

**TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
NOVEMBER 5, 2014
LOCATION: FIRE DEPARTMENT, UNITY, MAINE**

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

MODERATOR: Jim Kenney

OBSERVERS: Garrett Morrison

RECORDER: Sherry Powell-Wilson

18:38:09 Jim Kenney: We met briefly last week and concluded that were reading from an out-of-date ordinance. Dixmont doesn't have a cover sheet, doesn't have it dated but it was the one on that is the one I was reading from. As I said in the e-mail, I wanted to be able to have the up-to-date one. There are no Minutes to approve. It was thought there was no sense in putting up Minutes.

18:39:06 Barry McCormick: Any feedback as yet?

18:39:12 Jim Kenney: Not to me.

18:42:33 Barry McCormick: I took it the same way, they are after this document. Is it possible they are just looking for the zoning of the use of the land, not what we're doing?

18:43:34 Jim Kenney: We're not seeing what they are doing. There is nothing coming to me.

18:43:34 Sherry Powell-Wilson: They see it as having ultimate control through the Comp Plan. The Land Use is the rules and regulations and they've figured that out, so the Comp Plan isn't good enough for them now. Instead of working on what they were charged to do and updating that Comp Plan, and that's it, they are working on the Land Use, trying to justify what they're doing by saying the survey results support it, expanding on the one in place now, so that it meets their agenda, and totally disregarding what we've spent two years doing.

18:43:34 Jim Kenney: Something that has come to my attention is they want to run the survey again.

18:43:42 Sherry Powell-Wilson: They didn't post my comments from the last one.

18:43:50 Jim Kenney: I go home at night knowing that I didn't screw the town, pardon my French, by the actions we've done here. Let's move forward, we've read through several hours. Should we go back to the beginning, with the updated?

Garrett Morrison: Regarding the Aquifer Protection Plan, it's minimal revision, mostly to add in reference documents. I ran it by Kevin and have his comments, some of which are substantial, and put them all together. I want you to look at it. You can distribute it in terms of e-mail. I think it's ready but it may be less organized than it needs to be. It does reference the whole town but mostly it's the village district.

We have to consider and protect the bedrock part. The bedrock underlies all of the Town.

18:45:00 Randy Reynolds: How do we present this to people who don't understand what we're talking about?

18:45:09 Garrett Morrison: We don't. What we have to say is the region that we consider to be an aquifer to be protected, is everything that might contain water. From the standpoint of what we do as people in the town, we don't have the right to say we'll go dump all of our pollutants in this hole in the ground, because it might hit the aquifer. We don't know where it's going. We can't stop people from dumping anything, but what we're going to try to do is make them aware.

18:51:32 Jim Kenney: Everything you said is critically important and Unity participates in a solution once a year. There is a hazardous waste collection event over to Pittsfield, which Unity participates in, and that could be part of you can't do it but here's a solution for you kind of the thing. It's free to the citizens. Paints and everything. You don't have to pay. It was free when I was a selectman.

18:59:02 Jim Kenney: [Read through]

Article 1 Purposes

1.1

19:01:14 Randy Reynolds: (With regards to 1.1) Will not result in undue water or air pollution. We were staying away from that.

19:01:42 Charlie Porter: Outdoor wood boilers.

19:01:49 Jim Kenney: Isn't that covered by the State?

We tried to do that but the State said we couldn't because they regulate it.

19:01:59 Charlie Porter: The State regulates it but we could have our own ordinance.

19:02:12 Jim Kenney: [Read through]

1.2

19:02:24 Garrett Morrison: I find that potentially difficult only in that this would look at what you know about the water available. It doesn't say anything about how you take into account a prolonged draught in which there is no water available or when occurs.

19:03:00 Randy Reynolds: Usually in a situation like that the surveyor checks around to see who has been doing most of wells in the area.

19:03:10 Garrett Morrison: They're running into this in California now, with a draught that exceeds anything they've seen in the past. Those that have deep wells pump all the water out because there is no recharge coming in. I'm not saying this will fix that. What I'm saying is let's not write in the ordinance that will depend on the water table always being what it is in order to be enforceable.

19:03:39 Randy Reynolds: Has sufficient water available for the needs of this subdivision. Take out reasonable and foreseeable?

19:04:09 Jim Kenney: [Read through]

1.3

1.4

1.5

19:04:52 Barry McCormick: I'm having issues with most of these because in doing the Land Use Ordinance, we tried to take out unreasonable...who dictates what may be unreasonable?

19:05:11 Jim Kenney: [Read through]

1.6

1.7

We need a side note that although there is a Unity Utilities District, it is not a municipal service.

1.8

19:06:21 Randy Reynolds: That's a nasty one. Somebody drives by your house and says that good scenery, you can't do anything there anymore.

19:07:00 Jim Kenney: [Read through]

1.9

1.10

19:07:23 Garrett Morrison: What is adequate financial capacity?

19:07:38 Randy Reynolds: We defined that in the LUO.

19:07:42 Jim Kenney: Along the lines of exposure but not if has the capacity. If had to go to expert or to something to back up the Planning Board, the exposure of the applicant was limited to 5 percent of the estimated.

19:08:14 Garrett Morrison: This is different. Just saying have adequate financial capacity, and depending on the viewpoint of whoever is complaining about this ordinance, adequate financial capacity may be that you have to have a \$10 million insurance policy. I feel this needs to be covered here so it doesn't end up being an excuse to prevent anything from happening.

19:08:56 Jim Kenney: [Read through]

1.11

19:09:16 Randy Reynolds: Isn't it in Unity 200 feet, resource protection?

19:09:21 Charlie Porter: Resource protection is 250.

19:09:29 Jim Kenney: Driven by the State. [Yes] Please make note that we have to tie in State requirements here by reference. [Read through]

1.12

1.13

19:10:53 Jim Kenney: [Read through]

Article II, Authority and Administration

2.1, Authority
 2.1, Administration
 Article III Definitions
 Cluster subdivision

19:14:22 Randy Reynolds: Open space should be taken out. Wait, on the cluster subdivision, it may be good to have open space. It's different from a regular subdivision.

19:14:43 Charlie Porter: I would take the town out of that. The town doesn't need to own that piece of property.

19:14:59 Randy Reynolds: We need to better define open space.

19:15:57 Garrett Morrison: When you set aside a piece of open space in a cluster, who pays the taxes on it?

19:16:20 Jim Kenney: [Read through]
 Complete application
 Comprehensive plan or policy statement
 Contiguous lots
 Developed area
 Driveway
 Dwelling unit
 Final plan

19:19:00 Garrett Morrison: Shouldn't it be must be recorded at the Registry of Deeds?

19:19:07 Jim Kenney: [Read through]
 High intensity soil survey (class A)

19:21:18 Garrett Morrison: What is the applicability of this? Are we saying we have to get one?

19:21:26 Randy Reynolds: Not at this point but at some we will.

19:21:30 Garrett Morrison: To me, this would be better left defined by a soil scientist.

19:21:48 Randy Reynolds: What typically happens is they will take a regular soils map and overlay it onto a subdivision map and go with that. If they say this is what you have to have, nobody can afford a survey. A subdivision.

19:22:08 Garrett Morrison: It is a necessary advantage to whatever is going on here to have a high intensity soil survey or is it nuisance work?

19:22:18 Randy Reynolds: Unless you're doing something like bringing in a Wal Mart or something like that, and how many are we going to have of those?

19:22:28 Jim Kenney: Like we did in the Land Use, we need to see how the use of this in the definition, in the text of document, and then make a comparison if applicable. Is that okay? [Read through]

High intensity soil survey (class B)
 100 year flood
 Official submittal date
 Article III Definitions
 Person
 Planned unit development
 Planning
 Planning board
 Preliminary subdivision plan
 Recording plan
 Roads

19:29:43 Jim Kenney: Side note that Unity has a road ordinance.

19:30:22 Jim Kenney: [Read through]
 Article III Definitions

19:33:59 Charlie Porter: That comes from down south where they were playing games to get out of a subdivisions. Selling land to first, second, third cousins. They had to write this. I think it's a good idea.

19:34:25 Jim Kenney: [Read through]
 Subdivision, major
 Subdivision, minor
 Tract or parcel of land
 Article IV-A administrative procedure minor subdivision
 4A.1 Purposes
 4A.2 Minor subdivision procedure
 A-D

19:39:18 Jim Kenney: When I type this, I'm going to insert the words and not the symbols. Is that okay?
 [Yes] Do we need to define what a flag constitutes? That's from 4A.2, under C.

19:39:30 Charlie Porter: Does the Board really have to have an on-site inspection?

19:39:46 Randy Reynolds: Normally you have a site inspection, yes with all Selectmen. What you do before the final subdivision is signed for, you go out and do a walk with them to make sure everything is exactly the same.

19:42:52 Jim Kenney: [Read through]
 Article IV-A administrative procedure minor subdivision (continued with E-G).
 Article IV-B administrative procedure major subdivision
 4B.1 Purposes
 4B.2 Major subdivision procedure
 A-E

19:45:36 Jim Kenney: These are the same words. We agree?

19:48:00 Jim Kenney: Let's call it a day. We start with Article V Preapplication.

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