

**TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
APRIL 2, 2014
LOCATION: UNITY MASONIC HALL, UNITY, MAINE**

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

MODERATOR: Jim Kenney

OBSERVERS: Garrett Morrison

RECORDER: Sherry Powell-Wilson

18:21:37 Jim Kenney: You saw the Minutes? Let's open. Any comments?

18:33:45 Barry McCormick: I make a motion that we approve as written. [Seconded]

18:33:50 Jim Kenney: They are approved.

18:33:56 Randy Reynolds: First off, May 14th we can't meet here. We've got six Wednesdays in April, maybe we can just take that night off. They're having a Lodge meeting here that night.

18:34:41 Jim Kenney: Last week Garrett had made the suggestion, we adopted it, and it's been drafted out and this is it, to let the applicants know that this only addresses land use. We've agreed to create a separate document for subdivision. So if there are no issues, I'll take the red off and put it in place.

18:35:40 John McIntire: I would put Subdivisions and Land Use Ordinance in bold.

18:35:44 Jim Kenney: One of the things that came out last week was we got into the definitions and one of the definitions was dealing with substantial start, and it was thought to kill the definition and just move the message forward and give it a clear meaning of what that means. Substantial start was in the definitions but the only place that phrase is used is right here in paragraph 2.9.

18:36:56 John McIntire: Do we have it in the back in the definitions in the Ordinance?

18:37:02 Jim Kenney: It was suggested how to clarify substantial start and, as suggested, a permit authorizing construction will expire in one year of the date of issue if less 20% of the project budget had been expended. If you will recall that was an issue. Then we took subdivision out of the second line. A lot permit approval will expire if the new deed is not recorded with the Registry of Deeds within 60 days of the Planning Board's decision.

18:38:05 Randy Reynolds: It doesn't really make sense because for a lot permit you don't record any plans.

18:38:12 John McIntire: If you create a new lot?

18:38:21 Randy Reynolds: Well, this is lot permits.

18:38:21 Jim Kenney: The permit approval will expire if you haven't recorded the deed. That was somewhat in there already if you get back to the original.

18:38:39 Randy Reynolds: That's where I think this one belongs, just in the definitions. It would be right at the end where it calls for all the lot permits.

18:38:58 Jim Kenney: In paragraph 2.9 in the original document, lot permit was in there already.

18:39:26 Barry McCormick: It would be at the end of that. That's where it is now. Actually, it would be below occupancy permit.

18:39:37 Randy Reynolds: Tell them how long it's good for.

18:39:46 Jim Kenney: That hasn't moved. See, it's two sentences in a simple line here. I pulled it out so you can see it better.

Randy Reynolds: Does anything go into the back of the book? Okay, so that one is going to be left off? [Yes] Okay, that makes sense now because that was in definitions.

18:40:19 Jim Kenney: Subdivisions, we took that out. And we added a third one, an approved permit will require new approval if the project is transitioned to a new owner.

18:40:50 Barry McCormick: I think what Randy is getting at, is it a plumbing permit, lot permit...

18:41:01 Jim Kenney: A permit. Whatever the permit is. It has to do with expiration of permit. No, I've got it wrong. It is a permit. The Planning Board approves a permit and how long does that permit stay out there? Not indefinitely.

18:41:55 Barry McCormick: Are we talking about a lot permit here?

18:42:01 Jim Kenney: We're talking about all permits.

18:42:11 Randy Reynolds: It doesn't give a definition of a timeframe.

18:42:22 Jim Kenney: If the new deed is not recorded with the Registry of Deeds within 60 days.

18:42:33 Barry McCormick: The top one will cover all permits, the second one will cover a lot permit.

18:42:49 Randy Reynolds: A permit authorizing all construction or something to that effect?

18:42:39 Barry McCormick: I think it's good just the way it is. The first one covers a permit, it could be a plumbing permit, construction, parking lot permits -- any of those permits are good for one year. And then the lot permit you can do a lot permit without doing any other construction on it. One thing that makes a lot stand out is the Registry of Deeds. So the lot has to be registered within 60 days and then if you want to do something else on it you've got to come back and get a building permit and the top one would cover that.

18:43:47 John McIntire: Or just buying a bunch of material.

18:43:51 Randy Reynolds: If you paid money for it that's part of the project. You get up to 20% then your permit is good forever. That's not good. Expire one year after the date of issuance. I don't have a problem with it.

18:44:27 John McIntire: Mostly, it moves it there. You know, take it out of the definitions and puts it some place where you don't have to go look it up.

18:44:40 Randy Reynolds: The way it was, you read this one and then go read the other one, they are no way near the same.

18:44:43 John McIntire: I don't think it would hurt to leave substantial start back in the definitions. If it gets used someplace else then it's already there.

18:45:14 Jim Kenney: In our discussions last week, we talked about Section 13, Development Review and it was suggested and agreed that we'll attempt to do some blending of the appendices that talk about developments into this section. Now, we haven't had a chance to flush it out at all to see what it looks like. What I have done, and I asked Randy who had proposed this, and I sent him an electronic copy, to take a look to see if I had understood what he was saying and this is just raw form now but in this I took the opportunity to move what's in red to where it's at. Randy had suggested an improvement and the improvement is that where if the applicant is uncertain, that will move ahead of project subject to development review. Just to give the reader an understanding that when he gets to the bottom of it he doesn't have to see if there is relief available to him.

18:46:38 Charlie Porter arrived.

18:46:39 Jim Kenney: What the code of color is, I've just lifted the blue, what you see if blue right from the appendix and just stuck it there and did nothing but that, changed the color, so it's handy when we get this nailed down to grab and move right from this document.

18:47:27 Garrett Morrison arrived.

18:52:05 Jim Kenney: We've delayed doing this until we got Charlie back.

13:52:13 Randy Reynolds: 13 is the most crucial to get done. We can wrap this up in one meeting probably. If we can jump in now we may not have time to finish it. If you go to Section 13, Development Review, you go down to 13.1 is the purpose, 13.2 is the development review, and it goes to type 1, classification. Then at the bottom of that it goes to type 2, classification, goes to the next page and then it starts right in application procedure. That's where we wound up 2 or 3 weeks ago. Then, I mentioned it to see what everybody thought, how would it be that we stay right in type 1 until we get it completed, which would include the initial meeting, application process, development review. It would be similar in each one. Then you get into type 2 and you'd have the same thing over again.

18:54:28 John McIntire: How do they know whether they're in type 1 or 2 from the get go.

18:54:35 Randy Reynolds: You see where the blue starts, development review. Some will be in both and some in just one.

18:54:54 John McIntire: But how does the applicant who comes in and says this is what I need to be looking at. I just question whether or not we should separate, yeah, it probably makes sense to do that. To put type 1 and all of the information under that, and then start a new page for type 2.

18:55:28 Jim Kenney: If necessary, and you alluded to it, some words will appear in both of them. At this time, it's a grab and go once we sort it out.

18:55:4 John McIntire: It would make sense to have it identified in type 2 this is what you need to have done.

18:55:55 Barry McCormick: And the best part is, this would be a separate document and not tied in with the other one.

18:56:01 Randy Reynolds: It's in the back just before definitions. Whatever works out there best. Everything we do to the front of the book to get to there is what is tied up based on everything that we, you know, lot size, roads, and all this stuff. It builds to here.

18:56:41 Barry McCormick: I thought we talked about possibly having a separate document for this and the Shoreland Zoning?

18:56:48 Jim Kenney: That doesn't change, that is true.

18:56:54 Randy Reynolds: It does and it doesn't. We voted to not have development review be part of the subdivision process. They are two different entities now. We're going to take out anything to do with subdivisions and put them on the first page. In the past they've always dealt with subdivisions in development review but there is so much stuff in subdivision it's not shown in there at all. Being a surveyor I've worked with a lot of different plans and stuff if you don't have something dictated for you, you can get into an awful row.

18:58:29 Barry McCormick: I do like the idea of isolating it from the rest of the thing.

18:58:38 Jim Kenney: I would propose that we don't delve into this tonight unless you really insist.

18:58:46 Randy Reynolds: I just want to make sure everybody knew where we are heading.

18:58:54 Garrett Morrison: There is only one question that I have is where you have this development review on this first page here, and then you have type 1 and type 2 classification. The way this is written that type 2 classification would not be visible to the applicant until he had read through what we inserted as type 1. If he's standing there saying I'm not sure where I fall, it would be useful to have type 1 and 2 ahead of where you insert type 1 so you can define the two classifications.

18:59:39 John McIntire: I wondered that too. I was looking at trying to figure out what makes the most sense, to have the definitions first and then clearly identify.

18:59:51 Charlie Porter: The classification is the definition.

18:59:54 Garrett Morrison: You have type 1 and then we'll insert everything that falls under that as part of type 1. I'm saying that's where the problem is. That if we insert this information and somebody has to go through everything that's in type 1 before they get to the classification of type 2, and then they find out that they should be in type 2. It would be, to me, useful if we had this type 1 classification immediately followed by type 2 classification and saying these are the definitions allowing you to decide whether you should be in type 1 or 2, and then following that say now we'll proceed with type 1, and put in the type 1.

19:00:42 Randy Reynolds: That's the way it is now.

19:00:45 Barry McCormick: Another thing, that gets reviewed by the Planning Board when they bring the application in. They actually go through that process to help the person if they're not aware which one it is. The Planning Board says this meets the type 1 classification, this would meet type 2 classification. The benefit would be if somebody who wanted to really do their homework they would know before they took it to the Planning Board. I agree with what you're saying, let's identify it first.

19:01:17 Garrett Morrison: Randy, when you say that's the way it is now, on what I'm seeing here, we're to insert one before we get to the definition of 2.

19:01:26 Jim Kenney: That was my idea. It was an idea to get a conversation started and it's doing that.

19:01:35 John McIntire: I would think taking everything that is applicable to type 1 development and putting that after the definition of type 2, and labeling clearly here is what you have to meet, here is what you have to do in type 1, and then putting that whole list there and then another whole list for type 2.

19:02:05 Garrett Morrison: I'm looking for a statement that would say what is type 1, what is type 2 so they can read that early on and then make their choice where to go.

19:02:15 Barry McCormick: But you can still do what you want to do but after the fact.

19:02:50 Charlie Porter: You're going to end up doing this twice. Why would you do that? Type 1 classification and it tells you what you've got to have.

19:03:40 Barry McCormick: The first thing tells you if it qualifies for type 1 and then if it does the next part of this over here, this is what we need as a Planning Board if, in fact, it does meet a type 1.

19:04:04 Charlie Porter: Why not just have it type 1 and everything to do with it. Ninety percent of the time they're going to come to me or the board before they even know. That's how we steer them. We're not talking about a guy building a garage out back. We're talking something pretty big.

19:06:07 Garrett Morrison: Is the presence of this insert number 1, so it doesn't have to be there because with that you're saying, okay, here's the info for type 1, and then put in everything else that you have to have for type 1. And the applicant has to read through all of that before he gets to the type 2 to find out that's where he should be.

19:06:43 Randy Reynolds: Instead of going 1 and 2, go back to 1 and 2 again.

19:06:43 Jim Kenney: I haven't made an application in a long time. Type 1 classification, if you meet this, all you have to read is what you have to do. If you don't meet this, you have to read through. The definitions of what it is are there.

19:07:17 John McIntire: In many ways I think we can go either way with it because at the bottom of the type 1 classification before you go into the specifics about what you need to have for the Planning Board is to have a little note there, if you need type 2 go to page whatever.

19:07:39 Jim Kenney: If in your read, you do not fall into the classification, go to paragraph x, y, z on page ABC. It will show up in the Table of Contents. This can be an inserted sentence if you do not fall into this go to paragraph xyz.

19:08:18 Garrett Morrison: I think that would work all right because you don't have to go through everything to do that. A concern I would have is the guy that comes in and says I want to build a 3-bay garage but maybe I should have a 4-bay or 5-bay and I don't really know. He looks at the requirements and says, well, I don't think 10,000 square feet is really going to do it and now he has to go find type 2 to compare to see what they require. As long as it's a clean step and you've designated that this doesn't meet the requirements for 2 that's fine.

19:08:59 Randy Reynolds: That's deceiving and wasn't meant to be, it's a note to me that it didn't get taken out.

19:09:06 Barry McCormick: My thought process is if you separate these two, and you put a bunch of words between 1 and 2, the type 2 classification is going to be a page away from it. I'm reading through this and I'm saying an average increase over 50 cars or 10 heavy trucks, I guess I'm in type 1, I have 110 cars coming in a day so I go through all that work and then come to find out it's actually type 2. If I had kept looking, oops, all of a sudden, that 10 cars puts me in type 2. I've wasted all that time, research and I'm in type 2. My suggestion is to keep them together where they are, the second thing you should do is go through the development review like Randy is suggesting, this is what if you classify as type 1 development review, this is what we need from you. If it's a type 2, this is what we need from you but before they get to that, be very clear on which one they have.

19:10:16 Garrett Morrison: Could even have a diagram in there that says you're development type 1 or 2 and all of a sudden they start down there, what constitutes type 1 and 2 and at the bottom of that say go to page or paragraph.

19:10:44 Charlie Porter: Is there any way we could put them side by side?

19:10:49 John McIntyre: Yeah, column 1 is type 1 and type 2...

19:10:53 Barry McCormick: And they could see the difference and would have no doubt which one they're in when they get done reading it. The next page is which one you fall under, see next page for what the Planning Board and the Town needs from you to get it done.

19:12:13 Randy Reynolds: Usually when you've got a development you go to the Planning Board after talking with Charlie and you've got a pretty good idea what's up front. Once you get to the Planning Board they're going to say well, let's look to see what this qualifies under. They're going to tell you in

about five minutes which type you're in. You don't have to have columns. They're going to go right down through both lists, type 1 and type 2, and once they get down they're going to tell you you're in type 1 or type 2, then you proceed on the application, the initial meeting and all that stuff. That's how it usually works when you go to the Planning Board.

19:16:34 19:17:11 Garrett Morrison: Before the applicant has a chance to go and spend any money on doing anything.

19:17:31 Randy Reynolds: How would it be that we put that right up first? Put that ahead of the types.

19:18:26 Jim Kenney: But what we see here is 13.3, move that up into paragraph 1? We make 13.3 become 13.1 and things follow behind that.

19:19:36 Randy Reynolds: What about going back, you guys were talking about type 1 and 2 in columns?

19:19:44 John McIntire: If they're in columns it's easy to look at and follow.

19:20:21 Garrett Morrison: They should be laid out so that corresponding tasks are opposite each other.

19:22:21 Jim Kenney: I'm going to try it. For those who were not here, May 14th will be no meeting.

19:22:21 Randy Reynolds: Let's go over Charlie's thing, the property maintenance ordinance. From Oakland.

19:24:36 Charlie Porter: I was after the demolition part of it. It's on page 2, section 7.

19:25:12 Jim Kenney: Demolition permit is what we called it, right?

19:25:52 Charlie Porter: This covers everything from yard sales to... You shouldn't need a permit to tear a building down.

19:27:03 Randy Reynolds: This is talking about when you have to have it torn down by.

19:27:09 John McIntire: Precisely, this is like if you have a fire or a tree falls on your house or on your car in the yard, you get your car dragged home after an accident and it's sitting out there.

19:27:24 Mark Nickerson: Why would you need a permit to do something like that?

19:27:27 John McIntire: Well, you don't need a permit, you need to deal with it rather than let it sit there.

19:27:34 Barry McCormick: There is no permit involved in this at all.

19:27:39 John McIntire: Right, it's an enforcement thing.

19:27:44 Randy Reynolds; It's a common sense clause.

19:27:46 Charlie Porter: We have nothing in writing right now.

19:28:03 John McIntire: There should be something in there that says after 180 days or something.

19:28:08 Charlie Porter: Six months is a little bit long. The harassment crap I got for this last one on Main Street, can you imagine if it was 180 days?

19:28:23 Mark Nickerson: That could be read as something like demolition requirements. What if we put in something as a demolition requirement if something happened that they're required to do this or that.

19:28:38 Barry McCormick: Why won't this one work?

19:28:44 Jim Kenney: There is something in this document we chewed over with great emotion about this subject. We've talked this over in this document and we've got to find it.

19:29:01 John McIntire: I think what we talked over was junk yards and how to keep peoples' places from looking like a...

19:29:07 Barry McCormick: We talked about this pretty extensively one night.

19:29:15 John McIntire: The nuisance law, Section 5.2.

19:29:18 Charlie Porter: That does not cover this.

19:29:21 John McIntire: But it could. This is more of a nuisance issue rather than a permit issue.

19:29:26 Charlie Porter: It's a safety issue.

19:29:30 Jim Kenney: Randy has made the suggestion that we read it and if we like it then we can park it somewhere.

19:29:38 Randy Reynolds: It could be a standalone. Is 90 days reasonable?

19:30:03 John McIntire: Well, if you're living in a house that gets burned out it could take a month or two to get your feet back under you to go back and deal with it. It may take the insurance six months to get the money to you.

19:30:16 Charlie Porter: They have up to a year.

19:30:22 Barry McCormick: At least this could make them address it with the Code Enforcement Officer, just say, look, this is what has happened, I plan to get started next month.

19:30:33 Charlie Porter: Yeah because it says I may grant an extension under certain.

19:31:11 Barry McCormick: I don't know why this doesn't work right here. This is exactly what we talked about.

19:31:17 Randy Reynolds: We had talked about 90 days, 180 days up to a year or maybe longer than a year. That's not in this one.

19:31:24 Barry McCormick: It gives under hardship conditions that the CEO can handle. At least somebody is involved with it and seeing progress.

19:31:40 Randy Reynolds: Just change the date and the name of the town.

19:32:10 Barry McCormick: Keep reading because it does say 180 days at the end of Section 9. Gives you up to a year.

19:32:59 Charlie Porter: If you have a problem like with the insurance, if they can't find the cause of a fire, and they start digging and they still can't find it, they will sit right on it and they have a year.

19:33:27 Garrett Morrison: We did go through this before. I think we may have to change the paragraph numbers.

19:33:40 John McIntire: In some ways, to my mind, I think we should have an ordinance like this but I don't know that it needs to come under land use planning.

19:34:40 Charlie Porter: Where would you put it? It's not a planned permitted kind of situation. It's a general common sense, good neighbor kind of ordinance that to me says...just like this miscellaneous nuisance ordinance at 5.2, the town needs that but I don't think in a land use ordinance.

19:35:32 Barry McCormick: If my house burns the last thing I'm going to worry about is, if I'm slow on getting it picked up or taken care of, I'm not going to care, I'm not going to read this. What's going to happen is Charlie is going to have to take a document up to there and say, I just want you to be aware, this is a town ordinance.

19:36:19 Jim Kenney: Go to the title of this open thing. Property maintenance ordinance, Town of Unity, Maine.

19:36:44 Randy Reynolds: We've almost created a new section.

19:36:49 Garrett Morrison: I don't think we need a standalone document.

19:37:03 John McIntire: Most all of this stuff, this Land Use Ordinance falls under the purview of the Planning Board. Property maintenance falls under the purview of the either the constable or the CEO or Board of Selectmen.

19:37:35 Jim Kenney: This could have another ordinance listed here.

19:37:43 Garrett Morrison: It's a built-in problem though because somebody who has been living in town for 20 years and their house burns down, they're not going to be looking for this to get answers on

what the laws are. On the occasion this happens, Charlie says we need to take that section and take it out to the guy's house that just burned down. He isn't otherwise going to know, and he isn't otherwise going to go look it up. If it's in here just as property maintenance and whatever the town has the governance at, it's a place to put it. It would be easily referenced to...are there other numbered paragraphs in here that pertain to that?

19:38:37 Randy Reynolds: That's what I'm coming at. Take miscellaneous nuisance law, camp owners and leech fields, maintenance and casualty damage, put them under a separate entity like 7.3. Complete separate section.

19:38:56 Garrett Morrison: Enforcement procedures, legal actions and penalties.

19:39:07 Charlie Porter: It should be reference in the front when you first start.

19:40:95 Mark Nickerson: Charlie, when Nason's place burned down, did you have any authority to push that along?

19:40:12 Charlie Porter: It's called the dangerous building law, it's a State law that the Selectmen can enforce. Thus is more specific and I think is needed.

19:40:38 John McIntire: I can think of at least two other instances in town where we could've used something like that.

19:40:52 Charlie Porter: With an ordinance I can knock on the door. Without an ordinance, it has to go through the Selectmen.

19:41:22 Randy Reynolds: All you have to do, Jim, is find a place to put a standalone for those three.

19:41:45 John McIntire: I don't think it belongs in a land use planning document.

19:41:55 Charlie Porter: I disagree, it should be right in there. You have a piece of land and something's happened to it.

19:42:41 Garrett Morrison: Informational and you can see to it that it appears on the front cover.

19:43:34 John McIntire: It's like a dog ordinance.

19:43:51 Randy Reynolds: We've got to talk Charlie into it.

19:43:52 Garrett Morrison: When you talk about 2,000 or 3,000 residents and how often this comes up, maybe once a year.

19:43:52 Randy Reynolds: And out in the rural area they're not to care as much.

19:44:11 Barry McCormick: Would it work if somebody complains about it, they'd call the selectmen first.

19:44:27 Charlie Porter: Or they'll pick up the phone and call me personally. The way a complaint works now, it's either by phone to me or they go to the Town Office, they see Sue, xyz is doing this or that and she'll write out a complaint sheet and say, here, go see them. I think if you keep it in the Land Use Ordinance, that's one document that you'll have a better chance of passing. If this stands alone, you've got to have a town meeting to pass it.

19:46:20 Barry McCormick: Let's vote on it.

19:46:38 Randy Reynolds: I vote for standalone.

19:46:42 John McIntire: Makes sense to me. Have a maintenance ordinance.

19:46:50 Mark Nickerson: I think it should be in the document. I guess the biggest thing is what difference does it make to have it in this book or by itself?

19:48:43 Barry McCormick: We can fine tune but I still say standalone document. Pull that nuisance law ordinance, put it right with this and be done with it.

19:50:06 Barry McCormick: I think we have to read through it.

19:50:11 Jim Kenney: The question is shall we create a separate standalone document dealing with property maintenance in the Town of Unity? How say you?

19:51:08 Randy Reynolds: I'll see if I can work something up.

19:56:20 Mark Nickerson: It's going to be referenced? [Yes] Aye.

19:56:24 Jim Kenney: We haven't been charged to create a separate standalone document but we can make a recommendation to the citizens of the Town of Unity.

19:57:06 Barry McCormick: I make the motion to adjourn.

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