

TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
FEBRUARY 13, 2013
LOCATION: UNITY MASONIC LODGE, UNITY, MAINE

MEMBERS IN ATTENDANCE: Randy Reynolds, Jim Kenney, Jo Kenney, Nancy Zane, John McIntire, Mark Nickerson, Don Newell, Emily Newell, Barry McCormick

OBSERVERS: Chris Rossignol, Charlie Porter

RECORDER: Sherry Powell-Wilson

18:32:57 Jim Kenney: Shall we get started? Last week we did not have the Minutes of the previous week to review so we tabled reviewing approval on the 31st. You would have received them all last week. Any opinions? Hearing none. Are they acceptable from the 31st?

18:34:10 Barry McCormick: I move that we accept the Minutes.

18:34:17 Jim Kenney: It has been moved. Looking for a motion go second.

18:34:25 All in favor.

18:34:32 Jim Kenney: Seeing none, approved. Moving forward, you all received the Minutes from 02/06. I do have something to speak to regarding those Minutes but I'll open the floor first to anything else.

18:34:55 Don Newell: I only had a few questions regarding the numbers, like why are 4 and 8...

18:35:09 Randy Reynolds: What we're doing is reading down through the whole ordinance, and Nancy will be reading today, and every time she stops, will put a number in the sidebar consolidating everything, and this is a way of knowing what to consolidate such as code enforcement, lights, signs...

18:35:40 Don Newell: So if it has to do with one of the categories...

18:35:48 Randy Reynolds: Like some of them I had #5 on.

18:35:54 Jim Kenney: What we had agreed to and I kind of need to remind some members of what we're reading and making a notation and will come back and debate it. Any other comments? Regarding the Minutes from the 6th, there is a correction needed, an amendment. I had speculated that Jo and I had surrendered our votes at one point, but I want to state that we all have a vote, including the alternates, we all have a vote.

18:37:18 Barry McCormick: So that means Jo and you get a vote?

18:37:31 Jim Kenney: Any other conversation on the Minutes? Let's vote.

18:37:41 Barry McCormick: I motion we accept the Minutes as clarified.

18:37:51 Jim Kenney: I second the motion to accept as clarified. Hearing no objection, they are approved. By doing this these will now be placed on the Unity site for all citizens to read them. Any other business before we start reading?

18:38:29 Randy Reynolds: The selectmen met with the school board yesterday. Everything is fine except for two issues that came up, one being the fact where the new parking is going to be, which it is going to be 10 feet lower than it is now, painting, striping, signs, which is a side agreement of the deed. The other is a small issue regarding the property pins – will do at a later date. Once the demolition is done and everything put back into place...the school will pay for it so we don't have to deal with it. By mid-March we should have ownership of that property.

18:39:49 Jim Kenney: Thank you – Chris (Rossignol), good work. Okay, we left off at Section III, nonconformance.

18:40:07 Nancy Zane: (reading) Section III, Nonconformance, 1. Purpose

18:41:01 Randy Reynolds: Sidebar #3, nonconformance.

18:41:13 Nancy Zane: (read) 2. Nonconforming structures, A. Expansion, B. Relocation

18:42:45 Barry McCormick: I want to make sure I understand what we're doing so I can help. If reading through section III, like on expansion, if we don't put a side bar...

18:43:05 Randy Reynolds: We're going to address everything.

18:43:11 Barry McCormick: Then we're going to go back and address each individual item again? I just want to make sure.

18:43:20 Jim Kenney: We have set out to do this so we're all on the same understanding so as we go through again, and I can be corrected here if I'm wrong, but we're going to go back through and really work the words. I need a side bar that says plumbing inspector.

18:43:48 Don Newell: My understanding, based on my experience with this is that it helps a lot if you make that sidebar, you are saying you want to talk about this. Speak it out.

18:44:09 Jim Kenney: An example of what I just did.

18:44:15 Barry McCormick: My sidebar is for an existing property that is nonconforming, so let's say you sell it to Mark, can he keep going with it even though it is nonconforming or would that be the time to clean something up?

18:44:36 Randy Reynolds: Make a note on your page.

18:44:55 Don Newell: Should that nonconformance continue through with the present owner?

18:45:01 Randy Reynolds: Ultimately, what we're trying to do is bring everything together in the whole book, signs, lights, everything, and then we'll deal with it in one unit.

18:45:25 Barry McCormick; I think that is two different things, I agree with Randy 100%. I can wait for when that comes up again.

18:45:44 Jim Kenney: But it is important that you speak out.

18:45:52: Jo Kenney: Basically, what Barry is asking, two things are happening. Calling out combines all related topics, such as lighting. At least we will have a flag, and we don't want to miss the flags.

18:46:25 Chris Rossignol: I have just one question, and Randy is going to help me with this, if somebody buys an additional lot, an expansion, it is that mentioned somewhere here, would that make it conforming?

18:46:45 Randy Reynolds: We're not going to debate that now.

18:46:59 Jim Kenney: that is what Sherry is doing.

18:47:05 Emily Newell: We should have a consolidation number for additions. This also mentioned getting a permit. Number 13 is permit.

18:47:48 Don Newell: Letter A should have 13 and 3 next to it. Letter A, Expansions, should have a highlight, consolidation permits, and add on plumbing inspector would be 33.

18:48:32 Mark Nickerson: Appeals was 33 and CEO was 34.

18:48:39: Emily Newell: CEO is 4, plumbing inspector is 34, and 35 is building expansion.

18:49:05 Don Newell: My point with Chris's questions, in this ordinance is there a full disclosure of this?

18:49:22 Randy Reynolds. They hit it on several different angles, it is pretty well covered, may leave it alone.

18:49:36 Nancy Zane: (read) C. Change of use

18:49:58 Don Newell: Back up to that last paragraph, I'm curious why moving the building would trigger the requirement to meet the State law if it currently does not. I think if we're going to make it more conforming, but you still have to do a bunch of septic work... Why do we enforce them to do septic work if it is not conforming in the first place?

18:51:14 Charles Porter: Do you want an answer to that Mr. Chairman?

18:51:27 Jim Kenney: That's where we're going to need you. Reconstruction or appeals, a nonconforming structure may be replaced.

18:51:48 Randy Reynolds. Side bar 3. An expansion to a nonconforming...that legally is subject to all...

18:52:14 Emily Newell: #35, expansion.

18:52:24 Nancy Zane: (resumed reading) B. Resumption prohibited.

18:52:38 Jim Kenney: I have a sidebar, it is confusing as to why it exists.

18:52:52 Randy Reynolds: Nonconforming.

18:52:55 Nancy Zane: (read) C. Changes of use.

18:53:17 Randy Reynolds: Sidebar 3.

18:53:19 Barry McCormick: That makes no sense at all.

18:53:25 Nancy Zane: (read) 5. Nonconforming lots

18:53:48 Randy Reynolds: 3 nonconforming.

18:54:23 Nancy Zane: (read) 6. Nonconforming signs

18:54:32 Emily Newell: 2

18:54:35: Randy Reynolds: 3 and 2.

18:54:38 Don Newell: (read) Section IV, Definition of districts, 1. Overview, A and B.

18:56:09 Randy Reynolds: 17

18:56:18 Don Newell: (read) 2. Baseline districts, A. Downtown district

18:56:48 Jim Kenney: Did everyone capture what Randy just said?

18:57:01 Don Newell: (read) B. Rural district

3. Overlay districts, A. Village district, B. Aquifer protection district

18:57:26 Jim Kenney: Location of the fire station.

18:58:23 Randy Reynolds: 20

18:58:39 Randy Reynolds: (steps up to the map, outlining the districts)

18:58:48 Jim Kenney: Milmac is now the marina, Murdock is Nason, he actually owns it.

18:59:08 Don Newell: (read) C. Shoreland district

18:59:18 Emily Newell: 29, 20.

18:59:30 Don Newell: (read) D. Retail growth district.

18:59:36 Randy Reynolds. This one stands alone. There is nothing to consolidate with. This is the most important thing as far as I'm concerned. This is the only place one can build a business.

18:59:58 Nancy Zane: Make that #36, retail growth district.

19:00:11 Don Newell: (read) Section V. Dimensional requirements
Lot requirements , A. Purpose

19:00:48 Jim Kenney: Sidebar, small and relatively small are not clear, need to be defined.

19:01:00 Emily Newell: They are later, I think. I would call that #14.

19:01:12 Randy Reynolds: Downtown district and rural district.

19:01:18 Don Newell: Sometimes there are new lots that are not subdivisions.

19:01:28 Emily Newell: That would be 37.

19:01:36 Barry McCormick: This is a gray area, needs more flexibility, I don't recall where this is defined at all.

19:01:52: Randy Reynolds: I think it is 50 feet. You don't need road frontage. With a 50-foot right of way you don't have to build behind it.

19:02:23 Mark Nickerson: It applies to rural as well..

19:02:32 Don Newell: (read) B. Applicability

19:02:45 Nancy Zane: 21

19:02:50 Emily Newell: I wouldn't go that far.

19:02:56 Don Newell: (read) C. Basic lot size requirement, 1) Downtown district

19:03:13 Randy Reynolds: That reads very poorly, does not say town sewer.

19:03:22: Don Newell: I would say Unity Utilities District.

19:03:28 Donald Newell: (continued reading) 1) Downtown district)

19:03:46 Jim Kenney: Side note to better understand what is being said there.

19:03:55 Don Newell: (read) 2) Rural district

19:04:14 Randy Reynolds: 18

19:04:29 Don Newell: (continued reading) 3) Shoreland zone

19:06:06 Randy Reynolds: 29, shoreland, and also needs a lot of work there.

19:06:18 Emily Newell: I have 13 and 14.

19:06:26 Don Newell: (read) D. Further lot size requirements (by district)

19:06:44 Randy Reynolds: 3, subdivision.

19:06:49 Emily Newell: Should be 14.

19:06:59 Don Newell: (read) D. Downtown district

19:07:36 Jim Kenney: What is the purpose of this?

19:07:40 Don Newell: (read) 2) Rural district

19:07:54 Randy Reynolds: 18 rural and 14, subdivision.

19:08:16 Randy Reynolds: If you building more than two buildings.

19:08:12 Barry McCormick: What if you build up?

19:08:32 Don Newell: (read) E. Lot access

19:09:12 Emily Newell: We should have a number for new roads and driveways? Roads, 1.

19:09:23 Randy Reynolds: 14 and 17 too.

19:09:28 Don Newell: (read) E. Lot shape

19:09:50 Emily Newell: 13, new lot .

19:09:56 Don Newell: (read) 2. Road access management, A. Purpose, B. Applicability

19:11:08 Randy Reynolds: You can't enforce that last sentence, it is unenforceable.

19:11:18 Don Newell: (read) D. Access point dimensions
3. Structural requirements, A. Applicability, B. Building height

19:13:13 Jim Kenney: I would like to review that 35'.

19:13:19 Don Newell: The Fire Department now has equipment that will serve higher heights.

19:13:42 Don Newell: (read) C. Building setbacks from front property line, 1) Rural district

19:13:57 Randy Reynolds: That's debatable, just better 17 feet from the edge, and center of road 50 feet.

19:14:18 Emily Newell: Do we have a number for building structures, what do I call it, new buildings?

19:14:34 Randy Reynolds: Just buildings. #38.

19:14:57 Don Newell: (read) 2) Downtown district, a) General requirement, b) Special exception

19:15:27 Emily Newell: We will want to revisit that.

19:15:32 Randy Reynolds: It is the same general language for the rural and downtown districts.

19:15:41 Don Newell: (read) D. Building setbacks from side and rear property line, 1) Basic dimensional standard, 2) Performance standard options

19:16:34 Jim Kenney: As a sidebar, I think we need to review this with the fire chief, what are the current standards

19:16:47 Charlie Porter: The Special Exceptions is a Pandora's box and should be removed. According to the way this is written, say if you removed a structure that was building 15 feet from the right of way and has been there for 100 years, you can build another structure right up to the road as well.

19:17:34 Emily Newell: Do we need a number for the fire chief?

19:17:48 Nancy Zane: Put it as #39, fire chief.

19:18:29 Don Newell: (read) 4. Agricultural protection setback, A. Purpose

19:18:54 Barry McCormick: I wrote the word 'why' here.

19:19:03 Charlie Porter: That has been appealed by the legislature.

19:19:11 Jim Kenney: We need to visit it again.

19:19:28 Randy Reynolds: This whole thing should be #18, rural.

19:19:34 Don Newell: I don't think will come up again. What other places talk about agriculture?

19:20:12 Nancy Zane: #40 should be agriculture.

19:21:33 Don Newell: (read) B. Applicable farmland, C., Property covered

19:23:28 Jim Kenney: I want to ask Charlie, wasn't this recently reviewed, it was a major conflict, something wasn't done appropriately. I think we need to come back and revisit this. Something at the end of the Albion Road?

19:24:01 Don Newell: John Piotti had had an issue with it; it was brought up at a town meeting.

19:24:15 Emily Newell: #37, new lot.

19:24:25 Mark Nickerson: Are you talking just the last paragraph?

19:24:31 Jim Kenney: That whole area is being discussed, something happened that needs to be understood before we implement anything.

19:24:52 Don Newell: (read) D. Setback requirements, E. Inapplicability to some property, F. Appeals

19:25:52 Nancy Zane: (read) Section VI. Farmland protection Incentive measure, 1. Purpose, 2. Applicability

19:26:13 Randy Reynolds: This whole section is 18.

19:26:20 Emily Newell: #40 as well.

19:26:48 Jim Kenney: Will come back to understand what was defined by the soil conservation service.

19:27:04 Nancy Zane: (read) 3. Specific measure

19:28:10 Mark Nickerson: We should look at the purpose of all that.

19:28:22 Emily Newell: New lots and subdivisions, #14.

19:28:29 Nancy Zane: (read) 4. Administration

19:29:12 Jim Kenney: I never did get a clear definition by title what the density bonus is.

19:29:39 Don Newell: 600 square feet.

19:29:45 Barry McCormick: This whole thing has got me confused. The field behind that old building, across from the moose...Kanokolus Road...If somebody came in and bought that field to the right of the road, that's farmland, I assume. Could they do anything with it other than farm it?

19:30:46 Emily Newell: This would not apply, not in the rural district.

19:30:56 Jim Kenney: We're going to come back and flush that out fully. It will be clearly understood.

19:30:56 Charlie Porter: It's buildable. Nothing in here says you can't build there. They restrict the hell out of you.

19:31:30 You can only build a business on School Street.

19:31:56 Nancy Zane: (read) 5. Preserved open land

19:32:33 Jim Kenney: We're going to work that heavy and hard.

19:32:38 Nancy Zane: (read) Section VII Special performance standards, 1. Parking areas, A. Parking requirement

19:33:26 Emily Newell: #23, #35.

19:33:32 Randy Reynolds: Downtown #17.

19:33:36 Nancy Zane: (read) B. Landscaping requirement (downtown district only)

19:34:06 Randy Reynolds: #17, downtown.

19:34:25 Emily Newell: Why changed in '96?

19:34:32 Mark Nickerson: There are two areas where they say '96 but before that it is all '95.

19:34:49 Nancy Zane: (read) C. Screening requirement (village district only)

19:35:12 Randy Reynolds: #16, village.

19:35:17 Emily Newell: 23

19:35:12 Nancy Zane: (read) 2. Commercial signs

19:36:19 Randy Reynolds: Sidebar, #2, signs.

19:36:27 Nancy Zane: (read) 3. Retail activity in the rural district

19:38:15 Randy Reynolds: Needs a lot of work.

19:38:18 Jim Kenney: I wrote the word 'redo.'

19:38:24 Nancy Zane: (read) 4. Retail activity in the downtown district

19:38:48 Randy Reynolds: #17, downtown.

19:38:51 Nancy Zane: (read) 5. Special requirements for downtown district

19:39:28 Randy Reynolds: #16, village, and #25, commercial.

19:39:43 Emily Newell: Fix typo, section 5, instead of 8.

19:40:01 Nancy Zane: (read) 6. Special requirements for large commercial complexes

19:40:29 Randy Reynolds: #25, commercial, 17, downtown.

19:41:27 Mark Nickerson: I think that area, A through F, really needs to be looked at.

19:41:41 Emily Newell: Typo, break-up, should be break up.

19:41:51 Nancy Zane: (read) 7. Commercial impacts throughout town

19:42:24 Emily Newell: I have a comment, earlier in the document the word nuisance is actually translated to violation I definition – I would consider changing that.

19:42:41 Barry McCormick: Here it states ‘mineral extraction’ as being different, it is still a business like everything else.

19:43:21 Jim Kenney: Sidebar, ask the code enforcement officer to define more fully.

19:43:50 Charlie Porter: Let’s take a farmer like Bobby Elwell, he probably has 60 different pieces of equipment....

19:44:13 Jim Kenney: We’re going to need your help, Charlie.

19:44:28 Charlie Porter: What is good for the goose, is not good for the gander.

19:44:49 Nancy Zane: (read) 8. Lighting, 9. Driveways and roads

19:46:11 Emily Newell: (read) C. Construction standards – driveways, D. Construction standards - roads

19:47:10 Emily Newell: This is roads.

19:47:39 Emily Newell: (read) 10. Mobile home parks, A. Applicability, B. Performance standards

19:48:05 Don Newell: #9, subdivision – We really need to read that.

19:48:17 Nancy Zane: 14

19:48:20 Don Newell: #9, driveway and road, 14.

19:48:56 Emily Newell: And fire suppression, 39.

19:49:06 Emily Newell: (read) 1) Lot size, width and density, a through d, 2) Setbacks

19:50:24 Jim Kenney: I would like that defined in the future.

19:50:38 Emily Newell: (read) 3) Road standards, 4) Parking requirements, 5) Utility requirements

19:51:16 Jim Kenney: Charlie, do you have the authority to inspect mobile home park roads? It says it has to meet a certain standard.

19:51:48 Charlie Porter: We have to have the standard first.

19:52:03 Don Newell: Under the parking requirements, sidebar, we need to talk about specific requirements, just mowing the grass down does not make a parking lot.

19:52:24 Emily Newell: (read) 6. Buffer strip, 7. Conversion of park
11. Requirements for small and intermediate wind turbines

19:55:50 Barry McCormick: Nothing speaks to noise, I know they do make noise.

19:56:03 Don Newell: Types 3 and 4, the big ones.

19:56:13 Emily Newell: (read) D. Special application procedures

19:57:02 Reached the end of Section VII.

19:57:04 Randy Reynolds. I would like five minutes. Everything we have done last week and this week on working towards consolidation the whole thing, I have color coded ever thing like the code enforcement officer, the village district.....the whole nine yards and you will have on your computers tomorrow morning.

19:57:41 Jim Kenney: We will stop here.

19:57:55 Randy Reynolds: We'll be getting into a whole different ball field. I figure if we can get through the 2nd section next week, dive right in, look it over, read it and formulate your own opinion. Try to make it village district, rural, downtown...that is one step closer to getting three folders together.

19:59:49 Jim Kenney: There are but 4 pages remaining to be read. Does that sound like next week's meeting?

Respectfully submitted,
Sherry E. Powell-Wilson
Accepted As Read: 02/20/2013