

**LAND USE REVIEW COMMITTEE MINUTES
TOWN OF UNITY
WEDNESDAY, MAY 8, 2013
LOCATION: UNITY MASONIC LODGE, UNITY, MAINE**

MEMBERS PRESENT: Jim Kenney, Barry McCormick, Mike Murch, John McIntire, Mark Nickerson, Charlie Porter

OBSERVERS: Chia Murdock

MODERATOR: Jim Kenney

Recorder: Sherry Powell-Wilson, Notary Public

18:38:34 Jim Kenney: We've got to start sometime. We've got to strategize how we're going to go forward. We've been away from this for like five weeks talking about the Comp Plan. I've started going through the Minutes. There is nothing wrong with the Minutes at all. I'm trying to pull out the action items in there. My e-mail said that we should plan tonight, it doesn't have to be until 8 o'clock. What do we want to start on next? There are a lot of ideas laid out. We have the formatting that Randy and Emily had worked on. We did not take Minutes at the last Comp Plan meeting. It was a Comp Plan presentation and I suggested that members take notes that they want to refer to later. As you know, the speakers can use 10 million words and you've been trying to capture them. What I was suggesting, how do you want pick it up. We've been through the reading, there are suggestions out there to change the formatting. We did the reading and took side notes and kind of not stated what our comment we wanted to make -- do we want go back through and start capturing those comments. I'm going to ask each one of you what would you like start with?

18:40:19 Mark Nickerson: Here's the thing, we haven't really done anything yet. We've been at this for four or five months.

18:40:33 Jim Kenney: We started on January 14th.

18:40:37 Mark Nickerson: To me, I guess that Comp Plan thing kind of threw us. Are we beating our heads against the wall until the Comp Plan is finished?

18:40:49 Jim Kenney: I don't sense that.

18:40:55 Mark Nickerson: So, how can we make a change to the Land Use if we don't know what the Comp Plan is going to be?

18:41:01 Jim Kenney: We can carry our recommendations to the Comp Plan Committee and explain why we're making those recommendations, and back that with information that we might have. If there are errors in the Land Use Ordinance, there are ambiguities in the Land Use Ordinance, there is structure in the Land Use Ordinance. All of that can be addressed independent of the Comp Plan. Get rid of ambiguities, get rid of errors, get the structure that has been agreed to by members that are on both Committees, if they choose to, and get that in shape, and if there is something that this Committee sees that should be changed, needs to be changed, we propose that change and take it to the Comp Plan and work it together and be prepared to do it. I think there is valid work that we can do. Does anyone want to disagree with me?

18:42:04 Barry McCormick: My two cents on it is I think I agree with Mark. It is frustrating not to have something done by now. My suggestion is, let's look at this part of it right here. Application fees, let's look at that, review it and see if it's okay, do we want to make modifications to it or leave it alone? The next one is billing permits.

18:42:24 Jim Kenney: Let us get tuned up to what you have. Are you looking at the one that Randy put together?

18:42:30 Barry McCormick: Even the old one. Every item in there talks about a specific area. Driveway permits, well, let's talk about driveway permits and see if we agree with what it says or do we feel it needs to be changed, added to, whatever. The next one, road construction permits, and start actually physically looking at each item and is it what we want, and even as we're viewing these items and make recommendations or leave it alone. The recommendations may change, and as we go through the Comp Plan too, we should keep in mind how that affects what we did.

18:43:17 Jim Kenney: Mark was speaking a thought. I spoke, Barry has spoken. Are we getting anywhere near where it makes it worth your time?

18:43:34 Mark Nickerson: Well, yeah, I like Barry's suggestion that we start looking at each thing. Even if we have to go back and pull out the notes that we did the side notes from, to look at each thing and discuss it and see why it is the way it is and should it be streamlined or fixed.

18:43:52 John McIntire: I think we have done quite a bit and we understand what this Land Use Ordinance looks like. We got some ideas about changing it. To me, it makes some sense to start putting together a form, an outline, and to find out what this new Comp Plan looks like. To cover these items and put it so people can pick it up and go, I want to do x, y, and z and this on this place, and have that... I think if we put some kind of structure and then as the Comp Plan comes together, we can start pulling the pieces out and then start plugging them in, in some kind of more organized fashion.

18:45:07 Jim Kenney: This is kind of an alternate discussion on how to proceed and I'm hearing good ideas. You raised the point that was valid to raise. Are we saying anything that makes it worth investment of your time to do this?

18:45:27 Don Nickerson: I don't think that's even an issue to me.

18:45:34 Barry McCormick: I would like to ask a question of the members of the Land Use Ordinance Committee, and the Comprehensive Plan Committee, I would like to identify their view of the Land Use Ordinance and the Comprehensive Plan, how they work together and what the Land Use Ordinance is intended to do, and what the Comprehensive Plan is intended to do for the Town of Unity.

18:45:58 Jim Kenney: So do you want to start by giving us your thoughts?

18:46:01 Barry McCormick: Yes. From what I've heard, from all the speakers that we've had in and what I've read, to me the Comprehensive Plan is a gathering of the townspeople's thoughts and wishes for the growth of the Town of Unity, such as zoning. Where do we want zoning to take place? Where do we want commercial, where do we want rural, and where do we want the downtown district, and where do we want the growth to come from and in what manner? So, it's kind of a generalization of what the Town of Unity is looking for. To me, that's what the Comp Plan is.

18:46:45 Now we turn the page and we say, here's the Land Use Ordinance plan. The town has said that they want all of this area out here to be village district, so it's the Land Use Ordinance that will tell a developer or anybody that's interested in doing something with that piece of property, what they can and cannot do. To me, it's black and white. The Land Use Ordinance will tell us if, whatever project you've got going, say I want to build something over there on this piece of property and it's under the village district, well, under the village district you can only do this because, currently... So, the Land Use Ordinance, if what I want to do fits as far as the Comp Plan, within the districts there, the Land Use Ordinance tells me how it has to be done. That's how I identify the two different programs, and I think we have to keep them separated but, at the same time, keep them together, as crazy as that sounds.

18:47:58 Jim Kenney: It's a truism right there.

18:48:00 Barry McCormick: The Town is saying that we want Unity to grow in a certain way, in a certain direction. However, the Land Use Ordinance says the signs have to be this way, the driveway has to be that way, and so on. That's where the "teeth" of the thing is, it is in the Land Use Ordinance. The Comprehensive Plan, to me, is just a generalization and overview of the whole tone. If there is anything that anybody wants to do, this is the "Bible" more than the Comp Plan. I would like to hear what everyone has to say.

18:48:37 John McIntire: I see the Comp Plan as setting an overall direction but the Land Use Ordinance is the nuts and bolts of how we're going to get there. That's the marching orders so to speak for Charlie and anybody who wants to put a shovel in the ground out here.

18:49:07 Chia Murdock: I actually spent some time reading the 50 recommendations that were posted, that we heard about from McGregor Stocco. It's on our town website, and I also read the end of the manual where it talks about the functions of the future land use plan and that describes the future land use plan as the foundation for a revised Land Use Ordinance. So, because the Comprehensive Plan does set the direction in general but also includes policies and recommendations, the way I read that manual the State has written is that there is a very direct relationship between the development through comprehensive planning process of that future land use plan, and the revision of the Land Use Ordinance.

18:50:27 Mike Murch: The only thing I would say to that it that it sounds to me like the Comprehensive Plan has to come first before the Land Use Ordinance is done. I think there is no reason why we can't be working on putting the Plan together but, before it is adopted, obviously the Comp Plan has to be done and fine-tuned to meet what the generalization of the Comp Plan is. As Barry said, the Comp Plan is just a generalized overview of the town, where it wants to go.

18:51:10 Charlie Porter: You need to make this thing user friendly. Let's say we change lot size, well the Comprehensive Plan says we need to change in this district, we need to change the size, you need to make it a lot simpler, the formatting.

18:51:33 Jim Kenney: We agreed at a previous meeting, we're going to change the format of this document. We agreed at a previous meeting that we're going to make this district complete, that you can go in and pick up the document you need and not need to have the whole damn thing.

18:51:59 Mark Nickerson: My only concern, and hopefully Charlie can answer this because you're the enforcement officer but, what if somebody came in this town and didn't do what the Land Use said they should do?

18:52:34 Charlie Porter: You would end up in court. It's a civil violation. Anything to do with Land Use is civil but you still end before the same judge. I can't just write a summons.

18:52:53 Jim Kenney: If there is something that the Planning Board says that an applicant can't do something, there is the right of appeal and we have a Board Of Appeal in this town. It happens occasionally but we can become subject of a suit or bring a suit. If the instructions provided are unclear and they proceed and then Charlie in his authority as provided by the Selectmen, Charlie reports to the Selectmen the violation. He only invokes at the instruction, I believe, of the Selectmen.

18:53:59 Charlie Porter: No, if it is a blatant violation, I can stop it right now and we go to the Selectman and hash it out.

18:54:08 Mark Nickerson: You can stop the construction?

18:54:08 Jim Kenney: He can order it and then he's got to determine how fast he can run. Because you go there alone.

18:54:27 Charlie Porter: I've only had one problem in 16 years.

18:54:28 Mark Nickerson: Because everybody complies with the Land Use or because it's, let's say they're building a home in the village district that has a 6-12 pitch on the house rather than 12-12.

18:54:43 Charlie Porter: That's a problem but they know that going in. It's not something, I mean, they're explained this by me, by the Planning Board, before they even start putting a roof up, you've got to have this pitch on the roof.

18:55:04 Jim Kenney: It's good that you ask about the roof. That has been a recent issue in this town and that resulted in what is the standard roof design on School Street? You can't find two buildings that have the same roof. Family Dollar had to comply with the instructions of the Planning Board and they built a fake roof.

18:55:28 Charlie Porter: Edwards had to do the same thing.

18:55:44 Mark Nickerson: I just didn't know that that these ordinances that we're making here are law.

18:55:52 Jim Kenney: Yes, they are enforceable.

18:55:56 Charlie Porter: An Ordinance is a law, a town law.

18:56:00 Barry McCormick: I'm just trying to get moving again on what we can do and I have a couple questions. Why can't we discuss, in looking at what we're chartered to do, the roof pitch in the Town of Unity. What does the Comprehensive Plan, at this point, have to do with that?

18:56:25 Mark Nickerson: Nothing.

18:56:28 Barry McCormick: Signs in the Town of Unity, roads, driveways -- all of that can be discussed from a Land Use Ordinance that, really, the Comprehensive Plan, at this point, doesn't enter into it at all. Once the Comprehensive Plan is pretty much done, then we can look at what we've done and see how they mix. But that's stuff that we can be looking at right now. And, if it doesn't work when the Comprehensive Plan is done, they say, well, no that doesn't work for me, well, all right, let's take it out or change it. But at least we can do something. We can move on everything in this book and look at. One by one and say is it is what the Town wants and if it is leave it alone or if we want to make a recommendation well we want to change this to be 10 feet instead of eight. At least we can be doing something and getting something done. My thoughts are, if we go that book and look at every one of these items, and then once we've done it, we can say, all right, if you're in the Village District, this pertains to that. Have all three of them listed right, #1 goes to this, this, and this, #2 goes to just this one, #3 goes to these two, and that's how we organize a book like that. To me, that's how we started out but we got off track. If these items in here are what the Town wants, and there are 50 of them how, how many of those 50 relate specifically to the Village District, Downtown District, and Rural District, and if it pertains to one of them, put it in there and, if it doesn't, leave it out. So, when you walk into the Town Office, there are three pamphlets and anything you need to know about the Rural District is in that one...

18:58:27 Charlie Porter: I was on the last Comp Plan Committee. I'll be honest with you, I haven't read it in 15 years after it was done. I know the general philosophy but I think it's a feel good piece of paper and that's what they are working on. It is like the Constitution but then you take the rules and regulations off of it. I still think that if we sit right here, like he said, go through the Land Use Ordinance the way it is written, and put it where it belongs.

18:59:30 Jim Kenney: I told McElroy the other night that when we're done, I would be thoroughly please if there is no ambiguity in this document. That anyone reading it will know what it is. We heard stated in this room that it was written in a manner that only a few people knew what was in that and they could make their decisions based upon what they thought. [Addressing Sherry], you could join us. You are a citizen of this town.

18:59:58 Sherry Powell-Wilson: Absolutely. I've been reading it. I was coming through Unity the other day and I said to myself, what is it that I love so much about this town, and I was coming down Main Street and I realized that it is the trees. It's so beautiful. You don't see that in every town, the character. I really like the businesses mixed with the homes. It says a lot about Unity.

19:00:35 Jim Kenney: My thoughts. I echo everything that has been said here. I haven't had to use it. I built the house on land that met all the codes where I was at.

19:01:06 Charlie Porter. My two bits, the Land Use Ordinance, as far as lot sizes in the Rural District are way too big. You don't need three acres to build a house. Two acres is fine. The average is all over.

19:01:26 Jim Kenney: Back in the 80s when I was Selectman, we had an issue on lot size because that was being discussed. There is no land in Unity that will pass the PERC test. That was driven in part by the, the conversation was based in part of how much land do you need to handle a septic system.

19:02:04 Charlie Porter: Well, the way they build them now, the State law says 20,000 square feet minimum lot size. That a half an acre roughly. That's based on the fact that you've got enough room to put another leech field in some place.

19:02:26 Barry McCormick: That's perfect point of what I'm trying to get at. If we want to get something done, that one of the subjects. Let's discuss that and come up with a solution.

19:02:49 John McIntire: I suspect that part of that reason is there is three acres, besides the practical one about septic and leech field, is the way people wanted it to look in the long run. They don't want a house every half of an acre, like we've got up in Benton. Sometimes it actually goes several lots deep but most of the time it is just spread right along the road.

19:04:17 Charlie Porter: You're handcuffing our kids. I'll be honest with you. Your kid comes along and he might be able to squeeze out enough money for two acres or one and a half but you're telling him he's got to have three and beyond that third acre, what's he going to do with it except pay taxes on it. In this town that is considered part of your lot and you pay regular taxes on it. It's not a field or woods or anything like that.

19:04:48 Barry McCormick: We're sitting here talking about some stuff but, again, we're still not getting anything done. I would like to suggest that at the next meeting we have, we start right at the beginning of that thing and talk about every subject one by one.

19:10:06 Charlie Porter: There is an appeal going on now on a sign, it's a barber pole.

19:10:25 Jim Kenney: Yes, I've asked the applicant, who used to be my brother-in-law, to keep me posted on how that goes because barber poles have a 200-year history in this nation, I believe.

19:10:37 Mark Nickerson: Somebody wants to put up a barber pole and the Town is saying no?

19:10:51 Charlie Porter: It's an antique barber pole and you can't do it because it's internally lit.

19:10:56 Jim Kenney: That is one of the items we'll address.

19:11:06 Barry McCormick: We need to address that. The barber pole, to me, would look fantastic in the Town of Unity. The Town saying you can't do that is ludicrous.

19:12:06 Jim Kenney: I don't think anyone here would disagree. These are the things that I came aboard to straighten out. Now Barry has proposed that we sit down next week and start digging through this so that means you guys will need to dig and start writing down your thoughts against every item.

19:13:00 Jim Kenney: The Land Use Ordinance is online.

19:13:04 Charlie Porter: Go down (to the Town Office) and see Sue, she'll give you one.

19:14:31 Jim Kenney: Every one's action item is to come prepared next week starting on page 1.

19:17:08 Barry McCormick: We need to talk about that for a second. Some of that is just boiler plate stuff.

19:17:46 Jim Kenney: I would suggest look at section 2. To those who don't have a copy of it in front of you right now, the beginning before section 2 is Table of Contents, Section 1 is General Provisions, that will become clearer once we get deeper into the document, I believe. How say you?

19:18:18 Barry McCormick: I think some of it will be to just read it and check it off. Start reading it and as go we're going to identify where things really start. Just have somebody read it and if there is something that we want...

19:19:03 Jim Kenney: We want everyone to read it and make a notation, right?

19:19:07 Mark Nickerson: Some nights we'll be able go through quite a few pages and then one night...

19:19:30 Sherry Powell-Wilson: As you guys revise it, I can type it, I can keep a master copy going.

19:20:10 Jim Kenney: I would like to take us back to something mentioned previously. I like consensus and consensus doesn't mean that we all have to agree, but if somebody says no, those of us who think it is yes have to understand why no. I think you've heard me make that speech. No is a good thing if we all understand.

19:21:15 Jim Kenney: So, we're agreeing next week that we're going to come and have annotated documents.

19:21:40 Meeting adjourned.

Respectfully submitted,
Sherry Powell-Wilson, Notary Public
Accepted: 05/15/2013