

**TOWN OF UNITY
LAND USE REVIEW COMMITTEE MEETING MINUTES
OCTOBER 8, 2014
LOCATION: FIRE DEPARTMENT, UNITY, MAINE**

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

MODERATOR: Jim Kenney

OBSERVERS: Garrett Morrison, Chris Rossignol, Selectman

RECORDER: Sherry Powell-Wilson

18:40:05 Jim Kenney: We're open. We have the Minutes. Any comments?

18:42:20 Randy Reynolds: I make a motion to accept as read. [Seconded.]

18:42:22 Jim Kenney: Hearing none. They are approved. Thank you. Chris is with us tonight.

18:42:31 Chris Rossignol: We'll go right to page 10, in the Land Use Ordinance, 2.1.2.4., with the consent, is consent necessary? Are you sure?

18:43:32 Jim Kenney: Yes.

18:43:41 Chris Rossignol: Because consent hinders with 2.1.2.5, the next one down. Any investigation to stop in and have the consent of the owner to investigate, they've already signed away the fact that they know you're coming to investigate when they applied for the permit. So, is consent necessary in there? In my mind it muddies it up. Now when we get a call that Charlie has been snooping around on their property and they see that he needs consent to be there.

18:44:16 Charlie Porter: Let's say you got a complaint. I do not have right to snoop around. I have the right to enter the property and knock on your door. I say, look, I have a complaint. What I see here and here is perfectly legal. There's your junkyard, there's your auto graveyard, that is perfectly legal and I can do that even if there is a no trespassing sign. What this getting at most is the building itself. Got a tenet, oh this place is full of mold and mildew, whatever, with this I can go inside the house with consent.

18:45:06 Charlie Porter: Because this came up. The property on the Albion Road.

18:45:16 Charlie Porter: I had a complaint and I had the permission of one of the owners, at that time, to go on that property.

18:45:29 Garrett Morrison: With this consent of the legal owner or occupant or agent, what if you get permission from one of those, what if somebody else, like an occupant, doesn't want you there?

18:45:50 Charlie Porter: Inside the dwelling? [Yes.] I can't go in. It's no different from your house or my house.

18:46:00 Jim Kenney: The Fourth Amendment protects the owner.

18:46:03 Garrett Morrison: Even if the owner gave you permission to enter?

18:46:08 Charlie Porter: I could go on the grounds but I could not go in that house unless the occupant said yes.

18:46:24 Jim Kenney: Unless there is a warrant from a judge.

18:46:25 Chris Rossignol: I guess I'm good with it. Page 13, 2.6.11, the last one, signed permit, a sign that is either larger than 10 square feet. Is either necessary?

18:47:02 Jim Kenney: No. That's a left over.

18:47:05 Chris Rossignol: Page 21, we kind of already discussed 21 off the record, the 100 feet. My concern was that the current LUO covers properties adjacent to the route, the whole property and not just the 100 feet. It's village district 4.2.1.

18:47:55 Jim Kenney: As we were outside, Chris raised this and we had a discussion and he came to understand why we did this.

18:48:10 Chris Rossignol: Just for clarity, would it make sense to reference the visibility portion in that section?

18:48:21 Jim Kenney: I don't believe so. It's very clear, 100 feet. Walk it, drive it, bicycle it. It's 100 feet.

18:48:32 Randy Reynolds: What do you need for clarity?

18:48:35 Chris Rossignol: It's not so much clarity as it is an explanation because, like we were talking, you have design features, because that is kind of where this is going, you have design features, if they're visible from the road, have to fit esthetics of your home so this is kind of getting into that realm of things.

18:49:07 Randy Reynolds: We've actually added a lot of road. It was actually just a small section in the middle of town.

18:49:17 Chris Rossignol: It is now what was the downtown district.

18:49:22 Randy Reynolds: It's bigger than the downtown district. We went all the way to the bridge.

18:49:28 Charlie Porter: The old hap maps of the downtown and village districts went by property.

18:49:37 Chris Rossignol: We have one in the office.

18:49:37 Charlie Porter: You don't have to be a Philadelphia lawyer to say that's in and that's out.

18:49:47 Chris Rossignol: It is cleaner. No doubt.

18:49:56 Jim Kenney: It's not subject to interpretation or misinterpretation.

18:50:01 Randy Reynolds: That's why we went with the center of the road instead of property lines or right-of-way lines.

18:50:03 Chris Rossignol: Nobody knows where the property lines are.

18:50:11 Randy Reynolds: Even Charlie can find the center of the road!

18:50:19 Chris Rossignol: Page 22, 5.1.1.3, town sewer, town utilities district is the only thing I saw. It says town sewer.

18:50:39 Jim Kenney: We will use Utilities District. In fact, I'll do a search

18:50:55 Chris Rossignol: And I wasn't really looking for anything but it's just something I happened across. Page 23, 5.1.3.6, access point dimensions. In this portion it states not to exceed 11 feet. The second sentence down.

18:51:29 Jim Kenney: Each new driveway, roadway, or parking lot entrance at the point which it connects to a public road, shall not exceed 11 feet in width, if one-way, or 22 feet in width if two-way.

18:51:46 Chris Rossignol: Now, if you go to 5.1.4.1, which is on the next page, the last sentence in that, the minimum width of a driveway is 12 feet except that it may be wider. There is a foot difference between those two.

18:52:14 Barry McCormick: I thought we brought that up to be fixed.

18:52:23 Garrett Morrison: I think that we found that wasn't the problem.

18:52:27 Chris Rossignol: My concern is that it is not exceed 11 feet, and the other one is minimum of 12 feet.

18:52:41 Charlie Porter: One foot on the road doesn't mean a hill of beans to me.

18:52:58 Jim Kenney: I would propose, in paragraph 5.1.3.6, where it currently reads shall not exceed 11 feet in width, change that to be 12 feet in width.

18:53:15 Barry McCormick: Is it exceed or minimum?

18:53:17 Chris Rossignol: Minimum width of 12 feet is what is in 5.1.4.1.

18:53:34 Jim Kenney: There is a double inconsistency, the minimum width of a driveway is 12 feet except that it may be wider where it intersects a road. How say you folks? At least we need 12 in both places.

18:53:53 Garrett Morrison: If you are allowing it to be more than 12 feet in 5.1.4.1, allow it to be 12 feet or wider. Is there a limit?

18:54:19 Jim Kenney: I would move the minimum width of driveway to be 12 feet except it may be wider where it intersects the road. There is a difference. One says not exceed and the other one says the minimum. It should read the minimum of 12 feet. [All in favor.]
The minimum width of the driveway is 12 feet except it may be wider where it intersects the road.

18:55:35 Randy Reynolds: What are you doing to the other one, shall not exceed?

18:55:37 Jim Kenney: I would change where it says shall not exceed 12, I would put the sentence is the minimum width. [All in favor.]

18:55:50 Chris Rossignol: Twenty four again, 5.1.5, construction standards for roads. The last paragraph, any road which may be offered for acceptance to the community must meet the standards of the Unity minimum street requirement. I didn't look up the minimum street requirement. What I ask for, and it may already be in that, I'd like to see it paved to a DOT standard. I don't know if that's appropriate to put in there.

18:56:45 Jim Kenney: What you're saying is if it's going to be given to the Town? That's an idea folks.

18:56:57 Barry McCormick: What you're asking for is state requirements?

18:57:03 Chris Rossignol: I did most of this tonight before I came.

18:57:08 Randy Reynolds: You have a surveyor come in and wants to put in a road, you don't go ask what the state requirements are, you ask what the ordinances are that we're giving them. So you can't change after that.

18:57:24 Chris Rossignol: My concern is that it doesn't include being paved, and I'd like to see that added.

18:57:33 Jim Kenney: That is in the minimum standard. If you're giving it to the Town, it has to be paved. That was changed after Newell Court was done wasn't it?

18:58:15 Chris Rossignol: There is a street requirement...

18:58:18 Jim Kenney: Which requires it to be paved.
The Town changed the road standards to that.

18:58:45 Charlie Porter: Do we need to see the road ordinance.

18:58:49 Jim Kenney: Confirm that it requires paving and is stated clearly.

18:59:03 Garrett Morrison: Is the ordinance you're referring to the Unity Minimum Street Requirements?

19:01:04 Jim Kenney: Roads, all major and collection streets shall be paved with a minimum 2-1/2 inch of hot bituminous pavement. Placement shall conform to a [] section Maine State highway standards specification. It is there.

19:01:37 Garrett Morrison: Should that be referenced?

19:01:42 Chris Rossignol: It is referenced to the Unity Minimum Street Requirements. Page 46, 13.6, I noticed that somewhere else in document, I can't remember where it was, but the link to the statute was kind of beside where it says to look for that statute. I thought that was kind of cool. It would be nice, when this goes online, those links would be active so you could just touch on it and go to 30-A, MRSA...

19:03:25 Randy Reynolds: Others should be there.

19:03:33 Chris Rossignol: I just thought it was cool that you go there and you're looking at it and you just click on it.

19:03:56 Jim Kenney: I've taken the action to search that.

19:03:59 Randy Reynolds: Twenty years from now, they won't be active.

19:04:01 Chris Rossignol: Page 48, 13.6.6.8, that is where the other one is, another link. That's it for me.

19:04:26 General discussion until 20:00:00 on moving forward with presentation of document.

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