

TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
FEBRUARY 12, 2014
LOCATION: UNITY MASONIC HALL, UNITY, MAINE

MEMBERS IN ATTENDANCE: Randy Reynolds, Jim Kenney, Charlie Porter, Mark Nickerson, Barry McCormick

MODERATOR: Jim Kenney

OBSERVERS: None.

RECORDER: Sherry Powell-Wilson

18:29:58 Jim Kenney: The time being the time, shall we? No meeting last week; you guys made the right decision given the weather. You all have the Minutes of two weeks ago? Any comments or discussion?

18:31:16 Barry McCormick: I make the motion that we accept them as read. [Seconded]

18:31:26 Jim Kenney: Approved. We need to decide whether put anything into the Town Warrant. Sue has asked for this. This is just a straw man, it can be tore up or thrown away (passed out document), these is just a thought as is open to comment, expansion or deletion.

18:31:57 Barry McCormick: I think we ought to put something in there.

18:32:18 Jim Kenney: I took the action item at our previous meeting to address water and trailer parks, and Tony had asked about methadone. Sue went to MMA and we cannot restrict methadone, but in reading through it, it was thought that maybe we could propose this. The way I chose the words is the right of rejection is not in the hands of the Planning Board, it is in the hands of the citizens of Unity.

18:33:04 Barry McCormick: I think all of it is fine.

18:33:09 Jim Kenney: Randy has some positive suggestions regarding cleaning up the words regarding potable water. I'll get those in.

18:33:39 Charlie Porter arrived.

18:33:50 Jim Kenney: Is it agreed that we're going to put a note into the Town Warrant? [Yes] The two numbered paragraphs are not what I'm proposing.

18:34:22 Barry McCormick: I would like to let everyone know how much work we've done, how long we've been meeting, that we have met continuously since whatever the date is.

18:34:40 Sherry Powell-Wilson: I first took the Minutes January 23, 2013.

18:34:52 Jim Kenney: The Land Use Ordinance Revision Committee has met weekly from January 15, 2013, through the present time.

18:36:53 Charlie Porter: When we talking about prohibiting certain business, I just feel this is going to be trouble.

18:37:05 Jim Kenney: That may be so but here how it has been put into place, that trouble is in the hands of the citizens of Unity. It's not in the hands of the Planning Board. I chose the words "by duly enacted ordinances."

18:37:28 Charlie Porter: Restriction is one thing, prohibiting is another. Who's going to draft this list up, at Town Meeting?

18:37:45 Jim Kenney: Yes, at Town Meeting.

18:37:57 Barry McCormick: I thought the same thing you did at first but we've got to have some protection.

18:38:11 Charlie Porter: Protection against what? We have an obscenity ordinance that is more restrictive than Bangor.

18:38:47 Barry McCormick: The only thing is with a methadone clinic, there is really nothing stopping one from coming into town.

18:39:04 Charlie Porter: We do have an obscenity ordinance but that has nothing to do with a methadone clinic.

18:39:45 Mark Nickerson: I just had one suggestion but I don't know if it can be put into it, that anything brought forward can be addressed on a case-by-case basis.

18:40:15 Jim Kenney: Here is what I had proposed. A member at last meeting was concerned that we have no way to keep some businesses out. We did the journey through MMA and they said, specifically, we used the word methadone, methadone clinics cannot be kept out because they're covered by the ADA.

18:40:45 Mark Nickerson: But we can fight it right?

18:40:50 Jim Kenney: No, not really, but it was thought and with discussion with Jo that an insertion like this would give us a chance to have an open door if something was to come into town where it would have to go to the citizens, not to the Planning Board or and Land Use Board, but through the citizens by a committee appointed by the selectmen to come up with an ordinance much like the obscenity ordinance that Charlie is referencing.

18:41:36 Randy Reynolds: Mark, on the handout I gave you, that tells what the MMA has to say about methadone clinics.

18:41:48 Mark Nickerson: As a law enforcement officer, I can tell you those methadone clinics were huge problems wherever they were with traffic coming in to them at high rates of speed, and then they get their fix and they leave there and have fatal crashes, and Unity would be a horrible place to have one.

18:42:09 Jim Kenney: As if turns out, we cannot restrict methadone.

18:42:23 Charlie Porter: You can say something like you've got to be out on the Waning Road...

18:42:23 Barry McCormick: There is something already in place but it's more on sexual type of stuff but there is something here that makes a lot of sense. ...and to protect the health, safety, welfare and morals of the community by using the government's recognized and traditional enforcement power to protect societal order, morality, physical and emotional health in a public place without infringing on protected first right amendments.

18:42:36 Randy Reynolds: We need to have it in another place in the ordinance, not just under the obscenity ordinance.

18:43:29 Charlie Porter: That is a town ordinance we passed in 1997.

18:43:41 Barry McCormick: If there was a permit brought to the Planning Board or to Charlie, they could refer to that.

18:43:54 Jim Kenney: Is it a motion to take it out.

18:44:02 Randy Reynolds: What would it hurt to put it in?

18:44:32 Charlie Porter: Nothing except it gives them one more shell if they want to fight us.

18:44:41 Randy Reynolds: This has to go through all of the different processes, to the Selectmen, to the Planning Board, to the Comp Plan, to meetings. It will get aired out.

18:44:53 Randy Reynolds: If this creates too much of a stir it will get kicked out before Town Meeting. I don't see a problem with leaving it in.

18:46:40 Charlie Porter: I'm not going to stand in the way. As long as this goes to Town Meeting, special or otherwise, and is not left up to the will of the Planning Board.

18:46:51 Jim Kenney: The words were chosen duly enacted ordinances -- that is out of the hands of the Planning Board and into the hands of the citizens. The majority vote.

18:47:17 Randy Reynolds: You should start this as 'the Town of Unity reserves the right.'

18:48:00 Barry McCormick: I make the motion we accept it with the changes and add to the ordinance.

18:48:46 Jim Kenney: Yes, it has been accepted, any further discussion? Randy has proposed the following, page 40, the owner shall provide sufficient potable water meeting all state standards. If the park is in the Aquifer District, the requirements of Section 12 apply.

18:50:43 Randy Reynolds: We need to change that to Maine state standards.

18:52:19 Jim Kenney: The owner shall provide sufficient potable water meeting all Maine state standards. If the park is in the Aquifer District, Section 12 shall apply.

18:54:03 Barry McCormick: I make the motion to accept as written.

18:54:08 Jim Kenney: Seconded, and adopted. Thank you. I think we've come to the point where, I've gone through the document and have tried to get all the sections reconciled but I haven't done any word changing.

18:54:45 Randy Reynolds: That's something I want to talk about, the text on that, the small text, can we knock that up one more notch.

18:55:13 Jim Kenney: I can try 12, this is all New Times Roman.

19:02:20 Barry McCormick: [Read Section 12, Aquifer Protection Standards and Appendix 1 Definitions] Decision made to remove definitions relating to Sign and Temporary Signs. Decision made to leave other definitions as is.

19:52:32 Meeting closed.

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