

Town of Searsmont

Land Use Ordinance Appendices



For reference only. Not subject to approval of Land Use Ordinance.

Appendix A. Planning Board Bylaws

Approved June 21, 1994, July 9, 2019, June 6, 2023, September 3, 2024

A. Authority

Pursuant to Article VIII part 2, Section 1 of the Maine Constitution and Title 30-A MRSA Section 3001 the Town of Searsmont established the Planning Board at a special town meeting April 30, 1986.

Note: Bylaws are not ordinances, do not supersede ordinances or other laws, and generally should not deal with substantive issues or matters already dealt with by law unless they are carefully drafted to avoid conflicts and inconsistencies.

B. Membership

The Board shall consist of seven (7) voting members who shall be elected by the voters from the floor at the annual town meeting to serve staggered three (3) year terms. To be elected a candidate must be a registered voter of Searsmont.

C. Officers

The officers of the Board shall be a Chairperson and Vice Chairperson.

1. The Chairperson shall preside over monthly meetings and special meetings and shall appoint and serve ex officio on all committees. The Chair shall report to the annual town meeting on the work of the Planning Board.
2. The Vice Chairperson shall take over the duties of the Chairperson in his absence or at his request and perform such duties as requested by the Chairperson or the Board.
3. The terms of all officers shall be one (1) year with eligibility for re-election

D. Planning Board Clerk

1. A Planning Board Clerk will be hired by the Selectmen.
2. The Clerk shall keep a record of all the proceedings of regular and special meetings of the Board and attend to all official correspondence and communications.

E. Records

The Office of the Selectmen shall keep a file of all building permits granted and a duplicate copy shall be maintained for the Board of Assessors. The Office will also be responsible for posting of notices and filing of records.

F. Meetings

Regular meetings of the Planning Board shall be held on the first Tuesday of each month with adjustments made by the Board and posted for public notice. A second meeting may be held on the third Tuesday of the month at the discretion of the board based on workload. Special meetings shall be held at the call of the Chairperson or the Vice-Chairperson, or a quorum of members, and posted as required by law. If the town office is closed, for any reason, the Planning Board will not meet.

G. Meeting Minutes

Minutes shall be taken for all Board meetings by the Board Clerk. Within a week, the Chair will review the minutes with the Clerk and then the Clerk shall share the draft minutes with the Board for review and clarifying comments. After Board reviews, the Clerk will circulate the updated draft to the Board which will act to accept or deny at the next Board meeting. Immediately after the meeting

when the minutes are approved, the Clerk shall post the final minutes on the Town website and complete the official filing.

Focus of minutes will be on ensuring clarity of discussion and information exchange during the course of the meeting, including: clarity about whether it is the Board or the applicant asking or answering a question (including exact text to the extent possible of applicant responses), separate minute sections for separate topics, citations to the Land Use Ordinance whenever possible, clear denotation of motions and votes taken.

H. Committees

As required, shall be appointed by the Chairperson.

I. Quorum

A majority of the Board shall constitute a quorum for the purposes of conducting business. A majority of the quorum may take legally binding action for the Board.

J. Tie Vote:

If a motion results in a tie vote, the board has failed to act and another vote should be taken to try to get a definitive decision. If the tie cannot be broken, it has the same effect as a vote to defeat the motion. (Cite: MMA/Legal, pg. 38)

K. Duties/Powers

The Board shall adopt rules for transaction of business and the Clerk shall keep a record of its resolutions, transactions, correspondence, findings, and determination. All records shall be deemed public and may be inspected at reasonable times. The Board shall perform such duties and exercise such powers as are provided by town ordinance and the laws of the State of Maine. The Board may obtain goods and services necessary for its proper function within the limits of appropriations made for the purpose. The Land Use Ordinance is a 'living document'. Revisions will be necessary to keep it current and conforming to changes in State and Federal regulations, building codes, and town expansion. A routine review of the LUO and the Bylaws should be conducted at least every two years by the Planning Board to propose any updates that are warranted.

Planning Board Chair responsibilities:

1. Moderate meetings, public hearings, and site walks
2. Coordinate meeting agenda with the Planning Board Clerk and Code Enforcement Officer (CEO)
3. Meet with the CEO before each meeting to review procedures
4. Maintain routine contact, between Planning Board meetings, with the CEO via phone or email to identify emerging issues and upcoming applications
5. Represent PB at Selectmen's meetings, if necessary
6. Prepare the PB budget and annual report with the assistance of the Clerk
7. Facilitate the establishment of board work priorities for improvements to the LUO and PB procedures
8. Communicate effectively and constructively with board members, Clerk, CEO, Selectmen, town staff, applicants, public, and media

L. Board Meeting Rules of Procedure

1. The Chair opens the meeting and follows the established agenda unless there is cause or a motion to make changes to the agenda.
2. There will be a Public Participation period, members of the public may choose to speak. The Chair may choose to limit speaking time.
3. When the Chair lays an item before the Board and calls for discussion,
 - a. Board members ensure that all member voices are heard. Board members are encouraged to ask clarifying questions in order to understand the item laid before the Board.
 - b. The Chair may invite the public to make comments and ask questions after the Board's initial discussion.
 - c. Once the Board is engaged in its discussion leading to motions and voting, the public may not further comment.
 - d. In general, members are encouraged to raise their hands to be recognized by the Chair before speaking and should allow other members a chance to speak before speaking again.
 - e. Generally, a member may raise their hand to speak a second time with the Chair's recognition once all members have had a chance to speak once.
 - f. The Chair may summarize member comments and other additional information before any motion to vote. At this point immediately preceding a vote, if a member wants to amend a position or the Chair's summary, recognition to speak should come from the Chair.
4. Any member may move to table an item until later in the meeting or until the next or some future meeting. Reasonable rationale for the motion can include: the Board needs time to gather additional information and/or expertise on the item; the Board wants to establish a sub-committee to research and propose resolutions to the issue.

A separate process is established for holding a Planning Board public hearing.
(Cite: MMA/Legal, page 29-30)

M. Attendance

Members shall be required to attend each regular and special meeting. Any member missing three (3) consecutive regular meetings shall be notified by the Chairperson that without legitimate reason for absence, the member's resignation will be accepted by the Board.

N. Resignation

Any member desiring to resign from the Board shall do so in writing to the Chairperson.

O. Disqualification

Any question of whether a member should be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

(Cite: MMA/Legal, pages 19-23)

P. Vacancies

Except within the two months prior to the annual town meeting qualified candidates to fill vacancies shall be nominated by members of the Board. Appointment to fulfill the term of the member resigning will be

made by the Selectmen, A resignation within the two months prior to the annual town meeting will not be filled to allow public election of the new members.

Q. Amendments

Proposed amendment to these bylaws shall be submitted in writing at a regular meeting or at a special meeting of the board called for that purpose. The proposed amendment shall become part of these bylaws if, at two consecutive meetings it is approved by a 2/3 majority of those members present and voting, provided there are four members voting in the affirmative.

R. Order of Business

1. Call to order
2. Roll call
3. Applications for permits
4. Approval of minutes
5. Budget update
6. Communications
7. Committee reports
8. Old Business
9. New Business (other than permits)
10. Adjournment

Appendix B. Policy for Enforcement of Land Use Violations

Approved April 19, 1994, amended July 9,2019

- A. Upon report of a violation, the Code Enforcement Officer (CEO) will address the appropriate Land Use Ordinance (LUO) section in order to follow the required procedure.
- B. Request that the CEO conduct an on-site inspection to investigate complaints of alleged violations and to insure compliance.
 - 1. CEO shall notify the person responsible for the violation in writing of the nature of the violation and order the action necessary to correct it
 - 2. CEO shall submit a copy of the notice to municipal officers and maintain a copy for a permanent record.
 - 3. Submit a copy to the Planning Board.
- C. Consult with Maine Municipal Association (M.M.A.) for advice or assistance.
- D. Respond in every instance by letter to maintain a legal record.
- E. After 6 months without correction of violation, recommends municipal officers shall seek legal counsel in order that evidence, witnesses, and data are fresh.
 - 1. Recommend a lawyer appropriate to the case (land use).
 - 2. Expect careful review of enforcement procedure and a detailed strategy.
- F. Review for the Planning Board any communication for each Incident and maintain a file on documentation.
- G. Municipal officers institute action and enter into consent agreement.

Appendix C. Safety Standards for Older Mobile Homes

A. Purpose

The purpose of these standards is to establish a condition of safety that will allow the home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

B. Applicability

These standards shall apply to all manufactured housing built before June 15, 1976 or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974 United States Code, Title 42, Chapter 70 to be located on an individual lot in a mobile home park in the Town of Searsmont.

C. Exit Facilities

1. Exterior Door

- A. Required egress doors shall not be located where a lockable interior door must be used to exit.
- B. Homes shall have a minimum of two exterior doors not less than 12 feet from each other as measured in any straight-line direction regardless of the length of travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
- C. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

2. Egress Windows and Devices. Homes shall have the following emergency egress facilities.

- A. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with the procedures and requirements of A.A.M.A. 1704-1985.
- B. The bottom of the window opening shall not be more than 36 inches above the floor.
- C. Locks, latches, operating handles, tabs and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.

D. Interior Doors

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button, or other locking device on the outside.

E. Fire Detection Equipment

At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
2. When located in hallways, the detector shall be between the return air intake and the living area.
3. The smoke detector shall not be placed in a location which impairs its effectiveness.
4. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit, there shall be no switches in the circuit to the detector between the over current protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit interrupter. All smoke detectors will include a battery backup for additional protection in case of electrical failure.

Appendix D. Fee Schedule for Permits

Town of Searsmont Permit Fees

Structures	FEE
Base Fee	\$50.00 plus one of the following
101 – 1,500 square feet	\$0.35 per square foot
1,501 square feet and larger	\$0.50 per square foot
Late Permit Penalty	4 times the permit fee

Note: There will be no fee for a permit to rebuild a structure destroyed by fire if the permit is requested by the same owner and the structure is rebuilt within the same footprint as the original structure.

MINOR SUBDIVISION Final Plan Approval	1003.2(A)	\$750.00
MAJOR SUBDIVISION Pre-Application Fee	1002.3	\$125.00 for pre-application fee.
MAJOR SUBDIVISION Preliminary Plan Approval	1003.1 (A-2)	\$200.00 for first lot plus \$100.00 each additional lot plus \$250.00 per lot escrow for consultants. If balance in escrow account is drawn down 75%, it will be required to be brought back to original deposit.
MAJOR SUBDIVISION Final Plan Approval	1003.3 (C)	\$100.00 per lot or dwelling unit plus advertising costs.

SITE PLAN REVIEW	SECTION 1100	
Minor Project	New Application or Amendment	Pre-application fee of \$400.00. Application fee of \$5.00 per \$1,000.00 of cost of project for projects over \$10,000. Minimum fee of \$400.00 and maximum fee of \$5,000. Escrow amount for consultants set at discretion of Planning Board.
Major Project	New Application or Amendment	Pre-application fee of \$400.00. Application fee \$5.00 per \$1,000.00 of cost of project for projects over \$10,000. Maximum fee of \$5,000. \$5,000 escrow for consultants. Balance not to drop below \$2,000.

Structures within the shoreland zone (In addition to the fees above)	\$100.00 plus \$10.00 per 100sq. ft. of total floor area
Flood hazard development permit (1200-1V)	\$100.00
Late permit penalty for structures within the shoreland zone	\$250.00

Revised: August 6, 2024