

Town of Searsmont
Planning Board Meeting Minutes
July 2, 2024
6:30 PM

1. Call to order: The meeting of the Planning Board convened at 6:31 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
Jon Robbins

Others:

Patricia Chapman, Clerk (on Teams)

3. Applications:

- a. None for this meeting.
- b. The solar farms (the two on Rt 3, not Appleton Ridge) may be coming back. They have reached out with questions about deadlines.
 - i. The solar applicants will have to resubmit everything. Some details have changed.
 - ii. C. Halsted did say they aren't required to do a pre-app meeting as most of the board is familiar with the project but he did want them to meet with W. Wetmore and himself if they don't do a pre-application meeting to prepare for presenting to the board.
 - iii. He also told them they did not need to provide 9 copies of everything to the board. They could submit a PDF that can be distributed and printed as needed.
 - iv. For board members that were not here the first time the solar farms came before the board, we have the old applications and P. Chapman can look for and share minutes from those meetings.
 - v. There was a site walk with the original application.
 - vi. They will need to meet with C. Halsted and W. Wetmore within a week or so in order to have time to get their new application on the next agenda.
 - vii. There wasn't much information about a decommissioning plan in the original application. State rules on decommissioning have changed since then and there are requirements now.
 - viii. The project has changed owners since the initial application. We want to make sure the town's interest is protected in the future. The decommissioning plan would need to be transferred with any future transfer of ownership.
 - ix. The fire chief had concerns about whether the fire department has the necessary equipment to fight a potential fire because of the special batteries stored on site? Can it be required that the applicants assist the town in purchasing necessary equipment? Possibly.

4. Approval of Minutes:
 - a. J. DeGraff moved to accept the June 4 minutes as written. J. Lightner seconded. Motion passed with 6 in favor, 0 opposed, 1 abstained (J. Robbins).
5. Treasurer's report: None.
6. Communications:
 - a. No CEO report – W. Wetmore was away last week.
 - b. Permit spreadsheet:
 - i. Several shed and garage permits this past month.
 - ii. One applicant/property has two permits listed on the spreadsheet but there is no indication whether they might be for the same project.
 - iii. Project costs are no longer on the permit or the spreadsheet. Rates are based on square footage, not cost so it isn't as relevant.
 - iv. How much soil can be added to a property within 100' of the shore without a permit? This question should be addressed to W. Wetmore.
7. Committee Reports: None.
8. Old Business:
 - a. Draft By-Laws document E. deFrees shared:
 - i. Item C. Officers:
 1. #4 Treasurer – the board does not have a treasurer and all funds flow through the office staff. This item should be deleted.
 2. The second sentence of #4 “The terms of all officers shall be one (1) year with eligibility for reelection.” should be its own item – not specific to the treasurer position.
 3. #3 Secretary should also be deleted.
 4. The introduction to the Officers section should be edited as there are only two officers now – Chair and Vice Chair.
 - ii. Do we need a new section to address the Planning Board Clerk position? The position is hired by the Selectmen.
 1. Yes, new section D. Clerk with details of the clerk's responsibilities.
 - iii. Current section D. Records (will become section E): the Selectmen are responsible for town record keeping including permits.
 - iv. New section F. Meeting Minutes:
 1. The Clerk takes the minutes and within a week reviews with the Chair and shares with the full board for review and clarifying comments.
 2. Draft minutes are posted online after initial review and replaced with final minutes after they are approved at the next meeting.
 3. The board votes to accept or edit the minutes at the next meeting.
 4. Final approved minutes will be posted to the website after the meeting.
 - v. New section I. Tie Votes:
 1. Need to draft a policy for handling tie votes.
 2. The MMA guide seems to have vague guidance on this: they encourage the board to try additional voting after more discussion. If the tie isn't

- broken, it should be considered a failed vote but they encourage boards to create and document their own process.
3. Topics can also be tabled for future discussion.
 4. We will use MMA language minus the court citations.
- vi. Replace all references to a Secretary with Clerk.
 - vii. H. Duties/Powers: change recommended review of the By-Laws from 5 years to 2 years.
 - viii. New section Board Meeting Rules of Procedure
 1. Questions about public participation:
 - a. Is there just one set time for the public to comment on any/all agenda items or time for comment during each discussion?
 - i. Every application needs to be open for public comment/discussion.
 - ii. We should also set aside a specific time on the agenda for public comments about things that may not be on the agenda or that just have general questions for the Planning Board.
 - b. The chair may limit speaking time but we will leave out specific time limits in this guide.
 - c. Public comments on each item usually occur after the board has started the initial discussion.
 - d. Once the board is engaged in discussion leading to motions and voting, the public may not comment further.
 2. The meeting process could also be a separate Appendix. The By-Laws are Appendix A; this process could be Appendix A-1.
 3. We want these items to be guides and not hard rules. Use words like “may” instead of “will” for most of the statements.
 - ix. E. deFrees will make updates and get to P. Chapman to format and prepare for the August meeting.
 - x. Remove newly added section J. Public Participation as it is covered in the new Meeting Rules section.
 - xi. Current Section M. Amendments (new section O after revisions) requires that changes to the By-Laws have to be voted on at two separate meetings. The board may take their first vote at the August meeting.
 - xii. K. Disqualification from voting:
 1. What does that mean and why would it happen?
 2. How is it different than abstaining or conflict of interest?
 3. MMA guide has guidance about disqualification, bias, or challenges. The board needs to decide which of these need to be in the by-laws.
 4. E. deFrees will research more about disqualification.
- b. New member resources – draft document shared by E. deFrees:
 - i. Finalize this document and add to Sharepoint, then add links to the resources mentioned.
 - ii. Add list of key sections of MMA manual to the document vs copying the actual sections into the document.
 - c. LUO Section 1000 Review:

- i. This section doesn't need as much work as expected.
- ii. Specifically looking for terms that were not defined or that conflict with other sections of the LUO.
- iii. There are missing details – i.e., page 97, item F, numbers I, II, and III. Some may need to reference other tables or sections vs filling in the detail.
- iv. Are we adhering to the procedural statements in the LUO (specifically the site plan section) – time frames, sketch plan application fee (page 64-66)? Yes, we have reviewed this and follow the details.
- v. Do we have major subdivisions in Searsmont? Yes, but just a few.
 1. Trillium Way is one. There is also one on the Pond Road, one off Muzzy Ridge, and one on the Dyer Road.
 2. Most are not 100% complete.
 3. Generally, subdivisions we have had in Searsmont are minor projects on main roads with no internal roads.
- vi. We can bring in experts and charge additional fees when reviewing more complicated projects. Generally, applicants will likely hire their own consultants to do the application.
- vii. Page 76 – timeline questions: an approved subdivision has 5 years to complete substantial construction of the subdivision. I.e., get the property divided (new deeds) and start the infrastructure like roads. There are still building and other permits needed so there are checks and balances.
- viii. The most recent subdivision was between Muzzy Ridge and Moody Mtn Road.
 1. The board didn't go over section 1007 for this project. When standards reference a different section, the board needs to jump to that section and review that item as well. Those links were added after this subdivision was reviewed when the board realized it had not covered all the relevant points.
 2. There are fewer requirements for minor subdivision (less than 5 lots) than a major subdivision. Where does the LUO state the difference in requirements?
 - a. MMA manual indicates the designation of major vs minor subdivisions has been removed. All subdivisions are reviewed the same.
 - b. Although the process is the same for both major and minor subdivisions, many items may not be applicable to minor subdivisions so the board would just indicate “does not apply” for those items
 - c. The LUO still has definitions for a major or minor subdivision and the fees are different but the review process will be the same for both.
 - d. Should all references to major vs minor subdivisions be removed and call them all subdivisions? No. There are not many references and we do need to classify them for purposes of the fees
 - e. Section 1004.3 references separate procedures in 1003 and 1004 which do not indicate different processes.

3. Section 1005 Revisions to Approved Plans defines major vs minor subdivisions.
- ix. These sections on subdivisions are based on the state template. Neither the board nor the CEO need to be experts on this. We would bring in consultants as needed to advise the board.
- x. A subdivision project would likely involve multiple initial meetings before the pre-application meeting and both parties (applicant and Planning Board) would likely need to bring in experts. The whole process will take several months.
 1. Should the LUO recommend that applicants hire experts? Applicants should be able to make that determination themselves based on the application requirements in the LUO.
 2. The board can collect funds from the applicant for escrow to use for hiring consultants as needed.
- xi. We just need to review a few typos and missing details – C. Halsted and P. Chapman can clean that up and bring the revised copy back to the board. These are not urgent and maybe don't need to be done if it requires an official town vote to implement.
- xii. Do we need to take LUO changes to the town meeting if they are just filling in blanks or correcting typos? C. Halsted will check with the Selectmen about consulting with B. Kelly for legal advice on this.

9. New Business: None.

10. Adjournment: J. DeGraff made a motion to adjourn, seconded by J. Robbins. Motion passed by a vote of 7 in favor, 0 opposed and the meeting was adjourned at 8:28 pm.

Respectfully submitted,
Patricia Chapman, Planning Board Clerk

J. Thurston made a motion at the August 6 meeting to accept the July 2 minutes with minor edits based on an email with suggestions from E. deFrees. J. Robbins seconded. Motion passed with 5 in favor, 0 opposed