

**TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
FEBRUARY 26 2014
LOCATION: UNITY MASONIC HALL, UNITY, MAINE**

MEMBERS IN ATTENDANCE: Jim Kenney, Randy Reynolds, Mark Nickerson, Barry McCormick, Charlie Porter, John McIntire

MODERATOR: Jim Kenney

OBSERVERS: Garrett Morrison

RECORDER: Sherry Powell-Wilson

18:30:09 Jim Kenney: It's time. You all received the Minutes?

18:30:16 Randy Reynolds: I make the motion to accept them as read. [Seconded]

18:30:21 Jim Kenney: Any discussion? Hearing none, approved. We were hoping for Charlie to get back to us, but Randy has an idea how to proceed.

18:30:26 Randy Reynolds: Let's start up where we finished up last meeting.

18:30:45 Mark Nickerson: [Read through Appendix 2, Development Reviewing starting with 5. Standards for Approval through Appeal.

18:34:42 Randy Reynolds: Put an "X" by anything you want to come back to.

18:34:46 Mark Nickerson: [Continued reading.]

18:36:12 Randy Reynolds: John, what we're doing is we're going through all of the Development Review and then we're going to go back and figure out what we're going to do. Are we going to hold out just Development Review or have a Subdivision Ordinance included. We have another article that we need to work on that Charlie wants.

18:36:51 Mark Nickerson: [Continued reading, ended with Appeals]

18:50:13 Randy Reynolds: This next one is Development Application Content Requirements. It's just standard stuff.

18:50:13 Barry McCormick: This application process is for subdivisions...

18:50:32 Randy Reynolds: Type 1, type 2, depends on how many cars, the more complicated is type 2. If you needed Type 2, you would have to the whole thing. If you do just 1, you only have to do probably a page.

18:51:17 John McIntire: Where's the definitions for type 1 and type 2.

18:51:25 Barry McCormick: The amount of vehicles.

18:51:29 Jim Kenney: Have we defined in this document, I think it's somewhere.

18:51:38 Randy Reynolds: Page 61, Type 1. Then you go to page 63, you get additional requirements for type 2 developments.

18:51:54 Mark Nickerson: Page 47 gives you the definition of type 1 and type 2, classification of projects.

18:52:22 Barry McCormick: I would like to take a minute and look at that. I would like to make sure it makes sense for somebody doing a type 2 project. Page 47 tells you what triggers development review.

18:54:06 Jim Kenney: Have we as a team gone through paragraph 13?

18:54:21 Barry McCormick: That is one of the things I tried to get involved in last week. Somewhere in this document what triggers a development review, there are about 10 items that have to be reviewed. Speaking from history, when I went to the Planning Board to get a permit, they wanted to read down through every one of those lines to determine whether it triggered a development review. I offered the development review right up front but they still wanted to go down through it. The thing that happened is what I didn't like is the chairperson said he was going to read all of them together and then review it. The code enforcement officer and the attorney on the board advised that it should be done one at a time, and voted on one at a time, and it still was overruled by the chairperson that they were going to do it all together. If the code enforcement officer and attorney and someone else on the board felt that strongly about it, then I also agree that if this line right here doesn't qualify, check it off.

18:55:46 Jim Kenney: This document does not address the bylaws of the Planning Board. What you have described needs to be in the bylaws of the Planning Board.

18:56:11 Barry McCormick: Why couldn't it though?

18:56:11 Randy Reynolds: We haven't been asked to.

18:56:16 Jim Kenney: That's not part of our charter. The bylaws of the Planning Board describe the conduct of the Planning Board, for which the chair and the members must follow. Barry, your point is well made.

18:56:47 Randy Reynolds: I don't think you're going to find the answer to that in these. You're going to find it in the rules and regulations for the Planning Board.

18:56:58 Barry McCormick: I could go either way here; you're telling the Planning Board what to do all the way through this.

18:57:06 Jim Kenney: But not how to conduct their meetings. If a member requests something and the chair decides not to do it, that's up to the conduct of the Planning Board.

18:57:17 Barry McCormick: [Barry read Appendix 3 - Development Application Content Requirements, page 61.

19:12:02 Jim Kenney: Next, we've had the reading, a lot of us have made notes, are there any questions before we delve into the effort we need to do on this?

19:12:16 Garrett Morrison: For the type 1 and 2 we have reviewed, are we talking about something that may be as small as a farmer subdividing his two lot into additional lot for his kids, and something as big as a Wal Mart?

19:12:32 Randy Reynolds: First off, kids don't count as a subdivision - immediate family members.

19:12:38 Jim Kenney: The direct answer to your question, in the first part, we've addressed that prior in this document, that "farmland" but out in the rural district how a new lot can be created, the size of that new lot, how frequently it can be so that you don't launch into the this kind of review. Once every five years, as I recall. I think your question in the first part is earlier in the document.

19:13:21 Garrett Morrison: What I'm getting at is the size of the project that it relates to, unless the farmer is going to subdivide part of his property because his neighbor's two kids each want a lot, and four years later, his other neighbor's two kids each want a lot, so he is ending up giving out four lots in four years.

19:13:40 Charlie Porter: If he gives it to the neighbor and he doesn't put it in the kids' names, or in the neighbor's name, it's not a subdivision.

19:13:51 Randy Reynolds: Let's answer his question first. Say you've got a say 6 or 7-acre lot subdivision you want to take to the Planning Board, chances are that's going to be type 1. You take a 10- or a 15-acre lot subdivision, then it's going to be a type 2. It depends on the size.

19:14:06 Garrett Morrison: What about Wal Mart?

19:14:10 Randy Reynolds: A Wal Mart would be type 2 definitely.

19:14:10 Barry McCormick: Earlier in the document it tells you what triggers those sizes.

19:14:21 Garrett Morrison: What I'm getting at is going through the type 1 and type 2 here, we're covering essentially all of them.

19:14:28 Randy Reynolds: That's why we read through this. Are we just going to leave this or are we going to incorporate a subdivision ordinance, which we really don't have. It's being handled under development, which covers nothing about size, the footprint they want, should be at bar scale, should be all kinds of stuff. None of that is in this.

19:14:52 Barry McCormick: That's for a subdivision?

19:14:58 Randy Reynolds: And a lot of other stuff. This covers different areas so you can say, well, this covers it. Maybe it does or maybe it doesn't. The Planning Board can put their thoughts on it. It's too loose.

19:15:11 Barry McCormick: I personally think that a subdivision should have its own document.

19:15:20 Jim Kenney: That's something we've been bantering around for a year. We haven't reached a conclusion on that.

19:15:33 Randy Reynolds: We read the development review to see what's in it. Now we're at the stage are we going to have a separate sheet or pages for subdivision and have a development review also, or one or the other without the other?

19:15:47 Barry McCormick: My interpretation of the two is totally different. To me, a development review is if a business wants to come to town, buy a piece of property and development it. How much did they have to go through to get that done? A subdivision, to me, is a whole different animal. You're developing multiple lots within a lot, which now it also takes in development review plus more stuff.

19:16:23 Randy Reynolds: No, that's right but they handle all under one document now, development review, and it leaves it open to interpretation of the planning board completely. A typical subdivision will come in and they'll say, just like mine, well, we'll wave this, no we want this, we'll wave this...

19:16:43 Jim Kenney: That's today. Our task is to make it more stringent tomorrow.

19:16:50 Barry McCormick: So, is it possible that we can do the development review separately tonight or next week, and then tackle the subdivision separately.

19:17:04 Randy Reynolds: We haven't really been chartered to do the subdivision have we?

19:17:11 Jim Kenney: We can construe yes because that's all part, it has been historically part of, and they're waiting our recommendation.

19:17:26 Randy Reynolds: There used to be a subdivision ordinance but they took it out and put this in.

19:17:31 Charlie Porter: Why can't we call this subdivision and?

19:17:35 Randy Reynolds: Because it leaves too many areas open. Say a surveyor wants to come in, he wants to know exactly what he's got to do. This covers maybe 25% of what he's got to do.

19:17:46 Charlie Porter: I know but if we call it both we can add to it.

19:17:53 Barry McCormick: The only reason I'd be against that, Charlie, is now if I just want to build a store, you're giving a lot of extra information in that booklet that I don't care about. I want just development review to put one structure on a property, whereas if I'm a subdivision, it's a whole different animal.

19:18:15 Jim Kenney: Am I reading an interest in jumping in right now?

19:18:26 Garrett Morrison: Well, I think agree with Randy but I'm not sure. I don't want to put words in his mouth. I think a subdivision document should be incorporated in here in some fashion as a separate document and how that's done, how it's introduced in terms of the preamble for this

document to send people in the right direction, as long as it's all in there. You're right in that there is much more to a subdivision that needs to be defined. We have no definition of a whole lot of things, and that all just opens up big problems and huge costs.

19:19:13 Randy Reynolds: And it's confusing to anybody coming in. A surveyor comes in and he wants to develop a subdivision, he goes through this and he's like why am I filling all of this out when I should be doing something like this. This is Dixmont's by the way, I wouldn't recommend all of it but we can go through it and pick and choose.

19:19:36 Jim Kenney: What is the sentiment around the table? I believe we're aligned that a separate document guided to would be the way to go.

19:19:56 Mark Nickerson: What I'm wondering, the way you just said that, are you referencing the subdivision from this booklet by itself or is it going to be incorporated into this?

19:21:00 Randy Reynolds: By itself, I would say.

19:21:04 John McIntire: I don't know, I would think that a subdivision would need to satisfy all of type 2 development stuff because everything in type 1 is incorporated already in type 2, and I would think that a subdivision would need to satisfy all of the type 2 requirements but there should be somewhere in here additional information.

19:21:43 Jim Kenney: Do you see it as two separate documents?

19:21:57 John McIntire: I don't think it needs two separate documents but I think it needs to be stated in here, at least at the beginning, that there is additional information for...

19:22:07 Jim Kenney: Let's say you're coming in and you're building a new house. Do you need an 80-page document or a 30-page document?

19:22:18 John McIntire: All I want to do is read the first six lines!

19:22:30 Jim Kenney: The sentiment has been do you need this when you could get by with that, and since the very beginning we've been bantering standalone documents but guided by the preambles.

19:22:55 John McIntire: So, if you were going to have a standalone thing for subdivisions, wouldn't it then n also have to include everything you've put in for type 1 or 2?

19:23:07 Randy Reynolds: No, you'd be asking different questions.

19:23:14 Jim Kenney: We'd have to show you what that means. The thought of either having it all built into 1 or into 2 is what's on the table now.

19:23:32 Randy Reynolds: If you're asking specific questions on a subdivision, that really doesn't pertain to type 1 or 2. In order to have a subdivision based on the end of this, you're going to double or triple the size of the document. If somebody's coming in for a subdivision, you can have a third of it and you can say, here you go, and then have it all specific to the subdivision.

19:23:58 John McIntire: So not all of the stuff in the type 2 developments needs to be satisfied for a subdivision?

19:24:08 Randy Reynolds: If you're going to ask for something, as for something specific. If somebody is coming in to build a Wal Mart, you give them type 1 and 2. Somebody coming in with a subdivision, you give them the subdivision ordinance period. If you give them together, it gets complicated as heck.

19:24:31 Barry McCormick: A couple things I'd like to bring up. If I'm going to do a subdivision, hopefully I'm smart enough to know that I need to go get what I need to do a subdivision plan. I don't care about the day-to-day stuff, I'm getting a building permit, and I know I've got to step up to the table and get, before I even start, I'm going to walk in and say where's your subdivision plan. The other part, if I'm a homeowner or somebody else who wants to subdivide, I want to go to the town office to get an application, make it out and that goes to the Planning Board. That goes to Charlie and the Planning Board. The structure of the Planning Board is, the procedure is, if Randy comes in with a permit, the first meeting that we have is to determine what he's doing, and does it trigger and 1 or 2 development. That's to be determined at the first meeting at the Planning Board. If it doesn't, we deal with it and move on. If it does, Randy, I'm sorry but this does trigger and explain why this is a type 2 development, and this is the type 2 booklet you have to go by now. That's how the process works.

19:25:59 Randy Reynolds: To a point. Back up one step. You go into the town office and you say I'm going to create a subdivision, there's your ordinance. Say you're going in with a development, hand them just this and stay away.

19:26:15 Barry McCormick: And it's to be determined at the first Planning Board meeting. Unity College was a perfect example. They came into the meeting, they had a big review they wanted to do. They didn't know if that triggered a type 1 or 2 review until meeting got over did they know whether they had to go to a development review or not. At that point, if they had said yes, they would've known what triggered it, and what they had to do to overcome to make it happen.

19:26:54 Jim Kenney: And that is a document that has been split off by us to follow and have the detail. Should we have it as one document or more than one?

19:27:22 Charlie Porter: What I see is it's a lot of crap here for the average guy if he wants to split off two lots. It should be two.

19:27:41 Mark Nickerson: What is a subdivision? It's just splitting up land isn't it?

19:27:46 Randy Reynolds: It's much more complicated than that. That's the light version.

19:27:49 Jim Kenney: I can split land by giving it to the person of my choice, call him a son, I can split land.

19:27:57 Charlie Porter: It's not a subdivision if it's your son.

19:28:14 Jim Kenney: Randy comes in here and wants to put together a 15-unit subdivision or somebody comes in here and wants to put together an apartment complex, for this conversation I'll call it School Street Apartments. We should be able to define it in a document that is applicable to those usages. And give it the clarity that is necessary to the applicant that they can do it and have it done right

and don't have the need to go back and do something because somebody at the Board has decided they want it a different way that was undefined previously.

19:29:22 Garrett Morrison: Can we do that in a preamble that says something related to the size or the nature of the subdivision? That would go to category A or B, and that might be 1 or 2, and that might be Wal Mart.

19:29:40 Randy Reynolds: Actually any subdivision you're cutting off one or two lots comes under the heading of a subdivision.

19:30:09 Barry McCormick: I feel that we can go ahead and continue what we've done through the Development Review process and get that to where we think we can present it or whatever, and tackle a subdivision in a separate place. Let's get this done to the point where we are, and get it out so we can show people what we've tried to accomplish and then, at the same time, tackle a subdivision all by itself.

19:30:47 Randy Reynolds: That's why I wanted to read through the Development Review because otherwise you wouldn't know what it encompassed.

19:31:00 John McIntire: I'm trying to define in my own head the basic difference between a subdivision and development. A subdivision is a development of some sort. It's developing property.

19:31:23 Charlie Porter: Not necessarily.

19:31:30 John McIntire: A subdivision is for purposes of residence I'm assuming.

19:31:37 Randy Reynolds: Development review and a subdivision can both come under that category. It's what you do with land as far as dividing is a subdivision. What you do as far as development is under development review. I know they're closely interpreted, closely interrelated but they should be totally separate. If you dealt with them, then you'd really come to realize, in the surveying realm and the engineering realm, there are two major differences. Most of the time in a subdivision you don't need an engineer unless you need sewer, plumbing, water systems, lighting and it all needs to be mapped out.

19:32:41 Garrett Morrison: And is it such that the development would be needed pursuant to a subdivision?

19:32:48 Randy Reynolds: Do you mean would you ever get one that would be handled under both?

19:32:53 Barry McCormick: My interpretation of that, John, is a subdivision is taking a large piece of property and breaking it up into individual lots. Development review is how you develop a particular lot. A subdivision, to me, is you're taking that lot and dividing it up in 15 different lots. Now, at that point, some of the stuff in here does fall under it because how do you develop that one lot? I think it's more complicated than what this one does because they're all tied together, the septic, maybe the wells, power.

19:33:51 John McIntire: Say if you had taken your corner down there and instead of doing what you did with it, you levelled the whole thing and put in an apartment complex in one lot that you owned, that would be development, that would not be a subdivision?

19:34:14 Barry McCormick: Yes but if I take that same piece of property and divide it up into five lots, and put five different buildings on it, it's a subdivision.

19:34:24 Randy Reynolds: One and then you go in on each one of those lots, that's development review.

19:34:37 Jim Kenney: Okay, I hope you're capturing this because hairs are being split in a fine manner. Now the question comes, what comes out of this document? Okay, so we pull out the two appendices and have a subchapter on development review.

19:35:28 Barry McCormick: When we started this, my goal, my input was that it would be nice if development review 1 and 2 were separate documents that once you get through the initial part of this document, whether you need it or not, but if you do need it, either have it attached to the back of this as an entity by itself or have the Planning Board have it. It can be hooked to this, it can be separate. I don't care. I think the subdivision should be completely separate.

19:36:18 Randy Reynolds: Why not leave it the way it is?

19:36:23 Barry McCormick: It could be, right at the end of this document.

19:36:23 Randy Reynolds: It won't be at the end because of the descriptions. It should be in there, it should be one thing.

19:36:52 Barry McCormick: Just identify where it is.

19:36:58 Randy Reynolds: You could also in the index have something to the effect that there is a separate booklet for subdivisions.

19:37:23 Barry McCormick: My history is when I do anything here in town, until getting involved in this, I have to physically read this whole thing and try to figure out what pertains to me and what doesn't. If doesn't trigger development review, someone shouldn't even have to go there.

19:37:56 John McIntire: I'm looking at development review, section 13, development review is required for any development that qualifies as a subdivision, qualifies as high-impact activity.

19:38:27 Barry McCormick: But all of the stuff that's in the type 2 document, we can go through that and if all of it needs to stay in a subdivision packet also, fine but, if there is stuff in there that doesn't pertain at all to a subdivision, take it out.

19:38:44 Jim Kenney: That's the beauty of a Word document, cut and paste. So, I'm concluding that we're going to generate separate documents, be it 1, be it 2, and we're going to address the guidance to get to those other documents through word choices, paragraphs, in the Land Use Ordinance. [Jim polled the table.]

19:39:56 Garrett Morrison: Randy's comment of a moment ago deserves some consideration and that is whatever this document ends up being, and whatever the preamble is that directs people to other things like Shoreland Zoning, there has to be something in here that would direct people to those documents.

19:43:00 Meeting closed.

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