

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

MEMBERS PRESENT: Jim Kenney, Randy Reynolds, Barry McCormick, Tony Avilla, Ken Murch, Charlie Porter

OBSERVERS: None.

MODERATOR: Jim Kenney

Reporter: Sherry Powell-Wilson

18:32:06 Jim Kenney: Shall we get started? I trust members have seen the Minutes? Any comments concerning the Minutes?

18:32:15 Barry McCormick: Accept as read.

18:32:18 Randy Reynolds: Seconded.

18:32:18 Jim Kenney: They are approved.

18:32:29 Jim Kenney: We took homework assignments. Any thoughts on how we start? I did give it some thought for the entire ordinance. Here are the suggestions I came up with [handed out suggestions].

18:32:52 Ken Murch: I gave it some thought and I looked into it quite a bit. I looked at other communities and how they handle it. Clinton, they have their commercial, industrial, and rural - they have different districts. Then they go down and list what is allowed in those different areas. What I'm seeing on this particular assignment that you gave us, deals specifically with retail. But one of the things we've looked at quite a bit, say looking at a motel, specifically this land next door, I looked on the internet and tried to find the definite definition and motel doesn't really fit in retail, it's a different animal. In Clinton's particular site, they allow motels and bed and breakfasts in rural areas.

18:35:12 Randy Reynolds: We do in the downtown district.

18:35:14 Ken Murch: That's what I'm saying, in Clinton they allow a motel in a rural. I don't see in the Ordinance here where it's actually dealing with anything other than retail. Retail is selling stuff.

18:35:39 Randy Reynolds: What the assignment was to come up with what we wanted to show. Remember you read through the rural district, what my suggestion was to go do some research on the rural district to see what you'd like to have in there.

18:36:01 Jim Kenney: I rewrote the whole thing. I believe we have the pdf on the Clinton ordinance, don't we?

18:36:21 Ken Murch: Other communities have this same thing and they spell out exactly what is allowed.

18:36:31 Barry McCormick: The problem that we've had coming to a conclusion of what to do in the retail, and here it says retail and services, the three words are together. Randy brought it up last time. If you put those three words together, it creates a problem.

18:36:57 Ken Murch: But only engage in retail activity, the title of the thing says retail.

18:37:07 Barry McCormick: Where are you reading? What part of the town are you reading? You were saying, Randy, that was your premise too, those three words stops some businesses from being in certain areas. By separating them it makes all the difference in the world.

18:37:45 Ken Murch: It says retail activity, 3, it says retail activity in rural districts, we're talking about the rural district, and we're talking about retail. Retail, by the definition that I looked up, is selling something to somebody. A service of selling a service.

18:38:02 Randy Reynolds: No, selling a product.

18:38:13 Ken Murch: Then it goes, a business or entity located in the rural district may only engage in retail activity involving sales of goods or services if one of the following conditions exist. We're on page 24.

18:38:39 Barry McCormick: That word services, again involving of sales of goods or services in that definition as a retail product.

18:38:50 Ken Murch: I don't know if they're saying that or not. Other communities, Clinton is one, Albion is one, Brooks didn't have anything, Windham, they were much more specific spell, they spelled out exactly what's allowed there. I said maybe we need to add something like that - we can leave the wording on that particular thing alone and spell it out because all it's dealing with is retail, and I think we need to look beyond retail if we want to bring businesses in here. There doesn't seem to be anything in our Ordinance unless it's further along and I haven't seen it yet.

18:39:54 Jim Kenney: It's not there.

18:39:57 Ken Murch: Like this wouldn't allow me to have a machine shop or if I wanted to do some sort of business that didn't involve selling something to the people coming down the road, if I wanted to manufacture something that I deal through mail order and nobody ever stops at my house except for UPS, if I sell all over the world, can I do that in my rural area?

18:40:32 Barry McCormick: It's so limited in the next a, b, c, d...these specifically are what you have to do within the rural district.

18:40:41 Ken Murch: We used Tony as an example, if he didn't live at his house, he would be in violation, which I don't think is true. It says you have to do one of the following conditions. And he is a business primarily engaged in the sale and repair of motor vehicles period. He's legal if he lives there or not?

18:41:05 Charlie Porter arrived.

18:41:08 Barry McCormick: A business located in the district only engaged in retail activity involving sales of goods and services if one of the following conditions exist, so anything listed there means you can do it.

18:41:26 Ken Murch: Only one, now we tried to say if he didn't live there he is in violation.

18:41:33 Barry McCormick: That is in here somewhere.

18:41:41 Charlie Porter: Oh yeah.

18:41:41 Randy Reynolds: I think he's hit on something that we skipped over.

18:42:11 Tony Avilla: Actually, remember when I applied for my license, if said that I couldn't have that shop there if I didn't live there.

18:43:01 Ken Murch: I tried to see how to change the wording but it appears this particular section 3 is dealing with rural retail. Retail, it's not dealing with if I want to open up a machine shop. It's not dealing with if somebody wants to open up a hotel. It's not dealing with all kinds of possible business. I think we need to add.

18:43:54 Barry McCormick: I'm talking about number 4, all new businesses located in the downtown district that are engaged in retail activity involving sales of goods and services located either in the village district or downtown.

18:44:27 Randy Reynolds: There is a conflict.

18:44:29 Barry McCormick: That means any new business coming into town, unless you live there, has to be located in the village district or retail growth.

18:44:41 Ken Murch: But it says for retail activity.

18:44:52 Jim Kenney: You guys are absolutely correct. This is why we're here. We shouldn't need to split hairs and Ken is right. We say it in clear, simple, understandable English.

18:45:14 Charlie Porter: That is how we ended up here in the first place.

18:45:17 Jim Kenney: The assignment was to do a written response, how that would be addressed.

18:45:43 Randy Reynolds: What the actual job was Barry read the whole list that we're going through, on page 24, instead of using this, we were going to come up with what we want in the rural zone. That's what I did on mine.

18:46:04 Ken Murch: To sum it up, because we need to add something to go with what's in there. I don't know if we need to change that particular section. I think we need to add a section to spell out what can be in the rural district other than retail, because we're tying retail with every possible thing we can't even think of right now that might want to come into town.

18:46:43 Randy Reynolds: I just put stuff that should go in retail as far as minimum lot size and different things, you can read down through these. One touches on junkyards that is not in the Ordinance now.

18:47:06 Jim Kenney: And that is an extension of State requirements, right Charlie? Junkyards?

18:47:12 Randy Reynolds: The requirements, what you have to do, you bring a car in and you've got to strip all the oils out and all that stuff.

18:47:22 Charlie Porter: Oh yeah, you've got to reclaim everything. You have stuff in here that has never been in here before, which I think is a good idea.

18:48:45 Barry McCormick: I think this is all fabulous, but to me I took the assignment to be how can we and where are we looking to allow growth in the town. This is really telling us good information on driveways and vehicles and what not but it doesn't say anything about growth and what area of the town do we want growth.

18:49:11 Randy Reynolds: What we were talking about, we were going between the blue and the red zones, talking about what we can do there. That's when I brought up, let's figure out what we need in the Ordinance for the rural district, how they can play together, or do we want to do away with the red zone. I didn't put any restrictions on motels or anything.

18:49:40 Barry McCormick: Is there anything in here that says that?

18:49:49 Randy Reynolds: You just read it, retail or downtown, that's the only place in town that will handle that.

18:49:55 Barry McCormick: Again, all good information that we should have but it doesn't address the growth.

18:50:01 Randy Reynolds: No because as it is now the growth is spelled out and what we can do is build on this with more information as we go along.

18:56:26 Jim Kenney: What can we change? We can suggest what we believe we should suggest. The citizens will decide whether or not they will accept them. If there is an idea that you think should get into this, then it comes forth here and we'll reach a conclusion of how to go forward.

18:57:09 Ken Murch: Looking at other towns, they seemed to have come up with a formulation and list out what is allowed.

18:57:17 Randy Reynolds: On thing, Clinton goes by a points system. It means if you have your house back 50 feet or further from the road you get a point, if you have your leech field a certain way you get a few points, if you're too close to the road you lose points.

18:57:39 Jim Kenney: They described a standard and if you meet or exceed the standard, the exceed gets you points.

18:57:47 Charlie Porter: Albion has that too but it works.

18:58:00 Randy Reynolds: Clinton's ordinance is probably twice as big as ours and three times as complicated. I've got a drawer full of all towns.

18:58:34 Jim Kenney: Did you see the chart that Ken is looking at? Does that add value? It puts it right there in front of you.

18:58:46 Randy Reynolds: What you can do, you can add to the back of this and put stuff you want to allow in there.

18:59:07 Tony Avilla: On the rural thing, I think we've got to work with both sides of the fence. We've got to work with what seems like a high population of natural organic farming in the area, and I also see a big boom of business in town. There is a lot of potential.

19:00:44 Jim Kenney: How would you go about doing that?

19:00:49 Tony Avilla: We're going to win some and lose some.

19:00:54 Randy Reynolds: When the Comprehensive Plan is done, when we're done, they're going to have to somehow merge.

19:02:03 Jim Kenney: Do you see a conflict with organic farming

19:03:10 Tony Avilla: No, what I see in the area is the mentality is all organic farming, which is fine but I think any kind of farming should be considered. The struggles are the same, the work is the same.

19:02:36 Jim Kenney: Are you seeing a conflict in the document with organic taking precedence?

19:02:45 Tony Avilla: No, I just know there is a big group of people who don't want the town to bloom. When we start invading into the rural area, there's going to be a hell of a match. My only concern, let's say this person here puts something right here now this guy put something here, now you're going to tell him okay but this guy, who's just on the other side of the line, can't do it behind him?

19:07:57 Jim Kenney: Barry is anxious to speak to us.

19:07:58 Barry McCormick: I missed the rural part of the discussion. I've been thinking all week. The probable that we have is retail growth, whether it is in the downtown, village or rural, so my mindset was, as a town, where do we want to grow and I'm thinking of roads all over and there is no good answer. Right now, you can build in the village district, you can put any retail you want basically. We have guidelines that tell us what we have to do to put a business in of any kind, no matter where it is, certain guidelines. After beating it to death all week, I'm thinking, I agree with this right here (referring to what Jim handed out).

19:10:38 Jim Kenney: You've got to understand, I really mean that.

19:10:42 Barry McCormick: It is time to reject zoning and revert to respect. Supply and demand. As long as somebody is going to build a home-based business or whatever, a service, what difference does it make where he puts it because there are only so many places you could put it in town anyway, as long as they follow the guidelines of what it's supposed to be, what it's supposed to look like, the drainage, all of the criteria that it takes to put a business in, what difference does it make? A company is not going to come in and build a store up on the Back Troy Road. Why would I? It's going to be downtown here within the boundaries of development in town.

19:11:30 Jim Kenney: I heard what you said but what if you wanted to?

19:11:35 Barry McCormick: Go ahead. As long as you meet the guidelines within the Ordinance. I don't think that we're in a position now because we're only talking a limited amount of area that they could build in anyway, other than as already stated. I kept saying, let's extend all of the village out to here. There are only so many places on this map that anybody would want to do anything any way. Tell me why that wouldn't work. You still have got to build it the way the Town wants it, it has to look the right way, it's got to be drained, it's got to be blah, blah, blah. What difference does it make? The problem we have now is because somebody did try to dictate where it is going to be and we're in the mess we are now. They wanted it down School Street.

19:12:41 Jim Kenney: We can suggest a solution.

19:12:44 Barry McCormick: My solution is to put an end to the zoning. What harm is it going to do?

19:12:55 Ken Murch: I mean it's had a history of formation where people have created situations that the general public found undesirable so they said we can control that through zoning.

19:13:12 Barry McCormick: But's it through the Ordinance.

19:13:15 Ken Murch: But it's still community control. Next to me, down in Gray, when the [inaudible] corporation opened up a recycling operation, when that oil tanker in Portland harbor crashed into the reef there, and they lost oil in the harbor, they sent it all to be incinerated and come to find out they were just dumping it in the ground and the incinerator was just running a low flame under it, and they made a fortune. Now Gray is dealing with a serious problem. I think that Unity has a right to...let's say I wanted to open up a battery recycling business in my barn down there. I live on the property so I can open up a business and I don't really have to meet any of this other criteria.

19:14:14 Charlie Porter: Okay, let's say you did but you know and I know that the State is going to be right on your but all of the time.

19:14:27 Ken Murch: But have they caught anybody? That's why we've gotten into these messes.

19:14:27 Barry McCormick: That's not a real good analysis to me because I could be doing the same thing at the store. That's just somebody being crooked and ruthless and doing something. You can't stop that.

19:14:50 Jim Kenney: There's nothing legislated or defined that will stop something. It is against the law to do a lot of things but people do them anyway because they choose to. It cannot be stopped by a written word on a piece of paper.

19:15:16 Barry McCormick: Zoning, to me, is so handcuffing to the Town. Why not just get rid of it and have them play by the guidelines that tell them what they have to do, if you want to build in the Town. Look at the trouble this zoning has got us into.

19:15:36 Ken Murch: Such as?

19:15:38 Barry McCormick: What are we doing here?

19:15:41 Ken Murch: I don't know that will solve the problem. It's just a matter of doing business for the Town.

19:15:48 Jim Kenney: What got us here is the ambiguity of the document that has provided for individual interpretations that vary dependent upon agendas.

19:15:59 Barry McCormick: We've been here three weeks on zoning alone. Nobody in this room can tell me what the answer is.

19:16:10 Jim Kenney: The answer is what would be right for Unity.

19:16:17 Barry McCormick: My solution is to get rid of the zoning.

19:16:21 Jim Kenney: Get rid of the Ordinance in its entirety?

19:16:25 Barry McCormick: No. Zoning tells you boundary lines. The Ordinance tells you, if you're going to build a business or a house or a driveway or anything in this town, no matter where you put it, you have to follow these guidelines.

19:16:41 Jim Kenney: Your interpretation is a zone is another way of saying district.

19:16:46 Barry McCormick: Absolutely. To me, if Charlie wants to build a house up here on the right, good for Charlie, but you better make sure that your driveway is the right width, the right setback, drainage is properly installed, the sewerage is hooked up, and if you build it downtown, it does have to match some of the decor in town.

19:17:11 Jim Kenney: I would object to having to match the decor in town.

19:17:38 Barry McCormick: That's what I would rather be talking about then well, you can't build over this line. I'd rather be talking about the nuts and bolts of what they're going to do and not where they're going to do it. Why restrict anybody because of a line?

19:18:09 Charlie Porter: Just like the piece of property next to us, there is no reason why anything shouldn't be allowed in there.

19:18:24 Barry McCormick: I mean, once we get done with it, if we have a guideline for them to go by saying "x" amount of square feet, or whatever we have in here to meet State codes, I don't care if Charlie builds a house right there or down in the middle of town.

19:18:38 Tony Avilla: I think a lot of these writings in here have some good but also have a lot of bad to it. Like this one, 20 car trips a day.

19:18:58 Charlie Porter: What happens if you get 21?

19:19:12 Barry McCormick: Is anybody in here in disagreement with me, that the purpose of these lines right here was to keep business down in this area?

19:19:20 Charlie Porter: That's exactly what it was for.

19:19:26 Barry McCormick: Does everybody feel that's still the only place we want growth?

19:19:30 Charlie Porter: Because I'll tell you what's happening with that property. [Pointing to the ceiling.] Everybody knows they got the Town by the throat. If you want to build, you've got to build there and they just jacked the price right up out of sight.

19:19:42 Ken Murch: I just want to comment, you said about the car trips a day. The way I read this, if I have a home business on my property and I live there, I can have a thousand car trips a day because I only have to meet one requirement here. I live there, it's a home business and there is no limit on the car trips.

19:20:05 Jim Kenney: I'm going to ask you a hypothetical. You got a child? Let's say you got illness and had to deed the property over to your son or daughter, and you're not living there anymore. That's the ambiguity that we're speaking of. You understand my point?

19:20:43 Ken Murch: I understand completely. I just think last week when I was reading this and we were reading this thinking you had to meet all these conditions in order to have retail outside in the rural district. That's not true.

19:21:45 Jim Kenney: There are so many hairs to be split in this document that we'd all be challenged, we got ourselves caught up in this discussion, and Randy is ready to have us start moving forward, he's trying to suggest a way of doing it. Barry is anxious to move, we're all anxious to move but we get caught up in this axle of what's in there now and the challenge was what would we recommend to go in there. What would we, as a team, suggest go in there?

19:28:12 Barry McCormick: You take out that word district and look what it does for us. You've got one packet, it's a heck of a lot smaller. It pertains to everything - not this district or that district, that's where the gray areas are coming from.

19:29:56 Randy Reynolds: I think you're going to find it's a lot more complicated than that.

19:30:02 Jim Kenney: I'll tell you what I want and furthermore. I don't think it's up to me to tell somebody what they can do. I don't think it's up to me to tell them what their house is to look like. I don't think it's up to me to tell them what their house should be painted like. I do not believe that I should be telling somebody else what they should be doing with their property. We were talking about what you want, what you want, and what you want.

19:31:41 John McIntire: I've got real questions about zoning and how that all ought to be set up. But I want some assurance, to be honest with you, that when I buy a piece of property, build a house on it, that the person next door isn't likely to build a junkyard. No offense, I have spent a lot of time in junkyards and I have a lot of appreciation for what Tony's doing, it's not easy, but I want some reasonable assurance that the property that I buy out in the rural area is going to be farmland out there. I don't want a subdivision next door and the only way to do that is to set up guidelines about what's appropriate in what area. If you bought a house down on Depot Street, but what if somebody buys Franklin's place three doors down and puts in a three-story motel with a pawnshop downstairs.

19:33:33 Barry McCormick: Nobody wants that. My answer to that is we talked about that last week with the Murch boys. They don't want something out on their road. Jim doesn't want something down his, and I don't to deal with it. What are you going to do? You've got to do like Jim said, buy the property. By making that a certain district, that's not going to stop a subdivision.

19:34:12 John McIntire: No but at least it will preserve some space.

19:45:16 Randy Reynolds: The reason for districts, in my opinion, in three or four paragraphs it outlines what you can do in this area. If you want to do the same stuff in that same area but take the zone away, it's going to take you probably 30 pages.

[Discussion regarding extending district lines on map.]

19:50:01 Jim Kenney: Give us another assignment.

19:50:03 Randy Reynolds: What governs what we can do in the downtown district, in the rural district. What can't you do here, that you can't do in the rural? What can you do in the rural that you can't do here?

20:00:00 Meeting adjourned.

Land Use Review Committee Meeting Minutes
08/08/2013

Respectfully submitted,
Sherry E. Powell-Wilson, Notary Public
Approved: 08/14/2013