

**TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
AUGUST 6, 2014
LOCATION: UNITY MASONIC HALL, UNITY, MAINE**

MEMBERS IN ATTENDANCE: Jim Kenney, Barry McCormick, Charlie Porter

MODERATOR: Jim Kenney

OBSERVERS: Garrett Morrison, David Smith, Fire Chief, Unity Fire Department

RECORDER: Sherry Powell-Wilson

18:33:12 Jim Kenney: Let us start. You saw the Minutes. Any comments?

18:34:53 Barry McCormick: I make a motion to accept them as written. [Seconded.]

18:34:56 Jim Kenney: Any debate? They are approved. Dave, your thoughts on what Garrett has brought forth?

18:35:20 David Smith: I certainly don't have major qualms about it. Mostly it provides a little bit more information than the last one in terms of what types of things might trigger an allowance for going any higher, but it certainly does not come across as encouraging that, so, most people reading it as going to see that they're not the normal circumstances dealing with that type requirement and two stories of livable space above grade. I can't say that I really have any big issue with it.

18:36:17 Jim Kenney: Is that another way of saying where there are two double negatives there's a positive?

18:36:24 David Smith: I don't know if it's better than what was there before or not other than it does clear things up a little bit and that usually is always a go do thing.

18:36:32 Jim Kenney: That's what our target was for this entire process, to clear things up and get ambiguities out of it, and help guide the applicant in making his decisions in how to proceed.

18:36:42 Garrett Morrison: Basically, if somebody came into town to build a five-story building and looked at that, the first way, they would say we've got to go find another town. The way it is now, we say we've got to talk today. That's basically what we're looking for.

18:37:00 Barry McCormick: The bottom line is you can't build anything that the fire department can't take care of.

18:37:08 Garrett Morrison: Well, there is more than that and that is what this is intended at because if they can't take care of it, but the applicant, and let's say for example it's Wal Mart or Microsoft could say, well look, we'll buy you whatever you want for firefighting equipment or we will put in whatever we need in the way of pumps and facilities to see that this gets served. You're there to say, we accept this as a safe way to do it and they'll have to present it. It opens the door to not turning somebody away.

18:37:41 Barry McCormick: It gives them the flexibility, if they want to build a 50-foot building, they can pay for whatever the fire department needs to take care of it.

18:37:47 Jim Kenney: One of the things that we are aware of, and Charlie was making clear, we have the ladder truck by the grace of that sale. That might not happen again. We can't plan that will be there.

18:38:02 David Smith: Right, we got an incredibly good deal on that, and we'd love to have it as long as we can keep it in service and if it goes out of service and we happen to be able to find another one at an equally good deal, well, that's great, but I'm not ever going to go to the townspeople and say, hey, can I have \$.75 million for a ladder truck?

18:38:23 Garrett Morrison: But the point of this is that you'd go to an applicant and say, well, this is what we need. That's why that door is open.

18:38:35 Charlie Porter: If Dave is happy, I'm happy, He's the chief.

18:38:42 Jim Kenney: He is the chief and what I'm saying, and I'm not putting words in his mouth, that this is not objectionable to him.

18:38:47 David Smith: And I appreciate totally you bringing it to my attention.

18:38:53 Garrett Morrison: What's written is just there to be changed so if there is something you don't want or you want to see something else...

18:39:02 David Smith: I really don't see anything that needs to be tweaked in it. I don't have any real concerns with it.

18:39:24 Jim Kenney: Thank you. We have another task and that is we've had, I'll show you, paragraph 5.1.4.1 is circled. We needed to talk to you. As it says, a driveway will be 12 foot wide and 12 inches deep, a gravel driveway from road to back depth, and it's thought to primarily make it accessible for emergency equipment, firefighting and ambulance, and the loads that entails. It is thought that that is probably too much to ask a homeowner that has a house within a certain distance away from the road. Previously, you had to be back a certain way and we took it out and that is wrong. How far back should we start that 12 and 12 based upon your needs for fire suppression? If the house is on the road you're not going to need to pull up a driveway.

18:40:55 David Smith: Well, for the most part we don't allow on-street parking so if you were...

18:41:13 Jim Kenney: You're not going to pull a fire truck 10 feet from a fire.

18:41:20 David Smith: No, but somebody who builds right close to the road is going to have some kind of a driveway, and 12 feet wide is a pretty small driveway. Twelve feet wide for a long driveway going up leading to something also doesn't seem all that wide once you start going up it. As far as a small driveway next to somebody's house, 12 feet wide, again, if you try pulling into an eight-foot wide spot...

18:41:54 Jim Kenney: I think the 12 and 12 is not an issue that we had, it's how far back, does it need to start at road edge?

18:42:02 David Smith: I can't see why anybody, even if they were building as close to the road as they could, wouldn't want a 12-foot wide driveway. That's really small. As far as having a 12-inch gravel base, again, if they're that close to the road, a 12-inch gravel base isn't going to cost them that much money to do it. Just pulling in the cement trucks and the truck carrying the septic tank and other stuff, they're going to want that kind of a base for getting in anyway.

18:42:36 Barry McCormick: But isn't that pretty standard? All the houses I ever built, I also put two feet of gravel.

18:42:41 David Smith: If you're using the road fabric you can get away without any trouble or potentially even a little bit less.

18:42:49 Jim Kenney: Charlie, jump in here, Unity has always described it as 12 x 12 after a certain distance back. [No.] Always right to the edge of the road?

18:43:04 David Smith: It talks, I believe, about needing to have a turnaround if you're more than certain.

18:43:12 Barry McCormick: 150 feet, we've addressed that. That is in there.

18:43:17 David Smith: And, again, anybody building that far back is going to want a turnaround anyway.

18:43:43 Barry McCormick: We put it in here that it had to have a place for the fire truck to turnaround if you were a certain, 150 feet, back from the road that it has to provide a place for the fire truck. How come we're talking about this 12-inch base?

18:44:02 Jim Kenney: Because we have asked Garrett to do a review, and he has done a review and he's finding things that need to be discussed and agreed to, such as with the fire chief.

18:44:14 Garrett Morrison: And the point that you just brought up, which I didn't think of last week, if you put some geotextile down, you don't have the requirement of having that thick gravel base. We haven't made a provision for that and we should.

18:44:29 David Smith I've used geotextile on all the driveway I built and half a mile of woods road and it's great stuff.

18:44:43 Garrett Morrison: The other is that there are many places that have natural soils that are sandy to gravelly that are well drained and would support the fire truck no matter what. We have to make a provision for that. We haven't defined gravel and that is a problem.

18:44:58 David Smith: And if you're building on gravel, then you probably don't need to bring in a whole lot of gravel.

18:45:05 Garrett Morrison: But if you're building on sand it wouldn't be classified formally as gravelly but it would serve just as well.

18:45:14 Barry McCormick: I'm thinking of a site where you're building a house, you've got a cement truck backing in there. You can't have him just backing over anything. You've got to have a decent road with a base just to get him back there. Your septic system and all of that stuff. I don't know why you wouldn't have to make a 12-inch base driveway.

18:45:37 Jim Kenney: That's less of a concern as where does it have to start.

18:45:41 Barry McCormick: You've got to get from the road in.

18:45:46 David Smith: The only problem I have with this 5.1.4.1 is that it is grammatically incorrect. It starts with one thing and then leads into another and it's not good English so it does need to be tweaked a little bit terms of how it says it.

18:46:13 Jim Kenney: Relative to grammar that can be addressed. It's the technical part of it.

18:46:20 David Smith: To me, every single residents or business ought to have a minimum of a 12-foot wide driveway with a 12-inch gravel base.

18:46:36 Jim Kenney: And where should that start?

18:46:38 David Smith: It starts at the road.

18:46:41 Garrett Morrison: But the other is what you really mean is that it has to be 12 feet wide and sufficient to bear the load that would be on it, with a heavy fire truck.

18:46:55 David Smith: And if you guys want to tweak the language so that it allows for geotextile with a reduction of gravel and it can either be written in there that it has to be engineered to support the weight or some such, I don't have a problem with language which accomplishes that. I don't want us to sink a fire truck in the springtime halfway up a driveway.

18:47:23 Garrett Morrison: And I'm with you. I just don't want to automatically require that everybody that has...exposed bedrock has to blast it out and put gravel in.

18:47:34 Barry McCormick: Why couldn't we do the same thing? If it's a fire truck you're worried about, do the same thing we did on this building height, unless otherwise specified by the fire chief.

18:47:48 David Smith: There isn't anything that allows the fire chief to give an exemption on that.

18:47:55 Garrett Morrison: It would be useful to put it in. It's puts a load on you but, at the same time, you have the ability to say I need a statement from the highway engineer or someone that says this has adequate bearing capacity. If that costs him \$200 but what would otherwise be \$10,000 for taking out the gravel and putting back the gravel, that's a bargain.

18:48:17 Charlie Porter: 5.1.4.1 specifically states that the fire chief can approve a driveway without a shovel full of gravel. If he thinks it is okay, it's okay.

18:48:30 David Smith: It does talk about a signed statement from the fire chief; however, the grammar in there is pretty bad the way that sentence structure is. It definitely needs to be tweaked. It doesn't really talk about there being a way for me to sign off on something that doesn't have the 12-inch gravel base. I'm not against language that gives the fire chief that authority to apply commonsense.

18:49:02 Jim Kenney: The code enforcement officer is the one that actually looks for 12 x 12, right?

18:49:09 Charlie Porter: Right but we'll go right back to here. Let's say you have a natural driveway, a gravel driveway. He, meaning the fire chief can come in and say, 'You don't need anything more than that because I can get a fire truck up there.' That's what this says right here.

18:49:32 David Smith: I'm not sure that's what that says to me. That might have been the intent but the wording is very very poor.

18:49:39 Jim Kenney: Okay, the wording was not done by this team and we're trying to fix those things.

18:49:46 David Smith: And I'm all for fixing things to make them clear.

18:49:52 Jim Kenney: The principal of what is being described there, not the grammar, it is okay with you?

18:49:56 David Smith: Yes. I wouldn't go less than the 12 foot wide because, believe me, if you snake a 12-foot wide through the woods, it's as narrow as you want it to be. As far as the 12-inch gravel base, I have no problem with putting a provision in there that allows for engineering and use of geotextile and that sort of thing to reduce that amount of gravel. I think keeping that in there as an indicator is good for people who just want to put in 12 inches of gravel and say, yep, I'm good to go and don't want to engineer it. I'm fine with that but giving people the ability to engineer it and have the fire chief sign off on it I have no problem with that.

18:50:50 Jim Kenney: Dave, were there other things that...you can stay here as long as you want.

18:50:57 David Smith: I have relatives coming.

18:50:59 Jim Kenney: Were there other things we wanted from the fire chief? I think you've addressed them. Thank you. You're welcome to stay. This committee people setting at the table have full ability to speak. It's not time bounded as other committees.

18:51:22 David Smith: Thanks for letting me speak and address it if you come up with other things that are somewhat related to fire safety stuff or access, I'd be more than happy to come back.

18:51:38 Jim Kenney: What we're doing is we're trying to get this wrapped up such that we can have the Selectmen review to see if we've accomplished the charter they established for us. When that is done, we'll then bring it to both the Planning Board and the Comp Committee for their review. Our request of them is read it, raise questions, if you have, sign it so we know who raised the question, and if you have a suggested change in wording provide it. That seems like the best way to do it.

18:52:24 Barry McCormick: It's been a long year and a half, Dave. We want it done.

18:52:28 David Smith: I don't doubt it. If it is at all possible, when you're presenting the changes...

18:52:35 Jim Kenney: We're not going to present them.
We're going to give you the document. You're going to read it to see if the content.

18:52:43 David Smith: My point was, if it's at all possible, when you write it up, it makes it so much easier for people if the old language and new language are in the same place and you either bold the changes or have the original.

18:52:59 Jim Kenney: It's not going to happen. It's not going to happen. Here is what has happened. There is a four-page table of content, paragraph by paragraph by paragraph. You can find it where before it was a struggle.

18:53:16 David Smith: You can find it but the problem is figuring out what changed in the new document.

18:53:23 Jim Kenney: No, no. You can find in this document what you're looking for. I'm not talking about the edited changes.

18:53:31 Barry McCormick: One of the problems is that there were things in there in three different places. You could read one and say, well, I can do that, but then three pages later it tells you something different. We've tried to clean that up.

18:3:45 Jim Kenney: And one of the things we have decided is that subdivisions and Shoreland Zoning will be in standalone documents. We are going to present at a proper time a Property Management Ordinance such will give a person who is, e.g., using the Nason building guidance on what they have to do to address it and things like that.

18:54:24 David Smith: When you say a subdivision ordinance, is that for installing a subdivision?

18:54:30 Jim Kenney: Yes, putting a subdivision in with all the details expected from that.

18:54:38 David Smith: There is a lot of that in the Comp Plan.

18:54:41 Barry McCormick: We chose actually to finish this, and, I'll speak for myself, I have to take a break. Every Wednesday for the last year and a half. We've done what we've been asked to do and we feel that we've done a great job at it, impartial to everything, what's best for the Town. My suggestion was we take the subdivision and shoreland zoning, which are two separate issues, the State governs 99% of it, let's stop right now and if we rambunctious and courageous and want to try it again, then will pick one at a time.

18:55:25 Jim Kenney: We can present it to the applicant. That's coming.

18:55:30 Garrett Morrison: With issues on building heights, driveways, we're trying to make the document so we know what's in it. I'm talking unintended consequences like, sorry, you can't have a concrete driveway, it has to have 12 inches of gravel. That shouldn't be that way and it's because you wrote the law knowing what you wanted, but inadequate specificity.

18:56:30 David Smith: I don't have problems with something in there that allows people to pave it or allows people to put in concrete or geotextile as long as what you have is a finished product that allows a fire truck.

18:56:43 Garrett Morrison: And even paving it won't do the job if it's asphalt on clay.

18:56:50 Jim Kenney: I think we're going to need your help on what you just said. We haven't addressed that asphalt and concrete at all have we?

18:57:03 Garrett Morrison: This whole paragraph needs to be rewritten.

18:57:10 David Smith: You don't have the new language yet.

18:57:10 Jim Kenney: We haven't got there. We needed to know your thoughts.

18:57:19 David Smith left the meeting.

18:57:19 Jim Kenney: Garrett, do you have an idea on how that paragraph should read now?

18:59:54 Garrett Morrison: I do.

18:59:55 Jim Kenney: I'd like to take a moment. I asked Dave Schofield to look at this and give us his thoughts in writing. I'm going to make a proposal here and now, that camp owner and leech fields come out of this document in its entirety and move to the Shoreland Zoning because that's what it's about, and Dave is going to give us...5.3 on what it should be, what the State requires, he's given me the reference to the State documents, and he's going to apply his experience and give us a written proposal on what this should be.

19:00:45 Charlie Porter: This does not have holding tanks in it.

19:00:50 Jim Kenney: He's going to address that. He's going to address the sealing of holding tanks. He volunteered and on behalf of all of us I said thank you. We're going to take out 5.3 and move it to Shoreland Zoning, and Dave Schofield, plumbing inspector for the Town of Unity and other towns, is going to provide us his thoughts and considerations in written form. He's going to try to get it done in two weeks' time.

19:01:39 We stopped there and we're going to pick up 6.1 unless there is other conversation.

19:01:52 Barry McCormick: I missed last week, and I apologize, but are we still in the process of going through Garrett's recommendations?

19:01:52 Garrett Morrison: We had enough discussion last week on the points just discussed with Dave.

19:01:59 Jim Kenney: We have one thing left open and that needs Randy's attention, paragraph 5.1.3.4, access point frontage requirement. This is something that he had worked on and when we were

working on it, it became clear to me that we need Randy. We agreed to table it until Randy can join us. We can pick up, if we're ready to pick up, Section 6, page 30, 6.1, agriculture protection setback.

19:02:47 Charlie Porter: What is your question on this?

19:02:48 Jim Kenney: The language that is in there on the average of 600 feet, 500 feet -- all that stuff. We were not able to answer the question that was being asked. That's what I recall.

19:03:18 Charlie Porter: I understand but I really don't see the big problem. We've got a 1000 feet of road frontage, you're only allowed five access points in that 1000 feet.

19:03:38 Jim Kenney: Okay, can I put five of them in the first 100 feet?

19:03:45 Charlie Porter: Yes, you can, but the average has to be 200 feet apart. So, if you have 1000 feet, you can put in five access points, 200 feet apart. It doesn't always work because there are so many driveways already in and you have to swag it.

19:04:24 Jim Kenney: But what is there already is not of issue.

19:04:29 Charlie Porter: It is part of the issue.

19:04:32 Jim Kenney: If I wanted to build another driveway I cannot upset the average?

19:04:39 Charlie Porter: That's the way I've been working it. What this has done is taking the place of having a lot size ordinance, you know, you have to have three acres or so many feet on the road type thing. That's what this eliminates.

19:05:13 Jim Kenney: Without stating that right? Are we answering the question that was asked. I was struggling last week and thought Randy needed to be here.

19:05:32 Charlie Porter: All of this sounds good but when you've got a road that has been there for 200 years, and it's got driveways going here, there, and everywhere, it's very hard.

19:05:59 Garrett Morrison: One of the questions that he raised that I thought Randy would have some ability to answer would be the average spacing of 200 feet because it doesn't specify the length of road over which you're going to take that average.

19:06:21 Charlie Porter: 1,000 feet or 600 feet...

19:06:28 Jim Kenney: That's an example, so, I could establish an average by using several miles of road.

19:06:48 Garrett Morrison: That's the point. There are no houses for the next five miles so the average spacing is 3,000 feet.

19:06:58 Jim Kenney: And I put the driveway 25 feet from the next one. The average is a simple calculation if you know the boundary. That's where we need Randy, we feel. Where did you take that from? The average? If I wanted to put in a new driveway, can I put it within 15 feet of my neighbor's driveway?

19:07:47 Charlie Porter: If the average comes out to 200 feet.

19:07:46 Jim Kenney: What if I use the next mile to be part of the average?

19:07:52 Charlie Porter: I suppose you could. I see what you're saying.

19:07:57 Jim Kenney: What is being said there is ambiguous because it's not bounded. I could go way down the road to get my 200 foot average. Clearly we need guidance from somebody who knows that. That is outstanding. Shall we pick up 6?

19:08:43 Barry McCormick: I didn't want to get involved in this conversation but I'm just starting to read this point dimension and it says each new driveway, roadway, parking lot entrance at a point where it connects to a public road shall not exceed 11 feet in width. We just told everybody 12 feet.

19:09:40 Jim Kenney: What Barry is saying in another paragraph we have said that driveways have to be 12 inches thick and 12 feet wide, and right here in paragraph 5.1.3.6, we say each new driveway, roadway or parking lot entrance at the point where it connects to a public road shall not exceed 11 feet in width. That's just the point of entry.

19:10:12 Barry McCormick: But the driveway starts at the point of entry. That's what it is.

19:10:20 Charlie Porter: Change it to 12 feet. That's all you have to do.

19:10:29 Jim Kenney: That works.

19:10:32 Garrett Morrison: Good thing you brought that up. Have you seen my driveway? At the point that is in contact with the highway it's probably 30 feet in width. It's flared at the end, because it's a major highway and if you're pulling in or out, you want to be able to take a swing to get on the highway or get across it and not have to get lined up to it first. I don't see the benefit of restricting somebody from being able to make a driveway that's wide enough to be safe in the conditions they are working in.

19:11:29 Jim Kenney: You're suggesting that the 11 feet or 12 feet, any of that, shall not exceed be struck.

19:11:42 Barry McCormick: I know that has been a bone of contention with the other side since I've ever been involved in doing anything in town. They do not like wide entrances coming in and out. They wanted me to have my road, the road going into my store down there, 20 feet wide. They wanted me to narrow up my driveway up here now and, I don't know if it's just because of what it said or they were going by this or if it's what they want. I told them, you've got tractor trailers coming in and out of here. You cannot tell me that I have to have an 11-foot freaking driveway coming into my business.

19:12:25 Jim Kenney: Is Boyd still in good standing with you? Could you ask him, please, does the State specify that or was that picked by somebody here in this town?

19:12:33 Garrett Morrison: You know who built the flair on the end of my driveway? It was the Maine DOT.

As Charlie just pointed out, in 5.1.3.7, there is vague reference to the flair. I'm not really sure how to apply that 5 and 15 feet.

19:13:31 Jim Kenney: And the 12 feet is actually a minimum. Ask Boyd. What does the State say there? Would you take that action? [Yes.]

19:14:17 Garrett Morrison: The comment with regards to 6.1, purpose, and it says provide a reference because this is telling us what the Legislature said and in 6.3 that is copied and specified already,

19:14:54 Jim Kenney: I extracted this from the State site.

19:15:41 Garrett Morrison: Where it comes down to extractive paragraph 51, purpose, the Legislature finds...because that's a totally inadequate finding on the part of the Legislature.

19:16:35 Jim Kenney: I'm using the word of the law, right from.

19:16:38 Garrett Morrison: That's where this is stated, the Legislature finds "the public health, safety and welfare is threatened," and I would agree that it be threatened under certain conditions but it isn't automatically threatened when land immediately adjacent to farmland is developed for human habitation. There is no if then that you can guaranty in every case where there's a farm that has a house next to it. That's what the Legislature has stated.

19:17:04 Jim Kenney: We can strike that. I put it in here to be discussed and adjusted

19:17:14 Garrett Morrison: I don't have a problem with that being in there if we said may be threatened.

19:17:22 Jim Kenney: I'm back to para graph 6.1. Where it says the Legislator...welfare may be threatened in the first sentence, and strike this one altogether. I can't alter wording of the law but I can throw it out.

19:18:39 Garrett Morrison: There is more here. This development and the uses incident to it are inconsistent with various activities commonly engaged in on farmland such as the application of agricultural chemicals. I don't know what this development refers to.

19:19:06 Jim Kenney: I'd strike that whole sentence. The purpose is the purpose, which is stated in the first sentence. The second sentence is editorial. You guys with us?

19:19:32 Garrett Morrison: That makes the third sentence under 6.1 lacking an antecedent. We could just say the setback requirements listed below. That introduces why we're talking, are designed to help protect agricultural farm owners and homeowners alike. That works.

19:20:10 Jim Kenney: The setback requirements listed below are designed to help...

19:20:45 Garrett Morrison: In 6.1.1.2, where it says this setback requirement between the two owners will allow a 100-foot area for any pesticides, manure or otherwise to leach out without affecting abutters' water works. I have a comment which this does not follow. Having two owners adjacent ?

19:21:19 Jim Kenney: That's editorial. Paragraph 6.1.1 states the requirement. The conversation in 1.2 is just a conversation; does it need to be there?

19:21:38 Garrett Morrison: If you think about this, you have a 50-foot setback on each property so there's a separation between properties of 100 feet. It doesn't say what you can or can't do in that 50 feet. Are you saying you can't put anything in there?

19:22:01 Jim Kenney: It goes on, building can be built in this restricted area as long as there are building setbacks, which is 15 feet down to 4.

19:22:16 Garrett Morrison: To me, paragraph 6.1.1.2 just doesn't make any sense. What they're referring to is the 50-foot setback on each property but what does the setback mean?

19:22:46 Charlie Porter: You can't do anything with it. Ask the farmers around here. They don't like it.

19:22:54 Garrett Morrison: But nothing in here says they can't use it. It just says they have a setback.

19:22:58 Charlie Porter: You can't put manure on it if it's a field, you can't put commercial fertilizer on it if it's a field. They object to that but you gotta have something.

19:23:08 Charlie Porter: You take a few acres of fields and go in 50 feet and do all these fields you're going to lose a lot of acreage.

19:23:26 Garrett Morrison: Sure, but can you show me where it says you can't put manure on it?

19:23:34 Charlie Porter: It says it right here, septic requirement and any pesticides, manure or otherwise to leach out and infect an abutter's water well.

19:23:43 Jim Kenney: See, that is not a direct statement. What it's saying is will allow a 100-foot separation but the key is where is the well.

19:24:00 Garrett Morrison: Well, also, it says will allow a 100-foot area for any pesticides, manure or otherwise to leach out. It doesn't say they can't put anything in there. It just says that if you have this separation that it will allow it a chance to settle out.

19:24:15 Jim Kenney: It doesn't say you can't put it in there. Negative interpretation.

19:24:26 Charlie Porter: In other words, you've got to say no pesticides or manure can be put down within the 50-foot wide setback.

19:24:38 Jim Kenney: That's how it should be written if it's going to be there. If you're going to have the setback to keep it from leaching, you got to say what can't be put in there.

19:24:54 Garrett Morrison: But the other thing is, if you have someone who has a farm that's been in the family 150 years and they have always spread manure in the spring or whatever. Then, somebody comes in and buys the property next door and decides to build a house on it, should the homeowner be required to keep his well 100 feet from the line, but to require farmer that they can't use 50 feet of his property now is wrong, being it's being imposed by from someone else from outside and if he obeys the

law with setback requirements for his leach field, he's protected anyway. You don't have 50 feet away from the farm.

19:25:43 Charlie Porter: You could put in here any new dwelling, the well has to be 100 feet from the property line.

19:25:53 Barry McCormick: But you can't do that either. What if it's not a farm?

19:26:02 Garrett Morrison: The well, when you put it in 100 feet from another well or a leach field. There was a lawsuit that came out years ago, a law suit regarding a land file because the land fill has to be 1,500 feet away from the nearest neighbor's well, which was fine. It was like a mile but the neighbor owned a pasture and when they decided to build the landfill the guy went out there real quick and hand dug a well next to the property line in order to say you can't do the land fill now. That's not legal, you can't do that after the fact, go in and change the use of somebody's else's property.

19:27:13 Jim Kenney: This is also up here, it says it's in the Village District. We have to work on that. The problem comes in paragraph one. If a new dwelling is being put up, the well of the new lot should be 100 feet from the property line so the farmer can have full use.

19:28:04 Barry McCormick: But this 6.1.1 does say both farmland and abutting landowner. The second one does not.

19:28:21 Jim Kenney: That takes 50 feet away from the farmer.

19:28:26 Charlie Porter: If you 100 feet he farmer still has use of his land.

19:28:32 Barry McCormick: If this second sentence said something about in a farming situation, the abutting landowner shall put a well 100 feet from the farmer's property.

19:28:47 Jim Kenney: I think it's identified in paragraph one, water wells supplying drinking water to newly constructed dwellings, the new well shall be placed 100 feet from the common property line. I'm saying change it to that.

19:29:16 Garrett Morrison: Because the way it is written right now, if you have the farm and all you've ever done is raised cattle or grown corn on it and used manure for fertilizer, 6.1.1.1 relates to supplying drinking water and in that case the farm and other land owners shall be subject to a 50-foot wide setback from the common property line. And so the farm doesn't care. If somebody wants to put something in that's 50 feet away from his land and he's growing corn over here, it's okay. But then this next paragraph says this setback requirement between the two owners will allow a 100-foot area for any pesticides or otherwise, and that isn't what it says. If you had this applied equally to other landowners meaning you can't put anything within 50 feet of your property line, that's not what was designed in 6.1.1.1.

19:30:22 Barry McCormick: I think if we change the top one to 100 feet from a newly constructed well, and take the rest of it out.

19:30:38 Jim Kenney: And strike 2 entirely. Then you don't need 3, and you don't need 4. You don't need 5.

I would take it out because we're putting the responsibility on the new well owner. The new well owner has to be 100 feet from the line.

19:31:25 Garrett Morrison: And you cannot justify a new owner coming in and saying I'm taking 50 feet of your property.

19:31:52 Jim Kenney: I'm going to strike it all.

19:21:59 Charlie Porter: This should be on the application, 7, when you draw a design you should show where the well is going to go and it should be 100 feet from the line.

19:32:13 Barry McCormick: They can put their leach field closer than that.

19:32:20 Jim Kenney: Garrett, one stays but making it modified showing the new well to be 100 feet setback. Sevens stays that you have to get the concurrence of the Code Enforcement Officer to ensure the 100 feet. We're taking out 2, 3, 4, 5 and 6.

19:33:13 Garrett Morrison: 6.1.1.7 should be Code Enforcement Officer.

19:15:05 Jim Kenney: I've taken taking out the reference to paragraph 51, paragraph 6.2 stands, paragraph 6.3, I'm just stating the acts without editorial, and then I go on to editorialize, the applicant who intends to build will need to become familiar with these acts. These are my words, no attempt is made to advise or discuss the contents of these laws. They are under control of the State and are subject to change. The websites have been provided. Also, for more complete understanding of these rules, see the Unity Town Clerk on how to obtain the book and title. Does that fit your review?

19:34:37 Garrett Morrison: Yes, and the question raised here in the case of differences, saying where you have the applicant intends in the Rural is to become familiar with these acts. These acts are agricultural and animals and administration, Chapter 2B and Chapter 6. In case of differences, does one take precedence over the other?

19:35:19 Jim Kenney: That's not for us. It is up to the applicant to find out. I was trying very much to say no attempt is made to provide or discuss these laws. Are we set with this?

19:35:51 Garrett Morrison: Yes, I'm ready to go on to 7, Special Performance Standards. Under 7.1.2, Landscaping Requirements for Village District, it says they shall be landscaped to reduce visual impact. This comment was vague, provide more about intent than visual impact. Does that mean planting trees to hide the parking or plant flowers to make it pretty?

19:36:44 Barry McCormick: This is a horror story. What they want to do is hide it. This was intended to hide parking lots that are used for the public.

19:37:06 Garrett Morrison: Let's go down to the Bangor Bank and what used to be the post office and real estate buildings down there. There is a lot of parking there. There is the performing arts building, and there are trees, flowers, and otherwise is kept pretty neat except in the wintertime the plowing is inadequate. Are they including that or are they trying to say that should not somehow be hidden?

19:37:45 Charlie Porter: They want bushes out front.

19:37:48 Barry McCormick: They don't want to see parking lots.

19:40:45 Garrett Morrison: I can rewrite that, in the Village District, off-street parking areas constructed after the adoption of this Ordinance, that are clearly visible from a public road, shall be minimally landscaped to reduce visual obstruction. You get my point, all we're saying is we're going to do this and we're concerned about how it looks but keep it minimal because the driving public needs to have the safety of where they're going. In the Village District, off-street parking areas constructed after the adoption of this Ordinance, that are clearly visible from a public road, shall be minimally landscaped to reduce visual obstruction. So you can put in grass or flowers or whatever, but you can still see across it, see cars coming at you, little kids running through the parking lot. The only other question, it then says should be otherwise screened from clear view, and that to me sounds like it needs definition, what's a clear view and how screened is it screened and to what extent.

19:45:06 Jim Kenney: Would it hurt your feelings if that was deleted? [No.]

19:45:26 Garrett Morrison: No, 7.1.3.

19:45:28 Jim Kenney: 7.1.1 we didn't pick on. That just says you're going to have parking off the street.

19:46:40 Garrett Morrison: 7.2, the question there is creatively designed and laid out. What does that mean?

19:48:35 Jim Kenney: If this sentence read, any new building or building addition constructed within the Village District for nonresidential use, may not exceed a building footprint of 4000 feet total.

19:48:43 Garrett Morrison: I would take out the nonresidential aspect of that.

19:48:47 Jim Kenney: So we would say, any new building or building addition constructed within the Village District may not exceed a building footprint of 4000 square feet. Does that work?

19:49:02 Barry McCormick: Let's think about that just a little bit more.

19:49:05 Charlie Porter: That's not enough.

19:49:12 Barry McCormick: Four thousand is not enough. If I want to build a store or a factory or put in a new store downtown, 5000 feet isn't very big.

19:49:31 Jim Kenney: Do we need this special requirement at all? We have the second paragraph, let's talk about the first. Do we need the first paragraph?

19:49:48 Barry McCormick: What would be a negative in taking it out?

19:49:54 Jim Kenney: You cannot encroach upon the 15 feet but you have a building that uses all the other land. That is the negative, and you can only go so high and you have to have parking for all the needs.

19:50:08 Barry McCormick: And there is no place downtown that you could build something 10,000 square feet and have enough parking to accommodate it. Unless you bought a bunch of property.

19:50:40 Garrett Morrison: I would think that with all of the restrictions present in the Village District that anybody who is wanting a structure over 4000 feet is probably not interested in putting it downtown. Let me give you a rendition following on yours, any new building or building addition constructed within the Village District may not exceed a building footprint of 4000 square feet. Then, I would strike some of this so that it would read, the Planning Board may approve larger footprints if the site has been approved by the Planning Board.

19:51:58 Barry McCormick: That takes the guesswork out of it.

19:52:02 Garrett Morrison: It does and it's not putting numbers or limitations on it.

19:52:09 Barry McCormick: I like that because it takes people's individual opinions out of it. If the Planning Board votes on it, that's it.

19:52:23 Garrett Morrison: My thinking here is we won't have a specific population on the Planning Board for all time, and there may come a time where the Town, and maybe by then it will be a city, feels that we need some kind of structure in the Village District that would accommodate whatever it is.

19:53:00 Jim Kenney: It will appear in blue. How about no commercial activities may create noise, bright light beyond 1150 lumens, smoke, odor, or dust. I would strike or in any way detracts from the small character of the village because I don't know what that is.

19:53:39 Charlie Porter: I agree.

19:53:42 Garrett Morrison: This is undefined and indefinite when you say may create noise, bright light, glare, odor, smoke or dust.

19:54:03 Barry McCormick: The only thing identified is lumens in light.

19:54:08 Garrett Morrison: Everything else is a matter of, well, I thought it was a glare and I see dust because that car went by and I can still see a little bit.

19:54:19 Barry McCormick: We had asked John to do some research on that and he came back and said you really can't do it.

19:54:21 Jim Kenney: Do we strike it?

19:54:27 Barry McCormick: I don't know how you could ever define that enough. We could spend a year on that alone trying to identified odor, smoke, and dust.

19:54:41 Garrett Morrison: If you say, okay, this is the small town character of the village and I go down there and stand in front of one of the bed and breakfasts down there, that represent the character of the village in terms of being a stately home that looks nice, and a semi going through loaded with dirt, cow manure or whatever else is going to destroy the character of the village when it driver by. To say, how is that stated, no commercial activities like driving a truck, I just think there is a limit as to how

much we can control but what goes down that highway, a state highway, and the activities, to put this in here. It's going to be unenforceable.

19:55:59 Barry McCormick: I'm going to suggest that when they did this before, some of this stuff was just to protect themselves in the future so they didn't have to identify anything at that point in time.

19:56:13 Jim Kenney: I'd strike it. [All in favor.]

19:56:22 Barry McCormick: We're doing just the opposite, we're trying to pin it down.

19:56:30 Garrett Morrison: A comment I had written down says does this include the nature of use. Could an eco-friendly historic-looking 4000 square foot building be built for use as a casino?

19:56:54 Charlie Porter: You have some place in here the Town of Unity reserves the right [paragraph 1.10] businesses. You should define who is the person, is it going to be the Planning Board, the Selectmen.

19:57:19 Jim Kenney: Paragraph 1.10, the Town of Unity reserves the right to exempt or prohibit certain business types by dually enacted ordinances. A dually enacted ordinance is approved by the citizens of the Town of Unity. It's not the Planning Board, it's not the Selectmen. It goes on further, a current list of such will be maintained at the Town Office and be available for review. You know how many are in that now? None. Nothing has been enacted. In order to enact anything, you have to go to Town Meeting. I got this from Jo. The Town of Unity reserves the right to exempt or prohibit certain types of business by dually enacted ordinances. A current list will be maintained in the Town Office. That means you have to citizen approval not to allow it.

19:59:12 Garrett Morrison: I want to suggest that it's 8 o'clock but with very little effort we could get through 7.3. I would concur some of these things bother me. Given what we've put in, we would have to stick with it for definition of the Village District as being 100 feet on either side of the road, and any of these provisions in there. If we say, okay, we just expanded the Village District to everything in Unity, these become a problem.

20:01:45 Jim Kenney: I have to fix the typo in paragraph, commercial impacts throughout town. Any comments on the 7.2, commercial impacts?

20:01:52 Garrett Morrison: That's a DEP standard in the junkyard law. I don't know it well enough to say.

20:01:55 Jim Kenney: I don't think we changed anything here.

20:02:03 Barry McCormick: I think we did change some stuff, like unregistered vehicles and inoperative machinery.

20:02:07 Jim Kenney: You put them within a building or an enclosed area.

20:02:13 Garrett Morrison: Should we say that these unregistered vehicles will be subject to the MeDEP junkyard law?

20:02:26 Charlie Porter: We've got one even better than that. The nuisance law. Junkyard law, three or is considered a junkyard, so that means you can have two. The nuisance law says one is a nuisance. In other words, if you have that junk hidden in the corner over there, just one, it can be made to be moved and gotten rid of.

20:02:55 Garrett Morrison: My reasoning for mentioning the junkyard law is because it has prohibitions of having filled crankcases, filled fuel tanks and/or batteries in the vehicles that stored there and that is a significant environmental concern.

20:03:13 Barry McCormick: The only other issue I would have is, like you say, the nuisance law covers it though, any business engaged of repair. At my house, can I have an unregistered vehicle sitting in my yard for six months because of the nuisance law or this law?

20:03:34 Jim Kenney: You talked about your house. This sentence does not address your house. This is very specific, any business engaged in the repair. You're not a business if you're at your house repairing your truck. How would we change this if we change it at all?

20:04:08 Garrett Morrison: The only question I have here was concealed from public view from adjacent properties. In some cases it may be that your structure is in the valley, and the adjacent properties are on a hill and they can see everything in there.

20:04:27 Charlie Porter: The junkyard law says you have to screen it 600 feet back. Past 600 feet you don't have to screen it.

20:04:47 Garrett Morrison: Six hundred feet back from the road.

20:04:54 Charlie Porter: Six foot five trees, fence, whatever you can do to screen it.

20:04:57 Garrett Morrison: But not such that a neighbor on a hill can still see it?

20:05:02 Charlie Porter: We're worried about the guy driving down the road rubber necking.

20:05:14 Garrett Morrison: If we take Charlie's suggestion, that he just made, this would be from public view form adjacent properties and you're saying from the highway.

20:05:24 Barry McCormick: I think you've got to protect the neighbor a little bit.

20:05:29 Charlie Porter: But if you've got a piece of property, it's on the road, and you've put up a fence and then you have to go this way. If you have some junk cars piled in there, up to 600 feet it has to be screened.

20:05:52 Garrett Morrison: And if that's a 6-1/2 foot fence that's good. If it's so the neighbors on the hill can see it, that doesn't work.

20:05:58 Charlie Porter: The little Town of Troy, they licensed their junkyards. They have 11 junkyards in the Town of Troy.

20:06:17 Meeting closed.

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