

**TOWN OF UNITY**  
**LAND USE REVIEW COMMITTEE MEETING MINUTES**  
**FEBRUARY 6, 2013**  
**LOCATION: UNITY MASONIC LODGE, UNITY, MAINE**

**MEMBERS IN ATTENDANCE:** Jo Kenney, Jim Kenney, Randy Reynolds, John McIntire, Barry McCormick, Mark Nickerson, Tony Avilla

**OBSERVERS:** Chris Rossignol, Charlie Porter, Jean Bourg, John Piotti

**RECORDER:** Sherry Powell-Wilson

18:33:01 Jim Kenney: Shall we get started?

18:33:01 Chris Rossignol: I have a question I need to ask Sherry. Sherry, are you receiving payment from the Town or from anyone on this committee or anyone here for your services?

18:33:17 Sherry Powell-Wilson: No, I am not.

18:33:34 Randy Reynolds: Regarding the voting rights, I did talk with Clem and Chris and they are agreeable to keep it the way it is, they are happy with that.

18:33:53 Jim Kenney: Everyone understands this and agrees?

18:34:00 Barry McCormick: The alternates will have a vote too?

18:34:07 Randy Reynolds: Yes.

18:34:13 Barry McCormick: My only hesitation here is Don and Emily.

18:34:32 Jim Kenney: Everyone has a vote. Don and Emily will each have a vote. How say everyone else? Fair enough?

18:35:06 All in agreement.

18:35:09 Jim Kenney: The Minutes were not fully distributed. I have read them, Jo has read them.

18:35:39 Randy Reynolds: Sue does have the distribution list set up. How soon does she receive them?

18:35:42 Sherry Powell-Wilson: She receives them on Friday, after 4:30 when I get out of work. I send them to her attached to an e-mail.

18:35:58 Jim Kenney: Put in there that members are anxious to see them.

18:36:08 Jean Bourg: The Minutes are put in there on the website.

18:36:20 Barry McCormick: After the last meeting I was on the website and under community support there was a nice thing about the restaurant opening up. That was very nice, it was nice to see people reaching out to help new residents and businesses in town.

18:36:56 John McIntire: Three of us saw it.

18:37:05 Jean Bourg: Go to the website and click “add me” to the list and you will get that late Sunday. We really could use some help, a business editor who would spotlight a business at least once a month.

18:37:42 Barry McCormick: Even if we highlighted an existing business in town, a page for specials for the week, it would be a show of good faith for the town.

18:38:04 Mark Nickerson: It wouldn't hurt to highlight a business a week or a business a month.

18:38:14 Jean Bourg: What about specials for the week? I would need some help to do that.

18:38:26 Barry McCormick: I personally don't know, there could be a conflict created by advertising specials for certain businesses. I think just highlighting a business, recognizing them.

18:38:42 Jean Bourg: What if there were a page for specials for every week?

18:39:11 Jim Kenney: Okay, getting started, we took a section, Section 1, General Provisions, paragraph 1.

18:39:20 Randy Reynolds: (Stepped up to a Land Use District map) I have two colors here, still have a lot of work to do, road names and locations, map and lot numbers, to know exactly where they go, will need to get all of the tax map and lot numbers. This is a hard job to come up with something completely accurate.

18:40:35 Barry McCormick: Is there anything I can do to help?

18:40:39 Jim Kenney: This is driven by technology.

18:40:48 Randy Reynolds: I talked to the assessor, Ellery. He is still making changes and he says they (maps) are not accurate at all. Back to this consolidation sheet, I think something that would help us is when we read down through each one of these, going all the way through to the end, keep an eye out and, John (McIntire), can you put anything right on the screen, can you write in the text?

18:42:03 John McIntire: Yes.

18:42:07 Randy Reynolds: Put 1, 2, and 3 right down through the ordinance...you'll find that things are listed three, four, five times throughout the Land Use Ordinance. Like, if something has to do with roads, put a 1, so on each we could have three or four numbers on each one. When we go back through we can see where different things pertain. We may decide not to change.

18:43:12 Jim Kenney: Let us try it.

18:43:16 Jean Bourg: I'd like to point out one thing, for finding repetitions or phrases, I sent out the URL ([unityme.org/gov/ordinances/](http://unityme.org/gov/ordinances/)) to where the ordinance is online...and then you can just search for and highlight.

18:44:48 Randy Reynolds: And as we're going down through the roads and numbers we can add more if we need more.

18:45:08 Jim McIntire: We're setting up a scene.

18:45:13 Mark Nickerson: As we read through this book, are we going to be deciding what should stay and go?

18:45:28 Jim Kenney: At our meeting last Wednesday, we decided that, as we read, if a member feels something should be **changed , we'll make** a notation and then we'll come back to it and work the changes once we all get to the same level of understanding, all on the same plane of what is being discussed.

18:45:59 Randy Reynolds: We don't want to start pecking away before knowing the whole scope.

18:46:08 Barry McCormick: Are we still trying, as we read certain sections, are we going to try to identify whether that applies to, say the village district, so we don't have to keep going over and over and over?

18:46:30 Randy Reynolds: For example, for the rural district we can put an 18 beside it.

18:47:43 Randy Reynolds: We can go down through and read through the ordinance.

18:47:52 Jim Kenney: Is there anyone who has an overwhelming desire to read?

18:48:01 Jim Kenney: We're on page 4, Section 1, General Provisions. (Jim read the following)  
Section 1, General Provisions

1. Title
2. Authority

18:49:25 Randy Reynolds: I would put an 8 beside it.

18:49:33 Jim Kenney: What would be 8?

18:49:37 Randy Reynolds, KVCOG, just a thought.

**18:50:41 Jim Kenney: We will** reference sections as we're going through.

18:50:50 Randy Reynolds: Then you could add the numbers we put beside each one.....

18:51:07 Jim Kenney: (read)  
Section 1, General Provisions  
3. Purposes, A through I

18:52:34 Jim Kenney: Any sidebar, side notes? Hearing none, seeing none.

18:52:43 Jim Kenney: (read)  
Section 1, General Provisions  
4. Applicability

18:52:52 Jim Kenney: Anyone wish to make a sidebar or side note? Hearing none, seeing none.

18:53:01 Jim Kenney: (read)  
Section 1, General Provisions  
5. Conflicts with other ordinances, laws and regulations

18:53:19 Jim Kenney: Again, I ask, any sidebar, side notes?

18:53:29 Barry McCormick: Would a State regulation override the town?

18:53:36 Jim Kenney: Always have, always will. We are a subject of the State, we are allowed to exist because the State allows us to. Any sidebar, side notes? Seeing none, hearing none.

18:53:56 Jim Kenney: (read)  
Section 1, General Provisions  
6. Validity and severability

18:54:10 Jim Kenney: A sidebar for me is that this is common, standard language. You don't have to lose it all. Any other sidebars, side notes?

18:54:25 Jim Kenney: (read)  
Section 1, General Provisions  
7. Effective date, repeal of prior ordinances

18:54:44 Barry McCormick: The only sidebar is when we get through this, that is when we will make the changes, if there are changes?

18:54:58 Jim Kenney: We will capture that. (read)  
Section 1, General Provisions  
8. Availability

18:55:21 Jim Kenney: I have a side note and that would be anyone could get this upon request.

18:55:31 Barry McCormick: I don't understand.

18:55:35 Jim Kenney: This says a "Unity resident" but not others. That was just a sidebar, we will come back and debate. Any other sidebar, side notes?

18:55:50 Mark Nickerson: Maybe for some kind of fee to be attached.

18:55:55 Barry McCormick: I agree.

18:55:58 Randy Reynolds: Just write it on the side.

18:56:04 Jim Kenney: What I mean by sidebar and side note, pop out your thought and at a future time we're going to come back and go over this again.

18:56:15 Charlie Porter: It could be suggested online.....

18:56:23 Jim Kenney: I don't know what you mean by that. So, that is a general statement not related to this paragraph? (read)  
Section 1, General Provisions  
9. Amendments, A

18:57:30 John Piotti: Shouldn't everyone have a copy of that?

18:57:52: Any sidebar or side note?

18:58:49 Mark Nickerson: Let's bring that forward, what do we call, I don't even know what this committee is called.

18:59:02 Jim Kenney: We are citizens of the town, we will bring this to the town meeting.

18:59:13 Randy Reynolds: Will we bring this before the town as a committee or the Planning Board Committee?

18:59:24 Jim Kenney: We will bring this before the municipal officers.

18:59:31 Jo Kenney: Anything, any work that comes out of this committee has to be phrased as an amendment, how we want it to be will probably be a "top page." I'm saying we have to follow a process.

19:00:10 Jim Kenney: Any further sidebar, side note? (read)

Section 1, General Provisions

9. Amendments, B

19:00:42 Jim Kenney: Any sidebar, side note? Hearing none. (read)

Section 1, General Provisions

9. Amendments, C

19:00:48 Jim Kenney: Any sidebar, side note? Hearing none, seeing none. (read)

Section 1, General Provisions

9. Amendments, D

19:01:49 Jim Kenney: Any sidebar, side notes? Moving on to Section II titled Administration. (read)

Section II, Administration

1. Administering bodies and agents

A. Board of Selectmen

19:02:09 Jim Kenney: Any side notes?

19:02:38 Randy Reynolds: Put a #4 on each, A and B, enforcement of .... mentioned in six different places.

19:02:52 Jim Kenney: Any other sidebar, side note?

19:03:35 Barry McCormick: I read this thing a few times. What if somebody does not follow the rules?

19:03:53 Jim Kenney: We will capture that. Side note, sidebar to sections A and B, code enforcement officer, Randy has inserted # 4 into that. Any other sidebar? Seeing none, hearing none. (read)

Section II, Administration

1. Administering bodies and agents

B. Code enforcement officer, a through m

19:06:01 John McIntire: I have a side note, 'his' needs to be 'his/her.'

19:06:10 Randy Reynolds: Getting down to C, town clerk, under 33, expand 33 to make it town clerk.

19:06:30 John Piotti: You have 10 as the town clerk.

19:06:36 Jim Kenney: Any further sidebar, side note?

19:06:41 Mark Nickerson: This is where I get a lot of issues, when government gets too intrusive. What gives a code enforcement officer the right to go on a construction site?

19:07:10 Jim Kenney: This document.

19:07:13 Charlie Porter: It is within the permit.

19:07:21 Mark Nickerson: How long are they allowed to do it?

19:07:26 Charlie Porter: Once the occupancy permit is issued, it's done.

19:07:33 Randy Reynolds: We need to make sure everything is in accordance with the ordinances including code enforcement.

19:07:53 Charlie Porter: Under Title 38, I have the right of trespass until that time, to knock on your front door, it is there.

19:08:18 Jim Kenney: This is an action item, dig out those titles and specific paragraphs right down to State law. Any other side notes, side discussions? We're going to explore that further.

19:08:54 Tony Avilla: Also, I think if there is a complaint, you should be told who complains because it could be somebody just making harassment complaints, nitpicking.

19:09:17 Jim Kenney: We'll come back to that. What Tony is saying is that the complainer should be revealed. We're not going to debate that tonight.

19:09:40 Charles Porter: Say the complaint comes to me about Tony doing something, I don't have to reveal that, only to the judge.

19:09:57 Jo Kenney: I'm sure most of this is covered in the State statutes. You're not going to be able to rewrite a State statute. I'm sure it is already covered in detail. Even if this is something you would like to see different, we're not going to be able to do anything different.

19:10:47 Charlie Porter: You can't go above the State.

19:10:53 Mark Nickerson: Everybody gets to face their accuser in court.

19:11:00 Charles Porter: You don't have to know anything before (court appearance). Anything I do has to go before the selectmen first. If there is a violation that has to go to court, it has to go before them first and they give the okay.

19:11:33 Jim Kenney: (read)

Section II, Administration

1. Administering bodies and agents

C. Town Clerk

19:12:17 Jim Kenney: A side bar is who are the appropriate administrative bodies? We'll pick that up later.

19:12:29 Randy Reynolds: That's where I put #10 for the town clerk.

19:12:36 Jim Kenney: Who is the appropriate administrative foreign body? (read)

Section II, Administration

D. Planning board

19:13:12 Jim Kenney: Any sidebar, side note? (read)

Section II, Administration

E. Road commissioner

19:13:46 Jim Kenney: I know that this post of road commissioner has been abandoned in the Town of Unity, it is now served by the Board of Selectmen. We'll get to that.

19:14:05 Randy Reynolds: Put a #12 beside, a sidebar of 12, road commissioner.

19:14:17 Jim Kenney: Any other comments? (read)

Section II, Administration

F. Board of appeals

19:14:30 Jim Kenney: Any sidebar, side note? Hearing none, seeing none.

19:14:46 Barry McCormick: We're trying to get stuff that is in here, throughout this book, and bring it back to where it applies. Should that be right there? Shouldn't there be something that says, that is what it means ...the language...The Town of Unity should be right there.

19:15:31 Jim Kenney: We're not going to debate that here.

19:14:05 Randy Reynolds: Make a note, #33.

19:14:17 Jim Kenney: (Continued reading)

Section II, Administration

2. Permits required, 1-9

19:17:26 Randy Reynolds: Sidebar, #13.

19:17:31 Jim Kenney: Any other sidebars, side notes?

19:17:41 Barry McCormick: We can spend a lot of time.....

19:17:41 Mark Nickerson: They are referring to put #33 right there.

19:17:50 Barry McCormick: This is more the first few pages, the meat of what we're after....

19:18:03 Randy Reynolds: It gets right to the meat and periodically with certain permits throughout the ordinance, we can go back later and put them together.

19:18:19 Barry McCormick: This is telling you what the permit requirements are and we can tidy it up later.

19:18:27 Jim Kenney: Anything further?

19:18:30 Jo Kenney: In looking at 2, 5 or 7, it is significant where you could add some content, like what you guys are saying, an overall introductory foundation document.

19:18:52 Randy Reynolds: You can also on 5, add 16 to it where it pertains to the village district, downtown 17.

19:19:21 John McIntire: I'm trying to put notes right on the document.

19:19:36: Jim Kenney: (Continued reading)

Section II, Administration

3. Types of permits, 1-8

19:23:17 Jim Kenney: Any sidebar or side note?

19:23:22 Randy Reynolds: I would write 13, 14, 16, and 2 essentially in this area.

19:23:12 Jim Kenney: I wrote the word 'wow' across it. We'll come back to it.

19:23:44 Mark Nickerson. I think we'll need to come back to all of it. Another point I I'd like to make, we're going to make it so someone can get a permit from one person or another, not two different people? Why would they need to go through two people?

19:24:19 Jim Kenney: We'll bring that up.

19:24:22 John Piotti: I can answer that, about what the process is you're going to go through to get the application.

19:24:39 Mark Nickerson: My point is, it reads like you need two permits.

19:24:52 Jim Kenney: We will work on that. (Continued reading)

Section II, Administration

4. State fire marshal permits

19:26:10 Randy Reynolds: Put a 9 there, mentioned more than once in ordinance.

19:26:18 Charlie Porter: The date needs to be changed on this to 01/01/12. That's the update.

19:26:31 Jim Kenney: I have a side thought, it is important to understand for said applicant in the document what they are facing. Any other sidebar, side note?

19:26:50 Jim Kenney: (Continued reading)

Section II, Administration

5. Permit application

A. Application procedure

19:28:13 Jim Kenney: Any side bar?

19:28:16 Barry McCormick: On the site scale plan, that is based actually on a blank design?

19:28:32 Randy Reynolds: Need a 13 on sidebar, permits again.

19:28:50 Jim Kenney: (Continued reading)

Section II, Administration

5. Permit application

B. Special requirements for certain building permit applications

19:30:20 Jim Kenney: Any sidebar?

19:30:23 Randy Reynolds: 13 permits, and 17.....



19:30:29 Charlie Porter: This is the only town I know that does not charge for a lot permit.

19:30:46 Barry McCormick: What do other towns charge?

19:30:52 Charlie Porter: \$10.

19:30:55 Jim Kenney: Clearly, we have thoughts about this and down the road will bring it to the table. Anything else?  
(Continued reading)

Section II, Administration

6: Procedures for administering permits, A, Building permits and, B, Driveway permits

19:33:42 John McIntire: Do you need somebody to fill in for you (to read):?

19:33:56 John McIntire: (read)

Section II, Administration

6. Procedures for administering permits, C, Road construction permits, D, Development permit, E, Lot permit, and F, Occupancy permit

19:37:58 Randy Reynolds: I have side bar on each one of those but have not interrupted you.

19:38:07 Jim Kenney: Introduce now.

19:38:11 Randy Reynolds: Page 8, permit application 5, 13, permit. B and C, I have 13, 17 on #6, procedure, #13 permits, #4 CEO. Driveways, permits on B should be on the driveway, #4. C, road constructions permits I have #1, roads. On D, #13 development permit lot, occupancy permit, F, CEO. #9, expiration, permit, again #13, 10, enforcement, #4, CEO. That is why I was going ahead, #10 enforcement CEO, #4, #1, #2 and #3, CEO code enforcement officer to be consolidated .

19:40:15 Jim Kenney: I believe the CEO has the authority to approve things not captured here. Need [John Piotti to refresh our](#) memory. The CEO granted approval of certain permits in the rural district.

19:40:48 Charles Porter: I don't know if that was written in the ordinance or not.

19:40:55 Charlie Porter: 500 square feet.

19:41:03 John Piotti: That is in the ordinance. We'll find it somewhere.

19:41:15 John McIntire: (read)

Section II, Administration

7. Conditions for permit approval

8. Burden of proof

9. Expiration.

19:42:44 Jim Kenney: Interrupt if you have a side bar

19:42:51 Randy Reynolds: #13, permit, on expiration, #9.

19:43:12 John McIntire: (read)

Section II, Administration

10. Enforcement , A.

19:43:13 Mark Nickerson: Can we define nuisance?

19:43:38 John McIntire: Do we need to define nuisance, probably.

19:43:45 John McIntire: (read)  
Section II, Administration  
10. Enforcement procedure, 1

19:44:56 Randy Reynolds. Sidebar, #4, CEO again.

19:45:04 John McIntire: (read)  
Section II, Administration  
10 Enforcement procedure, 2

19:45:28 Randy Reynolds: #4, CEO, again.

19:45:34 John McIntire: (read)  
Section II, Administration  
11. Enforcement procedure, 3

19:46:03 Randy Reynolds: #4, CEO again.

19:46:09 John McIntire: (read)  
Section II, Administration  
C Legal actions and penalties

19:46:44 Randy Reynolds: CEO again.

19:46:50 Jim Kenney: He/she, what might be fined. Will come back to that.

19:47:05 John McIntire: (continued reading C, legal actions and penalties)

19:48:24 John McIntire: (read)  
Section II, Administration  
11: Appeals

19:48:51 Randy Reynolds, CEO again.

19:48:57 Jim Kenney: I made the recommendation to consider done for today. We're coming to a new section.

19:49:17 All in favor.

19:49:50 Jim Kenney: It is now 10 minutes to the hour. This is the agenda item for next week. Anything else?

Respectfully submitted,  
Sherry Powell-Wilson, Notary Public