PLANNING BOARD MEETING

AGENDA

WEDNESDAY
JANUARY 27, 2016
7:00PM

No. 87
Map 17 Lot 25 + 63-1
Shoreland (y/n) N

Rev. 8/2015

Town of Unity

Construction Application and Permit

Please reference current land use ordinance and attached instruction sheet before completing this form. On the reverse side of this application, please make a sketch (does not need to be to scale) showing the lot with dimensions; location of existing structures, well, etc; location of proposed structures; location of wells and septic systems with dimensions from main structure and from boundaries; any other information you consider pertinent to your proposed structure.

1. Applicant's name Michael Bocque Telephone number (207) 485-2600 04989
2. Applicant's mailing address Box 538 Legion Park Road, Vassalboro, ME
3. Name of Property owner(s) Nancy Nason + RWN Inc.
4. Street address of building site 170 + 178 Main Street, Unity, ME
5. Size of lot .53 + .74 Number of buildings currently on lot 1
6. Type and description of construction proposed for lot Comercial Retail - Convenience Store
7. Size of proposed structure 2,800 square feet. Maximum height 20'
8. Will any proposed structure be within 100 feet of abutting farmland? NO
9. Will any proposed water well be located within 300 feet of abutting farmland? NO
10. Will any proposed structure result in the discharge of wastewater? Yes
11. Is proposed structure in an area serviced by the public sewer operated by the Unity Utilities District? Yes

Applicant's Signature [signature]

Town Office Action

Date application received 11/13/2015 Fee paid [signature] $15.00

Code Enforcement Officer Recommendationation

Date of site visit _____ Approve _____ Approve with conditions _____ Deny _____

Conditions for approval or reasons for denial: _____

Planning Board Action

Approve _____ Approve per CEO conditions _____ Approve with additional conditions _____ Deny _____

Additional Conditions: _____

Date of Action _____ Signature of Planning Board Chair _____

Unity Utilities District Action (if applicable). See attached construction application instruction sheet.

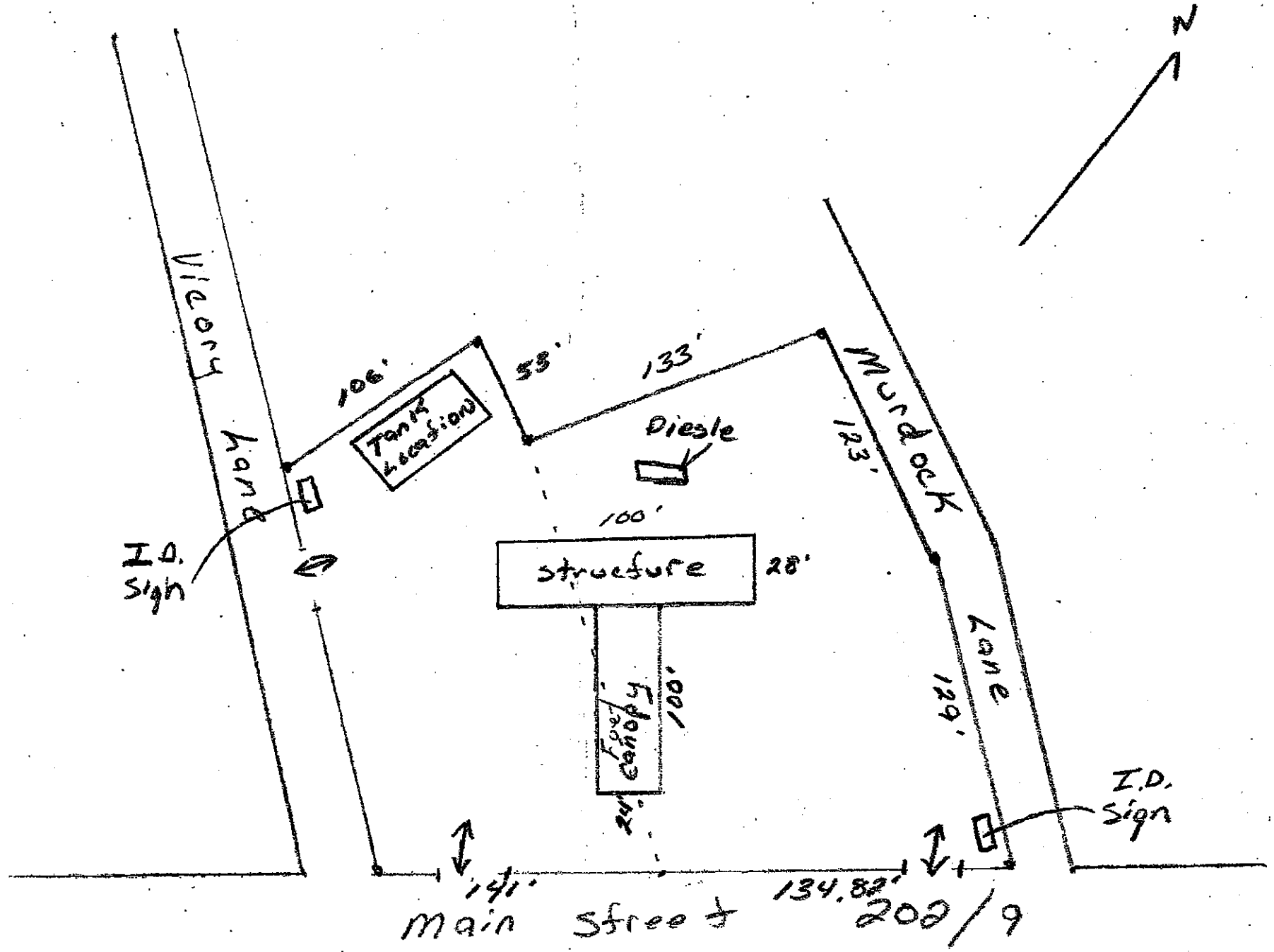
Approve _____ Approve with Conditions _____ Deny _____

Conditions for approval or reasons for denial: _____

IMPORTANT

DRAW SKETCH ON REVERSE SIDE

Please Note: Building Permit expires 1 year from Planning Board Approval Date


N
Vicory Lane
106'
Tank Location
53'
133'
Diesle
Murdock Lane
123'
100'
structure
28'
I.D. Sign
Fuel canopy
100'
24'
129'
I.D. Sign
141'
134.82'
Main Street
202/9

AGREEMENT FOR SALE OF REAL ESTATE

This Memorandum of Agreement, made and entered unto by and between Ralph Nason, of Unity, Maine hereinafter called the Seller, and Michael Rocque, hereinafter called the Purchaser.

Witnesseth, as follows: That the Seller agrees to sell and convey unto the Purchaser, with a clear and perfect title thereto, by a good and sufficient _____ deed with the usual covenants therein, and title by descent properly released, the Real Estate situated at Unity, Maine - Tax Map 17 Lots 63-1 and 25,
170 Maine St, Unity, ME B2355 P258 and
178 Main St, Unity, ME, B 803 P538

for the Sum o[redacted] Dollars to be paid as follows: $5,000.00 down, $10,000.00 on or Before Oct 1, 2015, [redacted] Balance due Sept 1, 2016. Plus minimum interest. [redacted]

Taxes to be paid by Pro-Rated Insurance to paid by Purchaser
Water rates to be paid by N/A Rents N/A
And the Purchase hereby agrees to purchase of the Seller the said property on the terms and conditions above-mentioned, withi[redacted] days from this date, and in consideration thereof, the Purchaser has paid unto the Seller the Sum of 5,000.00 Five Thousand Dollars on account of the purchase price, the receipt of which is hereby acknowledged.

In Witness Whereof, the parties have hereunto interchangeably set their hands and seals this 9th day of September, A.D., [redacted] 2015

IN PRESENCE OF

Michael Rocque

Ralph Nason

9-9-15

Ralph Nason 9/10/15

Unity Utilities District
P.O. Box 231
Unity, ME 04988

www.unityutilitiesdistrict.org
207-505-0837

Account Number	37

[redacted]

[redacted] $320.00

Nancy Nason (Adams House)
P O Box 528
Unity, ME 04988

YearTotal	$320.00
Current Charges	$160.00

12/31/2014	**Previous Balance**	$160.00
03/26/2015	**Payment Received**	$160.00
06/30/2015	**Arrears**	$0.00
06/30/2015	**Interest**	$0.00
	Adjustments	
06/30/2015	**Current Charges**	$160.00
	Total Amount Due	$160.00

All bills are due and payable within 30 days
Accounts in arrears will be subject to 7% interest

KEEP THIS PORTION FOR YOUR RECORDS

Unity Utilities District
P.O. Box 231
Unity, ME 04988
www.unityutilitiesdistrict.org

Account Number	80

[redacted]

[redacted] $320.00

$24.00

Ralph Nason (Jim's Salad)
P O Box 528
Unity, ME 04988

YearTotal	$344.00
Current Charges	$172.00

12/31/2011	**Previous Balance**	$172.00
03/02/2012	**Payment Received**	$172.00
06/30/2012	**Arrears**	$0.00
06/30/2012	**Interest**	$0.00
	Adjustments	
06/30/2012	**Current Charges**	$172.00
	Total Amount Due	$172.00

All bills are due and payable within 30 days
Accounts in arrears will be subject to 10% interest

KEEP THIS PORTION FOR YOUR RECORDS

DEVELOPMENT REVIEW
INFORMATION SHEET

1. Applicability

DEVELOPMENT REVIEW is the process by which Unity's Planning Board approves new subdivisions and various "high impact" land uses. DEVELOPMENT REVIEW is required for any development project that will:

1) qualify as a subdivision of land and/or structure under State law;
2) qualify as a "high impact" activity by:

   a) generating over 100 car and/or 20 heavy truck trips per day;
   b) involving one or more structures with a combined gross floor area of over 20,000 square feet;
   c) involves the installation of impervious surface of over 20,000 square feet;
   d) creating any noise, odor, glare, vibration, smoke, dust, electrical disturbance, activity at unreasonable hours, or other nuisance that would disturb persons on neighboring properties if not adequately designed and/or buffered;
   e) drawing more than 2000 gallons of groundwater per day for uses other than agriculture; or
   f) involving the construction or expansion of a mobile home park, campground, or fairground.

2. Application Materials and Process

The applicant coming under Development Review will need to provide different application materials to the Planning Board at different points in the process.

Initially, the applicant shall submit a pre-application form. Where applicable to the proposed development, the applicant shall also submit any CONSTRUCTION PERMIT APPLICATION(S) and ROAD CONSTRUCTION PERMIT APPLICATION(S). (All application forms are available from the Town Clerk.)

Later the applicant will need to submit a detailed DEVELOPMENT REVIEW APPLICATION (first as a "preliminary application" and later as a "final application"). Applicants proposing certain larger projects (so called "Type 2" projects) will also need to submit a special SITE INVENTORY & ANALYSIS.

The Planning Board will discuss application procedures and submission requirements with the applicant at a special "Initial Meeting". Generally, this meeting will be triggered by receipt of a pre-application. In the absence of a pre-application, the "Initial Meeting" may also be triggered by the receipt of one or more building permit applications that—in the opinion of the Planning Board—required DEVELOPMENT REVIEW.

The applicant will be charged $_____ for a Type 1 project and $_____ for a Type 2 project; in addition to the fees for any necessary building permits and/or road construction permits.

DEVELOPMENT PERMIT PRE-APPLICATION & COVER SHEET

NOTE: This is a "pre-application." Further submissions will also be required. An updated copy of this pre-application should be used as a "cover sheet" for those later submissions.

DIRECTIONS: Consult DEVELOPMENT REVIEW INFORMATION SHEET. Submit completed pre-application to the Town Clerk, together with separate CONSTRUCTION PERMIT APPLICATION(S) and ROAD CONSTRUCTION PERMIT APPLICATION(S), where applicable. Pay required fees. Meet with Planning Board to discuss further submission requirements.

1. **APPLICANT** Name: Michael Roque
   Address: 530 Legion Park Rd, Vassalboro, ME 04989
   Telephone(s): 207-485-2600

2. **LOCATION**
   a) Tax Map # 17 Lot(s) # 25 + 63-1
   b) List street(s) bordering parcel Vicory Lane, Main St, Murdock Lane

3. **INFORMATION ABOUT PROPOSED PROJECT**

   Will the proposed project:
   a) involve the construction of 20,000 or more square feet of non-residential floor area? _____YES ___X___NO
   b) involve the installation of 20,000 or more square feet of impervious surfaces? _____YES ___X___NO
   c) involve the creation of five or more dwelling units? _____YES ___X___NO
   d) involve a movile home park, campground, or fairground _____YES ___X___NO
   e) use more than 2000 gallons of groundwater per day (for non-agricultural uses)? _____YES ___X___NO

This is a "Type 2" project if the answer to any of these questions is YES.

TO BE COMPLETED BY TOWN CLERK:
Application #_____ Fee collected: $_____
Date Pre-Application received:_____
Date Site Inventory & Analysis (Type 2 projects only) received:_____
Date Preliminary Development Review Application (DRA) received:_____
Date Final Development Review Application (DRA) received:_____

TO BE COMPLETED BY PLANNING BOARD:
Date of Initial Meeting:_____ (Considered ____TYPE 1 Project _____TYPE 2 Project)
Dates of Public Hearing(s) if any:_____, _____
Preliminary DRA:_____approved _____denied _____approved with conditions
Final DRA: _____approved _____denied _____approved with conditions
Date of final action:_____ Authorized Signature:_____

TOWN OF UNITY, MAINE
PLANNING BOARD MINUTES

DATE/TIME: Wednesday, December 9, 2015

COMMITTEE MEMBERS PRESENT: Chia Murdock, Jim Kenney, Jim Porter, Mark Nickerson, Sherry Powell-Wilson

COMMITTEE CHAIR: Chia Murdock

COMMITTEE VICE CHAIR: Jim Kenney

SECRETARY: Sherry Powell-Wilson

CODE ENFORCEMENT OFFICER: Charlie Porter

Application #/Date	Applicant Name	Building Site Address	Structure Type	Committee Approval	Conditions
#85, Construction Application & Permit 11/30/2015	Ralph Nason Present:	22 Bangor Road	Lean-To, 23 x 60	Yes	
#86, Construction Application & Permit 11/30/2015	Caleb Stoll Present:	Fisher Road	Horse Shelter, 24 x 48	Yes	
#87, Development Permit Pre-Application, Construction Application & Permit 11/13/2015	Michael Rocque Present: Michael Rocque	170 & 178 Main Street	Commercial Retail/Convenience Store, 2800 sq. ft.	On hold at this time	

19:00:00 Meeting commenced.

18:58:18 Chia Murdock: It's 7:00 PM. Are we ready to go? We'll go ahead and open the meeting. The way we're going to open this meeting, as it is the meeting of the Board that it is, and at the point that we get through the business we have, I will provide the public with how the rest of the meeting will go in terms of your participation.

19:01:12 Chia Murdock: The first item on the agenda is Sherry's Minutes for the November meeting. Does anyone have any questions about the Minutes?

19:01:26 Jim Kenney: I have read the Minutes, they are a good reflection of the previous meeting. I make a motion to accept. {Seconded]

19:01:41 Chia Murdock: All in favor of approving Sherry's Minutes? [Yes] They are approved.

19:01:45 Chia Murdock: Our first application is Ralph Nason's application for 22 Bangor Road for a lean-to. You probably have noticed that it has already been constructed, although the application was certainly submitted in time with the fee. Do we have any questions about Ralph's lean-to? Pretty straight forward. Alright, I have the recommendation to approve, and a motion to approve. Do we have a second? [Jim Kenney seconded.] All in favor please signify? [All in favor]. The application #85 is approved as provided to the Board.

19:02:37 Chia Murdock: Application #86, Mr. Caleb Stoll, the Amish community is building a horse shelter for their Meeting House and they wish to begin it tomorrow. Do we have any questions? We have a recommendation to approve. Do we have a motion? [Jim Kenney made the motion.] Do we have a second? All in favor of approving Mr. Stoll's application for a horse shelter please signify? [All in favor]. We have approval of application 86.

19:03:30 Chia Murdock: We have arrived at the part of the meeting where I would like to address the observers, if in case any of you believe that this is a public hearing, I know that that rumor has been going around, this is not officially a hearing. At such time that a hearing is scheduled, it will be advertised and there will be an announcement of a public hearing. This application comes with a development review and our applicant is aware of that, and that always triggers a public hearing, so be on the lookout for that. ; The priority for asking questions, that I would prefer, is that we begin with questions or comments or information provided by either an adjacent or abutting property owners. That would include those representing Mr. McCorrison, Faith Carlson, and I don't know who else would be considered an adjacent or abutting property owner. We'll begin with that and then I would like to have questions or information provided by any residents in the room who have particular expertise, that would include Kevin. I would like to hear what he has to say briefly about the aquifer, and then we will open up to questions or information provided by everyone else in the room.

19:05:22 Jim Kenney: They should give Sherry an opportunity to capture their full name and their address.

19:05:32 Chia Murdock: Thank you. Yes, we will do that. As always I ask that you show respect for the applicant, and we will find out how he wants to be addressed for each other and for the seriousness for which the Planning Board conduct's the Town's planning related business. Mr. Rocque, how would you like the Board and the public to address you?

19:06:30 Mike Rocque: Mike is fine.

19:06:34 Chia Murdock: Briefly Mike came to our November meeting with his application and he told us, we asked for a little background and he said what he is proposing is a convenience store and gas pumps. He has been in this business before in the region, and he has been out of the business for a little more than 10 years. We've failed to ask him why he was wanting to get back into it so maybe that's something any of you might want to ask him. As I mentioned, he is already aware that this triggers a development review. He has read the Land Use Ordinance, at least the parts that pertain to development review. That's as much as I wish to say at this point about the background that he has given us. If you have not seen his application it includes a preapplication for development, it includes an agreement for sale of real estate, it includes a couple of Unity Utilities District account statements, and the Development Review information sheet.

19:07:52 Chia Murdock: We had asked at the last meeting that when Mike returned that he would give us additional materials. What I would like to do is have him describe to us what he has brought, I would like him to show it to the Board first so that we can ask any direct questions of him. At that point, I don't know if it works anymore but I did put a table over there so that if any of you have questions related to what he is about to show us, he could set that material over there which would be handy for you to refer to if you need to. See we don't need to do it that way. Without further ado, Mike, why won't you tell us what you brought.

19:08:32 Mike Rocque: Well, I believe that I have everything from the list that you had asked for, some plans on a larger scale, which I have provided, a street view, a parking plan. I've located the dumpster locations.

19:08:53 Chia Murdock: In looking over the plans I think I'm seeing that the location of a buried fuel tank has changed.

19:09:48 Mike Rocque: I think I have two different proposed sites on the first plan.

19:09:55 Chia Murdock: Okay. It has not changed drastically. It is still very near Vickery Lane. What I can't tell on here is if there is still a plan to use the end of Vickery Lane for access?

19:10:13 Mike Rocque: No. It will all be done through existing curb cuts.

19:10:22 Chia Murdock: So we have the plantings at the front that we talked about. I see that you've laid out the parking at the rear with your dumpster location.

19:10:34 Mike Rocque: I have laid that all out because Unitel is the rear property owner so I tried to place everything [inaudible] to their property line.

19:10:50 Mark Nickerson: So no entrance to it from Vickery Lane?

19:10:57 Mike Rocque: No.

19:10:59 Chia Murdock: I see you have changed the locations of your signs. Before on the sketch showing that one sign was quite a ways up onto Vickery Lane and now you've brought it back down to Main Street, so there is basically a sign on either side now right on Main Street. Can you tell us how the signs will be illuminated? I know you said that you're aware that they can't be illuminated from the inside.

19:11:18 Mike Rocque: They will be illuminated any way the Board requests they be illuminated. According to the Ordinance they are allowing external lighting heading downward, actually I think it was an upward angle.

19:11:42 Chia Murdock: I believe it was an upward angle, yes. Remind us, if you would please, the operating hours of the convenience store and the gas pumps?

19:11:50 Mike Rocque: The operating hours are going to be 5:30 AM to 9:00 PM, possibly 10:00 PM in the summertime, earlier in the wintertime.

19:12:04 Chia Murdock: And the gas pumps themselves, they will not be 24/7.

19:12:07 Mike Rocque: They will have the capability to be unless there is an ordinance that says they can't.

19:12:15 Chia Murdock: So there would be lights....

19:12:18 Mike Rocque: There will be no lights, not after hours. There will be lights under the canopy during business hours. There will be lighting on the building to illuminate the yard, those will be on at night for security purposes.

19:12:28 Jim Porter. Number 8, section....it's actually pointing downward.

19:12:53 Chia Murdock: And what would be the approximate height of each of the signs?

19:12:59 Mike Rocque: No taller than the building itself, which is what your ordinance calls for.

19:13:06 Charlie Porter: As long as he realizes that when the business is closed the lights have got to go off on the signs.

19:13:19 Mike Rocque: Absolutely, I understand that. Like I said, the only lighting that will be left on is the actual lighting on the building for security. There will be lights inside the building as well. The building does not have to be well lit but there has to be enough lighting so if we have an issue of burglary that law enforcement can see when they come into the scene. They won't have to go into a dark building. The purpose of that is security.

19:13:55 Chia Murdock: Tell us again about the building materials, please?

19:13:59 Mike Rocque: As the plan shows, there is going to be an architectural asphalt roof, the siding will be clapboard wood or vinyl. It will have an 8-12 pitch, which the Ordinance is requesting. Everything under the building standards I have provided, in the drawing and will be applied to the building.

19:14:31 Mark Nickerson: I see four pump islands?

19:14:31 Mike Rocque: Four pump islands plus diesel. There will be five islands total with the diesel.

19:14:48 Mark Nickerson: People buy a lot of gas around here. How many pumps in each island?

19:48:58 Mike Rocque: There are just four islands, four pumps, one per island.

19:15:06 Chia Murdock: Mike, we didn't ask you specifically at the last meeting, we asked you a little bit about your traffic estimate, but we didn't ask you about your overall market research for the success for such a business on Main Street in Unity. What can you tell us?

19:15:27 Mike Rocque: Basically I'm going by DOT traffic counts, which I didn't bring with me but basing it on traffic count, population, which is basically the same way I have based all my businesses.

19:15:41 Chia Murdock: What is the date of the DOT traffic counts. Were those recent?

19:15:47 Mike Rocque: I can't tell you for sure but I can get that for you.

19:15:55 Mark Nickerson: I see that you have a back entrance to this store as well.

19:16:02 Jim Kenney: We asked him to get in touch with Charlie and have a visit. I haven't heard if that has occurred.

19:16:18 Mike Rocque: Charlie and I got together, Friday, Charlie, around 3:00 in the afternoon?

19:16:26 Charlie Porter: Close enough. That did take place. I hate to say this to you folks, and you have a chance right now for a moratorium if you want because you've got two plans in the works, nothing has passed, so you're stuck with old ordinance, and the way the old ordinance reads there is nothing you can do to stop it.

19:17:06 Mike Rocque: A comment like that is kind of going against the Ordinance.

19:17:11 Charlie Porter: That's my job.

19:17:16 Mike Rocque: I understand that but, okay, not just the ordinance but the community so to speak and what they have written has led the public, such as myself, that the Town of Unity is probusiness and they want business in town. Your ordinance says that they can't discriminate or force developers or landowners into developing property in any other manner than what they ask for, to infringe on property owners' right. That's where I'm at.

19:17:50 Chia Murdock: The Ordinance and Comprehensive Plan also say that there is very specific language about not building in the rural district, and it is not so specific about what can and cannot be built in the downtown, and the intention behind that in those documents we are protecting our agricultural lands. The intention is that there will be higher density development in the downtown. I would be interested in having a discussion with anyone in the room who is interested how you can take two residential lots and turn them into one sprawling, in my judgement, commercial business. That doesn't meet, I think, the essence of the purpose of downtown density.

19:18:48 Mike Rocque: First of all, it's my understanding that both of these lots are commercial and not residential. The first lot had a, I believe, a seven-unit apartment house and Jim's Salad, commercial property. The second property that I am purchasing had a two-unit apartment and a 12-unit storage, again commercial. So the two properties I am buying are already commercial properties. They are not residential, according to my understanding. If I'm wrong I've been misinformed but it is my understanding that both of those properties are commercial.

19:19:27 Chia Murdock: Are we ready for public comment or questions? It is 19 minutes past 7:00, we'll call it 7:20, and we'll give it until 7:35 for public comment. I would like to begin the questioning period with those property owners present who have abutting or adjacent property.

19:20:03 Kevin Spigel: I have a requests of the adjoining landowners that speak first. Everyone else alright with that?

19:20:11 Chia Murdock: This is Kevin Spigel. Please give Sherry your address.

19:20:17 Kevin Spigel: 232 Main Street. Chapter 692 of the Maine code, setting of oil storage facilities reads as follows. Entry W, well head protection zone, the well head protection zone means in the case of a private drinking water well, the area within 300 feet of the well. In the case of a public drinking water well the greater of the area within 1000 ft of the well, the source water protection area of the well as mapped by the Department of Health and Human Services as described under 30 A MRSA 2000,20-A, prohibition on facilities in well head protection zones, a person may not install or cause to be installed an oil storage facility in a well head protection zone.

19:21:38 Kevin Spigel: Item 4, prohibition on facilities in sand and gravel aquifer, a person may not install or cause to be installed an oil storage facility within a significant sand and gravel aquifer. Maps where the Maine Geological Survey, this prohibition applies regardless of proximity to a public or private drinking water well.

19:21:53 Kevin Spigel: Under the registration of underground storage facilities, the restrictions on tank location, Maine law and department rules may prohibit the setting of new underground oil storage facility near drinking water supplies on significant sand and gravel aquifers. A, a person may not register, install, or caused to be installed a new underground oil storage facility referred to in this section as a facility in a well head protection zone. Well head protection zone means in the case of a private drinking water well, an area within 300 ft of the well, and in the case of public drinking water well, the greater the area within 1000 feet of the well source water protection area of the well if mapped by the Department of Health and Human Services. The Department's rules prohibit installation of oil storage facilities in significant sand and gravel aquifers, a person may not install or cause to be installed an oil storage facility within a significant sand and gravel aquifer mapped by the Maine Geological Survey. This prohibition applies regardless of proximity to a public or private drinking water well.

19:23:05 Kevin Spigel: In reference to the Health and Human Services maps, the well head protection area, I have three maps that I would like to share with you. The area on the first one within the red outline is the well head protection zone for downtown Unity. The second map shows the same border, this time map with the significant sand and gravel aquifers. The third map shows you both with the keyed information that I used from the State's GIS website. If anyone has any questions I would be more than happy to go on and cite other materials from Unity's downtown Unity water resources evaluation done in 1995, which catalogs previous spills from more gasoline facilities in Town, and goes on to describing in more detail the hydrogeology implications of the risks that may present themselves in response to this.

19:24:12 Chia Murdock: Thank you. Briefly, Kevin, would you state your qualifications to having provided this information to us?

19:24:16 Kevin Spigel: I am a Ph.D. geoscientist trained in surface and groundwater hydrology.

19:24:27 Jim Kenney: Kevin, as you know there is a public well on Vickery Lane. Is that marked on that?

19:24:38 Kevin Spigel: It is well within the red line. I measured it. Its 1000 feet roughly to the back, the distant end of Vickery Lane.

19:24:51 Walter Willette: 38 Vickery Lane, I'm the first house on the left. I'm also the president of the water association, Taber. My first question is to anyone who can provide me the answer, if this gentleman was allowed to start digging, who gives him the permit to start digging in the ground because the Taber Water Association has a water line that runs into the house that he has purchased. It is no longer something that we can provide. Outsiders, outside the association, but by law now we have all we can have. That's it. We attempted to try to secure that line, however, over time was built over the shutoff. So just like any electrical line in any other house, the people who go there and start digging it up without being notified, they'd spring a leak that would affect all of the them. I wanted to make sure that I was in the know as to who would provide information, if that day was to come, I want to be there onsite to ensure that line does not affect all of the homes and secured properly. My other concern is that Vickery Lane was built on sand, and it goes downhill. Everyone on that street except for a few folks have sump pumps, French drains, and everything that comes from the top of Vickery Lane and Main Street comes into our basement. So not only would I have concern about the well but you can't tell me that people fueling up will not spill fuel. I want to have my concerns aired as to where those, and this gentleman may be able to tell me, if there are spills it's going to come down street. I know it will. That's my two biggest concerns.

19:27:23 Kevin Spigel: I have here as part of the 1995 study, the groundwater models generated for the downtown Unity area, and I'll circulate this around too. If you'll look, you'll see a series of arrows, those all indicate the direction that groundwater will flow and, as you just mentioned, they do flow down towards the end of Vickery Lane before essentially the water flow splits. In case you're wondering, there is a metric you can use to predict the rate at which any contamination will moved based on the sand and gravel known to exist in this area. Those values range, I can dig out the specifics, they range between 10 and approximately 1800 feet per day and that's if you catch the leak immediately. If you catch it a day or two later then you're beyond the concentration zone for the contaminate. This is all subsurface but even if there is a spill onto the surfaced it's going to easily infiltrate into the ground and then move.

19:29:08 Chia Murdock: To generally try to respond to your question about any digging on the property, as I mentioned, there is a Development Review that comes with a public hearing. We have already made a tentative arrangement although there is no scheduling proposed at this time, that we would meet in the firehall in the heated bays there because we know we can get a large amount of people there. I don't remember how many people we had there last year but it worked pretty well. I think we had more than 80 people and I anticipate we would have that again. In part of planning that public hearing, we would have identified well in advance the various experts that we would need to be there to address just that type of concern.

19:30:00 Jim Kenney: With the engines out of the fire house, 500 people.

19:30:09 Jim Porter: We don't have that many chairs.

19:30:17 Chia Murdock: Let's keep this moving. Thank you both so far. I would now like to hear questions from other abutting or adjacent property owners.

19:30:31 Stan McCorrison: I'm Stan McCorrison. I live in Burnham. My son wrote a letter, which you received.

19:30:33 Chia Murdock: He called me this morning from Chile.

19:30:41 Stan McCorrison: He has concerns about it, it's a residential area to start with, and he lives next door and he's worried about the lights and traffic and zoning, I have a question. But you're saying it is residential now? Are you not sure?

19:30:50 Chia Murdock: I would have to look that up I have assumed that since there are houses on the properties that have been converted to apartment, that they are nevertheless considered residential. Do any of you know that? Mixed used.

19:31:02 Emily Newell: Mixed use community. Just because it was used a commercial before doesn't mean it can't be residential use.

19:31:07 Stan McCorrison: As far as the DEP regulations, I did some measurements myself and didn't see how he could fit stuff in there, the tanks and the pumps. He's got two wells actually. You go 300 feet from the pumps and tanks, you're not going to have any room.

19:31:51 Chia Murdock: That is what he explained to me both in e-mail and over the phone this morning that he didn't see that there was enough clearance. He felt that maybe there is only one of his wells that is known publically but there are actually two wells on the property and that the distance from either one is the appropriate distance relative to that 300 feet to the proposed location.

19:32:18 Mike Rocque: The 300 foot distance is from the fuel tanks and not the canopy.

19:32:37 Kevin Spigel: Your house is within that mapped area.

19:32:56 Stan McCorrison: It is a historical house and I would like to see it remain residential.

19:32:59 Elizabeth Dyer: My name is Elizabeth Dyer and I live at 21 Vickery Lane. I'm the property that is directly behind the house that has the structure on it, right on the corner. Having looked at the mission or the vision for the Town of Unity, the very first thing mentioned is that we want to preserve the historical nature of the town and the rural nature. That area right there is chock-a-block with historical buildings, buildings that are in keeping with the historical nature, the historical society right there on the corner, your son's house, the house that is across the little street on Kanokolus. There is the Unity Foundation, even the bank

and so on are built in accordance with historical nature and beauty of the Town. To put any kind of gas station right there, I think, would interfere with that overwhelmingly.

19:34:26 Chia Murdock: Thank you for your comment. I have done a little bit of comparison in preparation for this discussion. The current Land Use Ordinance and the effective Comprehensive Plan, and one thing it does say in the Land Use Ordinance, Section 10, the development review section, is that #5R and 5TE, that the structure must fit into the nearby setting, and that it must be in conformance to with the Comprehensive Plan. That should fit very well, for me at least, with your comment.

19:35:06 Elizabeth Dyer: So if the structure itself has the right slope to the roof, and has the right kind of siding, the windows done in a certain way to resemble the historical nature, that's great, you know, but having a gas station there with the kinds of lights that are required traffic for a gas station with the traffic, with the in and out, the amount of pavement that will be there, is not in keeping with that.

19:35:36 Faith Carlson: I'm Faith Carlson and I'm at 31 Vickery Lane. I just wanted to confirm again my tremendous concern on the water business. Water goes through that sand like nothing there. We don't have, like you dig down there and you get nothing but sand. You get a rain and it's in your basement. You can just imagine how fast, even a spill from a car would end up in there. I appreciate what Kevin has had to say. The other thing is light pollution. I already had to put in darkening shades just because of light pollution from the telephone building going on. I can't imagine getting sleep at night when there would be lights constantly on and especially affecting her because she's right next to it.

19:36:39 Chia Murdock: Thank you for your comment.

19:36:47 Elizabeth Dyer: One other thing, with the spills that can happen accidently or intentionally, there you think of little spill and you think what can that do but a little spill, little spill, little spill and then a big rain means a lot of runoff and it means a lot of fuel potentially getting dumped in, not just tiny little bits draining into the aquifer that our well, any many other people's wells, get their water from directly.

19:37:22 Mike Rocque: Can I address any of these things? [Yes] As far as spill containment goes, all of the regs due to fuel deliveries, all carry, I'm not sure of the specific terminology, but they are round spill catchers so to speak. All of fuel islands and all under the canopy are all on top of where the fuel tanks are going to go. It's all concrete where there is nothing that can go down through that. There are ways to make containment areas around these specific areas so that if any spill did occur, they would be contained right on that concrete pad and go nowhere.

19:38:05 Elizabeth Dyer: It's got to go somewhere. Some of it can get picked up.

19:38:12 Mike Rocque: All of it can get picked up water. There are pads, they are absorbent, that would pick up gasoline whether it's in water, whether it's in in mud. Okay so as far being if any fuel from a spill being left it's going to be, number one, it will be contained, and number two, it will absorbed so there will be nothing that is going to wash away when the rain does come. The tanks are triple wall, they have alarm systems in between each wall. All of the [ ] is double walled with alarm systems so if it does breach for some reason, the first wall of the tank somehow, then there will be an alarm that will tell us that there is a breach in first wall . You still have two walls behind that before anything goes anywhere. It's all regulated by the DEP. It's all inspected, they do their inspections as the installation goes on to ensure that it's done properly.

19:39:17 Chia Murdock: We're moving along, not quite the way we need to move to give more members of the public a chance to comment. I would like at this point to ask if there are other adjacent or abutting property owners who haven't commented yet.

19:39:36 Walter Willette: I have to go because my wife is ill but for her sake, I didn't want to say something, fumes. Gas fumes. I'm not going to take a lot of time here but but I would like it to be considered that when I'm out mowing my lawn, what am I going to smell? As far as the fuel spillage, I'd like to think that some young man is going to be out there with a pad, but the last time I gassed up at a commercial place, I had to walk around the gas plots and no matter who the owner is, they try so hard, there is going to be gas on the ground. You can't contain oil. If you've ever had an oil spill in your driveway, cat litter doesn't get it up. Scrubbing it doesn't get it up.

19:40:30 Mike Rocque: Is your driveway on concrete?

19:40:34 Walter Willette: My wife wanted to mention, she can't be around fumes and she said, Oh my God, will I be able to go out in my yard. If I smell gas, I'm going to have to go away from that and she is definitely afraid of that. I apologize for that. She wanted that voiced.

19:40:54 Chia Murdock: There is nothing to apologize about, odor is a legitimate concern that should be a part of the conversation in addition to dust and spills and other potential occurrences2. I would like to move on. Unless any members of the Planning Board need to leave early and have a reason to think I shouldn't do this, I'm going to extend the time a little bit so that we can get further comment from residents who may live on Main Street but are not adjacent or abutting property owners.

19:41:32 Mike Rocque: Can I just interject something? [Yes] Aren't these people going to have an opportunity at a public hearing to voice...

19:41:42 Chia Murdock: They are but I feel that these people came out tonight and most of them, some of them just probably came to hear the discussion whereas others may have come to ask specific questions that they should yet have an opportunity to ask, since that is part of our Planning Board meeting experience. We don't often have this many observers come to our Planning Board meetings, but we do give them limited amounts of time outside of a public hearing to be able to ask questions. I will ask right now, if perhaps you could raise your hands, if you have specific questions you would like to ask of the Board or of Mike.

19:42:22 Mary Leaming: I'm Mary Leaming, my address is 73 Hunter Road. I was just wondering what part of the process is someone going to evaluate the traffic impact? Is that something that would happen at a hearing, a feasibility study or DOT or somebody because I walk down Main Street everybody and I know it's a busy road. It may or may not have positive or negative effect. I want to know if someone is going to evaluate that.

19:43:00 Chia Murdock: So that's a question that I anticipated would come up and it's a big one, it's one that there will be more discussion about at the hearing. It's one, I would think, of concern to anyone who has to drive or walk in Unity on a daily basis, especially right where Depot Street meets Main Street. It's already a dangerous spot. I can't tell you exactly how this would go. I would have to look into it. My feeling would be that there would be DOT research done prior to the public hearing and then there would be presence at the public hearing of someone capable of representing DOT to answer questions at the time.

19:44:03 Charlie Schaeffer: I live at 103 Conaefer Lane. We are talking about contamination possibly down Vickery Lane, that's a concern but we need to look the other way. There is a church and the commons, those are all within the red. There is a public well there. There are several public wells. There is one by the church, which is no longer in use, when Bert built the post office the public well there, it serves insurance agency, the post office, and it also services the bank. And also if you ran a line under Depot Street to the church, that's in the basement of the post office where the pump is. My question to you Mike, I don't know you, I've never seen you before, my concern is from a business standpoint, I don't really see, you don't have to comment, I cannot really see, and you don't have to comment on this, you can wait for a public hearing to give more detail on it, I cannot really see a demand in this town for a third gas station convenience store. Barry has got tremendous business down at his place. Nason just closed up down on the end of School Street. He's been there for eight years and he can't make a go of it with a gas station and restaurant there. So I don't see that there is really that much of a demand for another convenience store gas station particularly in town. My real concern is if you go ahead and build, if the Planning Board gives the approval to go ahead with this, you pursue it and build it and then you find it

out six months to a year or so, two years, it's not being profitable and you close up, we're going to be left with a white elephant sitting there right in the center of town. I don't know if there is some kind of a bond, you may want to have somebody look into it, in case he closes up we can demolish this place so we're not stuck with a building and gas pumps sitting there. I would like to hear more from you at the public hearing.

19:46:19 Emily Newell: I live at 186 Albion Road. I understand that, at that location, retail is allowed if there is a building footprint of 2000 sq ft, maybe up to 4000 sq ft if it gets approval, special approval. I'm curious how the canopy will be treated, whether that is part of the square footage footprint or not. I don't know if we've had to deal with that in the past.

19:47:00 Jim Porter: We have not. The two canopies we have in Town were preexisting prior to the Ordinance being enacted in '93 or '95, whatever it was.

19:47:08 Emily Newell: Of course, it doesn't get real specific in the Ordinance. It's something we need to think about, how we need to handle that.

19:47:22 Elizabeth Dyer: I was wondering if you have considered any alternate locations in town that is more in keeping with this kind of a business. Not right in the center of a historical area but more outside of town.

19:47:39 Mike Rocque: I actually have considered School Street. I even had the opportunity to buy the Depot Store 10 or 12 years ago. The reason I'm on Main Street is because of the location. The key to successful business, and that's the location, is the reason why the School Street, the place over by the racetrack, didn't survive because it's in a horrible location. That's way off the beaten path, and that's why it can't survive. I'm not going to go invest a million and a half dollars down on School Street where my business is sure to fail. The reason on Main Street and the reason why I'm going to invest this money is because that is the location to be. According to your Ordinance and to your Comprehensive Plan and even to the new stuff that you're trying to be worked into your ordinances led me to believe that it's probusiness and that the Town wants development in the Village District, which is Main Street. That's where I have been steered to according to everything that I have read, the Town of Unity, the people of Unity want commercial development in the Village District, and that's where I'm up. Under your Ordinance and purpose, the Planning Board's purpose here, according to the Ordinance here is to allow and to, I don't know the exact terminology, I can look it up, harmoniously house commercial, residential, farming and industrial use to work altogether and to blend in, and that is under one of the purposes of the Ordinance.

19:49:29 Elizabeth Dyer: It does say development but it does also say careful development. That gas station down by the racetrack is also the route to Waterville so there is a lot of traffic down there. It might be more than just the fact that it's out of the way.

19:49:45 Mike Rocque: It doesn't interest me. There may be many factors, you know, one is certainly that. Again, you can have the best location but if you're a horrible business person you'll probably fail as well. I don't know why the business failed but one thing I can be quite certain of is the location. When the racetrack was going I'm sure the location was fine. The racetrack drew a lot of traffic and a lot of crowd and I'm sure that was helpful to his business. The racetrack is no longer there, the store is either shut down or is going to be shut down so it's doesn't leave three stores in town, it leaves one store in town. I believe that there is a lot more business out here, more than one store can handle. I'm here to do my thing in conformance with your Ordinance.

19:50:59 Chia Murdock: Thank you, Mike.

19:50:60 Stan McCorrison: I have another question about drains. My son's cellar doesn't drain across the property like it used to because it was developed. Now the Nason lot, so his cellar floods now it is draining across to the car house and out towards the road. I'm wondering which way would it would have this drain if you develop this property. Would you have it drain towards the road, drain towards Vickery Lane, towards....

19:51:26 Mike Rocque: Right now, as best I can see, the natural drainage there is towards the center of the property and down towards the end of Vickery Lane. That's the natural drain is towards the back of the property. That is what's naturally occurring right now. There is nothing to say that I can't change the grade and divert that water and make it flow pretty much in any direction. That's something we can change, the flow direction of the water.

19:5:04 Steve Murdock: I live at 15 Robin Lane. I have a question for Kevin. The regulations you cited in regards to siting oil tanks. Does it make exceptions for three-walled tanks or anything to that affect?

19:52:26 Kevin Spigel: There are some exceptions in there. Exceptions include an underground oil,, I'll summarized, an underground oil storage facility constructed, in existence by 09/30/2001 or 2008 depending on technicalities. The replacement or expansion of an underground oil storage facility in existence by 09/30/2001. The conversion of an above-ground oil storage facility permitted by the Fire Marshall, again 2001. A facility solely used to store heating oil. Facility components of building and parking lots that are not designed or intended to contain oil. The well head protection zone of a well located on the same property as the facility and serving only users of that property.

19:53:36 Jim Kenney: Kevin, this a half question to you and a half question to Mike. Understand what I'm asking. Does that regulation require the DEP to be onsite inspecting the construction and installation?

19:53:55 Kevin Spigel: I don't know.

19:54:00 Mike Rocque: I will tell you that, yes, it does. They are the ones that license the tanks. They are the ones that permit the tanks. They are the ones that do all of the inspections of all of the installations to start with, and they also come by once a year.

19:54:13 Laura McCorrison: I live in in Burnham. Have you had the DEP there to inspect that site yet?

19:54:19 Mike Rocque: No I haven't.

19:54:21 Laura Morrison: Then we're all just in kind of like....we're having this for nothing. Those regulations that he said, you can't put a tank there anywhere on that property.

19:54:33 Mike Rocque: I don't believe that's true.

19:54:36 Penny Picard Sampson, 87 Albion Road, We've talked about light pollution and we've talked about odor pollution but we haven't talked about noise pollution. At 5:30 in the morning when you have people sleeping and you've got diesel trucks pulling in and the, you know when they make that loud air noise, people honking their horns and yelling to their neighbor, hey, Fred, how ya doing! I just really wanted to bring that up as a concern about noise pollution when people are trying to sleep.

19:55:27 Chia Murdock: That's on the list of things that we should be talking about and when I say the list, I mean the Land Use Ordinance. Thank you for brining that up, Penny. I feel as though it is time for me to begin to wrap this up and I'm going to take two, maybe three, more questions, if we have any. Then I will ask the Board if we need to adjourn the meeting or at least let the public go and have further discussion briefly with Mike so we know our next steps.

19:55:55 Faith Carlson: Quickly a question about the traffic thing, will we look into that? That's a highway going there but Vickery Lane is a town road. It's hard enough getting out of Vickery Lane most of the time right now so if we're talking about increased traffic I would like something like that to be looked into.

19:56:21 Chia Murdock: That's a good point, Faith, and that did actually come up in our November meeting.

19:56:26 Mike Rocque: And if I can say, this has been addressed. I have no intentions of use of Murdock Lane or Vickery Lane. It's all going to be done on the...

19:56:31 Faith Carlson: It doesn't have anything to do with the use of the Lane, it is traffic going in and out and stopping in front of the lane and going into places.

19:56:45 Chia Murdock: Do we have any other questions? Anyone out in the corridor? I'm going to say thank you very much for your participation, your questions and your comments and your interest. Don't forget that we have monthly Planning Board meetings and observers are welcome. Invite your neighbors. This is now a closed meeting.

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