

**LAND USE REVIEW COMMITTEE MINUTES
TOWN OF UNITY
WEDNESDAY, MAY 29, 2013
LOCATION: MOFGA, UNITY, MAINE**

MEMBERS PRESENT: Jim Kenney, Jo Kenney, Mark Nickerson, Tony Avilla, Barry McCormick, John McIntire, Charlie Porter

OBSERVERS: None

MODERATOR: Jim Kenney

Recorder: Sherry Powell-Wilson

18:31:37 Jim Kenney: I take it there was no meeting last week? We have Minutes from 05/15/13 which was when we last met. Are there any comments? I find that they met the meeting that I attended.

18:35:15 Barry McCormick: Motion to accept.

18:35:18 Jim Kenney: Any objections? Hearing none.

18:40:36 John McIntire: WiFi works here. The cell phone service is pretty good out here I hear.

18:40:37 Barry McCormick: I would like to ask a question. We seem to be dwindling down a little bit. Has anybody heard from any of the other members or are they sticking with the Comp Plan?

Jim Kenney: I'm going to say an opinion, that there was a group that saw the necessity to get the Comp Plan going. The members that were signed up still get the e-mail and the same notices. If there are only two of us here, we continue to meet. We know Nancy Zane had announced that she has some commitments that are going to consume her summer. The other two are the Newells and I need somebody to remind me who is missing. Mike is coming in and out as he chooses. I find that we meet, we work. This is not a meeting that has bylaws that says you have to have a forum. We're just drawing document up to present to the citizens. Is everyone comfortable with what I just said? Randy, we know, is ill and he is fighting through that, but he is still on all our distribution with the expectation that if he sees something that he needs to hi about, he will.

18:42:25 Barry McCormick: It is also helpful when Charlie can be here because of the knowledge that he has.

18:42:49 Jo Kenney: I have a process question, from the last meeting we went through seven pages, how are the changes being documented?

18:43:38 Jim Kenney: Sherry is doing that. She actually has a master copy.

18:43:41 Sherry Powell-Wilson: I'm putting the changes in red so we can print it off and you can go through it again knowing what changes were suggested.

18:43:41 Jim Kenney: Starting with Types of Permits, page 7, paragraph 3.

18:43:56 Charlie Porter: I think we ought to look at a demolition permits. We don't have it. There are several of them out there. Oakland has a very good one.

18:44:18 Jim Kenney: Do you have a model of what a demolition permit would look like? So what you're suggesting is adding a...

18:44:30 Charlie Porter: I don't have it here. That's online.

18:44:39 Barry McCormick: So what you're saying is if I want to tear a building down or structure...

18:44:45 Charlie Porter: Or, let's say it was destroyed somehow, like Ralph's building, it describes the process and how much time you have and the leeway of the code enforcement officer to give more time, if necessary, but it moves the process along. Right now, we don't have a process unless...

18:45:09 Mark Nickerson: I heard there's an issue about that demolition, is there an issue of why that building is not coming down?

18:45:16 Charlie Porter: It's called money. He's got his money but the Town doesn't have any money. Ralph is mad at the Town because the Town won't let him burn it right there, what's left.

18:45:35 Jim Kenney: There has been no evidence that there has been lead removal from there.

18:45:35 Charlie Porter: They have a guy working to tear it down and he works on and off, here and there.

18:45:46 Barry McCormick: So this would kind of take care of that? .

18:45:53 Charlie Porter: Oh yeah.

18:45:53 Jim Kenney: I'll try to get that paragraph and bring it here. I've just taken a note and Sherry is going to capture subparagraph #9 demolition permit and see what the working is and work that out.

18:46:25 Jim Kenney: Mark, that building used to belong to my parents. I have no knowledge of them ever doing anything to remove the lead in the paint.

18:46:32 Charlie Porter: Are you ready for this? He took an air sample down to the State and it passed with flying colors with no lead in it. Back then, your paint was made with lead. Lead, linseed oil and whittings. That's how you made paint.

18:47:16 Jo Kenney: These types of permits are really in a crazy order. They should be in order of how they would unfold in real life. A driveway permit shouldn't be before a lot permit.

18:48:02 Barry McCormick: Let's just read down through it. A driveway permit shall be obtained from the Road Commissioner and Code Enforcement Officer before a location is finalized and any construction is begun.

18:48:46 Mark Nickerson: We don't have a road commissioner.

18:48:46 Jim Kenney: Here are my thoughts on this. The Selectmen need to tell us if they are ever going to appoint someone to that position.

18:48:46 Mark Nickerson: Who gives out the permit for driveways?

18:48:48 Charlie Porter: I do.

18:49:31 Mark Nickerson: You're the only who does anything with it?

18:49:35 Charlie Porter: Yeah.

18:49:35 Mark Nickerson: So why can't we just leave Road Commissioner in there?

18:49:40 Charlie Porter: I don't know why but it's been for years and years with just the Selectmen as road commissioner.

18:49:51 Jim Kenney: It's because nobody will step up. Just like you have as COE, you have certain responsibilities and liabilities, what was being paid for Road Commission is about the same as a Health Inspector, \$50.00. The liabilities and risk far exceeded the compensation and that's why it pulled out.

18:50:27 Charlie Porter: I think the last Road Commissioner was Bobby Elwell.

18:50:32 John McIntire: So, to my mind, the question says Road Commissioner and Code Enforcement Officer. Do you get one from both? Should it be and/or?

18:51:33 Mark Nickerson: Basically, you go to the town office and talk to sue, make out an application...

18:51:46 Charlie Porter: Yes, I have to come out and look at it. You've got to measure it, then you issue a 911 # at the same time usually. We don't have too many of those going in right now.

18:52:08 Barry McCormick: A road construction permit shall be obtained from the either the Road Commissioner and CEO, or from the Planning Board, as outlined in this Ordinance, before a location is finalized and any construction is begun.

18:52:28 Jim Kenney: How does the Planning Board need to be in there?

18:52:23 Charlie Porter: Roads usually mean a development of some type and it will end up in front of the Planning Board anyhow. That should be issued as far as the package. You've got three house subdivisions going in, it should be all on one, the road, just like Stoneway or something like that off the Waning Road, it's a private road, it's built to Town specifications but that was permitted altogether. It wasn't piece meal here and there.

18:53:40 John McIntire: So the Planning Board can issue the road permit when they do the whole thing?

18:53:47 Charlie Porter: And I think you'll find, that the only way you're going to see a new road is through a development of some kind.

18:53:54 John McIntire: What makes sense to me is to take road construction permit goes under when we start reorganizing, this should go under development.

18:54:19 Jim Kenney: We're going to take a side note to relocate to development location. We going to modify and/or CEO, but then there has been conversation about relocating it to the development location.

18:55:01 Charlie Porter: Should be in both, and I think you'll find that it is in both.

18:55:10 Jim Kenney: Let's go another step, or from the Planning Board if a development is being applied for. I can just picture five years from now the same conversation if there is not something done to clarify it, if we sense there is a need to clarify it.

18:55:34 John McIntire: Road construction permit would be voted on from the Planning Board rather than the CEO or Road Commissioner? Why don't we just strike Road Commissioner and CEO as that narrows it right down.

18:55:57 Mark Nickerson: Because it's going to have to go in front of the Planning Board, right? Can they issue the permit?

18:5:09 Charlie Porter: The Planning Board? Yes. In this town, the Planning Board issues most permits. I can do the driveways.

18:56:23 Jim Kenney: What we're proposing is "A road construction permit shall be obtained from the Planning Board, as outlined in this Ordinance, before a location is finalized and any construction is begun."

18:56:46 Tony Avilla: Should we be looking at the definition of a road and a driveway, page 45? Under driveway the last part of it says 'which serve 2 or 3 principal structures or lots. So, would that also be like a road?

18:57:10 Charlie Porter: Well, no, if you want to do that. There are specifications for a road and there are specifications for a driveway. The road has to be 50 feet wide, so much gravel. A driveway can be 12 feet wide with a 12-inch gravel base to it.

18:57:33 Tony Avilla: So, as long as I put three lots on it I can call it a driveway?

18:57:44 Jim Kenney: Did you go on to read road on page 47?

18:57:51 Tony Avilla: Any public or public way designed for vehicular access, other than driveways, shared driveways...

18:57:52 Charlie Porter: I've got a thing on roads here that's this thick. A road takes an engineer. You just don't take a bulldozer and start putting a road in.

18:58:07 John McIntire: So, there's the big difference...

18:58:13 Charlie Porter: Between a driveway and a road, oh yeah.

18:58:22 Jim Kenney: Tony has the floor and he raised a point. As you see in the definition of the road, it is not a driveway, right?

18:58:39 Tony Avilla: It's not a driveway but Charlie had mentioned about subdivisions. So if somebody property with three lots on it, wouldn't that be considered a subdivision? (Yes.) But you could get away with a driveway? (Yes.)

18:58:56 Barry McCormick: A road would have two destinations, from here to there. I mean, something to get in to three houses to me is a driveway.

18:59:15 Charlie Porter: That doesn't make it any different. You could put a turnaround at the bottom, as long as the emergency vehicles has a way to turn around and come out, no matter what it is, that's what they're looking for. That's a driveway. Most roads will have a cul-de-sac.

18:59:51 Mark Nickerson: Here's another point to make about a road. A road doesn't necessary have to have any residences on it anyway.

19:00:05 Charlie Porter: But there aren't that many roads without having something on it.

19:00:12 Jim Kenney: For the purposes of the document we're working with, we want to get ambiguity out and clarity in.

19:00:20 Charlie Porter: A road, by definition, we have a Road Ordinance. Do any of you have copies of that?

19:00:32 Jim Kenney: For the purposes of our document, Tony, you raised a point. If we change the wording on page 7 to make that permit only to be issued by the Planning Board, do you see a problem there?

19:00:57 Barry McCormick: If we take out Road Commission and CEO, the only way you're going to get a road construction permit is from the Planning Board. Like Charlie said, engineers have to be involved. Just take out 'Road Commissioner and CEO,' what does that sound like?

19:02:59 Charlie Porter: I would put it on the Planning Board.

19:03:06 Barry McCormick: Putting a road in is a big deal. Putting a driveway in is really nothing.

19:03:16 Mark Nickerson: Okay, the Planning Board should look at any road being built even if it's on a development.

19:03:42 Charlie Porter: Yes, it should be part of the plan. You've got this 40 acres you want to divide, subdivide, whatever, it should be part of the plan and all the stuff that goes with it.

19:03:55 Jim Kenney: That's now adopted. We're going to strike 'either the Road Commissioner and CEO' from number two.

19:04:25 Jo Kenney: What does the Ordinance say?

19:04:34 Jim Kenney: We'll have to address that.

19:04:48 Barry McCormick: I was hoping, when we started this, like under Road Construction Permit, they all say outlined in this Ordinance, I was hoping to pull that back here and stick it right there. There is a lot.

19:05:23 Jim Kenney: We can. The beauty of this is that Sherry is putting it together in Word format, which means cut and paste, copy, insert. So, the answer is yes, not yet. We've got to tackle the words first. We all agreed on that.

19:06:48 Barry McCormick: A parking lot permit shall be obtained from the Planning Board for a) constructing any new parking area or paving any existing parking area which will accommodate more than 10 vehicles in the downtown district or more than three vehicles in the village district; or b) expanding any existing parking area so that the combination of existing and new space will accommodate more than 10 vehicles in the downtown district or more than three vehicles in the village district. Let me tell you what happened on mine, it might help with just one idea of what some of the problems are. The Dunkin Donuts came with the store, and I'll ask the question, is that Dunkin Donuts business considered part of my business if I'm leasing to them and, if so, does that parking lot have to be calibrated into my parking lot? That's just the type of problems we run into.

19:08:07 Jim Kenney: What was the answer?

19:08:08 Barry McCormick: I said no, it's not, it's not mine but that's the way it ended up being because a conversation with John and the Planning Board. It ended up being Dunkin Donuts. It was my interpretation that's the way it would go. To me, the parking lot was put in for Dunkin Donuts customers and not my customers.

19:08:45 Jim Kenney: So, how would these words be different that would've made it clearer to you?

19:09:00 Barry McCormick: That's why I'm bringing it up. I think that has to be stated. What do you think? What that part of my parking lot or not? It would have to be ownership, under different owners.

19:09:38 Jim Kenney: You own the land. They own the business end but not the facility they lodged in. And you own the building?

19:10:00 Barry McCormick: But the difference is, in my lease with them, I had to provide them parking area for their business. That's the difference. I didn't create that because I thought we needed more parking. That particular business in my structure and on my property required that I give them x amount of parking spots. To me, that meant that was their business that they needed the cars for.

19:10:32 Charlie Porter: All our land use ordinances go back to the landowner. Not the renter, not anybody else, the land owner period. When it comes downhill, it's the landowner.

19:10:51 Barry McCormick: But I can't use that. Legally, if they wanted to push it, I have some of my employees park out there now, legally they could stop me from parking on it.

19:11:04 Charlie Porter: But you still own the property, you pay taxes on the property.

19:11:04 Barry McCormick: But the lease that I have with them says differently.

19:11:22 Charlie Porter: I'll tell you one thing I don't like. Why go you have to go to the Planning Board to get a parking lot paved? You've got an existing parking...

19:11:34 Jim Kenney: We can change the words.

19:11:49 Charlie Porter: It's an impervious surface with gravel, and you cover it with an impervious surface of asphalt.

19:11:50 Mark Nickerson: It's good to throw all the angles out. He's saying that's two businesses but, if they leave, then it's yours. That's why it makes sense that it goes to the landowner.

19:12:31 Barry McCormick: That means that puts me just talking here, 10 vehicles in the downtown area, I've probably got 20 parking spots, now I have 30 according to what you're saying. For future reference is why I'm bringing it up. What if this happens again and somebody is irate about it.

19:13:05 Jim Kenney: Give it some thought because you're the one who lived it. Charlie's point is it belongs to the owner. You do not believe that you should need a permit to pave an existing paved lot.

19:13:48 Charlie Porter: No, I'm saying if he has a gravel parking lot and you want to pave it. You shouldn't have to come to the Town to do that.

19:13:58 Jim Kenney: I agree with that. If you have a parking lot now that is in existence and you choose to either pave it or repave it, you should not need to get a permit.

19:14:23 John McIntire: The only question that would come to me, Charlie, would be, are they going to put in a solid curb that would direct water flow differently?

19:14:38 Charlie Porter: I don't think that's an issue in 99.9% of them. Erosion control, that's an easy thing to enforce.

19:14:55 Barry McCormick: I guess my answer to your concern was if you're going to put a parking lot in to begin with, you have to have a permit to do that, and that would bring water draining and all of that consideration to the table. So the second thought, like you say, is I want to put in a gravel parking lot so I go to the Town and get a permit show them all the elevations that I've got, blah blah blah but I don't have money enough to pave. It's all engineers to what it should be, and now a year from then I have enough cash to pave, so what it says in here now is I have to go back to get another permit and we're saying why.

19:15:41 Barry McCormick: My development that I did on the Dunkin Donuts, I had to have an engineer design all of that. I've got \$60,000 you can't even see in the ground between the gravel and the pipes and catch basins, and it's all engineered within 1/8th of an inch from the building out to take care of the road runoff and, theoretically, I did not have to hot top it.

19:16:59 Charlie Porter: Well, let's take the old Falwell store, there since 19...my old store, it's been gravel forever. You want to come in there and you want to pave it. Now I've got to come to the Town and ask permission to pave it? It is the way this is written, that is what you'd have to do.

19:17:33 Jim Kenney: John had a point. How do we handle the redirection of water flow if there is any?

19:17:42 John McIntire: Curbing. At this point, the water can go out anywhere but if you put curbs in, the water is all going to accumulate and go out in however many different spots.

19:18:06 Charlie Porter: I don't know, I haven't seen too much curbing.

19:18:31 Jim Kenney: If we're putting in paving on an existing driveway, and you're not adding curbing, you may proceed without a permit. If you add curbing and you're directing water flow different, you must have a permit.

19:19:42 Barry McCormick: On John's thought too, let's say that I'm a home owner next to my business, and I hop top it and then all of a sudden when I put curbing in and all the water does get redirected, if it isn't engineered, to go down onto his property. That would be a situation.

19:20:03 Jim Kenney: We have to consider what John has suggested.

19:21:14 Jo Kenney: Is it is only curbing that could create? Here is what I would do. It would be a) constructing any parking area or paving any existing parking area in which water runoff is a consideration.

19:21:36 Barry McCormick: The trouble with that is it is still up to interpretation. Is it a consideration or not? I like Jim's suggestion the best because there is no gray area. If you can hot top it, you don't need a permit, if you curb it, you need a permit.

19:22:06 Charlie Porter: You're going to need a definition of curbing.

19:22:27 Jim Kenney: Curbing is defined in the road manual from the state. We can add it.

19:29:04 Jo Kenney: You just made a really long legal sense here by adding that phrase, and now you want to add the opposite which makes sense to me to say that if you're not doing curbing you don't need a permit. So, why wouldn't you put it, since it is a totally different subject really, at the end of it. Two simple sentences that say, if paving any existing parking lot involving curbing requires a permit, and the second sentence is, if no curbing is involved, no permit is needed.

19:30:51 Jim Kenney: Building permit. We've had a prior discussion of making this a two-fold paragraph wherein if you're out in the rural area to make that dimension larger. But that will take buy-in in by both the Comp Plan Committee and the citizens, but we can capture that.

19:31:19 Barry McCormick: What was mentioned the other day, 200?

19:31:24 Jim Kenney: I wrote down 500 if you're out in the rural area that you should not need a building permit until you're going to be more than 500 square feet.

19:31:41 Charlie Porter: You're going to let them build anything up to 500 square feet? Because they'll build a dwelling with nothing and nobody will know about it and when it is found out there is nothing you can do about it except for the plumbing code.

19:31:05 Jim Kenney: Having said what you said, what are your thoughts following what you just said?

19:32:12 Charlie Porter: It's easy enough right now. You can build a shed 10 x 10 without a building permit. I can issue a permit for anything up to 500 square feet, which is a good-sized building. That is in here.

19:32:32 Jim Kenney: What you're saying is there is a different approach to write this paragraph. If you're in the rural area, and you're building a structure up to 500 square feet, you must get a permit from the Code Enforcement Officer.

19:32:53 Charlie Porter: No, the first 100 square feet all over town does not need a permit. Anything over 100 square to 500 square feet requires a permit.

19:33:10 Jim Kenney: And that can be issued by the CEO. (Yes.) Can we add that sentence in here?

19:33:21 Charlie Porter: They passed this two to three years ago. I can issue them on the spot.

19:33:50 Mark Nickerson: Can you issue a permit in town up to 500 square feet?

19:34:26 Charlie Porter: No, only in the rural area. I don't issue any permits in town. In town has to go to the Planning Board. I strongly object but that is what it is.

19:34:39 Mark Nickerson: We're worried if somebody builds a 500 square foot building out in the rural area that they can use for a dwelling. There are reasonings behind permitting. Are you on your own property? Did you measure the setbacks? Are you the proper distance from the road? Technically, a 10 x 10, you could pick it up and move it. There are sanitary laws you would like to see followed like septic tanks or even a pit.

19:36:26 Jim Kenney: Are we responsible for everyone today?

19:36:33 Charlie Porter: Uh, yeah.

19:36:33 Mark Nickerson: We shouldn't be.

19:36:37 Charlie Porter; I just went to a FEMA class today. My head is still spinning.

19:36:47 Jim Kenney: We have a paragraph, building permit that is required for 100 square feet. We have a great desire to make a modification there. One of those modifications is to acknowledge that a building permit can be issued by the CEO if in the rural district and is smaller than 500 square feet. Do we want to capture that?

19:37:11 Charlie Porter: It's already captured. It's a Town ordinance.

19:18:31 John McIntire: It would help if it was in here.

19:37:25 Barry McCormick: That way, they may not have to go in front of the Planning Board if they knew they could talk to Charlie about it. It would be a lot easier for some people.

19:37:39 Jim Kenney: What words do we have to use? Do you have what you just said, the 500 foot thing? You said it's in the Ordinance?

19:37:54 Charlie Porter: It was passed at Town Meeting.

19:38:00 Jim Kenney: Do you have that wording that we can capture? We can get it from Sue? Table this until we get the words.

19:39:28 John McIntire: What does the building permit cost, \$12 or \$15? (Yes.)

19:39:39 Barry McCormick: A development permit shall be obtained from the Planning board for a) any use that qualifies as high-impact land use activity (as defined), and b) any use constituting a subdivision (as defined) or land or structure.

19:40:33 Jim Kenney: By prior agreement, we will insert here. Are you satisfied?

19:40:48 Mark Nickerson: So if you look up high-impact activity, this tells you any activity characteristics as outlined in section 8.

19:41:18 Jim Kenney: We'll tie it all together.

19:41:26 Barry McCormick: I can live with that.

19:41:34 Charlie Porter: Yes, it is okay as it is written.

19:41:47 Barry McCormick: Number 6, Lot Permit. A lot permit shall be obtained from the Planning Board for the creation of any new lot.

19:42:30 Charlie Porter: If you come to me and say I want to whack this lot in half, give it to my son, in most towns I do it. I can see it as a subdivision, if they make sure that things are kosher but just for a lot permit, I do it. Now they don't go to the Planning Board.

19:43:06 Jim Kenney: Okay, now, so having said that, I take it you're proposing we make a modification to that sentence. What would that modification be?

19:43:17 Charlie Porter: I would just put the exception that the CEO can issue lot permits except for subdivisions.

19:43:53 John McIntire: What constitutes a subdivision?

19:43:54 Charlie Porter: You have a plot of land, that's one. You divide it two more times. That's a subdivision. Three, you create three lots. You need a permit for a subdivision.

19:43:58 John McIntire: I'm thinking what George did over here. George Mitchell creating lots.

19:44:22 Jim Kenney: That's the late George Mitchell. He took his father's land and divided it multiple times, including his son, his son got a chunk but it's all family.

19:44:22 Charlie Porter: That's where the kicker comes in. It's not considered a subdivision when you give it to your kids.

19:44:37 John McIntire: But if you have four children?

19:44:43 Charlie Porter: Not a subdivision. Look in that Bible.

19:44:58 Jim Kenney: Okay, that's a definition begging to be defined isn't it.

19:44:59 Charlie Porter: It's already defined.

19:44:60 Jim Kenney: I understand but here in this document, when an applicant picks up a piece of paper. What I'm hearing is, there is knowledge you have about what can be done within a family to divide land. Should it be captured here?

19:45:27 Charlie Porter: Under subdivisions it should be captured.

19:45:32 Jim Kenney: So, how do we do it in lot permit? A lot permit shall be obtained from the Planning Board for the creation of any new lot. We need something in here.

19:45:42 Barry McCormick: A lot permit shall be obtained from the Planning Board and/or CEO where no subdivision is created.

19:46:05 Jim Kenney: How do we get the family thing in there?

19:46:30 Barry McCormick: This sentence needs to be modified so the CEO has the authority to issue a permit other than subdivision permit.

19:46:54 Jo Kenney: I have a thought. When you bring that definition up, that will have to be added to the definition, that family matter you're discussing.

19:48:02 Jim Kenney: We have to do the family consideration in the definition of division.

19:48:11 Mark Nickerson: I'd like to make a quick suggestion that we're reading too much into this. This is simply a lot permit and we shouldn't reading into the subdivision definitions or anything to do with the other definitions on just a simple lot. Reading back into where permits are required, there is going to be one for subdivisions, there is nothing even required on the types of permits. I think we should have another whole number for subdivisions

19:49:10 Jim Kenney: We would insert paragraph 10 we're now talking. Nine is for demolition.

19:49:20 Charlie Porter: If you sell to an abutter, that's not considered as a subdivision either.

19:50:03 Jim Kenney: Number six, what is being said is a lot permit shall be obtained from the Planning Board and/or the CEO? (Yes.)

19:50:34 Jo Kenney: For a lot other than a subdivision.

19:50:53 Jim Kenney: So, this would read 'a lot permit shall be obtained from the Planning Board or the CEO for the creation of any new lot...

19:51:06 Jo Kenney: Other than a subdivision.

19:51:29 Barry McCormick: Occupancy Permit. An Occupancy Permit shall be obtained from either the Planning Board or CEO, as outlined in this Ordinance, prior to occupancy of: 1) any new structure, including building additions larger than 100 square feet; b) any new rental unit (commercial or residential) created within an existing structure; c) any existing structure or rental unit within that structure that has been vacant for more than a year; or d) any structure that will be used, in whole or in part, for a commercial enterprise, that is new to that structure (other than a home-based

business which is exempted). Issuance of these local permits will be conditional on receipt of all necessary State permits.

19:53:09 Barry McCormick: This is one that hit me again and I'll just bring it up for reference. Charlie and I have talked about it. Where it says the Planning Board or CEO, about bringing in a Subway into my store. I didn't think I needed a permit because I'm already existing, I'm already making sandwiches. Charlie brought it to my attention that I do need a permit. So I started reading through it and basically or CEO can issue the permit. So, Charlie knew the business, he knew what I was doing, so he wrote out the permit. So, in the course of bringing a new business into my structure, that's the way you read it Charlie? I guess the other thing I'm still yapping about, this home-based business, which is exempt, I have a little heartburn on some of these home-based businesses. A business is a business as far as I'm concerned. Why should somebody who has a larger business be nailed on some of these things?

19:54:28 Jim Kenney: What I'm trying to understand is why are you saying it. I mean if somebody wants to make knitting, they sit on their couching and knit and sell it. They should get a permit?

19:54:46 Barry McCormick: If they have a store front of any kind.

19:54:54 John McIntire: I'm not quite sure if I can get this out right. There may be a preference on the part of the town for a home-based business, something that's generated in the town by townspeople. This could be a priority kind of thing.

19:55:23 Barry McCormick: It's that way all the way through everything.

19:55:28 John McIntire: We encourage that over having somebody come in from out of town where most of the money leaves town.

19:55:39 Jo Kenney: I think home-based businesses historically are high in preferential treatment to encourage business until they can't exist in that home base and then they generate more commercial enterprises when they have to expand and leave their home. I think you'll find home businesses are exempt in many many areas.

19:57:06 Charlie Porter: Let's say you built a new house. I'm going to go in your house and sure that you've got smoke alarms and the furnace works and the flush flushes - that's what I look at.

19:57:22 Mark Nickerson: And you actually write out a permit so you can move in?

19:57:31 Charlie Porter: Troy has an occupancy permit where you can actually occupy the building. Let's all you've got is the insulation up and a few smoke alarms, a couple of wires dangling with a light bulb, you can actually occupy it but I don't like that because then you've got to go back again when he finishes it.

19:57:55 Barry McCormick: We do that on all new construction?

19:58:00 Charlie Porter: Dwellings now. I don't come out and look at your barn or something like that.

1958:14 Barry McCormick: I think this is a good permit because people renting out space, it's nice to know that they're in a place that is safe.

19:58:32 Jim Kenney: Do we need to make any change here?

19:58:04 Tony Avilla: I do. I understand a rental where other people not the owner of the property. But let's say I'm overseas, I'm there a year, you have service people overseas in the military for longer than that. So you tell me now then come home they have to deal with the hassle to get permit to get back into their home?

19:59:10 Charlie Porter: There is a little common sense that floods through this stuff.

19:59:25 Tony Avilla: Okay, so you're giving him preference. Let's say Jim goes back to Connecticut for...

19:59:27 Jim Kenney: That \$10 million job.

19:59:30 Tony Avilla: Let's say he comes back and now he has to deal with getting a permit?

19:59:33 Charlie Porter: Does he still own it? Is it his legal residence?

19:59:48 Tony Avilla: So a house sits on the market over a year, it's with a realtor and nobody is living there, people have to get a permit after they buy this \$50,000, \$60,000 or \$100,000 home to move into this home from you?

20:00:08 Charlie Porter: If it's a brand new house, yeah.

20:00:12 Jim Kenney: This says if it has been vacant.

20:00:18 Charlie Porter: That is my choice. My definition. If I feel it needs to be inspected, I will tell the guy that it needs to be inspected.

20:00:31 John McIntire: Been abandoned, been fore closed on say a year and a half, two years, whatever. The previous owner, when he got foreclosed on, ripped out all the plumbing and took it with him.

20:00:48 Tony Avilla: Let's just say you put your house up for sale and you're gone for 2 years, somebody buys your house and now they're going to have to go in and apply for a permit that they just spent 100 grand on?

20:01:02 Charlie Porter: There is no fight.

20:01:05 John McIntire: Was the heat on or are all the pipes busted?

20:01:14 Jim Kenney: Does the Town hold the responsibility of these things? I don't think so.

20:01:22 Barry McCormick: What if you took that sentence right out? What harm would that do? Any existing structure or rental unit within that structure that has been vacant for more than a year.

20:01:34 Charlie Porter: I have problems with mobile homes that sit for years and all of a sudden somebody has moved in and the reason why they were moved out was because the furnace went to hell, and you walk through the door guess what you smell? There it is.

20:02:03 Jim Kenney: I don't agree with that. So you walk into the house and it smells of oil. Fix it.

20:02:15 John McIntire: But unless there is a permit required, Charlie wouldn't have a reason to walk in.

20:02:22 Charlie Porter: It's a landlord situation.

20:02:35 Barry McCormick: Why does the town care about that?

20:02:49 Charlie Porter: Well, do you want a dead body on your hands and you have to bury him? That's what happens.

20:03:04 Jo Kenney: I think it's reasonable to require an occupancy permit when the structure has been vacant for more than a year. I just think that's a responsible land use kind of thing to do on the part of the town.

20:03:26 Mark Nickerson: I'm going to throw another wrench in there. Let's say I have my camp up on Unity Pond and let's say I don't open it up for one summer so it's vacant for 2 years.

20:03:38 Charlie Porter: This is not for stuff like that. I don't carte blanche go to every house.

20:03:55 Tony Avilla: But there is no definition to say that it isn't.

20:03:55 Jim Kenney: Charlie, it's a fact that you're not going to be the Code Enforcement Officer 100 years from now. What we're trying to do fix a document that will at least go another year, maybe longer. These things are lingering here. Are we required by law, by the State, to do that?

20:04:26 Charlie Porter: Yes, some of it is. You have this third-party inspection thing going next June. That's going to be fun.

20:04:39 Jim Kenney: That's something entirely different from this paragraph.

20:05:11 Tony Avilla: If we're trying to protect the trailer and rental people, let's just put it in there as that.

20:05:25 Charlie Porter: We have a house in Troy that was built, yet the builder didn't even put smoke alarms in the place, brand spanking new house and I had to go there with an occupancy permit. No smoke alarms.

20:05:46 Mark Nickerson: Is it a law to have smoke alarms?

20:05:52 Charlie Porter: It is the law. For any homes built after 1995 or 1996 they passed a law. Apartments, that's where it started first.

20:06:15 John McIntire: I can understand rentals.

20:06:25 Charlie Porter: This is needed. What you want to do from there I don't know. It should be so noted on the permit application that before occupancy that you need an occupancy permit. It's the most ambiguous piece of paper that I have ever dealt with is Unity's permit. One page and half of the page is the permit, and the other half is a little bit of information.

20:08:54 Barry McCormick: Eight, sign permit, A sign permit shall be obtained by the Code Enforcement Officer before erecting any commercial sign that is either larger than 10 square feet or illuminated.

20:09:01 Jim Kenney: I have two things. Why would the Code Enforcement Officer issue himself a permit, it should be from the Code Enforcement Officer. I would strike illuminating put a period there.

20:09:29 Jo Kenney: Take out either as well as larger than 10 feet.

20:09:47 Barry McCormick: I'm going to throw my two cents in on that. We've got a Dunkin Donut sign out there that is illuminated by two lights coming down, like it's supposed to. But my illuminated sign that I've got now, the brand new technology, the one that is illuminated by the exterior lights is brighter than my light and you can't tell the difference.

20:10:45 John McIntire: I question the illuminated because do you not then open the door to all of these portable signs with flashing arrows, et cetera?

20:10:58 Barry McCormick: They have to be shut off at the end of business.

20:11:05 Charlie Porter: Our roads in Unity are State roads. State roads say you cannot have flashing or blinking signs. Even his message sign board, by law it says he can only change that message every 20 minutes, and it can't do this and can't go 90 miles an hour.

20:11:38 Barry McCormick: For reference, I thought we would ask the Bangor represents to come down to help us with that.

20:11:47 Charlie Porter: Those arrow signs that blink, until now, they couldn't even illuminate them.

20:12:02 Jo Kenney: Well can't you just a phrase that says all signs must comply with State law?

20:12:12 Barry McCormick: I don't even know what State law is.

20:12:12 Jim Kenney: We'll get that from your guy.

20:12:21 Jo Kenney: Is there an ordinance that says we can't have illuminated signs.

20:13:09 Jim Kenney: Internally illuminated.

20:13:09 John McIntire: Isn't it in the update to this where they say internally illuminated signs or something, where did it say that, all things grandfathered in after '93.

20:13:34 Jim Kenney: So we've stopped at State Fire Marshal Permits. Meeting adjourned.

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