

Town of Searsmont
Planning Board Meeting Minutes
July 5, 2022
7:00 PM

1. Call to order: The meeting of the Planning Board convened at 7:02 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, Vice-Chair Jon Thurston Guy Hamlin Evelyn deFrees Jon Robbins	Others: Frank Therio (by Zoom) Patricia Chapman, PB Clerk James Baum George Sproul, Sr.
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3. Applications:
 - a. James Baum Restorations, LLC – site plan for auto restoration business:
 - i. Everyone received contour maps in their mailboxes
 - ii. J. Baum has been working on this project since January/February. He is looking to lease the building to do car restorations until the building sells.
 1. He was told he would need to encapsulate the lights and add conduit to the electrical in the attic. He's not sure why this is necessary to lease the property.
 2. He will use an inflatable self-contained spray booth and water-based paint. There will not be a significant amount of waste. The equipment can be cleaned with a paper towel.
 3. No vehicles will be stored outside.
 4. He has been paying for insurance on the building since March but has not been able to use it and earn money. Every time he completes a task that was requested, he is told there is more to do. He is starting to lose customers that were waiting for him to get his own place.
 5. Do we need a change of use amendment to allow this kind of work in this building as it was originally intended for emergency services? If so, it will create an additional delay.
 6. LUO Section 1400 Definitions (p. 130): Automobile Repair Shop: A business establishment engaged in general repair, engine rebuilding, or parts replacement. Automotive repair shall not mean body, frame, or fender straightening and repair or painting and undercoating, nor the sale of gasoline, other motor fuels or motor oil. Does this mean he can't have his business here? How is this different from G. Sproul's business across the street? It is not a crash shop, it is high end restorations.
 7. It will not be a noisy business and open during regular day time work hours – maybe 7:30 am to 4:30 or 5 pm, maybe half a day on a Saturday. He has already talked to the neighbors about his plans.

8. He has received contradictory information and new requirements every time he talks to the Selectmen creating delays in the process. He has not been able to work during this process. He can't use the building but he can't take another job knowing that he plans to leave to start this business.
 9. Topographical maps are a requirement in the ordinance regardless of whether any changes will be made outside around the building. This requirement is not specific to the use of the building.
 10. He has already agreed to take care of a mold issue. Why does he need to pay to encapsulate all the lights? He doesn't want to spend a lot of money on the building when he doesn't know how long he will even be able to use the building. He will only have 90 days to vacate the building when it sells. Does he still want to move forward with this request if it will take at least a month or two to get Planning Board approval?
- iii. Tonight is the pre-application meeting to confirm what is needed and let the board know what your plans are. If everything is complete, there needs to be a public meeting to allow input from neighbors and then the final meeting can be scheduled to make a final decision.
1. He is not currently interested in buying the property. His original request was to lease it for a year and then decide if he might be interested in buying.
 2. He was not told the town was planning to sell the building when they accepted his lease proposal.
 3. Anyone who buys the building to use for any purpose other than a firehouse will have to go through this same process with the Planning Board.
 4. On page 130 of the Land Use Ordinance, there seems to be a contradictory statement about whether an auto body shop is allowed in the village. "A business establishment engaged in general repair, engine rebuilding, or parts replacement. Automotive repair shall not mean body, frame, or fender straightening and repair or painting and undercoating, nor the sale of gasoline, other motor fuels or motor oil." The Planning Board needs to decide whether this shop meets the requirements.
 - a. This is not necessarily an error. The distinction this is trying to make is about the solvents and chemicals that are used with different types of body work like painting and changing oil, etc., versus general auto repair like changing spark plugs, etc.
 - b. Table 702 – Table of Land Uses doesn't specify the type auto body work that will be done in this shop. Generally, when the specific item is not listed, we default to Other Commercial Uses.
 - c. This property is also in the Shoreland Zone so additional restrictions apply. It appears to be in the limited residential zone so Other Commercial Uses are allowed with Planning Board approval. Other areas of the shoreland zone don't allow commercial uses at all.

5. The best case timeframe scenario is that the Planning Board could have a second meeting in July to do the public hearing and the permit review and then have a meeting in August to make the final decision on the permit.
 6. The board can make a decision on the pre-application tonight on whether the permit request is complete and then look at scheduling a public hearing and a second meeting to make a decision on the permit.
 7. Can the Planning Board accept this application under Other Commercial Uses without any additional definitions? Yes, that is the purpose of the Other category. It is the Planning Board's job to interpret the LUO for the public.
 8. No one on the board has any concerns about the application. The board's only concern is with the timeframe of the process and the possibility of the building selling quickly and wasting the applicant's time and money on the project. The applicant does want to move forward with the permit request.
 9. Does the town need to find a new place for the salt shed before selling the property? Why should the townspeople pay to lease back the salt shed after the sale? These are questions for the Selectmen.
 10. J. Baum will be leasing 4 bays – the three upper bays and the first lower bay closest to the upper ones - leaving one on the end for the town to continue to use.
- iv. Section 1102.1 – Preapplication Meeting:
1. We do have a written request that was submitted at least 7 days prior to the meeting.
 2. We do have a sketch plan.
 3. We do have property tax maps attached to the application.
 4. We do have the contour interval.
 5. We do not have a copy of the deed – but the Planning Board is comfortable with the knowledge that it is owned by the town.
 6. There are no waiver requests.
 7. Any additional questions from the board?
 - a. Materials are all water based.
 - b. Only vehicles outside would be employees and customers. None of the vehicles being worked on or stored will be outside.
 - c. Signs – possibly a small one in the window?
 8. S. Crosby moved that James Baum Restoration LLC's preapplication is complete, seconded by C. Halsted. Motion passed 6 in favor, 0 opposed.
 9. Typically, the next step would be to work with Frank to notify abutters. Then we would schedule a public hearing to be held at 6 pm prior to our next meeting on August 2. There could be a second meeting in August or use the September 6 meeting for the final review.
 10. There is a public hearing scheduled on July 20 for the Broadband committee but that would not allow enough time for proper notice on this item.

11. P. Chapman will get proper notices out for a 6 pm public hearing on August 2.
12. There is information out there confirming that auto body shops are not restoration shops and vice versa. They are very different types of work.

4. Approval of Minutes:

- a. Line 36 – typo – should be ‘rangers on’, not ‘rangers of’
- b. C. Halsted moved to accept the June 7, 2022 minutes with the above correction, J. Thurston seconded. Motion passed with 5 in favor, 1 abstained, 0 opposed.

5. Treasurer’s report: None.

6. Communications:

- a. CEO Report:
 - i. Permits in general are slow but septic system permits are increasing. There are two buildings in process on Lincolnville Ave.
- b. Building Permit spreadsheet: there were three new applications added since the last meeting.

7. Committee Reports: None.

8. Old Business: None.

9. New Business:

- a. Joint meeting with the Selectmen: P. Milinazzo, A. Redman, C. Staples joined the meeting at 7:57 pm
 - i. The Planning Board had their regular meeting in May to discuss what projects they will work on for the year. It was suggested we have a joint meeting with the Selectmen to get their input on what the Planning Board is working on and discuss the communication and relationship between the two boards. A chance to exchange feedback and ask questions of each other.
 - ii. We would like this to be a regular event – at least annually.
 - iii. The more each board knows about what the other is doing, the more consistent messaging that can be presented to the public. Many people see both committees “as the town” versus two separate committees.
 1. J. Baum’s application is an example of where better communication could have prevented confusion and delays with the applicant.
 2. Can the Selectmen minutes be put online or shared with the Planning Board so they can pick up on any potential concerns or contradictions before decisions are made public. The Selectmen will have C. Mancini share their minutes with the Planning Board like P. Chapman shares the Planning Board minutes with the Selectmen.
 - iv. Input from the Selectmen on what the Planning Board should be working on in between permit applications would be useful. Normally, the Planning Board just picks out sections of the LUO they feel need attention or edits – Table of Land Use, Shoreland Zoning, Subdivisions and Tiny Homes, editing definitions, etc. What does the town feel is important for the Planning Board to look at?

- v. If the town purchases the neighboring property and wants to use the current parking lot for parking, what would the town need to do to add a trail from the current parking lot over to the new property?
 - 1. Because this purchase involves federal money, if they take up more space to add parking to the new location, they would need to find an equal size lot to replace the public land.
 - 2. There won't be a change of use on the property. The type of surface would not change significantly so it shouldn't be an issue. There may be a change to the surface to make it handicap accessible. If a permit is needed, we will just go through the regular process. There is an item for recreational use in the ordinance that would cover it.
- vi. Planning Board projects:
 - 1. Take a second look at the new sign ordinance – how long the sign stays on, intensity or brightness, whether it flashes, etc. Details people might object to.
 - 2. Comp Plan:
 - a. Who drives that process?
 - b. What does it look like? A new committee with public hearings, etc. or just a review and update of details? Selectmen feel that it would be more of a review and update.
 - c. How does LD 2003 affect the Comp Plan and our LUO? We need to address our concerns before it goes into effect in July 2023. This seems to be mostly focused on growth areas and areas with city water and sewer. We need to check the maps of growth areas.
 - d. Planning Board would look at the Comp Plan for references to the LUO. Does it make more sense to review the Comp Plan and edit the LUO after the Comp Plan has been updated?
- vii. Selectmen had questions about the scenic view discussion (referencing comments in the Comp Plan) – blueberry field with views of the mountain – at the last Planning Board meeting:
 - 1. Does the Comp Plan need to have more language to help protect those areas? This was a hypothetical discussion about what we may need to plan for in the future.
 - 2. There are references in the LUO about whether certain items follow the Comp Plan but they are not well defined. I.e., there are not specific definitions for “scenic resources”.
 - 3. Both the Selectmen/Town of Searsmont and the Planning Board need to be on the same page about whether or not to define things like scenic resources before starting that work on this project.
- viii. Many items in the LUO end with “unless otherwise addressed in the comp plan” so we need to make sure those items aren't contradictory.
- ix. Has the town thought about who would make up a Comp Plan committee? The Planning Board would recommend that there are representatives from the Selectmen and Planning Board on the committee but that it would be useful to have some new people involved as well.

1. The state requires the town to update their Comp Plan every 10 years. No one was sure if there are any consequences if it doesn't happen. C. Halsted will follow up on the question of what happens if a town doesn't comply.
 2. The state needs to approve the town's Comp Plan.
 3. A lot has changed in 10 years. It may make sense to review it more often to keep track of these changes and make sure we stay on track with the plan. Sometimes the state's requirements to review things turn out to be useful. We have found some of the state's recommendations to be helpful. When we had to review our Shoreland Zoning Ordinance and compare it to the State's ordinance, it helped the Planning Board find things that needed updating and clarifying.
 4. The town has received a letter from the state indicating that the Comp Plan needs to be reviewed and updated.
 5. How many people are needed for a Comp Plan committee? Minimum of 6? No one was sure how many people were on the last committee. The town can take a year or so to complete the process. The town usually receives a packet from the state with comments on their existing plan and links to new resources.
 6. There are usually 20-30 towns going through the process each year. The Municipal Assistance Program under the Dept of Agriculture, Conservation and Forestry leads the process for the state.
- x. J. Baum's project – property is zone as limited residential in a Shoreland Zone (within 250 feet of the water).
1. What is the difference between auto repair and auto restoration?
 - a. The definition of auto repair specifically excludes body work, painting, gasoline distribution, oil sales; it's focus is on fixing the mechanical parts of the car.
 - b. A new term with a specific definition was never created for things excluded from auto repair so we need to use Other.
 2. We can evaluate his application as an Other Commercial Use. If anyone questions that definition, the Planning Board will need to explain the definitions.
 3. This an area that we should look to redefine and add to our next warrant for LUO changes using the state ordinances as a guide.
 4. The insurance company made the requirement for the encapsulation of the light fixtures.
 5. No matter what definitions we add to the LUO, we will still need to keep the "Other" categories as there will always be new things we aren't prepared for. We just want to be careful not to default to "Other" too often. Make sure to use the specific existing items whenever possible.
- xi. A lot of time has been spent discussing the Planning Board/CEO relationship. We would like to be involved in decisions about a future CEO.
1. What does the Planning Board want/need? What does the public need?
 2. How much of a CEO do we need? How many hours are needed to get the work done.

3. The Planning Board would appreciate being a part of that process.
4. The Selectmen have had discussions about this and are considering getting someone on board to shadow F. Therio before we actually need a new CEO. It may be difficult to find a new CEO when needed.
5. This is not urgent and can be a back-burner discussion.
6. There is a section in the LUO that states the CEO should be appointed annually. Why is that in the LUO? Does it actually happen? If this is a town/Selectmen decision, it should be in the LUO.
7. Who is the expert? Who has the final say in LUO discussions? CEO vs Planning Board?
 - a. CEO is there to provide strong guidance based on his certifications and knowledge but the Planning Board's vote is the final say.
 - b. We also have the town attorney to rely on if needed.
 - c. Good communication makes it easier to have a consensus on decisions. As public servants the CEO and Planning Board members should be open to questions about their decisions.
 - d. Both the CEO and Planning Board need to work together and rely on each other and not work in a vacuum.
 - e. There has been a trend where more items on the Table of Land Uses have been marked as CEO decisions vs Planning Board. This allows things to move more quickly through the process and be more consistent but the Planning Board needs to feel confident in how those items are being handled.
- xii. The selectmen want to take all this information back to their own work session to discuss in more detail and will share notes back to the Planning Board before our next meeting.
- xiii. The selectmen are working on the snow plow contract for the year.
- xiv. The Planning Board chair is willing to attend any Selectmen sessions if needed.

10. Adjournment: G. Hamlin made a motion to adjourn, seconded by S. Crosby. Motion passed by a vote of 6 in favor, 0 opposed and the meeting was adjourned at 8:55 pm.

Respectfully submitted,
Patricia Chapman, Planning Board Clerk

S. Crosby made a motion at the August 2 meeting to accept the July 5, 2022 minutes as printed, J. Thurston seconded. Motion passed with 5 in favor, 1 abstained, 0 opposed.