

Town of Searsmont
Planning Board Meeting Minutes
May 7, 2024
6:30 PM

1. Call to order: The meeting of the Planning Board convened at 6:32 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
Sarah Crosby
Evie deFrees
John Lightner
Jack DeGraff
Jon Thurston

Others:
Walter Wetmore, CEO
Kenneth Cox & Gale Gary-Cox
Rob Hoey, LPI
Patricia Chapman, Clerk (on Teams)
Heidi Burke
Terry Pinto
Joe & Bobby Jo Benjamin
Shannon Smith

3. Swear in re-elected members: J. Thurston and E. deFrees were sworn in by J. Moulton (C. Halsted was sworn in before the meeting started)

4. Election of Officers:

- a. S. Crosby nominated C. Halsted for Chair, seconded by J. DeGraff; motion passed 6 in favor, 0 opposed
- b. E. deFrees nominated J Lightner, seconded by J. Thurston; motion passed 6 in favor, 0 opposed.

5. Applications:

- a. Joe Benjamin, camp at 25 Jericho Road on Quantabacook (this address does not have a E-911 data point), Lot 33, Floodplain permit – Review LUO Section 905:
 - i. The state Floodplan Management Program has been contacted and C. Halsted, W. Wetmore, and J. Benjamin have met about the project.
 - ii. This is considered a minor development permit based on the fact that the cost of the improvements are less than 50% of the value of the structure. The tax assessment and quotes for work were included in the application.
 - iii. The Review Standards reference a review by an engineer or an architect. If there had been no determination of the base flood elevation for Quantabacook in the past, a surveyor or engineer review would be needed. J. Parker at the state found that there had been one done so she could calculate the 3.1 feet of elevation rise.
 - iv. The existing plan indicates the flood zone is 3.1 feet above the existing building's current elevation.

- v. This project is just about raising the existing building above the flood zone. There is no new construction happening.
- vi. There will be no change to the septic system.
- vii. Section 905: Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Section 906 (Development Standards) have been, or will be met – **that is happening at this meeting.**
- viii. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. The base flood data contained in the "Flood Insurance Rate Map-, Waldo County, Maine," as described in Section 901; - **this information was provided by Janet Parker at the state floodplain office.**
 - 2. In special flood hazard areas where base flood elevation data are not provided, the Planning Board or Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 903.H.1; Section 906.K and Section 908.D, in order to administer Section 906 of this Ordinance; - **we already have a base plan elevation**
 - 3. When the community establishes a base flood elevation in a Zone A by methods outlined in Section 903.H.1, the community shall submit that data to the Maine Floodplain Management Program. – **not applicable.**
- ix. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 901 of this Ordinance; - **this information is shown on the maps provided. The whole property is in the flood zone.**
- x. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344; - **there are no applicable requirements for this project.**
- xi. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency; - **not applicable.**
- xii. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Section 906.F, 906.G, or 906.H. Following review of the

Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or, a Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Section 906.G.1, 906.G.2, and the application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or, - **not applicable**.

2. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Section 906.I, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers. - **this is the relevant permit for this discussion. Section 906 doesn't apply as this is not a new development.**
 - xiii. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 909 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Section 903, and 907 of this Ordinance. – **no additional permits or certificates are needed per their discussion with J. Parker in the state office.**
 - xiv. **J. DeGraff made a motion to approve this permit, J. Thurston seconded, motion passed 6 in favor, 0 opposed.**
 - xv. Flood Hazard Permit fee = \$100. Applicant will still need a building permit before starting work – he can work with W. Wetmore on this tomorrow and pay both fees at the same time.
- b. The Rage Release project on the New England Road:
- i. The application was determined to be incomplete at the last meeting.
 - ii. W. Wetmore worked with the applicant to provide a document with answers to questions from the last few meetings for the Planning Board to review.
 1. Additional abutters have expressed concerns about the project since the last meeting.
 2. This project is a change of use from rural residential to commercial.
 3. PB Clerk will confirm public officials have been notified. No comments have been received from any officials.
 4. The missing abutters from the last meeting have been notified.

- a. One abutter has concerns about noise. There is no noise ordinance in Searsmont.
 - b. The building will have some soundproofing and since the house on the property will be rented, they will want to keep noise down anyway.
 - c. Right now they are running a generator until electricity gets hooked up but this noise will not exist when the business is running.
5. Zoning Classification questions – the building is not in the shoreland zone and they are not changing the footprint.
6. There will be no washing of paint outside the building reducing the possibility of contamination of the land.
 - a. They are installing a bathroom inside with a mop sink.
 - b. The paint will be non-toxic (tempura).
 - c. The mop sink is not noted on the sketch of the floorplan because they hadn't finalized the location but it will be on the exterior facing wall of the bathroom. The floor plan sketch will be updated.
 - i. The room will be elevated to allow the plumbing to run under the building.
 - ii. The plumbing needs to be visible for the inspection.
7. Signage – There will be a painted sign attached to the outside of the building. It will be within the 4'x8' max listed in the ordinance. [It will not be painted on the building as previously indicated.]
8. Surface water system – LPI required a drawing of the interior and exterior plumbing for the garage.
 - a. They are planning to tie the new bathroom in the garage to the existing septic system.
 - b. The existing system is designed for 270 gallons per day which is enough to cover the 2 bedroom house and the garage business. They have documentation confirming this from the LPI.
 - c. They will need apply for permits for both the internal and external plumbing.
9. Amount of any raw, finished or waste materials stored outside:
 - a. There will be a dumpster
 - b. Only non-toxic paint will be used
 - c. nothing stored outside
 - d. Auto must have all fluids (oil, anti-freeze, transmission fluid, etc.), filters, etc. must be removed before the vehicle is brought to the site.
 - e. Totman's is required to do all that before they scrap a vehicle anyway so they will do that, bring it to the rage room, then pick it up to be scrapped when they are done with it.
 - f. Applicant will need to be able to produce documentation of the status of the vehicle when it's on site.
 - g. Cars will not be stored on site before or after their use. There will only be one car on-site at a time.

10. Is there emergency egress? They can add them. This is not technically a Planning Board issue but something the applicants should be aware of.
 11. The vehicle will be in the larger room marked "Bay" which will have a 10'x10' garage door and regular door.
 12. Total building size is less than the original estimate – closer to 1100 vs 1500 square feet.
 13. J. DeGraff made a motion to accept the application as complete, seconded by J. Lightner, motion passed 5 in favor, 1 opposed.
- iii. Section 1102.5 General Review Standards: this is a minor site plan as it is less than 5,000 square feet.
 - iv. Preserve and Enhance the Landscape. The landscape shall be preserved in its natural state in so far as practical by minimizing tree removal, disturbance of soil, and by retaining existing vegetation during construction.
 1. **There are no plans to add landscaping to screen the site from neighbors. There is some natural screening on neighboring properties.**
 - v. Access to the Site Roads/driveways into the development shall provide for safe and convenient access.
 1. Any exit driveway or proposed street shall be so designed as to provide a Minimum sight distance of ten times the posted speed limit in each direction, as measured from the point at which the driveway or street meets the public or private right-of way
 - a. **There are no plans to change the existing driveway or parking.**
 - b. **There is a site line issue but since it's an existing driveway, it doesn't apply.**
 2. Points of access shall be located to avoid hazardous conditions or conflicts with existing turning movements and traffic flows. The grade of any exit driveway or proposed street for a distance of one hundred feet from its intersection with any existing street shall be a maximum of three (3) percent. – **not applicable**
 3. The intersection of any access drive or proposed street shall function at a Level of Service of C following development if the project will generate four Hundred (400) or more vehicle trips per twenty-four (24) hour period or at a level which will allow safe access into and out of the project if less than four hundred (400) trips are generated. – **not applicable**
 - vi. Internal Vehicular Circulation
 1. Circulation and Parking. The proposed development shall provide safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas. – **there appears to be plenty of parking for expected use.**
 2. A use shall not be extended, and no structure shall be constructed or enlarged unless sufficient off- street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged. – **not applicable.**

3. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections. – **not applicable.**
 4. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street. – **the existing “U” shape ensures visitors are not required to back out.**
- vii. Conservation, Erosion and Sediment Control. Erosion of soil and sedimentation of Watercourses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval. – **this section is not applicable as there is no outside work happening and we’ve already determined they are not in the wetland zone.**
 - viii. Site Conditions. During construction, the site shall be maintained and left each day in a safe and sanitary manner.
 1. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, Dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit. **Not applicable**
 2. No significant change shall be made in the elevation or contour of any lot or Site by the removal of earth to another lot or site other than as shown on an approved Site Review Plan. **Not applicable**
 - ix. Advertising Features. The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. No permanent sign shall have visible moving parts, have blinding, moving, or glaring illumination, or be erected at a location where, by reason of shape, color or wording, it interferes with vehicular traffic or may be confused with any authorized traffic sign, signal or device. A commercial business on a state road is allowed to have a 32 sq. ft. free standing sign at no cost. – **No additional lighting will be added; the sign will be on the wall of the building and is painted – no flashing lights, etc.**
 - x. Special Features of Development. Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have setbacks and screening to provide a buffer to sight and sound sufficient to minimize their adverse impact on other land uses within the development area and on surrounding properties. **We covered most of these issues – vehicles will be in the building. Trash will be in a dumpster.**
 - xi. Exterior Lighting. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection of adjacent properties and the traveling public. Exterior lighting shall be limited to illuminating the immediate premises, and direct light shall not project onto adjacent residential properties or be directed

skyward. If necessary, direct light shall be shielded by blinders and additional buffering/screening. **No new lighting will be added; the existing light will be down shielded.**

- xii. Emergency Vehicle Access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures. **No changes planned to existing conditions. There is plenty of room for an emergency vehicle to get in even with other cars in the parking areas.**
- xiii. Municipal Services. The development will not have an unreasonable adverse effect on the municipal services including municipal road systems, fire department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities and other municipal services and facilities. **There will be a dumpster picked up every two weeks.**
- xiv. Surface Water Drainage. The proposed facility will not result in undue surface water pollution. In making this determination, the Board shall consider the elevation of the land and its relation to the floodplains as well as the nature and properties of soils. Soils shall be considered for Their ability to adequately treat wastewater or other licensed discharge. Adequate provisions shall be made for the slope of the land and its effect on effluents. **There will be no outside cleaning and trash will be in a dumpster so there shouldn't be any concerns.**
- xv. Phosphorous Export. When a proposed development is within the direct watershed of Levenseller Pond, Lawry Pond, Little Pond or Quantabacook Lake, the phosphorous export from development shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection using the data provided by the Department. **Not applicable**
- xvi. Ground Water Protection. The proposed site development and use shall not adversely impact either the quality or quantity of ground water available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2000) gallons per day or greater shall demonstrate that the ground water at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine. **It should not use any more water than a normal residential home and there are no concerns about contaminating the water supply if waste materials are handled properly.**
- xvii. Air Pollution. The proposed development shall not create an emission of dust, dirt, fly ash, fumes, vapors or gases which damages human health, animals, vegetation or property, or which soils or stains persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission. All such activities shall Also comply with applicable federal and State regulations.
 - 1. **Will there be any ventilation inside? Are there concerns about dust or debris in the air inside?**

- a. They could get an exhaust fan if needed.. Other similar businesses do not have ventilation but they do wear face shields and gloves, etc.
 - b. They could leave the bay door open for ventilation but that could increase the noise levels outside.
 - c. There won't be any gaseous products.
 - d. They have protective gear for people to wear.
 - e. The bathroom will have an exhaust fan since it doesn't have a window.
- xviii. Odor. The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation. **There are no concerns about odor; tempura paint doesn't smell.**
- xix. Noise. The proposed development will not cause unreasonable levels or types of noise. The intermittent source of sound produced by any activity shall be limited by the time period and the time of day.
 - 1. **State noise limit is 60 decibels at the property line.**
 - 2. **The later timeframes (5-7 pm) is when there are most likely to be noise complaints when neighbors are more likely to be home.**
 - 3. **They do not plan to be booked solid on a regular basis.**
 - 4. **Both applicants have other jobs so this is not a full-time business. Maybe 4 days per week (including the weekend).**
 - 5. **Weekends are expected to be the busiest time and everything is by appointment.**
 - 6. **They are using some sound-reducing /insulation. They are mindful of the renters on site as well.**
- xx. Sewage Disposal. The development shall provide for a suitable sewage disposal. All individual on-site systems will be designed by a licensed soil evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules. Upon the recommendation of the Local Plumbing Inspector, the Board may require the location of reserved areas for replacement systems. **Covered in previous discussions above.**
- xxi. Waste Disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes. **Previously discussed – dumpster, environmentally friendly paint, etc.**
 - 1. **All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.**
 - 2. **All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.**
- xxii. Setbacks and Screening. The proposed development will provide adequate setbacks and screening. In addition to the setbacks required by this Ordinance, the Board shall consider the following:
 - 1. Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discard automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual

buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties (such as a stockade fence or dense evergreen hedge 6 feet or more in height). Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

- a. The business itself could be dangerous – people using sledgehammers, breaking glass, etc.**
 - b. Customers will enter from the rear of the building into a hallway between the rooms – they will not be walking through the bay at the front of the building. The door to the bay will be locked from the inside. There will be signage directing them to the rear entrance.**
 - c. They don't expect the vehicle smashing option to be the most popular room – just occasional use.**
- xxiii. Financial and Technical Capacity. The applicant has adequate financial and technical capacity to meet these standards. – **they have adequate financial and technical capacity to meet standards.**
- xxiv. Telecommunications facilities, Co-location. New wireless telecommunications facilities must be co-located on an existing tower unless the applicant can demonstrate that the existing tower cannot reasonably accommodate the applicant's proposed structure. **Not applicable**
- xxv. Scenic Resources. The proposed development or substantial expansion will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, this Land Use Ordinance, or by a State or federal agency. In determining the potential unreasonable adverse impact of the proposed development (or substantial expansion) upon the designated resources, the Planning Board shall consider the following factors: **External building is not changing significantly; general upgrades to siding and windows which will improve looks.**
- xxvi. The Board shall approve the site plan for a motorized vehicle race track or drag strip development proposals unless the Plan does not meet the criteria for a major development and the criteria and standards described in Chapter 375, "No Adverse Environmental Effect Standard" of the Site Location Law – 38 M.R.S.A. sections 481-490 as amended on September 22, 2001 (see Appendix H). **Not applicable**
- xxvii. Contingencies - **none.**
- xxviii. Discussion:
 1. Hours are 1-7 pm – they do not foresee this changing under current ownership. If sold, new owners could change the hours.
 2. What if the car smashing becomes more popular than expected and the neighbors have complaints? If this is approved, is that it? Can limitations be added later?
 - a. No, it would not come back to the planning board unless there was a change to review.

- b. If neighbors complain, it becomes an issue for the CEO to investigate and deal with.
 - c. Applicants will do their best to work with neighbors on issues that come up later as good business practice.
 - 3. There are concerns that there were no comments from public officials, specifically the fire marshal but it's not an LUO issue. The Clerk will confirm public officials received the letter and do not have concerns.
 - 4. There are concerns about the noise. Current guidelines have a 60-decibel limit at the property boundaries. Is there a way to know how loud the business will actually be?
 - 5. There are concerns with approving this commercial business that may be noisy in a residential area, especially with evening hours.
 - 6. The application has been planned "on the fly" – information has been submitted in pieces and parts of the plan have changed when questioned.
- xxix. C. Halsted made a motion to accept the proposed plan, J. DeGraff seconded. Motion was a tie 3 in favor (J. Lightner, J. Thurston, J. DeGraff), 3 opposed (C. Halsted, E. deFrees, S. Crosby)
 - 1. There are three options:
 - a. Approve
 - b. Approve w/ conditions that need to be met
 - c. Deny – and document which provisions in the ordinance it doesn't comply with.
- xxx. The board needs to research how to handle the tie vote and will get back to the applicants on what the next step is.

[NOTE: After the meeting C. Halsted found that the board should have another discussion and vote to try to break the tie and come to a decision. C. Halsted is calling for a May 21 meeting to discuss this again on May 21st]

- 6. Approval of Minutes:
 - a. S. Crosby moved to accept the April 2 minutes as written. J. DeGraff seconded. Motion passed with 6 in favor, 0 opposed.
- 7. Treasurer's report: None.
- 8. Communications:
 - a. Revised LUO from town meeting is on the website. C. Halsted can provide printed copies for anyone who requests one.
 - b. CEO Report:
 - i. W. Wetmore updated the Planning Board's permit spreadsheet with new permits as of last Wednesday.
 - ii. The spreadsheet was updated with additional fields the CEO requested. It is available online for board members.
- 9. Committee Reports: None.
- 10. Old Business: Tabled to next meeting.

11. New Business:

- a. Heidi Burke wants to add fill to her (lot 007) on the route 3 side of Quantabacook Lake; the camp is raised but the property is constantly flooded.
 - i. Water flows in and is trapped on the property. Shoreline is eroding and trees are rotting from standing in water.
 - ii. She wants to add 75 yards of fill to the flooded area.
 - iii. She has come in and met with W. Wetmore with all of the details and photos, etc. and needs to know what she needs to do to get this project approved.
 - iv. The water pump that brings lake water into the house is under water and can't be turned on.
 - v. Per the Table of Land Uses in a limited residential area, bringing in fill can be done with the approval of the CEO.
 - vi. There's nothing in the Shoreland Zone rules to prohibit this activity.

8:25 – S. Crosby made a motion to extend the meeting to 9 pm, seconded by J. DeGraff. Motion passed 6 in favor, 0 opposed.

- vii. Engineering assistance will likely be needed for this project. There is a concern that fixing flooding on this property will cause flooding in another place.
 - viii. Being in the floodplain, it should be reviewed as a floodplain permit - Section 903
 - ix. Neighbors are on higher ground so water accumulates from all sides.
 - x. The state floodplain office will be able to provide guidance on what is allowed and what is required for permits and professional assistance.
 - xi. Once W. Wetmore consults with the floodplain office, we will have a better idea of the timeline for the permit process for this project.
- b. Shannon Smith, Map 7, Lot 66
 - i. Wants to lift the cabin and put in a foundation of pilings underneath.
 - ii. Applicant is a registered professional archeologist and preservation specialist.
 - iii. It used to flood every 40 years, now it floods several times per year.
 - iv. Boat ramp has been destroyed by people on the lake not following wake zone rules. He wants to remove the ramp and level out that area.
 - v. Wrap around porch needs to be removed to lift the building and will need to put it back after with the same dimensions but different materials.
 - vi. Applicant needs to work with W. Wetmore to prepare for a floodplain permit application (minor project) to bring to the board and then a building permit from W. Wetmore.
 - vii. Shoreline work will be a DEP permit (possibly permit-by-rule).

12. Adjournment: J. DeGraff made a motion to adjourn, seconded by E. deFrees. Motion passed by a vote of 6 in favor, 0 opposed and the meeting was adjourned at 8:46 pm.

Respectfully submitted,
Patricia Chapman, Planning Board Clerk

J. DeGraff made a motion at the May 21 meeting to accept the May 7 minutes as written (including changes made by email between meetings). S. Crosby seconded. Motion passed with 7 in favor, 0 opposed.