

Town of Searsmont
Planning Board Meeting Minutes
July 18, 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
Sarah Crosby, Vice Chair
Jon Thurston
Jack DeGraff
Jon Robbins
Evie deFrees

Others:
Matt Silverio
Toni Clark
Sarah Nelson
Dan Inman
Selectman Staples
Selectman Redman

3. Applications:

- a. Andrea Crawford's application from the previous meeting was incomplete:
 - i. C. Halsted and J. DeGraff did a site visit and amended the sketch – 13' setback from driveway/Fuller Road and 40' from the rock wall property line.
 - ii. This is an After The Fact (late) request as the building is already on site.
 - iii. J. DeGraff made a motion seconded by S. Crosby to approve the late permit application and calculate fee accordingly. Motion passed 6 in favor, 0 opposed.
 - iv. Regular permit fee is \$120 ($10' \times 20' \times \$0.35 = \70 plus \$50) x 4 (late fee) = \$480.
- b. Hunter Loring application – Map 8, Lot 50, New England Road
 - i. 32'x48' shop on a slab with one apartment above (2 stories)
 - ii. How far is it from the well to the house? This isn't relevant.
 - iii. How far is it from the well to the septic? That is a state issue, not relevant to our discussion.
 - iv. J. DeGraff made a motion to approve the permit application, seconded by C. Halsted. Motion passed 6 in favor, 0 opposed.
 - v. Fee is \$587.60 [$(32' \times 48' \times \$0.35) + \50]
- c. Helander application – Map 8, Lot 093; request to add a deck around the pool;
 - i. Impervious surface will be 356'
 - ii. House is on the edge of the property; 1.9 acres – deck appears to be going on the side of the house that is on the property line but sketch indicates it does have the proper 15' setback.
 - iii. The lot is partly in a commercial zone
 - iv. The dimensions of the lot indicate the property is 1.04 but paperwork says 1.09. Assessed acreage is 1.0. The exact size is not relevant to this discussion.
 - v. C. Halsted made a motion to approve the permit application, seconded by J. DeGraff. Motion passed 6 in favor, 0 opposed.
 - vi. Fee is \$174.60

- d. 48 Nelson Ledges N – 10'x18' greenhouse; map 10, lot 72-1 (not 72-3 as indicated on the permit) on Route 131
 - i. Sarah & James Nelson own the land (~100 acres) but Cody & Desi and Cooper & Meredith have built homes on the property. Sarah & James pay the taxes on the land and their farm and buildings. Cody & Desi and Cooper & Meredith pay taxes on their homes.
 - ii. Town tax maps have not been updated with these details
 - iii. Lot 72-1 is in the process of being deeded to Cody.
 - iv. Permit indicates the greenhouse will be approximately 400' from Route 131. 30' setback off the north property line. Not sure of the setback off the Ledges Road.
 - v. There is no indication this will be on a slab.
 - vi. J. DeGraff made a motion to approve this permit application, seconded by C. Halsted. Motion passed 6 in favor, 0 opposed.
 - vii. Fee is \$113
- e. Driveway and building permit for Dan Inman at 95 Main Street South
 - i. 42'x60' Quonset Hut garage. Dimensions are of the slab, garage is slightly smaller.
 - ii. Map 3, Lot 10
 - iii. The location of the slab has been staked out. It's located on the north end of the lot.
 - iv. There is technically a driveway you can see on the maps but it's so old it was likely a paper permit that would be difficult to find documentation for so town staff advised him last year that it would be easier to apply for a new permit.
 - v. DOT needs to approve the driveway permit. There are visibility requirements. Applicant has already talked to a DOT rep.
 - vi. Fee is \$932
 - vii. J. DeGraff made a motion to approve this permit, seconded by J. Thurston. Motion passed 6 in favor, 0 opposed.
- f. Toni Clark - Map 3, Lot 90 – 338 Woodman's Mill Road; an 18'x26' addition to an existing cabin
 - i. 70' from the east property line (closest side)
 - ii. Fee = \$213.80
 - iii. Planning to start work the 2nd week of August.
 - iv. J. DeGraff made a motion to approve the permit application, seconded by J. Thurston. Motion passed 6 in favor, 0 opposed.
- g. Sarah Nelson came to discuss the fee assessed by the board on her permit at the last meeting. She wants to appeal the board's decision and talk about clarification and intent.
 - i. She read a statement summarized here:
 - 1. She stated they did have a permit approved in October 2021 but they did not pick up or pay for the permit. K. Hoey reached out to James Nelson about the outstanding permit after F. Therio retired as CEO in an attempt to clean up paperwork.
 - 2. There is some question about the date of the call but it was sometime between mid-May and early June. J. Nelson indicated that they were tabling the build for the moment.

3. S. Nelson came to the town office on June 27 prepared to pay for the permit but K. Hoey told her that she had made a mistake and the permit had expired so they could not pay for it and pick it up.
 4. S. Nelson asked how to make it work and K. Hoey did not know. K. Hoey indicated that the fees may have changed so she couldn't accept payment. K. Hoey let S. Nelson know the Planning Board was handling permits now but she did not know when they would be meeting again.
 5. S. Nelson approached Selectman Staples to ask how to fix this. He told her C. Halsted was handling permits. She then reached out to C. Halsted. He told her the board would be meeting on July 6th and would review the permit then. If approved, you can pay the fee and start the week of the 10th.
 6. S. Nelson explained that they were expecting their first grandchild and their family construction business has been working on the islands in Penobscot Bay making it difficult to get back to the mainland easily. They decided to have their son stay on the mainland and get this project started.
 7. They know that they did start the project without an updated permit but she feels they did make an effort to correct the issue and the goal of the permit is to make sure applicants are complying with codes and guidelines and inform the town of new taxable property. They are not intended to chastise community members trying to follow guidelines.
- ii. The board discussed the Nelson situation.
1. The permit was approved in October 2021 and expired in October 2022. There was no further contact until the phone call from K. Hoey in mid-May or June. It is unclear when they actually started the project but a planning board member noticed the building was already in existence before the July 6 meeting when the new permit was going to be reviewed.
 2. The town office staff generally call an applicant when the permit has been approved and is ready to be picked up – this would have happened in October 2021.
 3. Even after the next call in May or June, they waited a few weeks before deciding to come in and try to pay for it.
 4. They weren't in a hurry until they were and then it was our problem that they were in a hurry.
 5. There are going to be some "growing pains" as we try to move to a more consistent way of approving permits and applying fees. People may not be aware of specific fees if they haven't looked them up or had them applied. Since the board is already looking to revise the permit form, they can also make sure the fee schedule is part of that form.
 6. S. Nelson's statement did not specifically ask for anything from the board.
 7. They did receive mixed messages when K. Hoey recently contacted them about the permit when it had already expired but C. Halsted specifically told them not to start until the permit was approved and S.

Nelson's statement acknowledged that fact and they chose to start anyway.

8. The board made a special effort to postpone the July 4th meeting to July 6th instead of just cancelling because they knew there were permits to review.
9. The board has made it's decision. The next step for the Nelson's is to either take it to the Board of Appeals or the Selectmen. The Selectmen are responsible for setting the fees and should be the ones to make any exceptions if requested.

4. Approval of Minutes:

- a. J. DeGraff moved to accept the July 6, 2023 minutes as written, J. Thurston seconded. Motion passed with 6 in favor, 0 opposed.

5. Treasurer's report: None

6. Communications: None.

7. Committee Reports: None.

8. Old Business: None.

9. New Business:

- a. Matthew Silverio is here to discuss 260 Walker Road, Map 11, Lot 9 – Bill and Leanne Dickey.
 - i. They originally wanted to renovate and add an addition to a garage they call a boat house. It is non-conforming, too close to the water, and in a flood zone.
 - ii. M. Silverio had been meeting with F. Therio about the plans but at their last meeting to confirm the final details, F. Therio told them it couldn't be done where they wanted and it had to be outside the 100' setback.
 - iii. Based on this information, the Dickey's decided to start over with a new building. They are now trying to figure out where this new building can go.
 - iv. It is intended to be a small 2 bedroom cottage with a porch. In order to get beyond the 100' setback, they need to work around an existing garage and septic. This means the new building would have to be in the existing driveway.
 - v. M. Silverio wants to make sure he is approaching this appropriately before submitting a permit application.
 - vi. It would be good to put utilities under the building however, in the proposed location, in order to be 25' from the leach field they will only be 30' from the garage and make it difficult to get a full-size vehicle in the garage.
 1. Option1: Cut a new driveway and re-vegetate the existing driveway and get the house as close to the septic as possible – responsibly – so the garage would be usable.
 2. Option 2: If the building is on a slab (no crawl space), they can be 15' from the septic leach field. It would be more difficult but they are willing to consider this. Can the building have a crawl space and be 15' from the septic?

- vii. Current power lines go from the existing garage under the water to the island. If they tear down the garage, how will they hook into the power? What does CMP recommend for hooking up the power to the island? The current garage slab is above the flood line so putting something on posts to hook up power would be above the flood line.
- viii. The plumbing inspection issue is not in the LUO so it's not really the control of the Planning Board. M. Silverio should consult with the LPI the town is working with to figure out their options for placing the building in relation to the leach field.
- ix. M. Silverio should come back for a permit when he has something in writing from the LPI approving a plan for the placement of the building.
- b. Shannon Smith – Albin Road permit request to amend an existing permit to allow them to add a 2nd story to the building they are moving from Higgins Road to Albin Road.
 - i. C. Halsted contacted him after the last meeting to let him know it was ok to amend the existing permit application vs getting a second permit.
 - ii. There was some discussion about whether there is an additional fee for a second floor. If fee is based on square footage of footprint, there would not be an additional fee for the second floor.
- c. C. Halsted has some inquiries (phone calls) this week for a greenhouse and one for putting in a well. The well is a state issue so he referred them to a well-driller.

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 8:10 pm.

Notes were taken by S. Crosby and transcribed by P. Chapman.

Respectfully submitted,
Patricia Chapman, Planning Board Clerk

J. DeGraff made a motion at the August 1 meeting to approve this amended version of the July 18 minutes. C. Halsted seconded. Motion passed with 6 in favor, 0 opposed.