

Town of Searsmont  
Planning Board Meeting Minutes  
June 4, 2024  
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 Sarah Crosby Evie deFrees John Lightner, Vice Chair Jack DeGraff Jon Thurston	Others:    Patricia Chapman, Clerk (on Teams)
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3. Applications: None.
4. Approval of Minutes:
  - a. J. DeGraff moved to accept the May 21 minutes as written. E. deFrees seconded. Motion passed with 6 in favor, 0 opposed.
5. Treasurer's report: None.
6. Communications:
  - a. No CEO report – W. Wetmore is away.
  - b. Permit spreadsheet: there have been 6-8 permits in the past month.
    - i. Mostly sheds & garages – nothing unusual.
    - ii. The selectmen have been following up on permit for late fees.
    - iii. C. Halsted is still working on getting them updated on the digital map. He did update the plot lines on the map.
7. Committee Reports: None.
8. Old Business:
  - a. Project & priorities for the year:
    - i. There are some recommendations that came in the discussions with MCOG where we may want to review some additional sections of the LUO:
      1. Section 300, Section 607 C
      2. Looking at whether there are items in the general standards that are not addressed in the Shoreland Zone standards. We may need to review minutes or reach back out MCOG for clarification on the purpose of this item.
        - a. We thought everything in general standards also apply to Shoreland Zones.
        - b. Or are there things in the Shoreland Zone section that need to be addressed in general standards.

- ii. Review LUO references to the Comp Plan and draft edits as needed – need to wait until the Comp Plan process has gotten underway – review this again in fall 2024.
- iii. The new sign ordinance – the was already done? The new ordinance was passed but questions came up after it passed and there was discussion about adding or editing some of the details. We need to go back to the minutes for more detail.
- iv. Review Section 1000 for typos and missing information.
  - 1. There are places that were copied from state regulations and there were blanks that were supposed to be filled in and weren't. i.e., "Setback should be \_\_\_ feet"
  - 2. Everyone should review that section and make notes of any errors and omissions they find as well as any questions or concerns about the details, any topics that need additional discussion, new sections that need to be added, etc..
- v. Reference document for new board members.
  - 1. P. Chapman started a draft document.
  - 2. E. deFrees is willing to help work on this. She has information she collected as a new board member. If anyone has suggestions for useful information for a new board member, they should share it with E. deFrees.
- vi. Topics to review again:
  - 1. Marijuana ordinance – J. Thurston will check on the status of the state's ordinance and give an update on where MMA is at with this.
    - a. Then the board can decide if it needs to be discussed yet.
    - b. Have B. Kelly come when/if we are ready to discuss this again.
  - 2. LD2003 – this was taken care of in spring 2024.
- vii. New items for future projects:
  - 1. Hold a refresher training about the districts and resources in Searsmont and what sections of the ordinance apply to each one.
    - a. Bigger picture view of what is happening with building permits.
    - b. How elements of the comp plan will affect things.
    - c. How everything is connected – permits, water quality protection, natural resources, non-confirming structures, etc.
    - d. Talk about "what if" scenarios – LD2003 details, big box stores, commercial growth.
    - e. Include some of this information in new board member information/orientation.
  - 2. Once the comp plan committee starts making recommendations, the Planning Board will need to discuss how they fit into the LUO or what might need to be changed in the LUO.
  - 3. Talk about the Planning Board's ability to consider things like noise when reviewing applications.
    - a. Vague language in the review standards (section 1100) vs the noise language in the general standards (605 D, 608 C).
    - b. How does it compare to DEP/state standards for noise.

- c. The town paid for a noise study because of a discussion about windmills a few years ago that might be useful.
- 4. There are some sections in the LUO (i.e., Mining) that just say “Section deleted”
  - a. This was done on purpose. If there is no section in the ordinance, it automatically means the state rules apply. Trying to keep an ordinance like the mining one is difficult and time-consuming. The state has more knowledge and resources for enforcing mining regulations.
    - i. The state ordinance automatically applies if there is no reference to a municipal standard – we do not need to specify that the state rules apply.
    - ii. Forestry was a different situation as the state dictated that we remove that section and include a statement referencing their regulations in that section.
    - iii. Any one who wants to participate in mining, they have to follow the DEP process and get a state permit and the town does not need to be involved. If citizens have comments, they would attend state hearings or send comments to the state.
  - b. Towns that have specific sections for things like mining generally want something more strict but they are difficult to enforce and some are not legal and would be overridden by the state rules.
    - i. If we have an ordinance, we have to keep updating it whenever the state makes updates.
  - c. We do not have to remove definitions from the definitions section just because the terms are not being used in the LUO.
  - d. People have asked why Searsmont does not have a mining ordinance. They likely want to know why we don't have a moratorium.
    - i. We don't need one as the state regulations apply.
    - ii. Moratoriums can be tools for buying time to make more formal decisions but don't work well as a permanent solution.
- 5. Did we make all necessary updates to the Table of Land Uses? Yes, we did a lot of work when we reviewed Section 800 Shoreland.
- 6. Next steps:
  - a. J. Thurston will look into the status of marijuana situation and provide an update.
  - b. Everyone should review Section 1000 and make notes.
  - c. E. deFrees will starting looking at information for new members.
  - d. We will come back to the MCOG recommendations at a future date. Those may become more (or less) relevant as the Comp Plan moves forward.
  - e. Fee schedule – there was some inconsistency in the wording of the minimum fee (there is no fee for under 100 square feet). It was

corrected on the permits but needs to be updated in the LUO/appendix? C. Halsted needs to follow up with the Selectmen.

- b. Have we recorded the approval date of the Rage Release project? Yes, the date of the minutes were referenced in their approval letter.
  - i. Per the ordinance, they need to make a significant start on the project within 1 year of the approval or need to apply for an extension.
  - ii. Should the approval letter indicate the expiration date of the permit? No. Applicants should have reviewed the relevant sections of the LUO and that states the 1-year limit.
  - iii. C. Halsted will work with W. Wetmore on making sure pre-application work is complete so they come to the review meeting with a complete application. They will also work on what items need to be followed up and/or enforced after the fact for this and future projects as needed.
  - iv. The pre-application meeting is where discussions will help identify additional information that will be needed for the final review.
  - v. The Rage Release project was approved but they still need to apply for a regular building permit through W. Wetmore.
- c. Applicants are supposed to review the LUO and put together a complete application for site plans and subdivisions.
  - i. We don't want to make things unnecessarily difficult but we need to follow the guidelines in the LUO.
  - ii. The CEO and Planning Board are available for questions and helping interpret the LUO but it's not their responsibility to help the applicants complete the application (fill out the forms, collect the data and additional documents, etc.)
  - iii. They may need to enlist professionals to help with some of the pieces (surveys, etc.) They need to figure out access to a computer to fill out forms, etc.
  - iv. We will not accept handwritten notes added in the margins based on the meeting discussions.
  - v. Regular building permits do not have as many requirements and should be easy for the average person.
  - vi. The review process makes sure that applicants have thoroughly thought through their plan.
- d. The local Fire Chief rarely responds to notifications but they have in the past. We can request that they sign off on the notification even if they don't have concerns but we can't force that.
- e. There are no standardized State of Maine building codes. There are national standards. Licensed building contractors are not required.

9. New Business: None.

- a. Robert's Rules of Order – Summary Version:
  - i. A past MMA workshop spent some time going over minutes and meeting processes. There are some recommendations and examples in the MMA handbook.
- b. Details of the minutes – how much detail should be included, especially around unofficial discussions about things happening around town that aren't part of the Planning Board's work. What do we want included in the public record?

[**Note:** meetings are recorded so even things left out of the written minutes will still be public record.]

- i. Clarify discussions in the minutes by sorting out and identifying the questions and answers and indicate whether it is a Planning Board, an applicant, or other guest's question. Then note any action taken or requested be taken.
  - ii. Limit side discussions and leave out some of the side discussions that do not relate to the Planning Board's work.
  - iii. The challenging meetings are when we are doing pre-applications and there are a lot of questions and back and forth discussions with the applicant.
  - iv. Review standards and Finding of Facts are generally more structured.
  - v. Robert's Rules of Order may not be necessary; we are already doing many of the basics, i.e. preparing and distributing a printed agenda in advance.
  - vi. We may need more structure for public participation.
  - vii. It needs to be a team effort to keep discussions on task. Everyone should "self-police" and make sure they are recognized by the chair before speaking (not talking over each other) and limit side comments and discussions.
  - viii. We can create a cheat sheet of goals for future meetings and possibly edit the by-laws to include some of these guidelines.
  - ix. The meetings are going to be moving out of the regular office space and can be set up in a more formal way. Have a place for the board members and specific seating for guests/the public. [New staff are coming on and there will be desks in the area where the board currently meets.]
  - x. Members could make a motion to move to a more formal structure if a meeting is straying too far off topic. Possibly assign a timer when needed to limit individual speakers.
  - xi. There are guidelines in LUO around meeting dates, having an agenda, etc. but there's no strict rules on how to run the meeting.
  - xii. The Selectmen and the Planning Board are separate entities and the Selectmen can't necessarily overrule a decision on what is or is not included in the minutes. They are still working out the processes for their own meetings and minutes.
  - xiii. E. deFrees will work on some meeting guidelines for everyone to review.
- c. Site walks are also public and require minutes.
  - d. The July meeting would normally be on July 2<sup>nd</sup>. Does that work for everyone or should it be moved? The 2<sup>nd</sup> is the preferred day for the majority of members.

10. Adjournment: J. DeGraff made a motion to adjourn, seconded by J. Thurston. Motion passed by a vote of 6 in favor, 0 opposed and the meeting was adjourned at 8:04 pm.

Respectfully submitted,  
Patricia Chapman, Planning Board Clerk

J. DeGraff made a motion at the July 2 meeting to accept the June 4<sup>th</sup> minutes as written. J. Lightner seconded. Motion passed with 6 in favor, 0 opposed, 1 abstained (J. Robbins)