

**TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
JULY 30, 2014
LOCATION: UNITY MASONIC HALL, UNITY, MAINE**

MEMBERS IN ATTENDANCE: Jim Kenney, Tony Avila, Charlie Porter, John McIntire

MODERATOR: Jim Kenney

OBSERVERS: Garrett Morrison, Kevin Spigel from Unity Utilities District

RECORDER: Sherry Powell-Wilson

18:34:35 Jim Kenney: We are past the scheduled time. We will open. You have the Minutes of the previous meeting of two weeks ago. Any thoughts? May I have a motion?

18:34:54 Garrett Morrison: I make the motion to accept as read.

18:35:00 Jim Kenney: All in favor? [Agreed.] They are accepted. Kevin is here to talk to us about how this Committee brings into consideration this document and the Unity Utilities District.

18:35:33 Kevin Spigel: I'm here, one, just as the chair of the UUD to find out a little bit more about how the District is incorporated into the new revisions in the Land Use Ordinance plan. I don't even know.

18:35:57 Jim Kenney: Are you familiar with how it's incorporated in the old?

18:36:02 Kevin Spigel: I have no idea. It sounds like I'll need to read. Is there mention of it in the document now?

18:36:09 Jim Kenney: Not that I recall. What I'm going to do is turn back to the part we have as definitions which would explain that function. It is not here. It is mentioned in defining the Village District. The Village District is defined over your service area down Main Street, down School Street and up Depot Street. There are statements in there that if you're not connected -- it is mentioned sideways -- if you're not connected to the Utilities District in that area you have to do certain things to manage your waste. Are there any places along those three streets that are not connected?

18:37:18 Charlie Porter: Are they set way back?

18:37:24 Kevin Spigel: The only one I know was Midge Pryor prior to her selling. What we're doing as a Committee is as we're going through old records, we're trying to bring everything up to the modern year. We're trying to identify situations where people are within the district that opted not to connect for whatever reason just to make sure we have all of our ducks in a row. I think that's the only one I know of that's come to light in the last year.

18:38:05 Jim Kenney: You've got homework. It's not for general distribution.

18:38:25 Charlie Porter: It mentions it as far as lot size, if you're hooked up to the district you don't need bigger lot downtown. There is a minimum lot size on a septic system, it's 20,000 square feet, but if you're hooked up to the sewer district, you can go down quite a bit.

18:38:46 Jim Kenney: To 10,000 square feet. The minimum lot size in the Village District is 10,000 square feet and right now, as far as I know, the only place that you're outside the Village District is up to the college. You have a pump station, that system I would trust is compliant.

18:39:12 Charlie Porter: That's the reason the sewer district was built, that and Ready Peel.

18:39:21 John McIntire arrived.

18:39:31 Jim Kenney: Do some homework. Come back another Wednesday with your recommendations on how this document could be improved to address... A lot of the things that you're dealing with now I would guess is the sale of property. This doesn't address that to the extent you would hope.

18:40:09 Kevin Spigel: Not necessarily the sale, conversion, new construction, repurposing, all of that. Sue summed it up pretty nicely that we're out of the loop I guess.

18:40:24 Jim Kenney: Yes, you are out of the loop but it's not your doing. When that system was put in place this didn't exist. This came about in the mid-90s.

18:40:47 Charlie Porter: The best thing to do is on an occupancy permit, have a page where if you live in the district, you have to contact these people.

18:40:53 Kevin Spigel: I was looking at the Occupancy Permit, we have an old document that I just came across. We were looking elsewhere where the UUD is mentioned in some of the Town permits so what we want to do, and we'll talk about this as a committee and bring it back here, is come up with a process we want to recommend.

18:40:58 Jim Kenney: Be quick, we'd like to have it I would guess in two weeks or better. We want to wrap up this deal. What our intent is, as soon as we can, we feel we're at the 95 plus mark right now, to get it to the Selectmen for their review. They are the ones who chartered us. Following that, go to the Comp Plan Committee as well as the Planning Board. They're the ones who will have to live with this.

18:42:02 Kevin Spigel: Once it leaves here and goes to the Selectmen is there no opportunity to implement changes?

18:42:07 Jim Kenney: No, but it would be nice to have all considerations in their hands. You've had 40 years to get here, now we need it in two weeks.

18:42:22 Kevin Spigel: You may or may not have it, I can't guarantee it, and I'm only 1 person. I will do my best to get something produced from the committee. Really, to sum it up, the only thing we'd like to do is open up a line of communication and to move forward with some of that. There are concerns or issues on how to move forward and come up with a plan that works. What format would you like our recommendations?

18:43:13 Jim Kenney: Written.

18:43:16 Kevin Spigel: What else do you want in it?

18:43:20 Jim Kenney: What your thoughts are. If it's typed it would be more legible than my personal handwriting.

18:43:40 Garrett Morrison: What the Utilities District wants is to be incorporated in this, there are certain things they we addressing that should be addressed by what you submit and that is if there are rules and regulations that say thou shalt with regards to anything in that, then it ought to be included.

18:44:09 Charlie Porter: I think your biggest problem is you're not being informed when new people move in.

18:44:17 Kevin Spigel: Well, yeah, if the proposed structure will discharge wastewater into the septic system that needs to be handled. If proposed structure will connect to the Utilities District sewer system, you should attach a copy of the application to the UUD authorizing such connection. We're never notified.

18:44:46 Charlie Porter: They never send you anything. It should become my job to notify you that this guy moved into that house and he's on the sewer system.

18:45:03 Kevin Spigel: That's one possibility.

18:45:07 Charlie Porter: If I have to go for an occupancy permit that's what I'll do.

18:45:14 Kevin Spigel: The occupancy permit, I guess there are four different clauses that would constitute having to complete one of these new building, never been occupied, that's a no brainer, existing building that has been renovated or expanded up to a certain size, the existing building is undergoing a change of use so repurposing for say down Depot Street or something that has been vacant for at least a year. We just aren't in the loop is what it boils down to.

18:45:43 Charlie Porter: We can take care of that.

18:45:47 Kevin Spigel: That's pretty much all we were intending to come of this.

18:45:53 Charlie Porter: Get hold of Sue and set up a place in that office these things can go. A basket.

18:46:10 Jim Kenney: He has a basket, the fire chief has a basket...

18:46:21 Garrett Morrison: What we have been trying to do and, understand, I haven't been here very long, is to come up with the Land Use Ordinance as something that any resident can pick up and no matter what they want to do, there would be information in it that provides the steps they have to take. Not everything is in there but everything is referenced and permits and everything else that come along so whether it's a resident or somebody who comes into town as a potential resident or new business, that they can go in and grab this one document and have that document refer them to. They are separated out into Shoreland Zoning or any other documents that are regulations but tells them this is

what you're going to be confronted with and need to pay attention to instead of leaving a lot of it unsaid and undone. If we can incorporate that kind of information in this.

18:47:37 Jim Kenney: In order to capture this, have you given Sherry your e-mail? Please do. They are available after approval on the website.

18:47:37 Kevin Spigel: Kspigel@unity.edu

18:48:20 Jim Kenney: If you find things that you recommend, bring it to us.. We're trying to make this what the Town needs.

18:48:51 Kevin Spigel left.

18:48:54 Jim Kenney: We're not counting quorum tonight. We've been a long time and what we have been doing, John, I don't know if you've had a chance to read the belated Minutes, thank you for reminding me. We listened to Barry last week. Garrett has done his review and we are at a section of the document, which I will bring our attention to after I get one thing off the table. One of the things Garrett brought up last week, and we've been reading over, is amendments and how an amendment is done. There was an issue within a citizen-initiated amendment. I'm going to hand it out and read it. I'll show you where I've modified it and I'll explain the reasons. Section 1.9.1 amendments, an amendment to this ordinance may be adopted by a majority vote at Town Meeting. A proposal to amend this ordinance may be placed on the warrant of any Town Meeting by 1) the Planning Board, 2) the Comprehensive Plan Committee, 3) the municipal officers, or 4) and this is where I got involved, it said previously 25 signatures. That is not the signature, to get on to the Town Warrant, and this is what is required and what I wrote, or 4 written petitions of at least 10% of the total voters at the last gubernatorial election registered to vote in Unity filed with the municipal law officers. The Town Clerk can advise the applicant of the minimum quantity of signers required. Before it said 25 signers.

18:51:42 John McIntire: There is some statute.

18:51:47 Jim Kenney: Does this sound okay in the quick read? [Yes.]

18:51:52 Charlie Porter: We just did this for something else, to get on the Warrant for Waldo Cap and all these... same things. So roughly 70 signatures instead of 25.

18:52:16 Jim Kenney: And that changes for every gubernatorial election. It's not a fixed number, 25. You notice the Planning Board can initiate, the Comprehensive Plan, and the municipal officers. This is the fact that citizens in Maine have the right of initiative. Many states don't have that. Enough said.

18:52:39 Garrett Morrison I think it would be good if we added a sentence. I think it might best fit before the last sentence you have in there now and that would be to say, please note that the number of signers is not likely to remain the same from year to year. So you can't say, yeah, we had to have 70 last year.

18:53:08 Charlie Porter: Gotcha but to get a petition you have to go to the Town Clerk.

18:53:14 Garrett Morrison: That last sentence I think makes that plain...

18:53:24 Jim Kenney: Please note that the number of signers may change from gubernatorial election to gubernatorial election. It's not on an annual basis.

18:53:36 Garrett Morrison: I think there would be a great tendency to say, yeah, it was 72 people we had to have and you get that many and find out that you're five short and can't do it.

18:53:49 Jim Kenney: Sue has announced her last date and it's less than 12 months from now. Just as a note, I'm going to use the blue ink color as I do these things from this review separating them from the other things we've done. Is that okay?

18:54:46 Garrett Morrison: I'm ready to begin on the next page if you're ready for that, 5.1.3, road access management. The next point is 5.1.3.4, access point on frontage. The question is, it says more than 200 feet to the next access point as long as the average standard is maintained. What is the average?

18:57:05 Charlie Porter: 200 feet.

18:57:08 Garrett Morrison: But I don't think that it says it is 200 feet. The question here is doesn't this depend upon what the next lot to you has done or will do? Does that allow you to maintain the average?

18:57:28 Jim Kenney: The person who can speak best to this, in my opinion, is Randy.

18:57:37 Charlie Porter: I ran into this just today. A guy gets divorced, he's got two homes on his property, the wife gets one driveway in the divorce and now he has to create a new driveway. There is only one problem, where he wants to create a driveway, you've got a hill, and he's going to be on the far side of the hill so anybody coming over coming over this hill, they're going to get nailed and I'm going to have the unfortunate phone call to make.

18:58:23 Jim Kenney: Where is this located? [Clark Road]. So you're coming down Clark Road, you pass Dennis' place, you passed the Clark place. The old Pushor farm. So, it's an unsafe condition you're saying.

18:58:52 Charlie Porter: He's got a tote road there that you use for logging and he thinks that's sufficient. I'm not worried about that, I'm worried about somebody getting killed on it. He says the court ordered a new driveway to be put in. I don't understand why they can't have shared entrance.

18:59:19 Jim Kenney: Neither this committee nor people in the town be able to change a judge's mind. You're speaking to what you consider to be an unsafe point. Is that driven by the words of this paragraph?

18:59:42 Garrett Morrison: Yeah, and it's because a neighbor may do something that changes your average distance between things. The other thing that is an unanswered question here is what is the number of lots that you're taking into account in the average?

19:00:16 Charlie Porter: Each progressive lot would have to keep the distance, if possible, to keep the average. That's how it's been done before.

19:00:29 Garrett Morrison: And it may be that if you're on a road and you've got six houses and you can get 200 feet average spacing, that when you run into a problem it may simply need that you need to take into account 15 houses or 20 houses to bring the average in line. It doesn't specify that and because of that it leaves it open ended.

19:01:00 Charlie Porter: I'm in a dilemma now because I really don't know what to do about that place.

19:01:08 Jim Kenney: Clark Road is a town road. If it was a State road does not DOT control that?

19:01:20 Charlie Porter: Yes, they do. In some towns the DOT and the town but not this town.

19:01:32 Jim Kenney: In this town, again I say, Garrett, the best person to speak to this is Randy. Can we make a note to table that paragraph?

19:01:36 Garrett Morrison: I don't have a suggestion of what is good. Just that it is unclear.

19:02:02 John McIntire: To my reading it seems to indicate that if a right-of-way that's on the edge of my property was put in while this was in force, which it wasn't because it went in before that, it wouldn't have been possible.

19:02:35 Charlie Porter: We're not talking about a temporary driveway for a road for cutting wood.

19:02:41 John McIntire: I'm talking about a right-of-way to a house. A driveway where there can't be 500 feet between the railroad tracks and the Town property and there are now three access points to the road. You've got the town, my driveway and you've got this right-of-way in the middle.

19:03:18 Charlie Porter: What 's the average?

19:03:21 John McIntire: It's certainly less than 200. There are three of them there. I'm sure there are not 600.

19:03:36 Charlie Porter: You're talking about your house and the sand pile and what else?

19:03:42 John McIntire: The one in between that. Scott Braley's place.

19:03:51 Charlie Porter: Way back in there. Could be. You might have to move it if it was today.

19:04:03 John McIntire: And so that could provide a real sticking point for access to back land.

19:04:17 Jim Kenney: In the future. This didn't change. This has been around since the mid-90s.

19:04:27 Charlie Porter: We haven't had an issue with it.

19:04:30 Jim Kenney: It could be that nobody has addressed it. This needs to be better understood by us.

19:04:52 Garrett Morrison: I would be very interested in Randy's input in situations like this it may be left up to the judgment. It should be stated.

19:05:14 Charlie Porter: This is supposed to be a road commissioner's job basically and have we ever had a road commissioner except Bobby Elwell?

19:05:32 Jim Kenney: There would probably be no one willing to volunteer for that. That is taken on by the Selectmen. You and I have gone out together and looked at sites to make recommendations. I was in the role of the road commissioner. Road commissioners have to have certain liability coverage that is automatically granted to a selectman. It costs money and it adds responsibilities that a right-minded person would not want to take on. You understand what I said? The laws of the State of Maine have changed since Bob stepped down from that role.

19:06:23 Garrett Morrison: Go to paragraph 5.4.1, emergency vehicle access. My comment here is rewrite, and if you read this you can't get very far before you say what? It says must have a minimum of 12-inch gravel base and be 12 feet wide that serves a residence requires a signed statement. That's like two sentences combined and didn't do it grammatically correct.

19:07:26 John McIntire: Any new driveway that serves a residence must have...that would make much more sense.

19:07:38 Jim Kenney: Any new driveway that serves a residence must have a minimum of 12-inch gravel base and be 12 inches wide.

19:7:53 Charlie Porter: You don't need the fire chief signing off on a driveway from here to the door. That's what this says. It had a back lot situation here that's been removed where you either had to have a turnaround or a hammer, and that removed was removed and that should be put back in here.

19:08:29 Garrett Morrison: Could you accomplish the same end for the fire department by having a driveway over some particular length?

19:08:43 John McIntire: There was in the original Land Use Ordinance, that was in there. I'm going back to it here.

19:09:14 Charlie Porter: There is a driveway permit but if you were building a structure they put it all into one.

19:09:26 Jim Kenney: It's inclusive. I became aware of the requirements and abided by them, and made provision for the emergency vehicle turnaround at your recommendation.

19:10:02 John McIntire: Section 7, page 20.

19:10:23 Jim Kenney: I'm at something that says driveways and roads, section 9, in the old one, construction standards, driveways, Section 9C, construction standards, driveways, note, a driveway may serve up to three principal structures and/or lots before being considered a road. A new driveway that is over 150 feet in length and serves a year round residence requires one of the following: A) 12-inch travel way 12-inch gravel base and a suitable place for a fire truck to turn around or B) a signed statement from the fire chief that the proposed driveway appears adequate for emergency vehicle access. Any new driveway that is shorter than 150 feet or does not serve a year round residence is

exempt from this requirement. That's the only thing we took out, that if it's less than 150 feet and it's not a year round. Why would that go back in?

19:12:28 Charlie Porter: It's the distance.

19:12:35 Jim Kenney: That means all new driveways over 150 feet in length.

19:12:45 Garrett Morrison: But it doesn't say that.

19:12:45 Jim Kenney: Okay, a new driveway has to meet this standard, that's what we settled on, has to be 12 foot, 12 inches. That's how it is to be interpreted.

19:12:59 Garrett Morrison: Any new driveway over 150 feet?

19:13:05 Jim Kenney: We took it out to make it any new driveway. Has to be 12 feet wide and 12 inches in base.

19:13:16 Garrett Morrison: I understand this to be so that the fire department won't get their trucks stuck in the mud. If they can park on the highway, and it's only 150 feet to the house, and they have 500 feet of hose, then you don't need to have a place where they can get in. I'm suggesting if the driveway is short enough somebody wouldn't have to build to this standard.

19:14:01 Charlie Porter: I think what it says here now, it says you have to build a 12-inch x 12 foot but you should have something in there about the 150 foot length with a handle or circle turnaround for a fire truck. You go back a couple hundred feet in the pucker brush and there is no place to turn around, you've got to stack trucks up.

19:14:30 Garrett Morrison: And I think that's good if you're talking about being more than 150 back, but if you're 140 back and they can reach you without even driving in the driveway...

19:14:42 Jim Kenney: This would be modified to put a turnaround in after 150 feet?

19:14:54 Garrett Morrison: But it also could mean you don't have to have the same construction standard if you're not going to try and accommodate a fire truck.

19:15:05 Charlie Porter: I don't see any reason not to have a decent gravel driveway. You going to pull an oil truck in there and have it sink up to its axles.

19:15:20 Garrett Morrison: That's a possibility but, to me, that's something that the homeowner should say this is something we ought to have because we don't want the truck to get stuck and mess up our yard. I don't see it as the Town's position to say we're going to regulate this and make sure that everybody has a driveway that will support the oil truck.

19:15:41 John McIntire: When I got a quote on my driveway, I got three quotes. Three different contractors for a gravel driveway. One was for 12 x 12 year round. The one I went with was for 6-8 month's driveway and it was less than half, and that's why putting a 12 x 12 in here is a requirement is going to be a real problem for some people. If I had had to put 12 x 12 in, that would've been \$10,000.

19:16:37 Charlie Porter: If you can't get adequate fire protection back there, your house will burn down. Or the insurance company is not going to insure you. They will take one look at your driveway, will that support a fire truck?

19:16:58 Tony Avila: That should be up to the home owner if he wants to take that gamble.

19:17:10 Charlie Porter: But most people have these things called mortgages and the banks don't want to take those gambles.

19:17:14 John McIntire: And the bank is going to take care of that for you.

19:17:17 Garrett Morrison: Or the insurance company but the homeowner has the option, or should have the option to say, I'm going to take my chances. In every situation like that it means that the marketability of your home should you sell it will be vastly different because of what you didn't do.

19:17:39 Charlie Porter: Take his place right now, if he puts it up for sale and if he didn't tell me that the driveway is not sufficient for a fire truck, I'd buy it and all of a sudden have a fire and I can't get a fire truck to it. This is the problem.

19:17:58 Jim Kenney: That is not, in my opinion, the responsibility of the Town.

19:18:04 Charlie Porter: But this is the action that would happen. If you say they can build anything they want.

19:18:14 Jim Kenney: This is driven by the fire marshal of the State?

19:18:24 Charlie Porter: Well, no, it's been department policy in the Town of Unity.

19:18:32 Jim Kenney: Is it driven by a requirement of the state?

19:18:38 Charlie Porter: Not that I know of. We'd have to check with the Fire Marshal's Office to find out. I think we've got stuck a few times too many, that's why it went in.

19:19:11 Tony Avila: I kind of see the point with the fire department because I don't think the tax payers should be paying the bill for getting their trucks winched out. I can see that happening.

19:19:27 Garrett Morrison: Or have the trucks know what is adequate and what isn't. You could say, sorry, but we cannot put out that fire for you.

19:19:31 Tony Avila: If the town road is here, and your driveway is this long, you shouldn't have to go by the standards.

19:19:31 Garrett Morrison: I want to bring up another one and I suppose it's nitpicking but as a geologist, you talk about a minimum of 12-inch gravel base, you haven't defined gravel. Gravel does have size definitions. If you had a lot on a well-drained sandy soil, you wouldn't have to have any gravel and it would support any truck.

19:20:15 Jim Kenney: If you had a lot in Unity, if it was known as well drained, it is not in Unity.

19:20:23 John McIntire: Except for MOFGA's property which they classify as excessively well drained. It's on 40 feet of sand.

19:29:58 Sherry Powell-Wilson: Wasn't there something in there where the fire chief has to sign off on a driveway?

19:21:02 Charlie Porter: It's in there now. If you put a long driveway in, and the chief signs off on it saying it's okay whatever is done, which I think is a good thing. He knows what he's got there.

19:21:17 Garrett Morrison: And I think that's good.

19:21:19 Charlie Porter: He shouldn't have to do it for every 20-foot driveway.

19:21:26 Garrett Morrison: That's my point about not having a limit on the length. Also, if you are on a well-drained soil, and there are places in Unity that are higher than the plantation that are well drained, and there are a lot of different kinds of soil, may be river deposits or something like that from a glacial deposit, that would require you to go to excavate and put in 12 inches of gravel which is going to serve no better than the natural soil, which is an unnecessary expense that I don't think we should require the homeowner to go through.

19:22:06 Tony Avila: I think it should be after so many feet that you should have to go into that detail.

19:22:21 Jim Kenney: What is the standard length of hose.

19:22:24 Charlie Porter: Hoses are 50 feet long and we have enough hose to go from here to Hodges. That's not an issue but it's the truck, you can't just set up a truck and pump water and expect 1500 feet away to have anything.

19:22:48 Jim Kelley: You're ahead of my question. I was going to ask how far can a truck pump water to suppress a fire that is fully involved because it takes time for the volunteer fire department to get there.

19:23:02 Charlie Porter: We have what is called LDH, large diameter hose. It will pump large volumes of water but not under pressure. We've got to pump this truck to this truck to this truck with this large diameter hose. This truck on the end is what builds the pressure to fight the fire. The last truck closest to the fire. If this building caught on fire we could sit out here in the driveway and have no problem. That's about 50 feet. Let's say it was upstairs, that's another 50 feet. That's not the issue.

19:24:03 Jim Kenney: Where should it start, from the curb of the road?

19:24:17 Charlie Porter: Start right there at the road.

19:24:29 Jim Kenney: There was a reason we took the 150 feet out.

19:24:37 Charlie Porter: It didn't come from me. If I recall, I disagreed with it. When you took out the part with the hammer and the loop. This was the solution that the fire chief came up with many years ago. You either put a hammer in there where a truck can back in and pull out or have a loop go around.

19:25:19 Garrett Morrison: My question was if somebody has a house right up next to the road, maybe 30 or 40 feet away from the road, and you could park the truck out there.

19:25:31 Charlie Porter: That's no problem.

19:25:35 Garrett Morrison: That's my point.

19:25:35 Charlie Porter: Let's back up, we're not the only emergency vehicle that has to go on these roads. There are these things called ambulances. They like to get in close to the doors.

19:25:45 Jim Kenney: But that's not at the same weight. How does the 12-foot travel way and 12-inch gravel base make a difference.

19:26:01 Charlie Porter: They're not exactly light.

19:26:04 Jim Kenney: If we're going to say you must have a 12 x 12 gravel, where should it start. You say at the edge of the road?

19:26:13 Charlie Porter: Yes, because we don't have to worry about getting stuck some place in the first 50 feet going up the road.

19:26:26 John McIntire: How long does a driveway have to be before you want to specify that.

19:26:31 Charlie Porter: If you've got a driveway going to the back pucker brush, you need to start it at the curb.

19:26:37 Garrett Morrison: But we're not talking about going to the back pucker brush. We're talking about going maybe 40 feet from the road.

19:26:45 Charlie Porter: If you put one number for everything, you don't have an issue.

19:27:12 Garrett Morrison: And if you're trying to protect every vehicle that might drive in there, then you certainly haven't done it with a 12 x 12. Somebody might want to bring in a Sherman tank or something.

19:27:26 Charlie Porter: Well, you've done as much as practical.

19:27:31 Garrett Morrison: Well, it's one of these things, we want to protect the fire truck, we want to protect the ambulance, we've got to protect the fuel truck, you better protect the Sherman tank. Where do you make that cutoff and why?

19:27:44 Charlie Porter: When somebody in town starts buying Sherman tanks we can make it an issue.

19:27:53 Garrett Morrison: You may have somebody who comes in with a crane, that's one of these heavy lift things.

19:28:13 Charlie Porter: I had one at my daughter's house when they put it up, it's got a 12-inch gravel base. It supported it.

19:28:55 Jim Kenney: There are some points that Garrett has made, one is the wording is backwards, that we can agree to. We're going to have to get more opinions, I guess, there are some feelings on this number. This number has been out there of 150 feet for 20 years. You're getting an assignment. You are to have a conversation with Dave Smith. He is the chief. Have him give us his considered opinion of this paragraph. Is that okay? We'll talk about other details.

19:30:14 Garrett Morrison: Charlie is looking at this from the standpoint of this is a house and this is a driveway and we don't want the truck to sink. That's perfectly laudable. There will be situations in which the truck isn't going to go in there because the distance is too short such as it's only 40 feet to the house.

19:30:32 Charlie Porter: 40 feet isn't going to be an issue because we can drag hose to the house.

19:30:40 Garrett Morrison: And that's my point here. There should be some statement in here.

19:30:44 Jim Kenney: And that's what I would hope the Chief would tell us that if he could pull within "X" feet, while staying on the road, what would that "X" be?

19:30:56 Garrett Morrison: And then I don't think this, because we're talking about fire protection, should be extended to have to build a driveway that would support any vehicle that you want to imagine right now. It is fire trucks we're talking about.

19:35:11 Jim Kenney: We're going to table this. Charlie is going to come back with a number from the fire chief, a number that he can support from the road.

19:35:11 Garrett Morrison: The next one is 5.1.6.2, structural requirements, building height, it says the roof ridge shall be no higher than 35 feet above grade. The question here is so a college dormitory will be nonpermissible?

19:35:47 Charlie Porter: Leave it. Fire suppression.

19:36:00 Garrett Morrison: I understand but I think there are probably already buildings on the campus that exceed that.

19:36:10 Charlie Porter: No, not that have been built in the last 10-15 years.

19:36:14 Garrett Morrison: I meant like built before, like the gym.

19:36:18 Charlie Porter: That's quite possible.

19:36:25 Garrett Morrison: But that's not the question. The question is what is going to happen in the future and I'll speak from the standpoint of the college because they are probably the most likely to have a condition where this would be a problem. I think we should have some means to allow structures that are taller than that to be constructed, particularly dormitories.

19:36:54 Charlie Porter: I disagree.

19:36:54 Garrett Morrison: I want to suggest that the way to accommodate that is where they do it in other places where they have tall buildings and that is require that the people putting the building in put in a system to pump it to allow you to get it up to whatever.

19:37:10 Charlie Porter: All new buildings are sprinkled now.

19:37:13 Jim Kenney: What causes them to put it in?

19:37:28 Charlie Porter: The State Fire Marshall's Office, any public building or dormitory-type thing has to be sprinkled.

19:37:35 Garrett Morrison: And is it a sprinkler system that a fire truck can connect to?

19:37:38 Charlie Porter: The biggest thing is if we have a ladder, let's say that sprinkler goes to heck, that's basically as far as we can go and be safe to get up on that roof. We have an aerial, it's 1989, we got it for darn near nothing, and to buy it again, used, anything decent, that's \$.75 million.

19:38:12 Jim Kenney: What does the fire marshal say and should we have it in here? For the future, we've heard Garrett say he's looking to the future, that buildings might exceed 35 feet above grade.

19:38:38 Charlie Porter: But doesn't this say in here that the fire chief has the option to yeah or nay in the old one?

19:38:48 Jim Kenney: New structures are limited to two stories of livable space above grade unless specific written approval is granted by the fire chief. New structures are limited to two stories. The fire chief shall base the decision upon the fire department's ability to evacuate people essentially from upper stories of structures. Is that what the fire marshal would be saying?

19:39:17 Garrett Morrison: That's inadequate. What I'm suggesting is that if a big building were to be built, that there is a way that you could put in that building's sprinkler system, which incorporates a pump to provide the pressure to lift the water to whatever height the sprinkler requires and/or place where the fire department...

19:39:51 Charlie Porter: If you go to most fire departments, they don't like to use them because half the time they don't work. So now we've got this great big building up there and the darn pump doesn't work and it's a horror.

19:40:03 Jim Kenney: Can you get the people out of the building?

19:40:11 Charlie Porter: Who knows? If the pump doesn't work and you don't have water.

19:40:17 Tony Avila: And if the ladder truck doesn't go high enough to get the people out.

19:40:24 Jim Kenney: That was by an ability that might never exist again. Garrett is making a point that we should listen to.

19:40:48 Garrett Morrison: I find it unacceptable that we should say that within the confines of the limits of the Town of Unity that for all time and perpetuity we will never have the ability to pump water high enough to get above 35 feet and I don't think that that's true and I don't think that we should limit possibilities by that. I'm not saying that we need to set some higher height but we need to open a provision whereby the building designers and/or architects can work in conjunction with the fire chief.

19:41:30 Charlie Porter: You have it right there, with the permission of the fire chief.

19:41:30 Garrett Morrison: So that there is a place open for discussion for people who want to build this kind of a building. Make point that it's in here.

19:41:39 Jim Kenney: I think that can be accommodated.

19:41:42 Charlie Porter: If you circumvent the fire chief and you go to the Planning Board and the Planning Board goes, yea, go ahead and build it, you're putting the fire department in a real crunch.

19:41:58 Garrett Morrison: And I'm not asking anybody to do that.

19:41:58 Charlie Porter: But that is what will happen.

19:42:02 Garrett Morrison: I'm suggesting that we go to the fire chief.

19:42:07 Jim Kenney: What I've heard you suggest within the planning process of constructing that new building all the affected interest and responsible parties get together and make the decision.

19:42:22 Garrett Morrison: On how it has to be done to accommodate the needs of the fire department and, with his approval of design of system, to go ahead.

19:42:36 Charlie Porter: I understand but this old fireman doesn't like it.

19:42:42 Jim Kenney: If you put all the people, and include the fire marshal, put all the people into the decision making process, the engineers, the architects, the fire marshal, the fire chief, the Planning Board, and you make the college, if it's the college, make them all have a share in the outcome, why would you object?

19:43:16 Charlie Porter: High rises are noted for fire deaths.

19:43:38 Jim Kenney: I think we need to hear Garrett and I like the idea. We're going to need this clear because this is going to be a head knocker when we get it all sorted out.

19:43:52 Tony Avila: I see both points. I see the point where reaching the fire is an issue. I also think there should be an open door there that if somebody wants to build a 50-foot tall building, but they say we'll provide the equipment to put out a fire and they do buy it...

19:44:18 Garrett Morrison: Required by the fire chief, the fire marshal, provide the equipment, that is redundant. So if you're electrical pump doesn't work, you've got a diesel backup.

19:44:31 John McIntire: In some ways I think it's entirely up to the people of Unity. If they don't want any buildings over 35 feet... But, at the same time, that is going to close the door to some things. It needs to be understood that in terms of public safety something over 35 feet needs to be discussed by everybody.

19:45:11 Jim Kenney: By everybody you mean the people who have knowledge on how to address it or do you mean everyone who shows up at Town Meeting?

19:45:23 John McIntire: We don't need the whole town.

19:45:23 Charlie Porter: He was asking me how far will our aerial go. I said it's a 100-foot aerial but don't forget from the road you're doing this (going uphill). If you depend on that truck we have now, I would never ever do that. It's an '89. We can't afford to spend \$.75 for a new one.

19:46:33 Garrett Morrison: It's not out of the question that somebody else might want to (put up a building that height) but they are the most likely. If you stop and think from the standpoint of not what the limits are today because of fire trucks and what we have, and I hate to use this example because it conjures up bad pictures but if you think of what was possible in terms of delivery of sufficient water for fire fighting in the World Trade Center, and what will be in the new one, there are ways to get it up there. It can be done and we shouldn't limit things by saying we can't do it with the truck we have .

19:47:21 Tony Avila: I think of all the people jumping out of that building.

19:47:21 Charlie Porter: As far as rescuing people, we don't have ladders to that big a building.

19:47:34 Garrett Morrison: I know you don't but what we're saying here is if somebody wants to do this, there should be a provision whereby the people that want to design this building, and build this building, and operate this building get together with the fire marshal, fire chief, and the fire department and say what do we have to do so that you're happy?

19:47:53 Charlie Porter: Buy us an aerial.

19:47:54 Garrett Morrison: And that may be the requirement.

19:47:57 Jim Kenney: Whatever it is, the right people are making the right decision.

19:48:02 Garrett Morrison: How many times do you see a development like Wal Mart where somebody in town says, well, we can't have you right here because the traffic doesn't do it but if we change this to a four-lane highway with an intersection, and so on and Wal Mart says, fine, let's go. There may be circumstances and conditions to come but what we need to do is be ready to have an outline that says who's going to handle this for the town and see that this is done in accordance with the Town's needs.

19:48:36 John McIntire: I think that's what that second paragraph starts to do. It may not be strong enough but it does open that door.

19:48:49 Jim Kenney: I agree, it opens the door and I think we should walk through it full bore and describe what we see for the future. To put it on the fire chief who has all the training that he would receive is still a citizen of the town and is still a volunteer. I think we can improve either by a whole new

paragraph or we put in a whole new paragraph that talks about this, about the future and how to go ahead with building above two stories. I think we're going to play around with some words. Garrett has volunteered to model that.

19:50:06 Garrett Morrison: There is no way that we can decide what would be a good limit or if we even need a limit because we don't know how long this whole thing will apply before somebody wants to rewrite it. I'm just saying it's quite possible to leave the door open to do it right and do it well.

19:50:32 Jim Kenney: Bear with me, is there anything left in paragraph 5.3? I'd like to finish this section.

19:50:57 Garrett Morrison: Camp owners and leach fields. In this section 5.3, four lines down from the right in the middle of the page, the term may. It seems rather indefinite. Does that mean some will be and some won't be?

19:51:31 Jim Kenney: If a lot cannot support adequate subsurface wastewater treatment, then lot owner may be required to purchase or lease adjoining property. The word is may.

19:51:59 Garrett Morrison: I think they really mean shall.

19:52:08 Jim Kenney: I like the word shall. For those of you attending the Comp Plan Committee and reading their Minutes, there are hopes to fix the quality of the water in Unity Pond, and may is not strong enough to do that.

19:52:29 Charlie Porter: You can't build a new home on that pond without a leach field. Your old camps, you can have a holding tank. State law.

19:52:55 Jim Kenney: Is there something in that document which we should bring forward to here. The word is may which doesn't mean it's ever going to happen.

19:53:04 Charlie Porter: It's all under the plumbing code.

19:53:09 Garrett Morrison: Let me ask you, Charlie, I don't know the current law, that a holding tank to be pumped is not suitable?

19:53:17 Charlie Porter: Not for new construction.

19:53:20 John McIntire: The only reason to leave may in there is if there is another option for people to go to rather than putting in a septic.

19:53:36 Garrett Morrison: I was going to say or put in a holding tank but if that is no longer an option then it shouldn't be may.

19:53:45 Charlie Porter: They can put a holding tank in but what it does is it takes the camp from ever being used year round. Only 170 days a year if it has a holding tank.

19:54:08 Garrett Morrison: That would be fine. We shouldn't say that you can't do it.

19:54:14 Charlie Porter: The State says it for you.

19:54:17 Garrett Morrison: I think it should be noted in here or we should direct them to the State plumbing code. We don't right now.

19:54:30 John McIntire: We should get that note in there as to where they should look?

19:54:50 Charlie Porter: Do you want to call Dave our plumbing inspector?

19:54:58 Jim Kenney: Have Dave send me a message.

19:55:03 Garrett Morrison: The holding tank is not prohibited? It just limits the year.

19:55:11 Charlie Porter: You cannot use it on new construction.

19:55:16 Garrett Morrison: Even for part of the year?

19:55:20 Charlie Porter: No.

19:55:22 Jim Kenney: Our task is to take the people to where they need to be. I'll try to seek guidance from Dave.

19:56:25 Charlie Porter: Dave Schofield, home phone is 568-3547, cell is 322-7365. If you have a failed system on the lake right now and there is no other place to put a septic system, you're allowed to put in a holding tank but it has to be pumped twice a year, spring and fall. If you've got room to put a new system in you put a new system in but if you don't, this is what you have to do. You cannot use this on a brand new building.

19:56:55 Garrett Morrison: If you have a brand new building then you have to have purchased land some place to be able to run a septic system to it. Okay, now, there is a sentence in here that says if suitable land can be found and the current owner of this land is willing to sell or lease this land, then there will be no minimum lot size required.

19:57:18 Charlie Porter: That's for the leach field.

19:57:23 Garrett Morrison: The question that was raised here is how does the Town track and enforce this?

19:57:35 Charlie Porter: The plumbing inspector does.

19:57:39 Garrett Morrison: The plumbing inspector would know if there was an agreement between two land owners to do this? Does the Town get to know about it if two guys come to an agreement?

19:57:49 Charlie Porter: That I don't know. It should be filed. If you lease something like that long term it should be filed in Belfast. And the plumbing inspector, it's part of his job make sure that that thing is on...

19:58:14 John McIntire: Don't the last two sentences there cover that?

19:58:30 Charlie Porter: There are a lot of lots on that lake, especially on the Unity side that have this problem.

19:59:40 Garrett Morrison: I think the rest of this down here, I think it might be better if rearranged in a bulleted list or something. You're saying the land should also be set aside to access for maintenance of the new leach field in order to better be able to locate this area in the future and make sure there are no gaps or overlaps of these areas, a survey should be completed and a new deed description be written for deed transfer and the area mapped and recorded in the Registry of Deeds. There are a lot of things in here, one of these sentences is not a sentence. That needs to be corrected. If suitable land can be found and the current owner of this land is willing to sell or lease this land, then there will be no minimum lot size required. The only stipulation is that the lot be of adequate size for the new septic system and the underground force line, or a gravity line that would be needed to get the fluids to the new leach field. That's not a sentence. Are you meaning that that underground force line needs to be provided for or included in the easement?

20:01:11 Charlie Porter: In Shoreland Zoning, any water pipes, utility pipes, anything buried underground is not considered part of Shoreland Zoning. It's exempt. This is plumbing so, there again, Dave would be the one to talk to on that.

20:01:37 Garrett Morrison: If that were a bulleted list to say this is what you need to do and the part think that I think is inadequately stipulated is the maintenance for the future because it's this kind of thing where you have a leach feed on a 10,000 square foot lot and you need to replace it and you're restricted by your neighbor and your neighbor's well and leach field, you've got no land to do it on. This is going to be something that pops up here 20 years from now.

20:02:10 Jim Kenney: This is going to need to be addressed with great strength because Unity Pond is polluted. Meeting closed.

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