and assist with fundraising and other duties as required by the ordinance.

The proposed Wiscasset Historic District includes the Village I, Village II and Village Waterfront Districts.

Susan Blagden asked whether the ordinance was limited to the National Historic District which was accepted years ago. Karl Olson pointed out that the proposed ordinance applies only to the colored districts on the map, not to properties included in the brown outline of the national historic district. The commission will look at the federal guidelines to include other historic properties such as the powderhouse.

Susan Hammond expressed concern that owners in the district would have to now bring their homes into compliance with the new standards. Karl Olson pointed out the seven actions which would require a certificate of appropriateness on page 10 of the ordinance: New construction; demolition; moving a structure; additions, alternations or reconstruction; new signs; new construction of walls, fences, parking lots; and sandblasting. Mr. Konrath pointed out the definition of "contributing structures," which are structures located within a designated historic district and identified as contributing to the historical or architectural significance of said district as opposed to non-contributing structures where the standards would not apply except for aesthetics.

Constance Schumann asked whether age alone would make a building historically significant. In response, Karl Olson read the definition of historical 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.

Schumann also confirmed that renovations could be done by any contractor, not just one specializing in historic buildings.

In response to Doris Pendleton's comment on the change in color of the Pumpkin House from yellow to orange, Karl Olson said colors were not dictated in the ordinance.

In response to Ed Kavanaugh's question, Karl Olson said new construction in the district would have to be architecturally compatible with the rest of the street.

Jason Putnam commented that just because a house is not contributing now, it will be in the future and would set a precedent for future generations. Larry Lomison suggested that a time frame be identified in the ordinance after which a structure would become eligible for historic preservation.

In response to Linda Winterberg's query whether a survey had been performed of historic buildings, Susan Blagden said Jane Tucker had worked on an inventory and there should be a map of historical buildings in the map room. The Town Planner will attempt to locate the map. Karl Olson said an inventory would be one of the first jobs of the commission.

Albert Konrath said perhaps the town's copy of the National Registry of nominated historic buildings had a survey of buildings that were included as contributing at that time.

John Reinhardt, who had previously worked on the matter, will send his information to Jamel Torres.

Jamel Torres will locate the original historic preservation map and survey, will identify a time frame for historic buildings, such as 50 years, work with the commission to develop an inventory of historic buildings and adjust the boundaries of the historic district if necessary.

A correction was made to the proposed ordinance on Page 16, Section 8.2: The first sentence will read, "The Board of Selectmen, the Planning Board, the Commission or the public itself through a Maine Revised Statutes Title 30-A process may initiate action to amend this ordinance." Al Cohen moved to accept the ordinance with the change of wording and to send it to the selectmen. Vote 4-0-0.

4. Discussion of Future Land Use Plan

A. Status of Maps – in progress.

B. What still needs work? – James Torres will send a copy of the draft ordinance to the Town Attorney Mary Costigan.

C. Timeline for June Town Meeting: A public hearing must be held at least 30 days before the Annual Town Meeting. The ordinance will first be sent to the selectmen for their input, after which the Planning Board will hold a public hearing.

5. Route 1 Design Standards

A. Status of Maps – in progress.

B. Planner's review/comments – In response to Torres' question regarding the committee's opinion on bump-outs, Olson said many of the standards originated with the Route 1 study group and were not recommendations of the ORC. Cohen said that the only recommendation adopted by the group was his suggestion that the last parking space on Route 1 across Water Street from Sarah's be changed to a handicapped space parallel to the curb to improve visibility. The Route 1 Design Standards were approved by the ORC in September and will be sent to the Board of Selectmen for its comment.

6. Discussion: Planned Development District

For the next meeting, Torres will send the committee the use matrix which is complete with the exception of uses allowed in the Planned Development District. He will also recommend a definition in accordance with the comprehensive plan and provide performance standards and other possible information that should be included in an ordinance. Larry Lomison will give Torres access to the Concept Plan study.

7. Discussion: Compliance issues with the Sign Ordinance

At the town manager's suggestion, Torres drafted a memo to the selectmen regarding their position on developing an inventory of signs so that the sign ordinance can be enforced. A minor change was made and it was the consensus of the committee that it should be sent.

8. Discussion: Statewide Standards option – Timber Harvesting and Related Activities in Shoreland Areas

Torres read the three options offered to municipalities regarding timber harvesting in shoreland: Maine Forest Service takes over administration and enforcement, a joint enforcement agreement is entered into, or the town is responsible for enforcement with assistance of the Maine Forest Service. The committee asked for more information before making a recommendation.

9. Discussion: Development of goals based on current and anticipated work through June Town Meeting – covered above

10. Update: Filling the two vacant seats

Jason Putnam and Albert Konrath, both of whom expressed interest in serving on the committee, will be contacted regarding membership.

11. Other Business

Jamel Torres will look into the current noise ordinance to determine if it is adequate in view of the complaints that were made when timber harvesting was being conducted recently on Cherwonki property.

12. Adjourn

Al Cohen moved to adjourn the meeting at 6:37 p.m. Vote 4-0-0