

Town of Searsmont  
Planning Board Meeting Minutes  
December 6, 2022  
7:00 PM

1. Call to order: The meeting of the Planning Board convened at 7:00 pm. These minutes are a summary of the Board's discussions. This meeting was inadvertently not recorded!
2. Roll Call - Members Present:

Christian Halsted, Chair Sarah Crosby, Vice Chair Evelyn deFrees Jon Thurston Jon Robbins Jack DeGraff Guy Hamlin	Others: Frank Therio by Zoom Patricia Chapman, PB Clerk by Zoom
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3. Applications: None.
4. Approval of Minutes:
  - a. S. Crosby moved to accept the November 1, 2022 minutes with an edit to line 153 to clarify that the title of section 606 will remain "Signs" and not include "exterior lighting" which will be covered in the new section 610 (#9.b.xi.4 in the minutes), J. DeGraff seconded. Motion passed with 7 in favor, 0 opposed.
5. Treasurer's report: None.
6. Communications:
  - a. CEO Report:
    - i. A yurt was installed on the property where there had been a question about the distance to the stream.
    - ii. F. Therio has been monitoring some properties that need septic systems.
  - b. Building Permit spreadsheet: no updates have been made this month. P. Chapman and C. Halsted will talk after the meeting about what he needs to do to take over this project.
7. Committee Reports: None.
8. Old Business:
  - a. Sign Ordinance:
    - i. F. Therio had a few comments about the sign ordinance:
      1. Some areas have more detail than he feels are necessary.
      2. 606.1 c – is confusing – the requirement for 500' between signs – can you have two 32 sq foot signs on the same property?
        - a. Yes, you can have two 32 square foot commercial signs as long as they are 500' apart.

- b. F. Therio feels 32 square feet may be too small on larger roads with faster traffic but does not have a different recommendation about the size.
    - 3. 606.2 f - ambient illumination – is vague
      - a. The board is struggling how to get to the point that people are not shining light into other's homes or properties. F. Therio said other towns require down shielding but this is about illuminated signs, not lights pointing at signs.
    - 4. The ordinance is missing a standard for the setback from the center of the road.
      - a. Planning Board chose to say it had to be "out of the public way" so we did not need to deal with different size roads (3 rod vs 4 rod, etc).
      - b. There is no map the public can use to determine the size of a road so they would still have questions.
      - c. The size of the sign should be determined based on the size of the road it is located on vs just commercial vs private.
      - d. Planning Board prefers to do it by zoning – commercial vs private.
  - ii. Building Permit pricing – current pricing is based on square footage vs price of project.
    - 1. If someone does renovations that do not change the square footage of the property, there would not be a cost for the permit based on the current set up.
    - 2. Current definition uses the phrase "impervious surface" so it's based on the footprint of the building. Adding a second story would not incur a charge because it does not change the footprint.
    - 3. How would we enforce indoor renovations? How would we know it was evening happening?
      - a. If someone comes to us about a renovation, F. Therio still has them complete a permit application so the tax assessor is aware of the work but there is no charge.
      - b. The Planning Board is in favor of leaving this as is – inside renovations that don't change the footprint should not a permit fee.
        - i. 905 f 2 under Floodplain Management: 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.
        - ii. 505.2. (Nonconformance) & 812.2 b (Shoreland Zoning) Repair and Maintenance - This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a

non-conforming use or structure as federal, state, or local building and safety codes may require.

- iii. C. Halsted will check with the selectmen about their thoughts on this and let them know the Planning Board's feelings on the issue.
4. Adding an apartment to a garage on the property is already covered in the LUO.
5. F. Therio would like the Planning Board to consider putting a clause in the LUO to allow residents to rebuild after a fire without paying for a permit as long as the same owner rebuilds in the same footprint. We still need to have the permit but don't charge the fee.

J. DeGraff made a motion to amend the LUO to allow a homeowner to get a permit to rebuild after a fire free of charge as long as it's the same owner and they rebuild on the same footprint. C. Halsted seconded.

Motion passed 7 in favor, 0 opposed.

- iii. 606.2 g – add “and electronic changeable” to the sentence after “All illuminated...”. Confirmed the board did settle on 9 pm for lighted signs to be turned off  
C. Halsted, made a motion to change 606.2 g to say “All illuminated and electronic changeable signs...”, J. Thurston seconded the motion. Motion passed 7 in favor, 0 opposed.
- iv. Glare / dimness:
  1. do we need more detail? Do we need to define more?
  2. Do we need to set an actual lumen level? Will it need to vary based on the type of lighting?
  3. If we leave it vague, there is more leeway for making decisions on a case-by-case basis.
  4. The fire station has lights that are dim but get brighter when there is a call and the firemen are coming and going.
  5. The board is ok with it as written.

J. DeGraff made a motion to submit section 606 for the town warrant as written (after making the one change to 606.2 g noted above), C. Halsted seconded. Motion passed 7 in favor, 0 opposed.

- v. P. Chapman has been keeping an updated working draft of the changes the Planning Board plans to submit for vote at the town meeting. We do not need a public hearing for any of the changes we have made so far.
- b. Section 610 – after tonight's discussion, P. Chapman will copy this from the working document and distribute with the minutes for review.

## **610 Exterior Lighting**

- A. 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.
- B. Lighting shall be arranged to minimize glare and reflection of adjacent properties and the traveling public.

- C. 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.
- i. “designed to encourage energy efficiency” where did this statement come from? Different section? It was copied from 1102.5.b.8 into this new section to be consistent.
- ii. Section 603 f lighting of flags was supposed to be moved to the new section 610 – P. Chapman will fix that and include with minutes.

9. New Business:

- a. Abutter letters and other required notifications – P. Chapman compiled a list of notices that are required to be sent out for different things and the board needs to decide who will take on this responsibility and whether we need to change the LUO to be consistent.
  - i. Should all notifications come from the town vs some from the applicant?
  - ii. How would the actions be coordinated and tracked?
  - iii. Maybe an appendix could be created providing the timeline and responsibilities?
  - iv. We need a flowchart and checklists that can be provided to applicants to help them through the process. P. Chapman will look for an old one in Nancy’s old files.
  
- b. MMA Cannabis workshop:
  - i. Gross Retail Sales of Cannabis in Maine have been over \$129 million so far this year.
  - ii. Is a professional industry
  - iii. Is key to reducing illicit market
  - iv. 60% of consumption was from legal sources
  - v. Legalization allows for a safer product that’s been tested
  - vi. Only cannabis grown in Maine can be sold here
  - vii. Town options:
    - 1. If we don’t do anything, it is prohibited; towns must opt in for any medical establishment other than caregivers and for all Adult Use establishments.
    - 2. If we opt in, we have options
      - a. recreational
        - i. licensing
      - b. cultivation & manufacturing – gummies & edibles, etc.
      - c. retail sales
      - d. testing facilities
      - e. dispensary – no limit on how powerful their product can be
      - f. caregiver –
        - i. need to be registered with the state but not licensed
        - ii. does not need town approval unless they have a storefront; can grow up to 50 plants? Or 300 square feet;
        - iii. no limit on how powerful their product can be
        - iv. they can be regulated by rules in the LUO that requires them to be further way from schools (state law is 500’)

- v. unregistered caregivers can grow for up to two people in their household
- 3. There is an establishment in town already – on Lowry Road?
  - a. a caregiver? Dispensary?
  - b. do we need to know how they are classified? They call themselves farmers.
- 4. 17% of Maine municipalities have opted in – take an active role in allowing activities in their town and have created ordinances. MMA highly recommends getting legal advice. Can get reimbursed up to \$20K toward the costs of opting in?

viii. Questions:

- 1. How is implementing going with other towns?
- 2. It is up to the Planning Board whether to get involved in this at all.
- 3. Are there reasons why we should get involved?
  - a. Possible revenue for the town? Not much and could get eaten up with legal fees, etc.
- 4. Is licensing like a liquor license?
- 5. How do we opt in?
  - a. We would need to edit the LUO which would involve a town vote.
  - b. First step would be to consult a lawyer to help with a proposal to bring to the town.
    - i. You can limit the number of store fronts
- 6. Can a resident bring a petition to the town to allow marijuana businesses? Would the town then need to vote on it? If the resident[s] got it on a town warrant, then there would have to be a vote.
- 7. Zoning, potential storefronts, and land use are what make it a potential Planning Board issue.
- 8. If we don't have a local ordinance, why wouldn't it fall back to the state law like other topics like alcohol?
  - a. Because it is a contentious issue, the state has said that towns have the control and they have to opt in to allow it.
  - b. The state is encouraging towns to opt in.
- 9. Most complaints that the state get are around the odors!
- 10. Should this be a joint decision between the selectmen and the planning board?
  - a. Most planning board members do not feel we should opt in at this time.
  - b. The Selectmen have not discussed this at all yet
  - c. A lot of the information is still unclear. The lawyer who led this seminar did not have answers for all the questions that were brought forth.
  - d. There does not seem to be any downside to not opting in right now and not creating any ordinances.
    - i. We would need legal advice to get started
    - ii. Ordinance would need to be reviewed regularly and might require additional legal advice as rules change.

- c. Old Mill Diner – Did their site plan permit allow for an addition or pole barn???
  - i. Yes, they did get approval for a large deck addition.
  - ii. They were planning to have events, so maybe the pole barn is for that?
  - iii. Either way this would now be an enforcement scenario to be handled by the CEO.
- d. Comprehensive plans – there have not been any updates or additional discussions about the town’s comp plans.
  - i. We are not sure if there are any penalties for not completing the plan updates.
  - ii. The state is currently understaffed in this department.
  - iii. It will be helpful when we have to work on the LD2003 issue
- e. Next project for the Planning Board: (there is limited time for getting items on the next warrant)
  - i. Review LUO for typos and missing information (primarily section 1000) – C. Halsted and P. Chapman will review and provide a list of edits for the board to review.
  - ii. Review LUO for references to the comp plan and what we need to be aware of and what might need to be incorporated into the LUO. Board would prefer to wait until there is an updated comp plan.
  - iii. Review new sign ordinance – done.
  - iv. Create list of topics that need to be reviewed regularly (like the marijuana issue)
  - v. Create list of resources for the planning board and specifically new members
- f. Would the board be in favor of changing the time of the meeting from 7 pm to 6:30? S. Crosby made a motion to change the time of the meetings from 7 pm to 6:30 pm. C. Halsted seconded the motion. Motion passed 7 in favor, 0 opposed.

10. Adjournment: J. DeGraff made a motion to adjourn, seconded by S. Crosby. Motion passed by a vote of 2 in favor, 0 opposed and the meeting was adjourned at 8:37 pm.

It was discovered at the end of the meeting that P. Chapman forgot to hit record for this meeting.

Respectfully submitted,  
Patricia Chapman, Planning Board Clerk

C. Halsted made a motion at the January 3, 2023 meeting to accept the December 6, 2022 minutes, E. deFrees seconded. Motion passed with 5 in favor, 0 opposed