

**TOWN OF UNITY  
LAND USE REVIEW COMMITTEE MEETING MINUTES  
FEBRUARY 19, 2014  
LOCATION: UNITY MASONIC HALL, UNITY, MAINE**

**MEMBERS IN ATTENDANCE:** Randy Reynolds, Jim Kenney, Mark Nickerson, Barry McCormick

**MODERATOR:** Jim Kenney

**OBSERVERS:** Garrett Morrison

**RECORDER:** Sherry Powell-Wilson

18:32:41 Jim Kenney: Are we gathered? You have the Minutes of the previous meeting?

18:32:48 Barry McCormick: I make the motion to accept as read. [Seconded]

18:32:48 Jim Kenney: Any comments, discussion? Approved. Garrett, we're not going to bring you up to date but here's the work that has gone on to date, to a point, there is work that is still going to be going on for some time. You can see what's happening.

18:33:52 Randy Reynolds: [Randy passed out the Property Maintenance Ordinance for the Town of Oakland]

18:34:38 Barry McCormick: Garrett, are you aware of what we're trying to accomplish? We're going through the existing Land Use Ordinance packet that was written in 1991 and updated a couple times along the way, and what we're trying to do is kind of clean it up, shorten it up and make it easier for an applicant to know what to look for with what he has to do. Right now, you walk in there and it refers you to see page this and page that, it's like that thick, and it's really confusing, and it's is not fair to the applicant who wants to do something in town to have to go to the Planning Board, and realize that you're not even on the same page as the Planning Board, and then they dictate certain things. We're just trying to make things cleaner and easier and reasonable...

18:35:35 Jim Kenney: That are not subject to arbitrary interpretation for private gain.

18:35:42 Barry McCormick: We're trying to clean it up so if you want to do something in town, here you go, follow that and you're good to go. The Town is known for not being business friendly as far as enticing other businesses to come into town. We know of a few businesses that have gone other places because of that, ad that hurts everyone in town, we lose jobs, the tax base. That's it in a nutshell.

18:36:22 Garrett Morrison: Does the changes or the things you are considering just deal with what the rules and regulations are or with process?

18:36:22 Jim Kenney: The answer is both. It will guide the applicant through the planning process, especially if you get into the development. It will clear up the process for development. Some of the major changes are the five districts in town are now two, rural and village. The lot sizes, which were

20,000 feet in the village, square feet, and three acres in the rural district have been redesigned more in line with what the State had indicated, 2 acres and 10,000 square feet. The district lines have been discussed but not finalized.

18:38:11 Barry McCormick: We have had upwards of 15 people at these meetings but over the period of a year, they come when they can. It's open to everybody.

18:38:21 Jim Kenney: Sherry is capturing every word we say. We find it highly accurate; you saw the process of approval tonight. All the Minutes of our meeting are available for you on the unityme.org website. We've been meeting since January 2013.

18:38:57 Barry McCormick: It's open to everybody, everything that we talk about is in the Minutes, available to everybody at any time.

18:39:21 Randy Reynolds: The first thing we're going to do is put it out to the Selectmen and the Planning Board, Comp Committee and all those for their review, and then after that it goes out to the Town for their review. It's not going to be ready for Town Meeting this year.

18:39:52 Jim Kenney: And that the final decision. We'll have public hearings to just introduce it, here it is, go home and read it, raise a question, but it has to be adopted by Town Meeting because that's the nature of this government.

18:40:12 Barry McCormick: We're not writing a new ordinance, we're just try to clean up the one we have to make it more usable.

18:40:20 Randy Reynolds: A lot of it we didn't even touch. A lot of it was loose interpretations and stuff we tightened up a little bit.

18:40:31 Jim Kenney: One of the things missing in the original document was a clear table of contents. Your input to us is important so I do recommend reading through that and giving us your thoughts and ideas. Any questions?

18:41:10 Barry McCormick: The format has been that we read through it and as we're reading, if we think something needs to be addressed, we address it then.

18:41:19 Randy Reynolds: If it's a lot, we then review it second time. Sometimes we've gone on six meetings on one subject like signs.

18:41:26 Jim Kenney: What you have in front of you, one of the documents is the ordinance from Oakland. The ordinance that we had did not address some of the things that we thought was necessary nuisance. Instead of trying to invent the wheel with a clean piece of paper, with the help of Charlie Porter, who is Code Enforcement Officer for many municipalities, he leads us to and brings in other ordinances.

18:41:59 Mark Nickerson: [Read (and discussion) Property Maintenance Ordinance, Town of Oakland, Maine]

18:59:51 Randy Reynolds: Keep in mind we're looking for things to adopt, let's read through it and will come back to those we want look at further.

19:09:06 Randy Reynolds: Let's go to page 53 of what we've handed out tonight, go to subdivision on the top. This is the only thing in the old ordinance that speaks about a subdivision. It's a good paragraph but there is very little information. If you go to like Dixmont, they have subdivisions there, I'm not saying to use this because I think it's overboard but this is the type of material you go through when you do a subdivision. What's been happening is they've been using it through the development review process.

19:10:32 Jim Kenney: Okay, we're going to table the Oakland ordinance information until Charlie gets back? [Yes]

19:10:43 Barry McCormick: So you're suggesting that we look at this a little more in depth?

19:10:50 Randy Reynolds: Keep it in mind as we read the development review that this is the only thing we have in the ordinance right now. The only thing they have to pick and choose from is the development review process. They don't have all of this saying lots have to do so and so, and so many on a road. It goes into great depths in this (referring to Dixmont's Subdivision Ordinance) but it was a good process.

19:11:21 Barry McCormick: Am I understanding that the development review process is not as detailed?

19:11:31 Randy Reynolds: Land development review, the way they have it set up, is that will handle subdivisions supposedly, and will handle projects like the Dollar Store, like Wal Mart, it's set up to handle both together. They can only base it on that right there. I just want to point it out because we're going to start reading Development Review next.

19:12:18 Barry McCormick: [Read the definition of a subdivision]

19:13:35 Randy Reynolds: One of the things they point out is three or more dwelling units created on a single parcel of land. That creates a subdivision.

19:13:50 Mark Nickerson: But isn't that also saying that if you have one structure that you can't divide that structure into three units?

19:14:04 Randy Reynolds: You get up to three structures you're into a subdivision. Three apartments in one building is a subdivision. Three different sets of people in a building creates a subdivision.

19:14:31 Barry McCormick: And you were told that the Amish could put as many buildings as they wanted to?

19:14:37 Randy Reynolds: The reason I got was one owner owned it so he can do whatever he wants. The difference is they're not cutting out a lot for a house.

19:17:00 Barry McCormick: I get what you're saying. If I don't create three different deeds, I can build whatever I want?

19:17:00 Randy Reynolds: No, but that's what the Amish are doing and they said that was okay. They're not building lots on, they're just putting houses on them. They're not dividing the land, they're just putting another house on the property. The term subdivision also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period. That creates a subdivision.

19:17:57 Garrett Morrison: I take it that the question comes in, you're saying how come they're still doing it?

19:18:04 Randy Reynolds: Because the Planning Board said they could. I'm a surveyor, that's what I do, and I asked that question because they had another guy come in and all they have to do with the Planning Board is bring in a note that they're building on this guy's land and he gives permission. You can't do that. You can put two houses on it.

19:18:28 Barry McCormick: If they allowed that to happen over there, you could've gone down there and done the same thing with your property.

19:18:45 Jim Kenney: What has been faced in this town there is somebody out there who can make his own interpretation of what was not written and apply it.

19:19:00 Randy Reynolds: It was written but he didn't adhere to it.

19:19:11 Jim Kenney: The key is the ambiguity of personal interpretation has been prevalent through this process.

19:19:25 Garrett Morrison: And that's why, with regard to the former question, we simply need to make it clear what we're talking about.

19:19:48 Barry McCormick: I always thought the Development Review, Subdivision, and Aquifer Protection should have it's document each. [Discussion ensued regarding making Development Review a document separate from the Land Use Ordinance. Randy suggested that we read through first and discuss next week.]

19:27:26 Mark Nickerson: [Read through Section 13, Development Review]

20:01:09 Meeting closed.

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