

**TOWN OF UNITY  
LAND USE REVIEW COMMITTEE MEETING MINUTES  
JUNE 25, 2014  
LOCATION: UNITY MASONIC HALL, UNITY, MAINE**

**MEMBERS IN ATTENDANCE:** Randy Reynolds, Barry McCormick, Charlie Porter

**MODERATOR:** Barry McCormick

**OBSERVERS:** Garrett Morrison

**RECORDER:** Sherry Powell-Wilson

18:38:06 Barry McCormick: I wasn't here last week. I figured you'd run it tonight. Don't know where to start.

18:38:20 Garrett Morrison: Did everyone read the Minutes from last week?

18:38:23 Randy Reynolds: I make a motion to accept as read.

18:38:27 Barry McCormick: All in favor? [Yes.]

18:38:32 Randy Reynolds: What we talked about last week was I brought in maps, I didn't bring one tonight. I made a description for the Land Use Ordinance. Garrett took it and added some stuff on the bottom.

18:38:57 Barry McCormick: I'll read it, Unity Village District, Unity Village extends from the bridge over Sandy Stream on Routes 202/9 northeasterly along the center line of Routes 202/9 to the railroad crossing on said road. The Village District also extends from the bridge crossing Sandy Stream on Route 139, also known as School Street, easterly along the center line on Route 139 Main Street and then northeasterly along the center line of Routes 202/9 and Route 139 at the intersection of Depot Street and then northeasterly along the center line of Route 139 also known as Depot Street to the southwesterly right-of-way line of Routes 220/139. The width of the Village District is 100 feet each side of the above-described center line of said roads. Any development outside of the Village District as defined above is not subject to the land use requirement of the Village District. For a lot that lies partly within the Village District and partly outside the Village District, only the portion of the lot within the Village District will be subject to the land use requirements of the Village District.

18:40:19 Randy Reynolds: Garrett did a great job.

18:40:20 Garrett Morrison: Randy wrote everything except the last sentence.

18:40:30 Barry McCormick: That's pretty simple and then you matched that up with the map you did. Are we prepared to defend that?

18:40:52 Charlie Porter: We'll have to defend everything we do.

18:41:01 Randy Reynolds: Let me give you something on this e-mail I got from Emily today. Start from the bottom and read up.

18:41:20 Barry McCormick: [Read Emily's e-mail.]

18:41:51 Randy Reynolds: I sent her a copy of the two districts, the Downtown and the Village, which is exactly what she wanted. The old way and when we get ready they would like to see the new one. That's up to the Committee to decide when we're finished with it.

18:42:16 Barry McCormick: My position on that is everyone here as down a ton of work on this thing and I think that it should go to the Selectmen first.

18:42:26 Randy Reynolds: It's already gone. And it's gone to his son - and he already has some stuff. He's going to be talking to his father tomorrow.

18:42:48 Charlie Porter: That's okay. We can correct anything.

18:42:57 Garrett Morrison: I don't look at that as a problem.

18:43:08 Randy Reynolds: We may accept or not accept all of the changes.

18:43:14 Barry McCormick: I just think this is very sensitive and we have to handle it carefully.

18:43:35 Randy Reynolds: Subdivision ordinance. What's next? Dated May 22nd. Go to page 4, see General Provisions, Section 1.

18:49:38 Charlie Porter: Where did you get this on the lead and asbestos? I can't find the copies I had to give out.

18:49:44 Garrett Morrison: What I put into that came from the DEP.

18:51:08 Charlie Porter: I have no objections to this at all. We should have a copy of this attached to this don't you think? [Yes.]

18:51:35 Randy Reynolds: And this way the Town has own their own copy all dated with the name and everything about it on it.

18:51:40 Garrett Morrison: What the Town is doing is informing. What the State is doing is telling what they have to have satisfied for them. We should leave it up to the State to enforce it.

18:52:08 Barry McCormick: I agree, it wouldn't be bad to put this on there, but it has to be known that it's for the State and not the Town.

18:52:18 Garrett Morrison: But it is the Town being nice to say what the State requires.

18:52:30 Barry McCormick: I'm going to start reading, the Ordinance shall be known and cited as the Unity Subdivision Ordinance and will be referred to as this Ordinance.

18:52:38 Randy Reynolds: When we get to the title, authority and purposes, this is already in the front of our Land Use Ordinance. A lot of this stuff. Jim has already brought it up and put it in place.

18:52:55 Barry McCormick: [Barry reading down through draft Subdivision Ordinance.]

18:53:30 Randy Reynolds: That Growth Management should be taken out and authority. We don't have a Growth Management Act anymore. Growth management was in the old plan and he just copied the whole thing over.

18:54:17 Garrett Morrison: Is the date 1993 to be changed?

18:54:23 Charlie Porter: That's why it's in red, so he knows.

18:54:27 Barry McCormick: [Continued reading, 131, 132, 133, 134, 135, 136, 137, 138, 139.]

19:01:19 Randy Reynolds: I want to go back, I made a mistake on Land Use Regulations, on Growth Management Act, that's that little book, Planning and Land Use Laws. Leave it in.

19:01:38 Barry McCormick: [Back to reading, applicability, conflicts, validity and severability, effective date and repeal, availability) I thought we decided that the additional copies were an issue we talked about. Why would we have to provide?

19:03:37 Randy Reynolds: Anybody who comes into town and they want a copy of the Ordinance...They can go right on the Internet and get it free.

19:03:42 Charlie Porter: They have to pay for it.

19:03:45 Barry McCormick: [Continued reading, amendments, 192, 193, 194, 110 right to prohibit certain business types). Is there a list?

19:06:22 Charlie Porter: Not that I know of. I question whether that's legal or not.

19:06:50 Garrett Morrison: If there is no such list who has authority?

19:07:01 Charlie Porter: I don't like this.

19:07:07 Randy Reynolds: Jim put it in trying to see if we can get something going on it.

19:07:20 Barry McCormick: I say take it out until we get something more definite or more defined.

19:07:27 Charlie Porter: Standalone ordinance.

19:07:30 Barry McCormick: Wouldn't it have to go through appropriate channels no matter what it is?

19:07:40 Randy Reynolds: Selectmen, Town Meeting. Charlie, can you bring a copy of that next week (referring to standalone ordinance).

19:07:42 Barry McCormick: (Barry continued reading, article 1, purpose). Isn't this what we just read? [Determined repeat paragraphs exist in document.] (Barry continued reading, purpose, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13). Everything okay there?

19:16:29 Garrett Morrison: It bothers me that we have our list of purposes and then there is another list of purposes. They need to be integrated.

19:16:39 Randy Reynolds: I've got that down to talk to him about it.

19:16:57 Garrett Morrison: Just a couple other comments, 1.8, the way it is written bothers me. Because that's the kind of thing that's open to somebody coming in and saying that spoils the natural beauty and you can't do it. That's a little bit too enabling. I'll leave it for now.

19:18:08 Charlie Porter: Albion has something similar to this but they define where it is that, the spot, you cannot block it. You've got to say where.

19:18:29 Garrett Morrison: Go down to 111, we have State requirements for shoreland zoning. What I'm suggesting is that we use whatever the State is and incorporate that.

19:19:01 Charlie Porter: I've never come upon this. I don't remember ever seeing anything like that.

19:19:15 Barry McCormick: In Shoreland Zoning, how far away do you have to be away from the water?

19:19:22 Randy Reynolds: 250.

19:19:25 Charlie Porter: Am I reading the wrong thing?

19:19:30 Barry McCormick: My interpretation is if it's 250 in the State, why even have that in there?

19:19:45 Randy Reynolds: Puts them on notice. It's supposed to be a standalone. We could put a note in there attached to that to see the Shoreland Zoning Ordinance.

19:20:03 Garrett Morrison: I don't have a quarrel with the 250 feet but when we say not adversely affecting the quality of a body of water, how do you judge what is...

19:20:26 Charlie Porter: Basically, what size is the septic symptom going in there and where is it going.

19:20:33 Garrett Morrison: That is something that has to be approved by the site evaluator anyway. When you will not adversely affect the quality of the body of water, you know if you have a dog that went out and peed in the back yard, you may say that's going to affect the quality of that body of water and that just leaves too much open to the imagination. And the same thing goes for unreasonable affect the shoreline of that body of water. What would be an unreasonable affect?

19:21:13 Barry McCormick: I would think if it affected it at all it would be disqualified.

19:21:18 Garrett Morrison: I don't think you can say that because if you do, you're trying to outlaw people.

19:21:22 Barry McCormick: I would think the Shoreland Zoning rule would come in to play, if this wasn't in here at all, other than saying within 200 feet, please see Shoreland Zoning Ordinance.

19:21:35 Garrett Morrison: And that's fine if you go with what the State has. These are weasel words. They allow you to go in and create an objection regardless of what's going on.

19:21:49 Barry McCormick: What if we had this stated in whenever situated in whole or in part of 250 feet of any pond, lake, etc., please refer to Shoreland Zoning Ordinance.

19:22:03 Charlie Porter: Because they are standalone ordinances. Shoreland Zoning is a standalone.

19:22:10 Garrett Morrison: You can adopt the State zoning. In the state, and I haven't read it, if you say it cannot adversely affect something, that's not a good way to put it.

19:22:41 Barry McCormick: The scenic part, I don't know how to handle that one.

19:22:47 Charlie Porter: You've got to say what it is.

19:22:51 Garrett Morrison: I've seen this once before where you go up on Bigelow Mountain and you can see a smoke stack from 30 miles away and they can say take it down.

19:23:13 Charlie Porter: They tried to do that here recently because they could see Katahdin say 100 miles away, and they were going to put some wind mills up there that would affect their view.

19:23:29 Barry McCormick: What if this was taken right out?

19:23:30 Randy Reynolds: I would take 18 right out.

19:23:46 Barry McCormick: Anything else? [Barry continued to read, administering bodies and agents.] Why is this in the subdivision?

19:24:40 Charlie Porter: If that is a standalone ordinance, you would have to have it in there. It's part of. He copied the whole ordinance.

19:25:35 Randy Reynolds: Go all the way to 18. So pages 9 to 17 take right out, including 17.

19:26:46 Barry McCormick: Section 3 is where it starts on subdivisions. [Continued reading, start Section 3A, 4.A.1, purpose, minor subdivision procedure.]

19:29:43 Charlie Porter: The Board has to tell him (relating to contour plan)? The Planning Board does not tell him what the contours are because they don't know.

19:29:58 Randy Reynolds: It depends on the contours. If you have a lot of drop in the land, they'll go 10-foot contours.

19:30:08 Charlie Porter: But the Planning Board has no expertise in that.

19:30:13 Randy Reynolds: But who does if they don't?

19:30:14 Charlie Porter: Surveyor.

19:30:15 Randy Reynolds: Are you going to have a surveyor come in and tell the Planning Board what to do?

19:30:19 Charlie Porter: No, they're going to tell them what the contours are going to be.

19:30:28 Randy Reynolds: They can make a suggestion on what to do. The Planning Board has to final authority to accept or reject.

19:30:35 Charlie Porter: Of course, but you're telling the Planning Board to come up with a conclusion that they don't have the expertise to do.

19:30:47 Barry McCormick: I see what Charlie's saying. I'm on the Planning Board so you bring in an application for a B, pre-application sketch plan at Board meeting. So you're going to bring in a piece of paper showing me this stuff, and within 30 days of presentation the Board shall hold an on-site inspection of the property and shall determine and inform the applicant of the contour interval, if required, for the final plan. I wouldn't have a clue what to tell you. The other thing I have a problem with is within the 30 days they have to have a site visit. If I'm doing a subdivision and I want to get going on it, I shouldn't have to wait 30 days for the Planning Board to send somebody out.

19:31:31 Randy Reynolds: That's typical though.

19:31:47 Barry McCormick: You've been through this many times, Randy, I'm sure. Do they come out and visit the site? [Yes.] And what do they do?

19:31:54 Randy Reynolds: They just walk around and see if there is anything that jumps out at them like you're going to be putting a road right across stream, what are you going to do for culverts, and it just goes on and on. They'll spell it out in there.

19:32:11 Garrett Morrison: Instead of having you as a surveyor come in and tell them what the contours are going to be, could you put something in there that says the contour intervals should be suitable for portraying the relief of the land?

19:32:31 Randy Reynolds: And the intended purpose. If you're going to build a whole bunch of cluster subdivisions, then you want to put contour intervals.

19:32:49 Garrett Morrison: For most people making the map they would know based on what the relief is what to do with it.

19:33:00 Randy Reynolds: Most planning boards know pretty close.

19:33:12 Barry McCormick: Let's move on and see if it sheds any light on it further in. [Continued reading,  
D.] I just can't get over 6 months?

19:33:51 Randy Reynolds: Within a maximum of 6 months. In other words, if you don't come back within 6 months you start all over again.

19:34:00 Barry McCormick: Within six months. [Continued reading.] Why would the Board have to do that (referring notifying property owners)?

19:35:10 Randy Reynolds: The Board wouldn't, the surveyor would have to.

19:35:12 Barry McCormick: Why not change that? Don't that make sense? [Yes.] [Continued reading - The Board will also notify by mail all abutting property owners.]

19:35:43 Charlie Porter: I would put in there 'or hand delivered.'

19:35:49 Randy Reynolds: You're talking the surveyor not the applicant. It should be the surveyor. And usually we send it registered mail and get a receipt so we can show it to the Planning Board.

19:36:15 Barry McCormick: So it should be the surveyor will also notify by registered mail all abutting property owners. [Continued reading, E, G. Section B, administrative procedure, major and minor subdivisions.]

19:38:06 Garrett Morrison: Do we have a definition of major and minor?

19:38:12 Randy Reynolds: Three lots or more. I think it does in here, will have to find it.

19:39:13 Barry McCormick: Will make a note of it. [Continued reading, major subdivision procedure.] Is all of that the same as a minor?

19:39:36 Randy Reynolds: Yes, it just asks for more stuff.

19:40:05 Barry McCormick: Totally new. [Continued reading, A, B, C...] That's all the same. [C, D]

19:43:44 Charlie Porter: If it's the same for a minor as it is for a major why do we have to do it twice?

19:43:56 Randy Reynolds: Because you got two entities, one here, and one entity here, you have to have everything in there to take care of that one so it's a standalone. You can't say, well, go back on page 88 on the next ordinance and pick out two lines.

19:43:58 Barry McCormick: I can understand having it in there, I just didn't want to read it again.

19:44:17 Charlie Porter: This is right up front. It's one ordinance. It's not two ordinances, it's part of an ordinance.

19:44:48 Randy Reynolds: We spent probably four or five pages on minor. We're going to page probably 50 on major.

19:45:13 Garrett Morrison: Put down the minimum requirement for the minor application and then say in addition for a major application you need all these other things. What we have started out was, at

least since I've been here, is try to put this together in a way so the applicant who may be from away comes in and says, oh, I see what I need, rather than, gee, I didn't know I had to look here and there.

19:45:47 Barry McCormick: It's only two pages.

19:45:47 Garrett Morrison: I think it would be useful for the applicant who comes in and sees that 'mine is a major,' then he goes to major and looks it up instead go to minor and major.

19:46:08 Barry McCormick: [Continued reading, E, halfway through.]

19:47:10 Charlie Porter: Some place in there we have to state that the applicant pays these fees.

19:47:20 Randy Reynolds: There are two paragraphs exactly the same. He'll catch it on the notes what we're talking about.

19:47:29 Barry McCormick: [Continued reading, F.]

19:50:21 Meeting closed.

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