

**LAND USE REVIEW COMMITTEE MINUTES
TOWN OF UNITY
WEDNESDAY, JULY 10, 2013
LOCATION: MASONIC LODGE, UNITY, MAINE**

MEMBERS PRESENT: Jim Kenney, Mark Nickerson, Chris Rossignol, Mike Murch, Charlie Porter, Barry McCormick

OBSERVERS: None.

MODERATOR: Jim Kenney

Recorder: Sherry Powell-Wilson

18:32:34 Jim Kenney: Shall we open? Anything you'd like to add? I told Chris coming in the conversation that he and I had had about having a co-chair and we kind of said no. There were Minutes. I struggled to get them out, that's why you might have seen them three times. You've had a chance to read them.

18:35:09 Barry McCormick: I make the motion to accept.

18:35:14 Mark Nickerson: Accepted.

18:35:29 Jim Kenney: As a side note, our Minutes still go to all the members who were here when we was chartered, the Newell's. Nancy Zane is off for the summer. So, who we generally see here is who you see here. Ken joins Mike occasionally, John McIntire, and Jean drifts in. We seem to be working well. What our plan of attack is we're going through looking at the words before we get into the real structure, and that's what you're seeing when you see the Minutes and, as you see, it sometimes take us a long time to settle on a word.

18:38:56 Mike Murch: The biggest thing is trying to clarify.

18:38:58 Jim Kenney: If I recall, we left off at section five. Once we are clear in what we are going to recommend, we've got to go to the Planning Board and The Comp Committee. That's where we need the alignment with the Comp Committee, where these lines are (referring to maps). If we're done before Town Meeting, we might come to you and let's have some Minutes and public meetings and see if we go forward. This is the working document.

18:41:39 Barry McCormick: Where we left off, this part on page 14, baseline districts, that's the part that needs to be talked with Randy, that and page 15, and we stopped, we stopped.

Mike Murch: Section five, 1B. We finished A.

18:42:24 Barry McCormick: We can start there tonight because the stuff Randy is going to talk about is back here.

18:42:32 Jim Kenney: What we're looking for are the words, Charlie has had some thoughts relative to lot sizes.

18:42:43 Mark Nickerson: B, applicability, these standards apply to all new lot created after April 1, 1995. C, basic lot size requirements.

18:43:17 Mike Murch: I'm questioning the date, do we need to change that up to the current date of 2013.

18:43:25 Jim Kenney: As said on a previous date, we've got to look at that and get the proper words.

18:43:48 Mark Nickerson: Number one, downtown district, the minimum size for new lots served by sewer is 10,000 square feet. *NOTE: Residential subdivisions involving lots of this size must set aside additional land for open space, as outlined in Section X.5.B.* So, what do you have to set aside the land for?

18:44:38 Charlie Porter: You've got to create your mini-park over here.

18:44:51 Barry McCormick: This is subdivisions, it is different from an individual lot.

18:44:59 Charlie Porter: If you decide to make a subdivision downtown on the sewer district, you've got to set aside open space.

18:45:10 Barry McCormick: How much?

18:45:13 Jim Kenney: Section 10, 5B, A is for preservation of land, B is for Open Space. I'll read that to you so at least you can understand. It's on page 39.

18:45:49 Mark Nickerson: B, open space, any residential development that will contain more than one dwelling unit--on average--for every 20,000 square feet of land area shall set aside additional land as open space for use by the development's residents. This additional land shall be equal or greater in area to 10% of the minimum area required for such a development elsewhere in this Ordinance. (For example: A 4-unit apartment building on a sewered lot would require 15,000 square feet--under Section V.1. D--plus another 1,500 square feet under this 10% provision). No more than 25% of this land may consist of wetlands, steep slopes, or other land unsuitable for active recreation. The Planning Board may waive this provision if the development is located within 500' of public open space of suitable size and features, and if that open space is linked to the development by a safe pedestrian route.

18:47:06 Jim Kenney: Charlie, do you know the root of this, why this was put in here?

18:47:12 Charlie Porter: Because John wanted it in there.

18:47:18 Jim Kenney: Okay, there is no state requirement driving that?

18:47:19 Charlie Porter: As far as I know, no.

18:47:20 Mark Nickerson: What's the purpose of open space?

18:47:44 Charlie Porter: To make everybody feel good.

I can't see anybody moving downtown and putting in a development and 10,000 square feet, it's nothing, and then all of a sudden you're going to have to create a mini-town down there and have your own ballpark. I can't see it for the town.

18:48:38 Barry McCormick: What I could see happening is like the Leisure Homes, that could almost fall under this. Let's say downtown district, somebody bought a piece of property down there and wanted to put in a subdivision, with four houses on it. That's what this would be. They're saying if I buy something down there with acreage big enough to put a subdivision on that you can get three or more houses on, that I've got to also create an activity area for the residents to be able to use. Correct?

18:49:29 Charlie Porter: Yes.

18:49:47 Barry McCormick: I guess my first suggestion is if they feel it's something we want to leave in there, why not just, where it says minimum sized lots served by sewer us 10,000 square feet, residential subdivisions involving lots of this size must set aside 10% additional land for open space, period.

18:50:27 Jim Kenney: You would combine it?

18:50:31 Barry McCormick: Yes, must set aside an additional 10% of total land for open space. Take that last open space thing right out of there.

18:50:46 Jim Kenney: How are you guys on what Barry has suggested, revising this section 5C1 to say the 10% there? Instead of as outlined in section 10.5.B? Right? That means people do not have to go seeking like we just did.

18:51:32 Barry McCormick: We can get rid of a whole paragraph. The only thing I might add to that if I could the last part of this, some of that you might want to put in there, in other words it can't be 10% of wetlands, it has to be 10% of usable land.

18:51:56 Jim Kenney: But we're going to remove the reference to section 5.10.B, and make the statement right there such that the applicant can see it right there. Now we'll move to the second part of that.

18:52:17 Mark Nickerson: Well, I still don't understand why we have to have open space.

18:52:29 Barry McCormick: I don't know that we do, I just said if we're going to.

18:52:32 Mark Nickerson: Are we going to go back and revisit this and pull it out?

18:52:37 Jim Kenney: I picture this. We take it to the Comp Committee. It came out of that group of people over there but I think it's important that we capture it in the form that Sherry has given us and here in the Minutes. It's going to need their buy-in when done. We're going to propose what has been said here. Whether or not it stands remains for another day.

18:53:08 Mike Murch: That is what is driving it, for open spaces?

18:53:13 Jim Kenney: The Comp Plan.

18:53:14 Mike Murch: My only thought about having this in there myself is that if they were talking as with the housing up there, low income where you've got kids and things like that, at least there is a guaranty that they have an area that kids can go outside and play and have an area to do that. If someone is not required to have, and you go up and build those same buildings right up against the road, then there is no backyard out behind there where the kids might be. They're going be on the sidewalks and in the road everything else which typically they do now anyway, but...

18:53:58 Charlie Porter: I cannot picture that in this town.

18:54:03 Barry McCormick: I think if anybody is going to invest that kind of money that they're going to want something for the residents there.

18:54:12 Jim Kenney: I think it's worthy of considering along with the Comp Committee because if there is public space available within 500 feet, call that the ball field, that is satisfying so there is a way to not use it if there are other provisions.

18:54:39 Mark Nickerson: There are two other low-income or whatever you want to call it developments down there...

18:54:43 Jim Kenney: With space. In this case, as I see it, if it's clear right up front, the applicant will know what they need to do right up front and get that worked out.

18:55:07 Mark Nickerson: The minimum size for other new lots is 20,000 square feet. The applicant must show that a proposed lot regardless of size is provided with adequate subsurface wastewater treatment. Such treatment can be provided on the lot or potentially off the lot, if connected to an approved shared use system.

18:55:39 Jim Kenney: Charlie, that sounds almost reasonable doesn't it?

18:55:41 Charlie Porter: It's reasonable but it's not our call. This is all the States's call, the plumbing inspector's. I wouldn't even have it here.

18:55:51 Jim Kenney: Having said what you said, how does the applicant know that he has to get this squared away with the plumbing inspector?

18:56:03 Charlie Porter: The first thing, if he called me on the phone, I would tell him the first thing he would have to do is you're gonna have to get a PERC test. Get it inspected like they do. No such thing anymore as failing. You can build on anything today.

18:56:23 Jim Kenney: If you use a State-designed system. Having said what you just said, what would we give to the applicant so they know what they have to do? Would we say the minimum size for other new lots is 20,000 square feet and the applicant must work with a plumbing inspector to develop a system...

18:56:52 Charlie Porter: He must get a designed drawn by a soil scientist and approved by the plumbing inspector.

18:57:10 Jim Kenney: How about that? It makes it clear right up front.

18:57:13 Mark Nickerson: Rural district, new lots created by dividing a larger parcel must meet requirements both for minimum lot size and for average lot size. The average size of all created lots shall be at least 120,000 square feet, except in some instances where properties are located in the Shoreland Zone as described in C(3) below. C(3) says portions of both the Downtown District and Rural District are also located in the shoreland zone. Unity's Shoreland Zoning Ordinance contains additional lot requirements, which must also be followed. For the purposes of calculating average lot size, a shorefront lot located in the Rural District can be divided into two lots, provided that the resulting average size of the two lots is at least 80,000 square feet and that all other lot requirements of the Shoreland Zoning Ordinance are met. Each additional lot after the second will require an additional 120,000 square feet, on average.

18:58:51 Jim Kenney: 120,000 square feet is actually 2 and the 3/4 acres. Charlie, what does the State require?

18:59:03 Charlie Porter: 20,000 square feet. That's a minimum lot size in the State of Maine, which is roughly half an acre.

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18:59:23 Mark Nickerson: On the lake?

18:59:26 Jim Kenney: Out in the farmlands.

19:59:30 Charlie Porter: The lake is two acres.

18:59:31 Mark Nickerson: You need two acres to build a camp on the lake now

18:59:34 Charlie Porter: 200 plus frontage, just creating a lot now, 200-foot frontage, 400 feet deep now.

18:59:44 Jim Kenney: Okay, we can spend a day now on the water, but how are we going to do about here on the farmland?

18:59:50 Charlie Porter: The way I see it, the stricter rule applies anytime, anywhere.

18:59:59 Jim Kenney: On this paragraph, what would be proposed for any changed wording?

19:00:12 Mark Nickerson: Let me ask this, is this a State requirement? This 120,000 square feet in the rural?

19:00:25 Charlie Porter: No, I would like to see it changed to 2-acres, like every other town around it's two acres. This is a hindrance to our youth, when a kid's got to buy three acres, if he can even find three acres.

19:00:49 Jim Kenney: So would you propose two acres and state it that way?

19:01:00 Charlie Porter: On 20,000 square feet they figure you it's enough land to put a replacement system on.

19:01:08 Mark Nickerson: You mean if the original one fails?

19:01:13 Charlie Porter: Oh yeah, you've got room for another. A lot of towns, that's all they require, a half an acre.

19:01:29 Jim Kenney: Okay, now we have across the way the next paragraph speaks of 20,000 square feet. How does that...

19:01:40 That's where I'm confused because what they're doing is they want to make sure, that the lots are average, they have to average the 120,000 square feet. So, you can have a small lot, and then you can a big lot but they have to average the three acres. I agree, I think three acres is a lot.

19:01:42 Jim Kenney: So you go with new lots created, that first sentence leaves a lot to be desired. It jumps right to the average size before it gets to the minimum size.

19:02:25 Mark Nickerson: Do we even know what the average lot size is in the Town of Unity, in the rural district? Has that ever been figured out? I bet it's huge.

19:02:37 Charlie Porter: You mean, what's there now? They're all over. Like a farm like his, it runs down to like a small lot like mine.

19:02:47 Mark Nickerson: This doesn't say like on this street that they have to be that average size.

19:02:53 Jim Kenney: In the rural district.

19:02:57 Mark Nickerson: Who would even know that number, what the average is?

19:03:04 Jim Kenney: The only one who does is the calculation made from the tax records.

19:03:10 Charlie Porter: This is new lots created. It has nothing to do somebody who's been there 100 years

19:03:50 Barry McCormick: If somebody wants to buy a lot, what are we saying it has to be?

19:03:36 Mike Murch: What's purpose of average lot size. I know how you average it out, it's a half acre up to whatever, as long as it averages out 2-3/4 acres for the lots, why can't you just make it straight two-acre lots. No averaging, no nothing, if you want two acres, it's two acres that's it.

19:04:03 Mark Nickerson: What if say you don't have that much to give?

19:04:16 Mike Murch: Then they don't get it!

19:04:25 Charlie Porter: Do like Troy does, it two acres. If you want your cousin, it's still two acres. Even if you just want to move him on there with a trailer.

29:05:04 Mike Murch: To me, personally, instead of worrying about average the lots out and creating new lots, making sure that it averages out to be 2-3/4, why not just make minimum lot size is two acres end of discussion. If you don't have two acres, you're not building.

19:05:24 Barry McCormick: That's the same as all other towns.

19:05:30 Mike Murch: Period. You don't have your setbacks because of wetland and everything, you as the buyer, that's your problem, you should've figured that out before you bought the land.

19:05:40 Mark Nickerson: Let's say just you own some land in a rural area that is one acre, smaller than, can you own land without it being a lot? {Sure.}

19:05:53 Mike Murch: You can't build on it.

19:05:56 Charlie Porter: Oh yes you can. If that's a lot he's had...

19:06:00 Mike Murch: If it's grandfathered. If it's going to be new, it will be under...

19:06:07 Charlie Porter: If it's a created lot, you whack off a piece and sell it, you've got to sell him two acres.

19:07:02 Jim Kenney: What if I had a three-acre lot and I want my son to have a place for his house?

19:07:17 Charlie Porter: To build another dwelling in this town, you have to have 40,000 square feet extra per dwelling after the first, so you've got to have your 2-3/4 acres, and another acre to build another house on that same piece of land. If you want to attach two houses together somehow, it becomes an addition.

19:08:16 Jim Kenney: More than one family have put their widowed mother in a house trailer on the property.

19:08:18 Charlie Porter: And it should not be an issue.

19:08:22 Jim Kenney: What makes it not an issue? If you're going to have a two-acre minimum lot?

19:08:29 Mike Murch: But if it's on that same piece of land, you're not creating a new lot.

19:08:33 Jim Kenney: I see what you're saying. You still own the land, your mother lives in the trailer.

19:08:49 Charlie Porter: Back up a second. You have a piece of land and you want to move mom in.

19:09:11 Mike Murch: If she wants to move onto my land and build a house and it's still in my name and she's living in the house there...

19:09:18 Charlie Porter: The 40,000 square feet kicks in.

19:09:27 Mike Murch: As long as you meet the requirements, but that does not fall under the two-acre rule because it's not a new lot.

19:09:33 Charlie Porter: No, unless those two buildings are connected, it's not a new lot but it's still another dwelling on the land.

19:09:49 Mark Nickerson: I see two scenarios. So, if you've got three acres, and you want your mother-in-law in in a trailer on that lot, you can't do it with three acres.

19:10:15 Charlie Porter: Well, you can if you want to attach it.

19:10:22 Mike Murch: Where does extra 40,000 come in?

19:10:29 Charlie Porter: Because someplace in here it tells you, 180 and extra is 40.

19:10:37 Jim Kenney: Okay, so it's written in here. Let us talk about tomorrow. Is there a basis in common sense that says if I wanted my beloved mother-in-law to live on the property but not connected, what should that lot size be? Not because it's written in here but what should it be?

19:11:00 Charlie Porter: 20,000 square feet.

19:11:01 Jim Kenney: Captured. Is that agreeable?

19:11:10 Chris Rossignol: If it's a two-acre lot, the owner of the lot retains an acre and a half, the mother-in-law gets...

19:11:10 Jim Kenney: We haven't changed names.

19:11:28 Mike Murch: My only question to that would be is there any type of grandfather clause that would come into that down the road, if everybody dies off and somebody else comes in and buys the place with two houses on it and they decide to...

19:11:41 Charlie Porter: If you buy it with two houses, you got it.

19:11:48 Mike Murch: But down the road if they decide they want to split that.

19:11:51 Barry McCormick: I'm thinking that maybe the people who wrote this prior to us had this same conversation. That's where the 120,000 square feet came in.

19:12:07 Charlie Porter: Well, all I can think of is gentlemen farmers, they've got to have room for their pigs and chickens and all that stuff. That's where this came from, in my opinion.

19:12:23 Jim Kenney: If you had clean piece of paper, Charlie, what would be the right lot size?

19:12:33 Charlie Porter: Two acres.

19:12:37 Jim Kenney: With the mother-in-law?

19:12:39 Charlie Porter: Another 20,000 square feet.

19:12:45 Mark Nickerson: So then you've got to have 2-1/2 acres if you want to do that?

19:12:53 Charlie Porter: To have grand mom in a trailer on a lot, what does she need a full acre for? Especially, it's not a different lot of record, it's still on the same piece of land.

19:13:24 Mark Nickerson: They just bring a trailer in or a small building.

19:13:30 Chris Rossignol: The only problem I can see is like if somebody tries to parcel it off later on.

19:13:57 Charlie Porter: Can't, you cannot create a nonconforming lot.

19:14:05 Jim Kenney: But we could define what a minimum lot could be split off. You started out with two acres, because we wrote two acres here. What would be within the two acres a reasonable amount split off such that somebody has a half acre, and the other one has an acre and a half?

19:14:33 Charlie Porter: We're back to the premise that you cannot create a nonconforming lot. Unless this thing says you can create a nonconforming lot...then you better be ready for the court fights because the State is going to come after you because you're creating nonconforming lots.

19:14:56 Jim Kenney: What would be the right thing?

19:15:01 Barry McCormick: I think Mike said it earlier on, if you're going to have a two-acre lot minimum size, there you go.

19:15:09 Jim Kenney: Right, and you cannot split it off.

19:15:12 Barry McCormick: And if they want to split it, say the mother-in-law or somebody moves in on a half acre of it, and Chris comes along and buys the two acres with those two buildings on it, if it's possible he wants to get rid of that half an acre, he's got to go over here or back there somewhere and buy an acre and a half off somebody to make it conforming.

19:15:34 Jim Kenney: So here's what we need to do, in my opinion. We can state a two-acre lot minimum and explain what that means, that future considerations can be split into a nonconforming lot.

19:16:00 Mark Nickerson: Just one other thing, when you say a two-acre lot, and you've got that half acre with a trailer on it, to see it you have to add an acre and a half to it.

19:16:16 Charlie Porter: No, we can't do that, that's considered a nonconforming lot.

19:16:56 Jim Kenney: My point is, why don't we state that right here so the applicant will know that if he is buying a two-acre lot, that breaking that lot up is not permitted and just state that.

19:17:15 Barry McCormick: We can do that but I ask why do we have to say that?

19:17:24 Jim Kenney: Because you love your mother-in-law. You have a two-acre lot, you brought your mother-in-law in because you love her. She dies, you die, somebody in the family has inherited the land, they got the trailer but they don't want their mother-in-law on the property.

19:18:04 Barry McCormick: Move the trailer.

19:18:08 Jim Kenney: What I'm saying is say it.

19:18:14 Barry McCormick: What you're trying to say is minimum lot size in the rural district is two acres. At any point, the two-acre minimum lot size cannot be adjusted at any time in the future becoming two lots. The minimum lot size for the rural area is two acres. Any deviation now or in the future in the two acre lot size and it becomes a nonconforming lot and is not allowed.

19:19:16 Mike Murch: Any deviation below the two acres....

19:19:21 Mark Nickerson: The only thing I don't like about it is you had more leeway the other way because you were going on an average and you could buy a smaller lot if you wanted to, but with two acres, you know, it's fine with me.

19:20:29 Jim Kenney: What Mark is saying they could've bought a 20,000 square foot acre. Minimum size of any single lot is 20,000 square feet.

19:20:29 Mark Nickerson: As long as your average is the 2.75 acres.

19:20:55 Barry McCormick: How can you buy a lot separate and then say the average is 120,000 square feet.

19:21:06 Mark Nickerson: That's going to be up to the town to show that the average has gone down below. All you have to do is show that the average lot size in the rural district is 2.75 acres or more. I don't know if the town keeps those records.

19:21:24 Jim Kenney: They do now because that's now in the catalog of the property for taxation. The tax maps is what rolls into the definition of our maps.

19:21:31 Mark Nickerson: So the minimum square footage build that you need to build anything is 20,000 square feet?

19:21:53 Barry McCormick: And how much are we?

19:21:58 Jim Kenney: 20,000 square feet.

19:22:03 Charlie Porter: In the rural district, 2.75 acres. To create a new lot, that's what you have to have.

19:22:14 Jim Kenney: Page 16, paragraph C2, second paragraph, it says the minimum size for any single lot is 20,000 square feet.

19:23:44 Mark Nickerson: My home is six acres, if I wanted to chunk off 20,000 square feet and let my son live on that, then he can do it.

19:23:56 Jim Kenney: New lots by dividing a larger parcel must meet the requirements of both the minimum and an average - that's the point you're making. We do not want to make it worse for our citizens.

19:24:33 Mike Murch: I don't want to see a house every half acre. In town they can do whatever they want.

19:24:46 Jim Kenney: What if, using for an example, Jim Kenney who has no frontage but a lot of acres, three sons and want them close but not in the back 40, two acres but you're going to make this tighter.

19:25:55 Mike Murch: My only thought is you want make things easier to understand and take a lot of the gray area out. Well, when you're averaging different lot sizes, one guy over here has a half acre, and this guy over here can have four because it averages out to 2-3/4 or whatever, that doesn't seem right to me.

19:26:20 Jim Kenney: But he has the four acres because he had the four acres.

19:13:30 Barry McCormick: I think we need to make it clear, what we're doing here today is for the whole town, not just me or you. What do we feel the town wants and needs and, to me, Mike's suggestion of two-acres lots...

19:27:17 Mike Murch: The big thing that Charlie mentioned of 2-3/4 is too big to require for a house.

19:27:41 Charlie Porter: I'm worried for our kids.

19:27:46 Mike Murch: And, to me, a half acre is ridiculous. If somebody wanted to say an acre or an acre and a half, and make that the minimum lot size then, okay, that gives you a little more flexibility.

19:32:58 Charlie Porter: What size do you think it should be:

19:33:06 Mike Murch: Where I grew up it was always two acres. I grew up in Winslow.

19:33:11 Jim Kenney: I like the idea of having a minimal lot size and we tell them up front that you cannot create a nonconforming lot from that, as a future decision. You can put your mother-in-law in that trailer, but your grandson who inherited your land cannot divide it smaller.

19:33:46 Mike Murch: What about the size of the lot, the acres?

19:33:55 Jim Kenney: Two acres is fine.

19:34:09 Charlie Porter: Both of my places are less than two acres.

19:34:19 Jim Kenney: I like the idea of not being able to create a nonconforming lot.

19:35:38 Barry McCormick: Remember what you said when you started this, just a second ago. (I like the idea of having a minimal lot size and we tell them up front that you cannot create a nonconforming lot from that, as a future decision. You can put your mother-in-law in that trailer, but your grandson who inherited your land cannot divide it smaller.)

19:38:38 Jim Kenney: You guys had a side conversation about occupancy in the rural district. One of the things that we're not seeing here yet that we had inserted in the downtown district was the need to have the plumbing inspector. We need some more words don't we? Do reference to, Charlie, the same similar words of the plumbing inspector in the rural district?

19:40:19 Charlie Porter: Yes, it would be easy, if you're going to hand the guy a package for the rural district, it should have it in there.

19:40:32 Barry McCormick: In the rural district you've got to meet same plumbing requirements as in the downtown district.

19:40:50 Jim Kenney: State it right here. What I'm saying is similar words that we had in the downtown district that is not on the septic system. Let the applicant know up front.

19:41:12 Barry McCormick: If Sherry can find what we wrote in the downtown district and just copy it over.

[Referring to - The applicant must get a designed drawn by a soil scientist and approved by the plumbing inspector?]

19:42:05 Mark Nickerson: When lots are created, their deeds shall state which portion of their land area is undevelopable under existing ordinance because it is tied up in satisfying average lot size requirement. A certified copy of this deed language shall be provided to the Planning Board within 90 days of approval of a lot permit, and no building permit may be issued for this lot until such documentation is provided.

19:42:49 Barry McCormick: I don't think we need it. If they don't get a two-acre lot and they can't pass the septic system...

19:43:00 Charlie Porter: The way it works now, you get a soil scientist in here and he comes in and does test and if you pass, he draws you a design for the system. I always tell people to get that done first because if you want the house there but he says no, that's where septic has to go, it makes sense. Then, you take this design into the plumbing inspector and he comes over and takes a look where this is going to go, and he's the one who says yeah or nay - that's it.

19:43:36 Barry McCormick: So this whole paragraph is saying that currently the 2.75 acres, if some of that is wet, they need to know about it. My opinion is that if it's wet you can't get septic permit on it any way. The whole purpose for this is to make sure that the septic system and well can be put on that property correct?

19:44:02 Charlie Porter: Well, the wetlands, they don't want you building in wetland, if possible. They want you to stay back a distance.

19:44:17 Barry McCormick: My other question is who classifies it undevelopable?

19:44:26 Charlie Porter: If you wanted to move next to Sandy Stream, 50 feet away, and it gets four feet of water every spring, I'm going to tell you no.

19:44:47 Barry McCormick: That needs to be put in here.

19:44:48 Jim Kenney: But this nothing at all to do with wetlands and pretty vistas...it is when lots are created, their deeds shall state which portion of their land is undevelopable under existing ordinance because it is tied up in satisfying average lot size requirements.

19:45:24 Barry McCormick: But there is no average lot requirement anymore.

19:45:27 Jim Kenney: Yes there is, did we not say two acres? That's minimum.

19:46:10 Jim Kenney: We made the 120 into 80 did we not? Minimum lot size? Average has disappeared. Is this paragraph even needed?

19:46:17 Charlie Porter: I don't think so.

19:46:20 Mark Nickerson: It's not needed if we're not going to do average lot size.

19:46:33 Jim Kenney: We made that minimum.

19:46:39 Chris Rossignol: Yes, if the requirement is two acres.

19:46:52 Mike Murch: My only question to that, and I think you're right, I don't think it has anything to do with it, but if you go back up to under the downtown districts where it talks about the residential subdivision involving lots of this size, and then we went to the next page over and it told about how you had to have 10% over, now in regards to that, would that have to be shown on the deed in order to show that extra 10% was set aside?

19:47:26 Charlie Porter: I would say yes because if you, if you set aside land and all of a sudden the town owns it. The town has to maintain it.

19:47:37 Jim Kenney: Where are you at?

19:47:43 Mike Murch: My only question to this is, the two acres, you're right, I don't think it has anything to do with it. Go back up to C1, which we had already covered, the downtown district, you go down to where it says not, the residential subdivisions, and it referenced over to X.C.1, so under that you have to have the 10% extra for extra land if you do that. My question was, this last paragraph, do you need to have that same type of statement for the subdivision and their deeds?

19:48:26 Jim Kenney: I don't see that we do.

19:48:44 Charlie Porter: Better have that in the deed.

19:48:58 Jim Kenney: Right now, in this paragraph, in the rural district, we have no set aside for playgrounds, out in the rural district, and we don't need to.

19:49:12 Barry McCormick: Unless it's a subdivision.

19:49:20 Jim Kenney: We didn't say anything, we moved the definition up front. We haven't changed that.

19:49:28 Barry McCormick: Yes, we did. We changed that to 10% more.

19:49:41 Jim Kenney: We took the words in section X.5.B and moved it forward.

19:50:14 Mike Murch: We moved it up and added it right in.

19:50:40 Chris Rossignol: What I'm noticing here is that it's not required on the deed in the downtown district, but in the rural district it is required in the deed.

19:50:49 Jim Kenney: I think we're going to strike this entire paragraph. I thought that's what we're talking about.

19:50:55 Chris Rossignol: When Mike brought that up I just noticed it that there is no requirement for that extra 10% written into your deed, but yet you've got to have this portion written into your deed. My question is why is it, past tense, why wasn't it required to be here in the deed when not required here?

19:51:24 Jim Kenney: What we're asking Charlie is, what makes sense?

19:51:31 Charlie Porter: What you just said.

19:51:37 Barry McCormick: Take this paragraph right completely out but this section about residential subdivision, which is up here under C1, the note, that needs to be down in the rural district so if somebody wants to build a subdivision in the rural district, they still need to have that 10%.

19:52:11 Jim Kenney: Pause, pause, we need to have some real guidance on Shoreland zoning, right Charlie? Here we are, eight minutes short of 8:00. Do we want to delve into that? Meeting adjourned.

Respectfully submitted,
Sherry E. Powell-Wilson, Notary Public
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