

TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
JUNE 11, 2014
LOCATION: UNITY MASONIC HALL, UNITY, MAINE

MEMBERS IN ATTENDANCE: Jim Kenney, Randy Reynolds, Mark Nickerson, Charlie Porter, Tony Avila, Barry McCormick

MODERATOR: Jim Kenney

OBSERVERS: Garrett Morrison, Aimee Dorval

RECORDER: Sherry Powell-Wilson

18:30:46 Jim Kenney: Shall we begin? You have the Minutes? Any comments?

18:30:58 Randy Reynolds: I make a motion to accept as read.

18:31:04 Jim Kenney: Any discussion? Approved. We looked at the demolition wording, are they acceptable to all parties present? We'll adopt them.

18:31:33 Garrett Morrison: May I make a point for clarity? There was some discussion of it last week on the second paragraph of that. Basically, it's saying that if you have a building addition 100 feet tall, but it isn't within a 100 feet of a well or the neighbor, you don't need a permit?

18:32:07 Jim Kenney: That's in the rural district. From our meeting last week, Barry, there were some refinements suggested and have been reviewed. Garrett is about to refine a point out in the Rural District about building height and placement, if the building is less than 100 feet tall, and the placement is over 100 feet, he is about to discuss the necessity or nonnecessity of the need for a permit.

18:33:39 Garrett Morrison: The way it is stated in this is if you're not near your neighbor and you're going to have a demolition, you don't need a permit. To me, I think that's better than making everybody get a permit for every activity. That's why it's written that way. I just want to make sure that people noticed that because it only requires it for the downtown and 2-acre lot or smaller because they're closer to their neighbors. It doesn't relieve you of the responsibility for appropriate disposal whether you have a permit for demolition or not.

18:34:23 Barry McCormick: The last time I was here I was asked what we had to have as far as the State was concerned, I went to Charlie and asked him about what was needed to tear down a building and he said to go to the State, so this is what I received from the State.

Randy Reynolds: We go into more detail such as the height of the building.

18:36:37 Jim Kenney: It could be of use to us. I heard Randy suggest that it could be an appendix to the Ordinance.

18:36:44 Garrett Morrison: Well, this is in terms of being a State law. Before you can demolish any building all asbestos materials have to be removed.

18:37:02 Randy Reynolds: But it doesn't give you a place for name, phone number, length and width of building, setback -- we've got a little more requirements attached to. I think it would be great to have them both.

18:37:10 Garrett Morrison: Yes, and I say we incorporate it into what we have by reference. What concerns me is if you have to satisfy the State regardless and we're going to have to get information Maine DEP identifying the asbestos, and having done this it's kind of scary because everything has asbestos in it.

18:37:54 Jim Kenney: Before a certain point in time.

18:37:59 Garrett Morrison: Correct, any structure old enough to tear down now has asbestos in it. If you are under State law required to identify asbestos presence and to abate that, you're going have to hire a consultant or contractor who can do that work. It's no small task.

18:38:28 Randy Reynolds: You look at what's happening to the old grade school down here. That's going to cost a pretty penny.

18:38:36 Jim Kenney: In my mind is to make reference to a website in our ordinance, if you're considering demolition, in the appendix that it takes you to the State.

18:38:54 Garrett Morrison: I think that's a good recommendation because we can incorporate notice of the fact that the State requires more than the Town does and give this a reference and give a website to the DEP for asbestos abatement so they're directed to it.

18:39:29 Mark Nickerson: A couple things are not clear to me. On this demolition permit thing, is this something that we've already approved the wording of?

18:39:43 Jim Kenney: Tentatively before we heard your footsteps come through the door. The subject is open.

18:39:59 Mark Nickerson: When you're going into the rural district, where you've got two acres or more and the structure to be demolished is closer than 100 feet to a property boundary, that's fine but then you say or is more than 100 feet in height. What are you looking at? If you have anything closer to 100 feet from the boundary, are you worried that a 100-foot structure will fall over onto that other....

18:40:24 Jim Kenney: During demolition, yes.

18:40:26 Mark Nickerson: Than it should read and is more than 100 feet in height, not or, so that they both fit the requirement.

18:40:46 Garrett Morrison: I don't find a problem with that.

18:40:51 Barry McCormick: You're right because 100 foot could be back 500 feet from the property line but still come within 50 feet.

18:40:59 Tony Avila: I was wondering, should we have something in here that if it's like a historical building about to be torn down, and being so many feet from the road? Tearing down like a building, they're right on the road, that it should be coned off in case something comes down on the road. Just something for the Planning Board to keep an eye out for, a safety precaution?

18:41:36 Charlie Porter arrives.

18:42:03 Garrett Morrison: In putting that together we're just making the assumption that they're required, in filing the application, that somebody, the Selectmen or whoever else, would review that, and that would take care of concerns about close they are to the highway or whether it's a historical building because somebody is going to review it. I didn't see that as something that was needed to be put into the reason for having a permit.

18:43:03 Mark Nickerson: Do we have any buildings that are on the historical register in this town?

18:43:08 Jim Kenney: We do, one.

18:43:10 Randy Reynolds: Up past the college on the right, the old Indian memorial building.

18:43:23 Barry McCormick: McCorrison's is.

18:43:27 Jim Kenney: That's in the national register, double brick and all that. That has been out there 50 years that I'm aware of in the Register at least. But the Indian museum, that could be.

18:43:46 Charlie Porter: That was the first town house. The mice got in and ruined all the baskets.

18:44:59 Jim Kenney: I think we're set to move to the maps. Are there any other questions?

18:45:19 Randy Reynolds: [Randy displaying maps.] Some of the lines may not show up. This red is the Downtown District. We elected to do away with the Downtown District and go with the Village District. Not sure how they came up with these lines because they don't make much sense. I've come up with a new design. I made a new map showing all of the TIF district. Everything in pink. Each one of these I have marked out with lot number, and down here shows what they actually are. What I've done is slightly different but it's based on this map.

18:48:43 Garrett Morrison: TIF, I would guess that it's tax incremental financing but I don't know what that is.

18:48:54 Barry McCormick: What it is is a tax incentive through the town you can apply for a tax TIF in any location that is either already in tax TIF or they can vote to have a tax TIF put in town. It's encouraging economic development. It can be either through, like Randy said, sidewalk development, anything to attract businesses into the community. If a business wants to move into town, they can go to Thorndike or Unity. Thorndike does not have a TIF district, Unity does. If it's a business that the Town wants in town, which was voted on by the people, they can offer that business a tax TIF, which is a break on their taxes, all of it, some of it, for any length of time depending on what the business is and what they want to bring in. Those areas that have the pink on them now are areas that have received tax TIF benefits off their taxes each year in the past. Tax TIF is basically an economic development tool to

entice businesses and employment -- that whole thing has been turned around and shifted so now it's being used for what it was supposed to be used for.

18:50:17 Randy Reynolds: We have a new TIF committee now.

18:50:59 Mark Nickerson: Is the railroad station a TIF?

18:51:01 Barry McCormick: They had in the past, it was allocated as a TIF location but I don't think they ever took advantage of it, they never got the funding.

18:51:17 Jim Kenney: It has been said, there is a new committee working this issue, bringing it back to where it's required to be with the guidance of somebody who knows what they're doing.

18:51:40 Randy Reynolds: Get it back to where it's supposed to be and not used recklessly. I went out on a limb drawing this trying to think how to tie into something like this. I didn't see much rhyme or reason on this so I tried to bring something together. We can build from there or throw this away and start fresh. I just drew it out 400 feet from the center of the road each way.

18:52:49 Barry McCormick: I don't think the two go hand in hand. I don't think the TIF District would have anything to do with the Village District. I don't think the boundaries, if it's based on the piece of property that they're doing the TIF on. The TIF District is made as it moves along. That's my point, it doesn't have to be any particular district to be TIF approved.

18:55:03 Charlie Porter: They followed property lines in the last one.

18:55:13 Jim Kenney: Randy was describing using that, the pink is where he started describing that that would become the shape of the general location of the Village District.

18:56:02 Mark Nickerson: Going down 9 on the Albion Road, how far, you said that's the Bacon Brook. Where is that down there?

18:56:12 Jim Kenney: Where Jim Hitchcock lives. That little subdivision right as you go down that little valley.

18:56:27 Mark Nickerson: Down where Jonesey used to live?

18:56:31 Jim Kenney: Way up, after crossing the bridge. Picard's old property?

18:56:43 Randy Reynolds: It's before that, where the goats are fenced in.

18:57:21 Mark Nickerson: So they're not restricted?

18:57:21 Randy Reynolds: This is 400 feet from the center of the road. I tried to make something that is easy for the normal lay person to go out from how far it is, 400 feet back, you can take a tape measure. Something like this I don't even know how I would figure out where it is.

18:57:54 Charlie Porter: You've got to know your lot lines.

18:57:58 Barry McCormick: I like this very much. I'm just trying to see how somebody can pick it apart. Let's say you've got a lot there that they want to do something within the 400 feet but by the time they add the driveway and the entrances...and the parking lot, it pushes them out of the Village District.

18:58:27 Randy Reynolds: It puts them in the Rural.

18:58:30 Barry McCormick: The major structure could be in the Village, and the back half in the Rural. I'm just asking if that's an issue.

18:58:41 Randy Reynolds: The law now on the books is anything you can't see from the road is not Village District. Same as Edwards. Anything beyond 400 feet, you can't see from the road is not Village District. When this goes out there will be a lot of picking it apart. I left this pink on so we can see where the roads are.

18:59:16 Jim Kenney: Any thought of bringing it closer instead of 400 feet?

18:59:23 Randy Reynolds: Actually, we would only need 100 feet. Most of your houses you go back 30 feet, or 15 feet from the road right of way and then you can build a building so all you need is the front of your building showing to put it in the Village District.

18:59:40 Jim Kenney: Any advantage to that?

18:59:45 Randy Reynolds: More Rural, less restrictions.

18:59:48 Jim Kenney: As you said, it gives you more flexibility as soon as you're beyond that line.

18:59:57 Barry McCormick: I think people will have a problem with that.

19:00:09 Randy Reynolds: It's a starting point and we can go from there.

19:00:16 Mark Nickerson: I know whenever you drive into Unity from all those different directions there just seems to be a point when you feel as though you're in the Village District or you're in the little town and the only one I don't agree with is when you're coming up the Albion Road. To me, I feel that when you come to the end of the Quaker Hill Road and you cross over the bridge, that's when I feel back in town.

19:00:41 Charlie Porter: That was done that way because of the sewer district. It goes up to Hitchcock's and stops.

19:01:06 Barry McCormick: For example let's say out on the Edward's property out here, say if he wanted to do something out there beyond the 400 feet but anything this side of the 400 he'd have to abide by the Village District guidelines, and anything beyond the 400 he could do anything he wanted.

19:01:40 Randy Reynolds: That's where the 100 feet would come in handy. Make the frontage so it's all street specific.

19:02:17 Barry McCormick: This doesn't sound like something I should be saying, let's say I have that piece, at Edward's, and I want to bring something massive in there. I could put 100 feet of parking in the front and build anything I want in the back that's totally visible with no restrictions whatsoever.

19:02:43 Jim Kenney: You're making an investment. You want to be able to invest the way you should be investing because somebody likes a certain shape of window.

19:03:08 Jim Kenney: I like 100 feet.

19:03:12 Randy Reynolds: Let's put it this way, what's the Village District for other than cars running down the street and look at pretty buildings. Beyond that they don't really care what's out there.

19:03:23 Garrett Morrison: In prior years, as a member of the Planning Board discussing such things, what we had looked at and considered what I'm going to call for lack of a better term, a built-up area and I tend to go with Mark's view on this that at that time, and this was years ago, we instituted a minimum lot size and that would change the nature of the downtown area the way it was built because of time over which that occurred but to me if you stop at Sandy Stream coming into town, the railroad track going out of town, Sandy Stream down beyond the racetrack, and now because it has been built up some up to 220 on Depot Street, that you can say, okay, that's the Village District and it's going to shorten it from what is shown there. It doesn't even have to be what is sewer because that's going up there to serve Unity College. I would say if we limited the Village District to end at Sandy Stream so that when you enter that, because it is when you driving along and you enter it, you say okay, on 202, so that the things that are shown in pink would still be in the TIF District.

By doing that, by limiting the Village District to a much smaller piece of property than what's there because we have already put in things to govern the nature of development outside of that that we don't need to expand that to include any and everything that's going on. It still is "just the village area." I think that would work better and as far as anything here, if you're going to enclose the areas along those roads make it 100 feet on each side.

19:06:12 Barry McCormick: You hit it right on the head. That artery is what should be the Village District.

19:06:21 Randy Reynolds: Look back at this, everything in blue, that doesn't make any sense to me.

19:06:45 Aimee Dorval: Coming from the college perspective, I don't see the benefit of putting that in.

19:06:53 Jim Kenney: That is separate from us. We're trying to determine the shape of the blue line.

19:07:08 Aimee Dorval: Like Barry was saying, the major arteries, those are the areas that we're concerned about. The part where the college is, I think it's definitely part of Unity but I've never really thought of it as part of the Village.

19:07:24 Garrett Morrison: It's outside the Village and that's part of the charm.

19:07:30 Randy Reynolds: Shop both of those right off.

19:07:34 Jim Kenney: Sherry, you're up. What's your thoughts of all this?

19:07:37 Sherry Powell-Wilson: Start it at the bridge on 202, the rest looks good to me, 100 feet back from the center of the road. Limit it to the bridge.

19:07:34 Mark Nickerson: I think 400 is too much, and I would definitely not go more than 200 hundred feet out.

19:08:18 Charlie Porter: 100 feet.

19:08:23 Garrett Morrison: What about going north, the railroad track, from a visual appearance is the end of the village.

19:08:42 Tony Avila: I think to cut it off where goes up to the college and make it the same length. Make it the same length going this way. These are our main arteries right here. I actually feel this one is part of that main artery here more than this one.

19:09:07 Charlie Porter: Quaker Hill feeds South Unity.

19:09:11 Tony Avila: Most people coming to town go that way, come up to here. So, if anything, I'd say cut off this here and add a little to here and fill this part in here.

19:09:30 Barry McCormick: We're looking at future development is what we're looking at.

19:09:35 Randy Reynolds: Restricting future development.

19:09:39 Garrett Morrison: But that development has already been altered in nature by existing statute so that we won't have houses on adjacent lots downtown as the lots exist downtown occurring on 220. Because they're prevented by existing statutes so if you build houses it won't be the same nature.

19:10:09 Barry McCormick: Does anybody feel this out here is the Village District?

19:10:14 Garrett Morrison: I don't because once you cross that railroad track you're in a different topographical setting altogether.

19:10:22 Barry McCormick: The Field of Dreams I don't think will ever change.

19:10:27 Charlie Porter: I don't think it can change.

19:10:39 Jim Kenney: How about on where on 139, 220? On Depot.

19:10:43 Garrett Morrison: Yes, take it out to 220 because of the way the houses exist there now.

19:10:59 Barry McCormick: Out to 220.

19:11:12 Charlie Porter: The corn shop is in the village. It should be.

19:11:20 Barry McCormick: Not if you drop it back to 100 feet it isn't.

19:11:26 Jim Kenney: I defy anyone to see the corn shop from 139.

19:11:37 Randy Reynolds: You can see it behind the railroad station and that's just about the only place. Just for your information, if you drop this down to 100 feet on both sides, that's a very narrow corridor because it's only a quarter of what this is.

19:12:09 Jim Kenney: What's being accomplished there is establishing a conformity of what can be seen as you're driving by.

19:12:22 Barry McCormick: The Depot Store is 50 feet wide and it's 50 feet back so from the road right-of-way to the back of the store is probably a 100 feet.

19:12:42 Jim Kenney: Let's just say it's a 110 for talking purposes. And you wanted to do something on the back there. Do you want to get into discussion on the shape of a window?

19:12:56 Barry McCormick: I care what it looks like when you drive by. I want it to look nice and out back most people would keep it nice but the shape of a window on the back side that nobody can see...

19:13:20 Charlie Porter: They followed the property line, that's basically what it was.

19:13:37 Barry McCormick: My personal opinion is the bridge down by the college, whack that off. When I cross the bridge headed to Albion, once I cross the bridge I don't feel like I'm in the Village District.

19:14:14 Jim Kenney: I think we're hearing a consensus. I'm polling the table.

19:14:36 Mark Nickerson: I like at the bridge down on the south end. I'm debating on the railroad tracks on the other end. I like it going up to 220.

19:14:36 Sherry Powell-Wilson: I agree.

19:14:57 Jim Kenney: We're at the bridge west of the village. [Consensus is at the bridge.]

19:15:51 Jim Kenney: We just went up Depot. Depot to 220 or the railroad tracks?

19:15:55 Charlie Porter: 220. [Consensus is 220.]

19:17:17 Jim Kenney: Bangor Road?

19:17:19 Garrett Morrison: You stand at the railroad tracks and look south, look north, that to me is the demarcation.

19:17:40 Jim Kenney: So, we're deciding is the village district line going to be at the railroad tracks.

19:18:16 Mark Nickerson: I say no, I like 220 better.

19:18:32 Sherry Powell-Nickerson: I say up to the intersection because what about what could be developed up here in the next 20 years?

19:18:34 Charlie Porter: 220.

19:18:32 Garrett Morrison: And again, you're not going to develop the Field of Dreams. Anything else is not going to be the same character as the house lot sizes downtown because it would be a two-acre minimum. It's not ever going to have the same visual appearance.

19:18:46 Charlie Porter: There again, the old maps were designed because the sewer symptom only goes to the railroad tracks. There is a pumping station under there.

19:19:10 Jim Kenney: Here's what happens if we take it out to 220, exactly what has been said. If we go to 220, the minimum lot there, well no, that's not an issue. If it becomes Rural District it becomes two acres. It can be any size above 10,000 square feet.

19:19:37 Barry McCormick: If we whack that back to 100 feet like we're talking, there is one piece of property, the Edward's property right out here is the only place you can build on. You're only talking a small 100 foot x. ..

19:19:57 Randy Reynolds: There is another one this side the Masonic Lodge here.

19:20:07 Barry McCormick: But that's right beside the railroad tracks. You're talking a small area. I vote the railroad tracks.

19:20:18 Charlie Porter: I don't mean to correct you, Mr. Kenney, but here there is septage and the minimum state lot size is 20,000 square feet.

19:20:45 Randy Reynolds: If you went beyond the railroad tracks, you really wouldn't be able to get enough buildings in, two or three, maybe four, that's going to really make difference being in the Village District or being in the Rural District.

19:21:17 Garrett Morrison: It will always look rural.

19:21:21 Charlie Porter: 220 is an easy boundary to identify.

19:21:31 Mark Nickerson: We have a traffic light on 220 now. What are the benefits of it either way? Which is better for it to be in? I like the Village District to go out to the light. Will it hurt anybody?

19:22:00 Aimee Dorval: I think railroad tracks.

19:22:03 Tony Avila: Railroad tracks.

19:22:23 Jim Kenney: I would have it at the railroad tracks. [Consensus is railroad tracks.] In my mind, I do know when I hit the tracks I had better be doing 25, and two, I see the village of Unity. Let's go up School Street.

19:23:19 [Consensus is all the way to the bridge.]

19:23:48 Randy Reynolds: Now how wide? I say somewhere between 1 and 200, 150.

19:24:47 Barry McCormick: If I'm driving down the road what I see right there to me represents what the town looks like. I say 100 feet.

19:25:02 Garrett Morrison: What are the restrictions that would exist on a piece of property whether it's 100 or 400?

19:25:08 Randy Reynolds: There is quite a bit in the Ordinance.

19:25:14 Barry McCormick: Roof design, access points, parking...

19:25:17 Randy Reynolds: There are a lot of different restrictions. There are probably 10 pages of restrictions.

19:25:25 Mark Nickerson: How far off the road is Edward's grocery store?

19:25:31 Randy Reynolds: 170 feet, in that neighborhood.

19:25:49 Barry McCormick: That was a definite issue when I built that store, the appearance even set way back there. Windows had to be just right, certain roof pitches.

19:26:05 Jim Kenney: I like 100. I like being able to control what I own.

19:26:33 Randy Reynolds: If I have to give up 100 feet I will but I want to control the rest.

19:26:32 Jim Kenney: Any objections to that folks?

19:26:34 Mark Nickerson: And the control is only in the Village District, correct? [Yes.] I'm good with 100. [Consensus is 100.]

19:27:13 Jim Kenney: This is amazing and wonderful folks. This is Unity. This, I believe, will encourage people to look at it with an eye to invest -- all the work we're doing here.

19:27:59 Charlie Porter: We'll have to have a special meeting for the map.

19:36:22 Jim Kenney: Have we wrapped this up? Meeting closed.

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