

Town of Searsmont  
Planning Board Meeting Minutes  
February 7, 2023  
6:30 PM

1. Call to order: The meeting of the Planning Board convened at 6:30 pm. These minutes are a summary of the Board's discussions. A recording of this meeting is available at the Town office.

2. Roll Call - Members Present:

Christian Halsted, Chair  
Evelyn deFrees  
Jon Thurston  
Jon Robbins  
Jack DeGraff

Others:  
Frank Therio, CEO  
Patricia Chapman, PB Clerk on Teams  
Walter Wetmore  
Vera Wetmore  
Marshall Cole

3. Applications:

- a. Bears Old Time Garage – Walter Wetmore: This is a request for a change of use of an existing site plan.
- b. Per F. Therio, the board needs to determine if this is an amendment to the existing site plan or an amendment.
  - i. Change of use is a change in the type or intensity of a business use of an existing structure on a property. I.e., a gift shop to a restaurant is a change of use; a gift shop to a new gift shop is not a change of use. Intensity of use is assessed by the planning board based on conditions such as operating hours, noise, traffic, and all of the standards listed in the site plan review section of the ordinance.
  - ii. F. Therio sees this as an amendment of an existing site plan. Meaning that many of the things in the review standards are already addressed by the original plan and do not need to be reviewed.
  - iii. The board still needs to decide if they want a site walk? Do you want to notify abutters?
  - iv. This is a change of use but F. Therio believes the board needs to decide if they want to review it as an amendment and use information from the original site plan in their review or look at this project as a new site plan.
  - v. F. Therio believes the board needs to decide if they need a site walk or notifications to abutters, etc to decide if it is an amendment or a new site plan.
  - vi. The original site plan was not provided with the initial application prior to the meeting but F. Therio had copies at the meeting.
  - vii. The applicant indicates this is an amendment but the board needs to decide if they agree. F. Therio stated that this is a significant change. He disagrees with Gartley & Dorsky's claim that this is an amendment but he does agree that things from the original approved site plan that won't change would be considered an amendment.

- c. The original plan was for a company called RH Price insulation. That was old to a company called Spear Energy but that went out of business.
  - i. This is a 50'x80' warehouse. Wood frame with metal outside. It had one heated room inside. Now it will be auto repair garage for antique and classic automobiles that need to be stored inside.
  - ii. When it was RH Price there were trailers and tractor trailer boxes outside around the property. Now it's all cleaned up and the parking lot is grass and trees.
  - iii. The traffic is greatly diminished as there is less demand for antique car restoration than insulation. There have been no changes to the driveway, water drainage, etc. There is no septic for that building, just the house up front. Nothing on the property has changed except what will be happening inside the building.
  - iv. Most of the projects will be long-term projects – an auto restoration project could take as long as a year – so there will be no increase in traffic.
- d. How does the board feel about the application?
  - i. Environmental standards (i.e. use of chemicals, etc) will likely be the most important item to review with this change of use. It used to be foam and insulation chemicals but there will be different chemicals with the new business.
  - ii. An amendment has fewer requirements for review than a new site plan and will move along more quickly. A new site plan would require this pre-application meeting and then the fees get paid and we have another meeting to review the application and decide if a site walk is needed, etc.
  - iii. The change of use could be an issue. There are concerns with the significance of the change of use. It might be less impact than the old use.
  - iv. The footprints of the buildings are not changing but some buildings are being removed. There are no changes to the boundary lines.
  - v. Original site plan was approved by the Planning Board on April 16, 2002. F. Therio brought a copy of the minutes to this meeting. Nothing has changed from the original plan except the parking area being removed and turned into a grassy area.
    - 1. From the April 16 minutes: RH Price – to discuss his application for the construction of a warehouse on Route 3. There will be no change in the topography. A concern about streams on the property turned out to be only drainage. A motion was made, seconded, and passed to waive the site visit. A motion was made, seconded and passed to waive a public hearing. Findings of fact: went through the list of 20 standards. A motion was made, seconded, and passed to approve the application. The Board authorized the CEO or the First Selectman to sign the application
  - vi. A new site plan requires going through all of the review topics. An amendment does not require reviewing all the topics but the board can choose to go through them if they feel they are relevant to the changes.
  - vii. Since there are no significant changes to the property and it's already been approved for commercial use, it seems like an amendment would be ok as we can still ask all the questions we need about the impact of the business.
  - viii. The automobiles are owned by the customers. They aren't being sold on this site.

- ix. Are we setting a precedent if we choose to treat this as an amendment? What if someone else comes along with a similar change of use and we choose to go through a full review? Is it fair to take a different approach to each application? How can we be transparent about the decision process?
- x. A big difference in the process is the opportunity for a public hearing. Will anyone complain about not having the opportunity to find out what is happening and express their comments and concerns about it? It is the board's responsibility to give the public an opportunity to ask questions and express concerns.
- xi. There is a right of way on the east edge of the property to two other houses behind the property.
- xii. The property was purchased in November 2021. A sign permit was approved in March 2022 (see permit spreadsheet and minutes from April 2022). Why didn't that trigger questions about the change of use? F. Therio doesn't recall the sign permit. The business has been active for almost a year.
- xiii. Should the sale of the property have required an application for change of use?
- xiv. Notification of abutters is a key piece of the process for changes like this.

J. DeGraff made a motion to accept the application without a site walk with the condition that the applicant notify all abutters about the application and that it will be reviewed by the board at the next meeting on March 7, 2023. At that meeting, the board will hear any comments from the public and briefly run through the standards in Section 1100 and make a decision on the request. J. Thurston seconded the motion. Motion passed 4 in favor, 1 opposed.

- xv. F. Therio will work with the applicant to get the above letters sent out to abutters at least 2 weeks prior to the next meeting, with proof they were sent (certified mail receipts). There is no requirement to get a response from the abutters or proof that they received the letter, just proof it was mailed.

C. Halsted made a motion to accept the three (3) additional abutters that were not included with the original application, seconded by J. DeGraff. Motion passed 5 approved, 0 opposed.

(The applicants left at 7:18 pm)

#### 4. Approval of Minutes:

- a. C. Halsted moved to accept the January 3, 2023 minutes, E. deFrees seconded. Motion passed with 4 in favor, 1 abstained.

#### 5. Treasurer's report:

#### 6. Communications:

- a. CEO Report: (The CEO Report was discussed after the application and before the minutes were approved above.)
  - i. The most recent report was December.

- ii. F. Therio had a report of a dangerous trailer near the entrance of Robbins Lumber. The owners are off site now and do not have any money. F. Therio has been trying to get that taken care of for years.
- iii. An individual put a camper too close to a stream with no gray water system but he is cooperating with F. Therio to fix that situation.
- iv. There is still an issue of a trailer across from Linscott's. The town will take him to court if he is caught living there again.
- v. Gent Road there is a dilapidated house and a trailer; the owners live in a new house across the street. The old house is dangerous and needs to be boarded up or demolished. A letter has gone out to the owners.

F. Therio left at 7:21 pm

b. Building Permit spreadsheet: no changes since last meeting.

7. Committee Reports: None.

8. Old Business:

a. Flowchart and checklist review:

- i. C. Halsted reviewed the checklist and flowchart that was sent around with the minutes from the last meeting and made notes about some changes to LUO sections.
- ii. E. deFrees had some questions about the document and the board discussed the answers and other related items:
  1. Why does the flowchart end where it does? Because that's where you move on to the checklist.
  2. The flowchart is the most useful as the checklist is more or less duplicating information and standards in the LUO.
  3. During an actual review of an application the clerk takes note of each item and the responses of the applicant and the board members so you don't need a separate checklist to keep track of the discussion.
  4. The checklist would be more important for whoever is having first contact with the applicant and helping them prepare their application. It is also helpful for new members to become familiar with the process.
  5. More could be added to the checklist to better align with section 1100 but not required.
  6. Blue boxes are the board's responsibility and white are the applicant except the pre-application meeting is really both.
  7. These documents have never really been implemented. The board can decide if they want to implement them now. If so, P. Chapman can update it with accurate section details, fix any formatting, etc. and add it to the Appendices.
  8. The board does want to update and start using the flowchart and spreadsheet. P. Chapman will prep it for use.

9. New Business: None.

10. Adjournment: J. DeGraff made a motion to adjourn, seconded by C. Halsted. Motion passed by a vote of 5 in favor, 0 opposed and the meeting was adjourned at 7:40 pm.

Respectfully submitted,  
Patricia Chapman, Planning Board Clerk

J. DeGraff made a motion at the March 7 meeting to approve the February 7 minutes as written. E. deFrees seconded. Motion passed 5 in favor, 1 abstained, 0 opposed.