

**LAND USE REVIEW COMMITTEE MINUTES
TOWN OF UNITY
WEDNESDAY, JUNE 13, 2013
LOCATION: UNITY MASONIC LODGE, UNITY, MAINE**

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

OBSERVERS: Jean Bourg

MODERATOR: Jim Kenney

Recorder: Sherry Powell-Wilson

18:36:54 Jim Kenney: Shall we get underway. You have the Minutes. Any comments?

18:37:04 Mark Nickerson: I have a couple questions about what was being said.

18:37:24 Jim Kenney: If there is something there that would affect your approval of it then we should discuss it.

18:37:30 Mark Nickerson: Actually, I could see that there was any resolution to two things that you were talking about, the class of buildings.

18:37:40 Jim Kenney: We don't have an answer to that. That is captured. Certain buildings, I think, is the word that is in there and would need the Fire Marshal. Charlie took the action to get that definition. What are buildings, he gave us the general. Those which are open to the public.

18:38:00 Mark Nickerson: I can see difference between like what Barry has, a commercial building where the public goes inside, but you could also have a commercial building where the public does not go inside.

18:38:11 Jim Kenney: And it could be rented property. Instead of the word 'certain,' let's define what it is.

18:38:21 Mark Nickerson: Before you decide which type of permit it needs.

18:38:28 Barry McCormick: The word certain just seems so vague.

18:39:20 Mark Nickerson: The other one, Charlie was talking about when somebody doesn't get a permit until after-the-fact, so basically it's a \$100 for the fee rather than the \$15. Somebody mentioned making them dismantle it. Well I think that's going overboard just because somebody does get a permit you're going to make them dismantle something.

18:39:50 Jim Kenney: That is understood to be in there now and it will be addressed.

18:39:58 Mark Nickerson: I'm saying that if you do find out that something has been built, just because there is no permit to it doesn't mean that you should have to tear it down. I'm saying go and see if there are any real violations to the place first.

18:40:11 Jim Kenney: That is in there now.

18:40:15 Jean Bourg: What if it were in violation? I think that is the way it works now.

18:40:26 Jim Kenney: Is there a motion?

18:40:52 Barry McCormick: I motion to accept the Minutes as written.

18:40:56 Jim Kenney: Hearing none, approved. What we're continuing to do is slog through the words and try to pick out those areas. Sherry is incorporating them into a straw man ordinance. Proceeding, we left off on page nine, paragraph 6.

18:42:24 Barry McCormick: The Town Clerk shall forward a copy of received applications to the Code Enforcement Officer. The CEO shall contact the applicant and schedule a site visit at a mutually agreeable time. The site visit should occur within 10 business days after the application was submitted to the Town Clerk.

18:43:55 Jim Kenney: How say you, Charlie? Does that work?

18:44:00 Charlie Porter: So far.

18:44:04 Barry McCormick: Within two business days of the site visit, the CEO shall: A) decide whether or not to recommend the application for approval to the Planning Board; b) communicate this decision to the applicant; and c) forward a copy of the application together with his/her recommendation, to the Planning Board.

18:44:26 Charlie Porter: I would like to see that changed to five days. You have stuff that happens that you've got to find out about and two days sometimes is not enough.

18:44:40 Jean Bourg: It is more convenient for the applicant.

18:44:47 Jim Kenney: How say you. Five days?

18:44:51 John McIntire: That sounds reasonable to me. It may not sound reasonable if I was applying.

18:44:57 Barry McCormick: Something else I noticed was communicate the decision to the applicant. I thought maybe that should be in writing.

18:45:24 Charlie Porter: No. I just verbally tell them. My decision technically means nothing. It's the Planning Board that makes this decision. All I do is recommend to the Planning Board yea or nay.

18:45:48 Jim Kenney: And when you have decided at some point that you recommend no, you let the applicant know also?

18:45:49 Charlie Porter: Right then and there probably.

18:46:01 Barry: I guess the followup does say to forward a copy of the application, together with his/her recommendation, to the Planning Board. I just question that the applicant might want something in writing on decision.

18:18:43 Charlie Porter: I can say no but the Planning Board can say yes.

18:46:30 Jim Kenney: Have you said no to something? What would be an example?

18:46:44 Charlie Porter: Setbacks. The heavy part is the setbacks or they want to put another dwelling on a piece of land that doesn't have enough room.

18:46:59 Barry McCormick: Does that get recorded anywhere other than your verbal?

18:47:04 Charlie Porter: No. On the permit application it says approval or reason for denial. So I write down there whatever it is.

18:47:22 Jean Bourg: One thing I have thought when you cite somebody on something you should give them the chapter and verse of the ordinance that they have violated, and it could be as simple as printing out the page and circling like A4 or whatever so the applicant knows exactly where they messed up.

18:47:53 Charlie Porter: Now if you're standing there in front of me and I say no for a reason, and I tell you what the reason is, isn't that sufficient?

18:48:07 Mark Nickerson: Especially if you're putting on the application afterwards the reason for the approval or the disapproval. You're the one who is able to tell them what the violation is.

18:48:20 Charlie Porter: It's not a complaint, it's an application.

18:48:25 Mike Murch: I was going to say, if I was on the downside of that and you said no to me, I would want to see why. Nothing against you but if I'm somebody new coming into town or I don't really know you, I would want to be able to read it.

18:48:42 Charlie Porter: And I would tell you why.

18:48:46 Barry McCormick: That was my same concern...

18:48:47 Mike Murch: And the you have it in black and white.

18:49:06 Jim Kenney: Charlie, when you say tell, do you write what the basis is, (yes), okay so that is telling.

18:49:12 Charlie Porter: Setback is not correct, we would like to have a 50 foot setback or whatever.

18:49:14 Barry McCormick: It is in writing, and its on the application, he writes right on there why he can't.

18:49:30 Jean Bourg: But it doesn't cite the number or the rule. I would like his answer to refer to the Ordinance.

18:49:36 John McIntire: I think it makes sense to understand where it shows up in the Ordinance. If somebody says setback and I think probably you have half a dozen different things that come up regularly, reasons to not. Is it all different?

18:50:24 Charlie Porter: The biggest thing is nonconforming lots. But you have got to have the setbacks no matter what size the lot is.

18:50:47 Mark Nickerson: What's a nonconforming lot?

18:50:53 Charlie Porter: Let's say you have a 100-foot lot. It's too small for the Town of Unity. You are allowed to build on it, if you can get that septic in there, you are allowed to build on it but you're still going to need the setbacks.

18:51:13 Mark Nickerson: You can have a nonconforming lot, but you can still build on it?

18:51:18 Jim Kenney: When permitted by the Planning Board.

18:51:23 Charlie Porter: The one I just ran into was the guy had a 10,000 square foot lot, which is half of what the State minimum, but he had that house, a little house, and he bought all the property all the way around it. But this was a separate deed, we wanted just to sell this house with that original lot and I told him can't do it because once he bought that property around him it becomes one because it's nonconforming. The way to make it more conforming is to group them together. The State says that. Usually, I don't have to put anything in writing because they understand.

18:52:20 Barry McCormick: I think you do put it in writing on the permit.

18:52:31 Jim Kenney: You do not deny, you make recommendations. It doesn't say you're not going to approve, take it to the Planning Board or it's absolute?

18:52:38 Charlie Porter: Those types of things most people understand because that right there, what I just said, is not in here. It's a State law that I have to enforce.

18:53:15 Mike Murch: The only thing that I'm thinking is, is the setback different between in the village and town and out of town?

18:53:34 Charlie Porter: It's the same, no matter where.

18:53:39 Mike Murch: I still would like to have it at least referenced, at least a page number or something to reference to the Ordinance, just to give that person a place to look.

18:53:54 Charlie Porter: If it was a violation, I agree with you.

18:54:09 Jim Kenney: What words would be put in here, this document, that we would recommend to modify this?

18:54:20 Mike Murch: Well, me personally, I think it would have to be done on the application. I'm assuming where it says that it's denied for what reason, it would give a page or a paragraph number or location number along with his reason for it being refused.

18:54:42 Jean Bourg: I thought about that as a way of suppose we had the data for every violation by way of section number, subsection, you know for the last five years, we would have a lot of information about what is confusing to people about the Ordinance.

18:55:27 Charlie Porter: When I cite somebody for junk or garbage, it's not in here. What good is it?

18:55:37 Jean Bourg: Is that a State law, junk or garbage?

18:55:41 Charlie Porter: We have business law, junkyard law, nuisance law, but there are State laws that the towns are allowed to enforce.

18:55:54 Jim Kenney: Folks, we're actually working on the section for building permits, not junkyards. We should focus on building permits.

18:56:13 Barry McCormick: The only decision we need to make, in my opinion, right this second, is do all agree that the applicant deserves to get in writing from the CEO, which he currently does, what is not approved or denied, Charlie does write in there, "setback requirements not met." The only thing that we have to decide on is whether we want Charlie to write down verse and chapter. Do we feel that if Charlie says the setback requirement is not met, is that sufficient or do we need to put down a page and verse where it says that?

18:57:14 Jim Kenney: We've heard several people say that it would be an advantage to have it specifically referenced.

18:57:23 John McIntire: It makes sense. Particularly if it is somebody new in town.

18:57:34 Charlie Porter: There again, it's the Planning Board that makes this decision. All I do is recommend.

18:57:43 Jim Kenney: That's what I was saying earlier. You don't make the decision. Mark, specific reference?

18:58:00 Mark Nickerson: No.

18:58:01 Barry McCormick I think if it states no I would want to find out in this thing where it says that.

18:58:08 Jim Kenney: When this gets done, we could have a document that becomes more practical.

18:58:08 Barry McCormick: To me, if I know why, say if Charlie said I'm going to pass this on to the Planning Board, and you have right here, the Planning Board has to deal with it at that point.

18:58:35 Jean Bourg: There often are multiple references in the Ordinance to things like a setback, various locations and various parts of it so a tiny bit more information, a chapter and verse, just a tiny bit, would provide more information and more clarity.

18:58:55 Jim Kenney: What you have said is correct today. It is the goal of this team to get the ambiguity out and get it pinned down to a particular district is being considered. We need to decide what we're going to do. Is it practical that you provide in a cleaned-up document, Charlie, where you access what it is you said on the document you execute for the applicant? Yes or no.

18:59:46 Charlie Porter: No, because we only have one application, it's an application and permit all in one 1 piece of paper. I don't have to go get a copy from the copy machine and take it back to them.

19:00:26 Jim Kenney: Is that what you do today?

19:00:30 Charlie Porter: It's a permit and application all on one form, so if he wants to know chapter and verse...

19:00:30 Jim Kenney: Is it practical for you to insert the reference at any time?

19:00:31 Mike Murch: And I'm not talking verse for verse, what it says in the book, just the page or paragraph, however this is set up.

19:00:37 Charlie Porter: If I had to stop and look everything up, you're creating more work for the CEO, that's what you're doing. You're not paying me \$1,000 a week to do this job. Most of the code officers that I know run it the same way I do.

19:02:05 Jim Kenney: We're at an idea and we've come to a consensus. It has been proposed that we have a specific reference put on at the time of shortly what was not compliant. Not just the words but a paragraph, we want to use the page we're looking at, paragraph 6A, you're noncompliant for setbacks. When we have a cleaned-up document, structured, I would hope that we would be able to do that.

19:02:55 Barry McCormick: I made a motion why don't we write in the Minutes a red flag that we leave it like it is for now but once we get it cleaned up, revisit it and see if it would be easy to pick it out of the book and plug it in.

19:03:22 Jim Kenney: How does that work, does it work for you guys? We are changing the two to five days.

19:03:33 Barry McCormick: If the CEO is incapacitated or otherwise unavailable for a site visit within 10 business days, the Town Clerk may, at the request of the applicant, forward a copy of the application directly to the Planning Board, which may consider the application without a site visit.

19:04:12 Mark Nickerson: I'm against that.

19:04:16 Barry McCormick: I am too.

19:04:23 Charlie Porter: We do have the Deputy CEO, Dave Schofield is now.

19:04:43 Jim Kenney: There is a deputy who is empowered to act for each other are you not? (Yes.) Maybe this should be restructured to reference and bring in the deputy. Thoughts?

19:05:02 Barry McCormick: I think it should be.

19:05:10 Jim Kenney: If the CEO is incapacitated or otherwise unavailable for a site visit within 10 days, the Town Clerk will ask the Deputy CEO.

19:05:57 Charlie Porter: I don't like the Planning Board to make a decision without a site visit.

19:06:08 Jim Kenney: We're going to change that. We're struggling with some words.

19:06:14 Barry McCormick: The Town Clerk will inform the Planning Board or request the Deputy CEO to make the site visit. Something along that line.

19:06:31 Mark Murch: Why don't you just put in, if the CEO and the Deputy CEO are incapacitated, and then leave the rest the same? As long as you make reference to both of them in that first sentence.

19:06:43 Charlie Porter: It's never happened to me but to approve an application without a site visit should not be.

19:06:57 Barry McCormick: How about if you have the CEO, Deputy CEO, or a member of the Planning Board, shall make a site visit within 10 business days of the application.

19:07:15 Charlie Porter: That's plural on the Planning Board, everybody has to act as one.

19:07:23 Jim Kenney: The simple way is if the CEO is incapacitated or is otherwise unavailable, the Deputy CEO shall conduct the site visit.

19:07:43 Mark Nickerson: Why do we even need that?

19:07:48 Charlie Porter: I don't know, you can do what you want but anytime you sit here and say yeah to that over there when you've never even been there.

19:08:14 Jean Bourg: Let's take that whole second half of that sentence, nothing without a site visit.

19:08:17 Barry McCormick: CEO, Deputy CEO, or the Planning Board shall visit the site within 10 business days before the application is considered.

19:08:40 Barry McCormick: All applications for building permits received by the Planning Board within 3 business days of a regular Board meeting, shall be placed on the agenda of that meeting. The Planning Board shall review all applications, and decide whether or not to grant building permits. Wherever practical, the Board will act on each application at the first meeting where it is taken up. If it is found that additional information is required, the application will be considered old business and given priority for continued review at the next meeting, provided the additional information is supplied by the applicant.

19:10:24 Barry McCormick: I don't see anything wrong with that.

19:10:29 Mark Nickerson: Didn't you say that you can literally, once an application comes in, you can write a permit right out at the time?

19:10:39 Charlie Porter: Anything in the rural district or anything under 500 hundred square feet.

19:10:51 Mark Nickerson: Everything else has to go to the Planning Board.

19:11:05 Charlie Porter: Downtown, everything has to go to the Planning Board.

19:11:08 Barry McCormick: Driveway permits.

The Town Clerk shall forward a copy of received applications for a driveway permit to both the CEO and the Road Commissioner. The CEO shall contact the applicant and the Road Commissioner to arrange a joint site visit of the property. If the CEO and Road Commissioner both find that the requirements of this Ordinance shall be met by the applicant, they shall jointly approve a driveway permit.

19:11:58 Jim Kenney: I'm having trouble in the language, in the last full line, the requirements of this Ordinance shall be met. Is that the wrong tense, shall be, will be?

19:12:17 John McIntire: That would make more sense to me.

19:12:22 Jim Kenney: Have it will be?

19:12:30 Mark Nickerson: There's a difference between will and shall. Will just means that you will do it, shall means you have to do it.

19:12:48 Jim Kenney: So you would like to have it stay as shall? No changes.

19:12:53 Barry McCormick: Road construction permit. The Town Clerk shall forward a copy of received applications for a road construction permit to the Planning Board, the CEO, and the Road Commissioner. The CEO shall contact the applicant and the Road Commissioner to arrange a joint site visit of the property, for the purpose of gathering information. The application shall be discussed at the next Planning Board meeting. If the Planning Board finds that the proposed road will serve a new subdivision or other activity that triggers development review, then the application for a road construction permit will be decided by the Planning Board with input from the CEO, Road Commissioner, and a road construction permit will be issued if and when a development permit is issued. If the Planning board finds that the proposed road does not serve an activity that would trigger development review, then the application for a road construction permit will be decided jointly by the CEO and Road Commissioner. In either case, a permit shall be issued wherever the requirements of this Ordinance are met.

19:14:36 Jim Kenney: Wherever doesn't belong there.

19:41:41 Jean Bourg: Yeah it does, it's interchangeable with when. Does this mean that the CEO or the Road Commissioner can decide without the Planning Board?

19:14:54 Charlie Porter: Yes.

19:14:59 John McIntire: That reads poorly. I would take out wherever and put so long as the requirements of this ordinance are met.

19:15:20 Jean Bourg: So this means that if somebody wants to put in a road but it's not going to trigger development, then there is no Planning Board involvement?

19:15:33 Charlie Porter: No, no, you've still got to submit it to the Planning Board.

19:15:21 Barry McCormick: If says if the Planning Board finds that the proposed road does not serve an activity that trigger development review, then the application for a road construction permit will be decided jointly by the CEO so the Planning Board dumps it back on them.

19:16:17 Mark Nickerson: What's development here?

19:16:34 Jim Kenney: That's coming in another chapter.

19:16:48 Barry McCormick: Development permit, detailed procedures outlined in Section X.

19:17:07 Jim Kenney: We'll come back to that.

19:17:12 Barry McCormick: Lot permit, the Town Clerk shall forward a copy of received applications for a lot permit to the Planning Board. If an application is received by the Clerk within 4 four business days of the Planning Board's next

meeting, it shall be placed on the agenda of that meeting. The Board shall approve all applications that meet the lot requirements of this Ordinance.

19:17:33 Jean Bourg: This states four business days and before it said three days.

19:17:40 Barry McCormick: We've got to get some consistency.

19:17:46 Mike Murch: Well this one is the Town Clerk c forwards it to them so it's probably giving her a day to get it to the Planning Board.

19:17:54 Charlie Porter: Most towns the CEO takes care of this.

19:18:01 Jim Kenney: But some time ago, 20 or so years ago, did we find any difficulty with it for an applicant?

19:18:14 Barry McCormick: I guess if you're going to have a lot permit, that means that you're going to build on it. Is that correct?

19:18:29 Mark Nickerson: I can give you example, like Babe Tozier up on the lake there, it could be built on but subdivided out that years ago to make sure that it could be done eventually.

19:18:43 Barry McCormick: But it's for the purpose of building on?

19:18:49 Charlie Porter: Not necessarily. Let's say I want to give my son a piece of land, I've got 100 acres and I want to whack that right down the middle and say, here.

19:19:03 Barry McCormick: I agree that it ought to be the same, three or four, get a number all the way through this. I just submitted an application and I thought it was seven days.

19:19:23 John McIntire: What happens if you submit this within six days of the Planning Board's next meeting? Does that mean that they have to act on it or is this a minimal of four business days?

19:19:41 Charlie Porter: The biggest problem that you have here is the day after the Planning Board meets you want to divide this lot and you've got to wait a whole month unless you have a special meeting that you have to pay for.

19:19:59 Jim Kenney: That the clerk is going to transfer to the Planning Board within four business days of the next meeting. If they bring in an application the day after the meeting, they're going to wait, and that doesn't change as a result of the words in this document, this paragraph.

19:20:24 Charlie Porter: That's why most towns give it to the CEO because they can go out and approve it and that's it.

19:20:32 Jim Kenney: Ah, now, that's what you're raising. Okay, so let us talk about that.

19:20:32 Charlie Porter: I'm not giving them a permit to build, I'm just giving them a permit for the lot.

19:20:46 Jim Kenney: Are you suggesting where it says Planning Board in the first sentence it be passed to the CEO? Is that what you're proposing?

19:20:59 Mike Murch: If that's the case and somebody wants to fight it, do you go to the Planning Board or do you dump the Planning Board altogether and go strictly to the Appeals Board.

19:21:10 Charlie Porter: We're not talking about subdivisions.

19:21:10 Mike Murch: No, I'm saying a lot permit, for whatever reason you say not, what's the recourse?

19:21:26 Charlie Porter: Yeah, that's what most towns do.

19:21:26 Mike Murch: That has to be addressed or written in there I would think.

19:21:26 Jim Kenney: So we need to structure it. Are we proposing to change this? If so we have to develop the words.

19:21:36 Jean Bourg: Isn't there a whole section later on what happens with the Appeals Board? Rather than referring to it every time.

19:21:51 Barry McCormick: I agree with Charlie. I don't think with a lot permit, either it conforms to it or it doesn't. I think CEO should be able to give that application, I think this whole paragraph we ought to change the Planning Board to CEO and, if we're going to go with 4 days, I say four days from now on on everything.

19:22:14 Jim Kenney: Are we proposing to modify the first sentence? Let's break this down one bite at a time.

19:22:31 John McIntire: I think that it should go first to the CEO, that streamlines it. If the CEO turns it down then the logical appeal is to the Planning Board. I think a lot permit is pretty cut and dried.

19:22:51 Mark Nickerson: Because you can issue a lot permit, right?

19:22:57 Charlie Porter: Oh yeah.

19:23:00 Mark Nickerson: So why do we even need to go to the Planning Board?

19:23:05 Jim Kenney: Okay, so we're proposing to change that. How does that work, Charlie, for ya?

19:23:17 Jean Bourg: And we still have the permit record going on file?

19:23:22 Charlie Porter: Oh yeah, you're creating a new lot and it's going to have a map and lot number right there.

19:23:27 Mike Murch: And take out the rest of it.

19:23:39 Mark Nickerson: Unless Charlie says no to the permit, then it can go in front of the Planning Board or Appeals Board.

19:23:52 Charlie Porter: They can't create a nonconforming lot, the Planning Board.

19:24:06 Jim Kenney: Okay, if we alter this sentence, we don't need the rest of it.

19:24:14 Mike Murch: You need to put a timeframe needs down like you do with the other stuff. Like it needs to be there within 10 business days if he wants to look at it.

19:24:25 Jean Bourg: We could not create a nonconforming lot. Does that mean that all nonconforming lots have been kind of grandfathered in?

19:24:39 Charlie Porter: If they meet the plumbing, you might have something so small that you can't get a septic system on it.

19:24:51 Barry McCormick: The Town Clerk shall forward a copy of the received application for a lot permit to the CEO to be acted upon within 10 business days of receipt.

19:25:18 Charlie Porter: Sounds good.

19:25:26 Jean Bourg: Do you want to put something in there about what happens if the CEO does not approve it, then it goes directly to the Planning Board?

19:25:51 John McIntire: You know, the last sentence says it all right there and if we change that to the CEO shall approve all applications that meet the Ordinance...

19:26:09 Jim Kenney: I like that so we're going to strike out the second sentence right? And where it says Board, the COE shall approve all applications that meet the lot requirements of this Ordinance. Occupancy permit, did we work on some part of that prior?

19:26:47 Barry McCormick: We talked about it extensively two 2 weeks ago.

19:26:55 Jim Kenney: And that is in section 3, types of permits, 7.

19:27:06 Barry McCormick: We were going to move it up into position.

19:27:13 John McIntire: So why is it down here?

19:27:30 Jim Kenney: There's quite a bit of difference. Charlie, we're on f, occupancy permit. You'll see it's a whole bunch of different stuff.

19:27:56 Mark Nickerson: It looks like it has to do with commercial buildings.

19:28:02 Barry McCormick: The Town Clerk shall forward a copy of the received application to both the CEO and the Chair of the Planning Board. The CEO shall contact the applicant and schedule a site visit at a mutually agreeable time. The CEO may issue an occupancy permit wherever he/she feels all local and state requirements are being met, except where the proposed use is likely to: A) result in a net increase of more than 20 employees; b) exceed existing off-street parking; or c) create any noise, odor, or other nuisance disturbing to neighboring properties. In such circumstances, the Planning Board shall consider the permit application, in consultation with the CEO. The Planning Board and CEO may only deny a permit if some requirement of a local ordinance or state law is not being met.

19:30:12 Jim Kenney: Subject to review by the Planning Board seems reasonable.

19:30:23 Mike Murch: That's reasonable. I'm just wondering if we need to have it to be contacted within the 10 business days like everything in, once they turn in the application.

19:30:39 Barry McCormick: What if we had that stated right at the first of the permit section?

19:30:48 Mike Murch: So that everything is in the same timeframe.

19:31:01 Jim Kenney: That would be a good idea.

19:31:01 Charlie Porter: So when it's all done, I fill it out, sign it, and they have to take it back to the Planning Board.

19:31:23 Jim Kenney: Does it work well in Unity?

19:31:30 Charlie Porter: It's no big deal. The only time I run into problems is with vacant buildings that have been vacant for more than a year.

19:31:39 Jim Kenney: So if we have a general sentence prior to all of this that says the 10 days, that it would to be acted on within 10 days, it doesn't need to be repeated. That is what was proposed at the beginning of this section.

19:32:13 Barry McCormick: I would also like to add in 10-day response time all applications must be presented within so many days prior to the Planning Board meeting.

19:32:32 Jim Kenney: Wait, you're saying that the applicant has to wait 10 days before the meeting?

19:32:45 John McIntire: A minimum of 10 days.

19:32:43 Mike Murch: No, a minimum of four days or whatever it stated right in the beginning.

19:32:46 Barry McCormick: If the application has to be present to the Planning Board or the clerk or whoever gets it within a certain amount of days to the Planning Board meeting. That's one sentence. The one above it says all permits shall be acted upon within 10 business days. That's two different things altogether.

19:33:10 Jim Kenney: Too many things happening. All applications cannot be acted on in 10 days' time.

19:33:17 Mike Murch: Not acted on but presented to be acted on.

19:33:40 Barry McCormick: The first one we've already agreed on, all permits shall be acted upon within written 10 business days upon receipt.

19:33:48 Jim Kenney: What we're saying is acted upon by the COE by a mutually established date, that's what we're talking about, then you tied it into the Planning Board.

19:34:00 Barry McCormick: I think if we start out permits theoretically could all be presented, they don't have to be staggered because then they could all be, if they know all the applications have to be in no later than or no sooner...

19:34:36 Mark Nickerson: At least four days before they meet.

19:34:47 Barry McCormick: So then everybody knows all the applications have to be turned in in a certain time before the Planning Board meeting.

19:34:55 John McIntire: Right and anything that needs to be considered by the Planning Board has to be submitted within no fewer than four days or a week or whatever.

19:35:15 Charlie Porter: Leave some time there for me. If you walk in the door, let's say Friday afternoon and I haven't got time to do it.

19:35:29 Jim Kenney: It's in the terms of business days.

19:35:33 Barry McCormick: The 10 days was for the site visit.

19:35:44 Jim Kenney: The site visit should occur before going to the Planning Board.

19:35:59 Barry McCormick: Let's walk through it. I want to build something. I make out an application. N I have to take it to the clerk on any day . Now, if it has to go to the Planning Board, it has to be in advance a certain amount of days prior to the Planning Board meeting.

19:36:21 Jim Kenney: What we're talking about has to be a minimum of 14 business days. The CEO, we've already said, has 10 days to establish a mutually-agreeable date for the site visit, and the site visit we've just said was going to be done before the Planning Board gets to see it. I'm just adding up the 10 and the 4.

19:36:51 Mark Nickerson: So the timeframe is going to be two weeks or 14 business days before...

19:37:01 Barry McCormick: I would like to get it up to before we even start explaining.

19:37:10 Jim Kenney: Time requirement for all permit application.

19:37:15 Mike Murch: On a couple of these 10 business he has 10 business days to make his initial visit, so if he goes on day nine and it's two days before the Planning Board meeting, he's not going to have enough time to get his recommendation in the four or five days in advance of the Planning Board.

19:37:49 Charlie Porter: The way they do it now, Sue stops it on a Thursday before the Tuesday. So anything that comes in Thursday is fine, that gives me Friday, Monday and Tuesday to do your site visit. Mostly, it is on that Thursday is when she gets them all together and sends out a package to each member of the Planning Board.

19:38:26 Barry McCormick: That was my thought. Why can't the Planning Board get a copy this just as soon as it gets turned in?

19:38:36 Charlie Porter: That would be a nightmare for Sue to have to send out to everybody every time there's an application.

19:38:45 Mark Nickerson: Because it doesn't move forward until you approve.

19:38:51 Charlie Porter: If there's a denial, I will leave it right in the pile.

19:38:57 Jim Kenney: I don't sense that there is anything broken. I sense there is a need for us to clarify it and keep it simple. In the process of 10 days, and then how much time before, it's stated now 4 days.

19:39:21 Barry McCormick: To be the devil's advocate, I could walk in there right now, in 4 days and try to get a lot permit. He doesn't have 10 days to get it.

19:39:32 Charlie Porter: Four days would not be unreasonable for a lot permit. You could do that right in the office and if it meets the criteria for minimum lot size we could do it.

19:39:50 Barry McCormick: Maybe we can't simplify it. I would like to think we could, according to what we're trying to do, we want to give Charlie 10 days to do a site visit. He can't forward that to the Planning Board until he's done the site visit. So, theoretically, right here it says in four days prior to the Planning Board meeting, I have a right to go right to the Planning Board.

19:40:21 Jim Kenney: We just struck that. The words we had worked out, the Town Clerk shall forward a copy of the received application for a lot permit to the CEO. Then we struck the middle sentence. The last sense is altered to be the CEO shall approved all applications that meet the lot requirements of this Ordinance.

19:40:55 Jean Bourg: Charlie says four days is enough for a lot permit but maybe it's not enough for other types so maybe we can't make a general rule.

19:41:07 Charlie Porter: Ninety percent of lot permits are division of lots, and are done by a survey. These guys put it right down on paper.

19:41:21 Barry McCormick: All of the permits have to have a deadline on them before they go to the Planning Board. That's the problem we have. We can give Charlie 10 days but how many days do I have to get it in to them prior to going to the Planning Board? On any of these permits, how many days do I have to get that in before the Planning Board. Is it five days, 10 days, seven? What's the cut-off date.

19:41:47 Jim Kenney: What I'm seeing is it's really 14 days. What we have said is in several locations that the CEO has 10 business days to schedule a site visit. And, then it goes to the Planning Board.

19:42:13 Barry McCormick: So how many days do I have to get in before it goes to the Planning Board.

19:42:21 Jim Kenney: I'm seeing 14 days.

19:42:24 John McIntire: I am too because if you send it in, if the Planning Board meets next Tuesday and you applied on the Tuesday before that, he's got 10 days to schedule a visit.

19:42:42 Charlie Porter: The Town Clerk has to get this stuff out to the Planning Board members.

19:42:51 John McIntire: I think that makes it pretty clear to people.

19:42:58 Mark Nickerson: When does the Planning Board meet?

19:43:00 Charlie Porter: Once a month unless it's a special meeting. You can actually pay to have a Planning Board meeting.

19:43:10 Jim Kenney: Which is done infrequently.

19:43:23 Charlie Porter: There are some towns that meet twice a month.

19:43:25 Barry McCormick: Back to the original thought that I had about having something stated at the beginning of the permit section, all applications are required to be in 14 business days prior to the Planning Board. The CEO shall have 10 days to respond to any applications. Does that make sense?

19:43:50 Jim Kenney: If you insert the word minimum of 10 days.

19:43:56 Barry McCormick: Those are the two things that we're trying to accomplish, giving Charlie days and to tell them with the application how many days they have to have prior to the Planning Board meeting.

19:44:36 Jim Kenney: Did we accept occupancy permit. What was done there?

19:44:49 John McIntire: I think so.

19:44:53 Jim Kenney: F is as it's written. Hearing no objection. Barry, we're on paragraph seven.

19:45:05 Barry McCormick: Conditions for permit approval. Permits may be made subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is approved with conditions, the conditions shall be clearly stated in writing.

19:45:35 Mike Murch: How come this doesn't come before all the other permits? I would think that would be stated first.

19:45:41 Charlie Porter: That's written right on the permit.

19:46:07 Jim Kenney: I'm hearing three conversations.

19:46:12 Mike Murch: If it was me, it would be, however this is set up, at the top of the page for the permits, and then the individual permits would follow.

19:46:31 Jim Kenney: Sherry, would you capture that to move forward?

19:46:43 Barry McCormick: Burden of proof. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

19:46:58 John McIntire: That should go right up front.

19:47:07 Barry McCormick: Expiration, a permit authorizing construction will expire within one year of the date of issuance if not substantial start (as defined) is made on construction. A lot permit and subdivision approval will expire if any newly created lots are not recorded with the Registry of Deeds within 60 days of the Planning Board's decision.

19:47:35 Jim Kenney: There are two things happening here within my mind.

19:47:38 Charlie Porter: That's standard. State law, law, 60 days. Like an easement, you've got 60 days to register down to Belfast.

19:47:54 Jean Bourg: You know, we actually are in the section, the generalization about permits. So we actually are in that section.

19:48:09 Barry McCormick: I would think it should come before the permit descriptions.

19:48:16 Jim Kenney: But you still have in mind it's a good thing to put up front?

19:48:40 Jean Bourg: Unless, it looks like what's in this section under procedure for administrating permits, building, driveways, road development, lot and occupancy have slightly different criteria so we extract some of those varying criteria and put under a separate number that applies to all of them. I think that's what we're talking about here, standardization.

19:49:11 Jim Kenney: I hear no ideas about changing any words in there.

19:49:17 John McIntire: I don't think the language needs to be changed, I think the order needs to be shuffled.

19:49:26 Jim Kenney: That's fine. Now I'm just talking about the order.

19:49:32 Barry McCormick: What about 'as defined?' What does that mean?

19:49:35 Mark Nickerson: That is what I wanted to make a point of. We have to look everywhere else.

19:49:42 Jim Kenney: We're going to move stuff up later. We're going to define this.

19:49:54 Mark Nickerson: Or, when we see those words 'as defined,' we know that the definition is going to be somewhere else, and once the document is finally finished, we should be able to say as defined on page...

19:50:06 Jim Kenney: We will address the as defined. Sherry is going to put that in red, right? We've been beating this, instead of getting down to the back of document and debate it, let's note it and address it when we get there because if we want it up here where the reader will know where to go, if not see it right here.

19:50:38 Barry McCormick: Enforcement, any violation of this Ordinance shall be deemed to be a nuisance.

19:50:49 Jean Bourg: Now we know what a nuisance is.

19:50:54 Jim Kenney: I would like to have all of you that can check your watch and see if you want to delve into this paragraph. There are just 10 minutes remaining. Do you want to go over the 10 minutes? (No.)

19:51:06 John McIntire: Thank you, Jim. I move.

19:51:08 Jim Kenney: Are there any objections to the motion that we adjourn at this time? Hearing no objections, motion we adjourn at this time.

Respectfully submitted,
Sherry Powell-Wilson
Approved: 06/26/13