

**TOWN OF UNITY  
LAND USE REVIEW COMMITTEE MEETING MINUTES  
AUGUST 27, 2014  
LOCATION: UNITY MASONIC HALL, UNITY, MAINE**

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

**MODERATOR:** Jim Kenney

**OBSERVERS:** Garrett Morrison

**RECORDER:** Sherry Powell-Wilson

18:39:58 Jim Kenney: Thank you for being here. Shall we open the meeting? You saw the very brief Minutes from the previous week. Are there any comments? [Motion made to accept.] Any discussion? They are approved.

18:42:08 Garrett Morrison: 9.1, on a sign that is larger than 10 square feet or illuminated, my first thought is that 10 square feet is close to 3x3 and that's not a big sign. I just don't know if that's the right limitation for size?

18:51:11 Jim Kenney: It is as the advisor gave it to us.

18:51:15 Barry McCormick: I don't think that came from him. If anything, it's in the old ordinance.

18:51:32 Garrett Morrison: My question on illuminated, where this is I have to have a permit to erect a sign larger than 10 square feet or illuminated, that doesn't necessarily mean that you're talking about 10 square feet and illuminated.

18:51:52 Jim Kenney: If it's illuminated you have to have a permit. That is what was the intent. Even if it is 1 inch x 1 inch.

18:52:08 Barry McCormick: The other thing we added is that the Code Enforcement Officer can issue the sign permit.

18:52:18 Charlie Porter: In the old ordinance I could issue a sign permit. That didn't change.

18:52:39 Garrett Morrison: Let's go down to 9.8, that brightness should be per square foot and not per square feet. In 9.9, I don't know what that means, cannot be accumulated.

18:53:12 Jim Kenney: What we're saying, and I'm going to use Barry's building for example, Barry has a lot of linear square footage on his building. He cannot, on the front of it, put up 8 square feet per linear foot because he has a wall on the other side with no signage. You cannot use an opposite wall to get more footage.

18:53:59 Charlie Porter: It's an around the corner type of thing.

18:54:03 Barry McCormick: If I have 100 feet of frontage, 4 square feet of signage is allowed per linear foot, so I've got 400 square feet.

18:54:23 Charlie Porter: It can be this way or that way.

18:54:25 Barry McCormick: Signage on this pole, signage on my gas pumps, signage over here.

18:54:31 Jim Kenney: But you can't get 800 square feet because you have a vacant wall on the other side.

18:54:40 Garrett Morrison: By saying cannot be accumulated, to me it doesn't make it clear that you're trying to limit this to 4 square feet of building surface per lineal foot of building.

18:54:57 Jim Kenney: You have using the Depot Street frontage, using 100 linear feet, you can put 400 square foot of signage in there. Because you have a driveway on the back of your building, which is also 100 feet linear, that would give you another 400 feet of signage. You can't make the front 800 square feet of signage.

18:55:46 Garrett Morrison: But you could make it 800 total...

18:55:51 Jim Kenney: Around the building.

18:55:54 Barry McCormick: Realistically, it says frontage. My building is 50 x 100 with two frontages, Depot Street and 220, that's 150 square linear feet, so I could do 600 square feet on my property.

18:56:31 Garrett Morrison: Does that mean that you eliminate the 100 linear feet on the back of the store?

18:56:41 Jim Kenney: You can put signs there. I don't know why he would want to.

18:56:44 Garrett Morrison: Well, I'm assuming he would want to but not right now. Are you saying you couldn't?

18:56:52 Barry McCormick: I'm just based on what this says, the frontage. That's good point.

18:56:59 Garrett Morrison: I would agree that frontage is fronting on a street or a driveway, or a neighbor's property or whatever else.

18:57:07 Barry McCormick: Being in the business, theoretically, the Town wouldn't care, but I could put signs up on the back of my store so people driving down the back road could see some advertising. I might even be able to sell advertising on the back of that.

18:57:20 Garrett Morrison: Well, that was my point, you're going to have a lot of people drive by and around your store.

18:57:30 Jim Kenney: There's a way to fix this and one way would be per linear foot of building, I like the idea being suggested that you might want signage on the back of the building. Four square feet of signage allowed per linear foot of each wall of the building.

18:58:10 Garrett Morrison: I think that probably would suffice for now but it brings to mind somebody who builds an octagon.

18:58:20 Barry McCormick: I never gave it a thought but what you said, why wouldn't I want to advertise on the on the back? There are people driving through there.

18:58:29 Jim Kenney: Especially to fuel up. We're going to work on a sentence, 4 square feet of signage is allowed per linear foot of each wall of the building.

18:58:39 Garrett Morrison: Each linear foot of building exterior wall.

18:59:00 Jim Kenney: Take out the rest of it. It will read, 4 square feet of signage is allowed per linear foot of building exterior.

18:59:07 Garrett Morrison: I think we should say wall and not exterior. You're going to have somebody saying I have a roof up there.

18:59:24 Jim Kenney: Four square feet of signage is allowed per linear foot of each building's exterior walls.

18:59:43 Garrett Morrison: That is a period and no more.

19:00:36 Garrett Morrison: The next one is just a question, 9.11, a lit sign may only be on when business is open. The question that was raised on this is what about a bank that has time and temperature scrolling, a display that's on 24 hours a day.

19:00:59 Barry Morrison: Those are actually LED lighting, and not internally lit. That's where we had a little bit of discussion. Those LED signs, you know my scrolling sign, I actually went out and opened it up, and you open it up and there's nothing in it. Just little individual diodes, thousands of them, LEDs.

19:01:31 Garrett Morrison: But, using the term lit doesn't mean that it has to be internally lit. It just means there will be a light on.

19:01:44 Barry McCormick: It should be internally lit sign, and can only be on when the business is open. Not just a lit sign.

19:02:00 Garrett Morrison: I think that internally lit might end up being a question too.

19:02:04 Charlie Porter: We have that problem right now.

19:02:09 Garrett Morrison: You're suggesting that internally lit means that it has a light bulb in it, and we're only talking about LEDs. I don't think everybody reads that as a light bulb. It may be internally lit because of an LED that's behind the glass screen.

19:02:26 Barry McCormick: LED is not the right word.

19:02:38 Jim Kenney: That is a word of technology today, tomorrow could be entirely....in your short span of life we've gone from those little fiber optics on signs to LEDs. Pretty soon there is going to be something entirely different. A lit sign may only on when the business is open.

19:03:05 Charlie Porter: A lit sign covers everything.

19:03:15 Barry McCormick: How about a temperature, like mine, I could leave that particular part of my sign on saying the date and temperature on all night.

19:03:24 Charlie Porter: I think if you start doing that everybody is going to have an excuse to put something on all night long.

19:03:38 Garrett Morrison: In terms of lit, I can build a sign that has little lights this big around, just like an LED but are, in fact, incandescent light bulbs.

19:03:50 Barry McCormick: But internally lit means that they shine through something.

19:03:57 Garrett Morrison: When you have a sign like this and you put it up in your window, you are inside the glass.

19:04:07 Charlie Porter: Inside signs don't count.  
If they're in the building, they don't count.

19:04:07 Jim Kenney: That is in 9.1. Without the technology, inside or outside, is when can a sign be on.

19:04:29 Barry McCormick: I own a business and I try to be fair with what most people would want. Would I need to have my sign on, even the LED one, 24 hours a day? No. But, I would like to have it on when I'm open, it gets dark at 4:30 in November. The only one that I question would be like the bank or somebody that has the time and date and all of that.

19:05:13 Garrett Morrison: You mean an internally lit light exterior to the building?

19:05:21 Charlie Porter: For instance here, the bank with their ATM machine, has a sign that says ATM, lit. It's still open in my opinion.

19:05:36 Barry McCormick: That has a right to be on.

19:05:40 Garrett Morrison: Say we defined open as functioning without the necessity of having people in charge and around?

19:05:51 Jim Kenney: The Planning Board did that with Tony's light. He doesn't have to be on the premises. His business is open because of the nature of the business. His business is open 24/7. [What's his business?] The garage. He receives wrecks through the night and drivers who are not familiar with Unity have to find his business in the middle of the night in a snowstorm.

19:06:31 Barry McCormick: Maybe just leave it alone.

19:06:37 Jim Kenney: I would say that was belated not because of your statement, Garrett, that had been on...Sherry has written millions of words on that one.

19:06:49 Garrett Morrison: Did we come to a conclusion as to the bank temperature sign?

19:07:05 Jim Kenney: I think it is covered. If the business is open, the light is on. That is the nature of that light.

19:07:16 Garrett Morrison: You'll have the same thing for anyone else, I turned the light on, that means my business is open. Even if there is nothing functioning.

19:07:29 Barry McCormick: I would think, in my position, and hopefully I'm doing the right thing for the other business people, but I feel that when my business is closed I don't need that light on.

19:08:00 Jim Kenney: I'm interrupting and I'm going to say we can put in here that advisory signs, devices such as giving, for example, time and temperature, does that work?

19:08:14 Barry McCormick: Or that has to be approved.

19:08:22 Charlie Porter: Spell it right out, time and temperature.

19:08:24 Jim Kenney: An advisory device such as time and temperature are exempt.

19:09:09 Sherry Powell-Wilson: Free checking, sign up here.

19:09:11 Barry McCormick: That's the problem you're going to have, I could advise people I'm going to have a big sale tomorrow morning.

19:09:17 Jim Kenney: And you might want to do that. A lit sign may only on when the business is open. An advisory device, such as time and temperature, as an example, are exempt.

19:09:43 Garrett Morrison: There will be a lot of questions. Another way to solve this whole thing is to take out the only. A lit sign may be on when the business is open. It begs the question what about when it is closed, because we haven't said that it can be on when it's closed, but it's implied.

19:10:12 Jim Kenney: A lit sign may be on when the business is open. Barry, you can declare when your business is open.

19:10:22 Charlie Porter: I think that's about as clear as you can get.

19:10:34 Jim Kenney: Do we go on with an advisory device such as time and temperature are exempt?

19:10:44 Garrett Morrison: I think that's useful.

19:10:45 Jim Kenney: Good. It can be worked with as such.

19:10:52 Barry McCormick: The key is to have a lighted sign so people can see it when you're open for business. Then the bank and other places, like what you said, the advisory, that fits in. I'd leave it.

19:11:17 Barry McCormick: And, again, the only way that works is with an advisory sign. You can't do it with a regular internally lit sign.

19:14:31 Garrett Morrison: 9.12, any sign that is externally lit must utilize low-glare lighting that is directed downward into on onto the sign. One, we don't have a definition of low-glare lighting, and you're directing somebody to, say that you purchase or employ that.

19:15 Charlie Porter: I don't have an answer.

19:15:14 Garrett Morrison: It's a nice thought but let's get down to the question, what does that mean?

19:15:19 Jim Kenney: Do we really need low glare?

19:15:32 Garrett Morrison: The other thing is where it's saying it's lighting that is directed downward. If you go and look at the Cast Iron Grille or any one of a number of other places that have lighting on their signs...

19:15:48 Charlie Porter: Those are grandfathered. That's why. They don't want that because it can interfere with traffic. That's why you see things like the pizza place, it has lights on the outside turned down from the top, they're all over the place. The Dollar Store has the same thing.

19:16:09 Garrett Morrison: If they're grandfathered that's fine. I dislike having a law which comes in and says we don't want lights that can cause glare to a driver and here is one way to avoid it; therefore, everybody must adopt this means of avoiding it. You have established by law that there is only one solution, and that's not a good law.

19:16:42 Barry McCormick: But isn't that a fact?

19:16:45 Garrett Morrison: No, because you could have a sign that has lights on that will point up at the sign, but you can shield that light bulb in such of a way that none of it gets to the road yet, and yet it would illuminate the sign pointing up towards it.

19:17:11 Barry McCormick: I like them pointing up better than down myself.

19:17:18 Garrett Morrison: My point is that we should say they must be lit in a manner so that stray light from the emission of the illuminating source...

19:17:28 Charlie Porter: You want to tell them why we're doing it.

19:17:34 Garrett Morrison: And I would leave the solution up to the person putting it in. This is what's called a performance-based regulation instead of a thou shalt because I know of only one way to do it and you have to do it my way.

19:17:55 Jim Kenney: Can you give Sherry a sentence that she can read back to us and we can wave our hands appropriately and then I can write it appropriately?

19:18:04 Barry McCormick: Any sign that is externally lit must refrain from any glare to pedestrian or vehicular traffic. [Sherry read back.]

19:18:37 Charlie Porter: I'm beginning to wonder on this. You've got your LEDs, they're externally lit but you can't make them shine anywhere but straight out.

19:18:48 Jim Kenney: We're using a sign may be, whatever the phrase was, externally lit, that does not...

19:19:06 Garrett Morrison: Any sign that is externally lit must utilize a low-glare lighting source that cannot be seen by passing traffic.

19:19:29 Jim Kenney: The source cannot be seen. That's what he's saying.

19:19:32 Garrett Morrison: You can't see the light bulb and the light coming out of it but you can see the impact of the light on the sign. And it's passing traffic, which means it's a whole range of angles that have to be presented from being able to hit you in the eye.

19:19:58 Barry McCormick: The source of the light cannot interfere with vehicular traffic. That works. I like it because I do like signs that actually shine up because it looks more...

19:20:12 Garrett Morrison: This I'm saying is not up or down, it's protecting the eyes of the driving public. Performance based. No sign or any portion of said sign may be located in a public right of way, 9.14. You will have banners over the road for special occasions.

19:20:57 Charlie Porter: That's not a sign. The way it is now a banner is not a sign.

19:21:14 Barry McCormick: We did talk about that in here somewhere. We talked about retail signs, like stuck-in signs, yard sale signs, and banners was one of those talked about.

19:21:49 Jim Kenney: I think of the Unity Days celebration, we have a banner but it's not commercial.

19:21:37 Garrett Morrison: I guess that wouldn't pass my muster. Somebody will come up and take you to court and say, well, Unity Days celebration, you say it's not commercial but you've got people selling hot dogs and hamburgers and that's commercial.

19:22:03 Charlie Porter: They have to cross that road and that's where the telephone company comes into play, the State so you just don't string things across the road. I know, I know, but that's when they come down too.

19:22:23 Barry McCormick: They would have to get special permission from the state or somebody to do that.

19:22:31 Charlie Porter: Of course. They have to be a certain height.

19:22:34 Jim Kenney: All these things you just said, have we addressed that and one of the things we're using in our reasoning is this is a commercial sign for a business. Somewhere in here we have defined...a temporary sign is a nonilluminated, #5, sign displayed for 15 days or less.

19:23:22 Barry McCormick: No sign or any portion of said sign may be located in a public right of way unless written authorization from the town or state.

19:23:39 Garrett Morrison: Charlie, are there required ordinances right now that would tell somebody they had to see the power company?

19:23:49 Charlie Porter: No.

19:23:50 Jim Kenney: We've had banners across the road at the days it was decided to. To get them up you have to use the phone company and the power company because.

19:24:34 Barry McCormick: It still doesn't say that anybody has to have permission from the town to do it. We should have something. In the next one it says no sign shall be placed in a way where it's a hazard to pedestrians or vehicular traffic.

19:25:20 Jim Kenney: We haven't defined banner yet.

19:25:27 Garrett Morrison: I would suggest we say no sign or any portion of said sign may be located in a public right-of-way except those authorized by the appropriate utility company (meaning power and telephone), and for which the lowest portion of which sign must be greater than 17 feet above the road.

19:26:03 Charlie Porter: Put down Town and the utility company.

19:26:10 Barry McCormick: But there may be signs put in public right of ways that are not over the road.

19:26:20 Garrett Morrison: I'm only speaking here of a banner across the road. That also then advises anybody that they have to get permission from the Town and/or utilities. In 9.15, a sign's height may not exceed the height of the building it advertises. I'm concerned there about the wording because I don't look at the sign as advertising the building, I look at it as advertising the business.

19:27:29 Charlie Porter: There is a reason for this. You go down Augusta way, they've got these signs 50 to 80 feet in the air.

19:27:40 Jim Kenney: Garrett is not debating the issue. What he is saying is the building it advertises, it's the business.

19:27:49 Garrett Morrison: You can have a sign advertising the business that is on or in front of a building where that business exists, and there may be 10 different businesses in that building. So, the sign isn't advertising the building, it's advertising the business.

19:28:14 Barry McCormick: You could have it as advertising the building in which the business operates.



19:28:25 Jim Kenney: I think we could drop the period right behind building, sign height shall not exceed the height of the building.

19:28:46 Charlie Porter: I don't see what's wrong with it the way it is.

19:28:53 Barry McCormick: It's not advertising the building, it's advertising the business.

19:29:00 Charlie Porter: I think we're splitting hairs too much on this.

19:29:31 Garrett Morrison: 9.16, no more than two free-standing signs may be placed on each lot unless the development is a large one. How do you define large?

19:29:45 Jim Kenney: That is defined within the development review section. There is a large definition there, I believe.

19:29:50 Barry McCormick: The way I read it is if it's large enough to trigger a development review, that tells you it's large enough.

19:30:01 Jim Kenney: No more than two free-standing signs may be placed on each lot. We're having trouble with unless the development is a large one.

19:30:24 Barry McCormick: Through that process the Planning Board agreed to allow additional signs.

19:30:30 Garrett Morrison: I would say that we say unless the development has triggered a development review, and leave out the large.

19:31:38 Jim Kenney: Garrett, these reviews you have done are making this a better document.

19:31:38 Garrett Morrison: I don't like to seem picky. 9.19, wall signs shall not be attached to or obstruct any window, door, stairway or other opening intended for ingress, egress, ventilation or light. Paper or cardboard signs are allowed. My note here is add a condition about signs appropriate for the building or organization's purpose restricting inappropriate language or images, nudity, obscenity, personal attacks, etc., campaign signs, yard sales, events, etc., and I just made a note that says I'll know it when I see it.

19:32:26 Jim Kenney: All those things I think in part are covered by the First Amendment. You can have a sign. Barry can put up a sign at his place that says I do not support, or I do support, or I do not vote, you know. You can do that and you can allow others to do that.

19:32:56 Charlie Porter: As long as it's on your property.

19:32:58 Jim Kenney: By the way, Unity does have an obscenity ordinance but we're not addressing that. There are thought police in this town. That's why there are some magazines you can buy in Waterville that you cannot in Unity.

19:33:21 Garrett Morrison: I don't know what to do about 9.19. It just sounds like it's trying to be very all inconclusive and I'm not even sure of its value. I'll leave it alone.

19:33:30 Charlie Porter: This is a safety issue.

19:33:35 Garrett Morrison: To the top of section 10 is as far as I got.

19:34:08 Charlie Porter: Mobile home parks? Mobile home parks are very heavily regulated by the state.

19:34:18 Barry McCormick: I thought mobile home parks, shoreland zoning, and subdivisions we won't tackle . That was in another section. Don't believe we touched it. I thought we were taking it to a certain point and stopping. Aquifer protection, shoreland zoning, subdivisions.

19:35:35 Jim Kenney: Mobile home parks stays in here. We don't have a separate ordinance for that.

19:35:47 Garrett Morrison: I do have a bunch of other comments, just not on mobile homes.

19:36:06 Barry McCormick: Let's take a second and see what we're going to do and what we're not going to do. We're going to do mobile home parks, and aquifer protection standards?

19:36:51 Garrett Morrison: It's amazing how many communities have a water supply underneath and don't have any advice on how to protect it.

19:37:05 Barry McCormick: So, basically, we're going to do the rest of this document?

19:37:10 Jim Kenney: This document has been put together as the Land Use Ordinance. Buried in here, as you see, are wind turbines. That was forced in here by another committee. This is the small one which allows citizens to do the small ones. The big ones is a standalone document.

19:37:51 Barry McCormick: I've got to get my mind wrapped around this. Up until tonight everything that Garrett has done is stuff we've changed prior to going over it again.

19:38:04 Jim Kenney: Yes. Including what's remaining. Ten, 11,12,13, we kind of skipped through 11 and said that's the way it is. If Garrett reviewed 11 and found something amiss with how it's described, it is in this document.

19:38:41 Barry McCormick: Did we change anything in aquifer protection standards?

19:38:4 Jim Kenney: Yes, I believe so.

19:38:51 Garrett Morrison: And Kevin would have some comments on that I presume. Eleven is groundwater. I'm going to go through it.

19:40:30 Jim Kenney: I have a request, could you ask Kevin to take a look at this, for aquifer protection. The two of you can bring something here that probably nobody else can.

19:41:04 Barry McCormick: Aquifer protection, I remember going through it now. I think we made appropriate changes that we thought at the time, Randy was involved, Charlie, everyone here was there. We have to keep moving to get it done.

19:41:23 Jim Kenney: We're almost there.

19:41:27 Garrett Morrison: I'll read through it. What's it's talking about doing here for 12.4.2.2, in running open tests and finding out what it does to the groundwater table is another specialty of mine. That's what I used to do for the oil industry.

19:45:19 Jim Kenney: Shall we adjourn for the night? Meeting closed.

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