

**TOWN OF SMITHFIELD
PLANNING BOARD MEETING MINUTES OF
JULY 14TH, 2021**

MEMBERS PRESENT: Erik Rasmussen Harold Buzzell
David Kincaid Jo-Anne Bushey
David Merry Jr. Jodie Mosher Towle

MEMBERS EXCUSED:

MEMBERS ABSENT:

OTHERS PRESENT: Andy Marble Nichole Clark
Lawrence Merry Hans Rasmussen
Dan & Jean Alger

7:00PM meeting was called to order and members present reviewed all documents presented to them.

Minutes of the June 9th, 2021, Meeting:

Jo-Anne Bushey motioned to accept the June 9th, 2021; minutes as typed. Harold Buzzell seconded the motion. Motion passed.

Board Update/Info:

A board member reported receiving several verbal concerns about what has been going on at the property along Lake View Dr known as Map 15 Lot 4.

The CEO updated the board to the violation letter and consent form, both going to the board of Selectmen.

Code Enforcement Update/Report:

Dude's Ranch, Virginia Anderson, Map 14 Lot 52 Update

The CEO updated the board on the activities of the Dude's Ranch owned by Virginia Anderson and Eagle Nest Campground owned by Michael Labbe. Both businesses have signs indicating that they are two separate businesses. The property that houses the Dude's Ranch is less than 3,000' of unvegetated area and no one building over 10,000 sq ft.

OLD BUSINESS:

1. Start Time for Regular PB Meetings

The board agreed that the regular meetings will start at 6:00 pm November through April and 7:00 pm May through October.

2. Election of Officers

David Merry motioned to elect Erik Rasmussen as PB Chair. Harold Buzzell seconded. Harold Buzzell motioned to elect David Merry Jr. as PB Vice Chair. Erik Rasmussen seconded the motion. David Merry Jr. motioned to elect Jo-Anne Bushey as PB secretary. Jodie Mosher Towle seconded the motion. All motions were passed.

NEW BUSINESS:

1. Application to Extend an Existing Driveway, Map 16 Lot 15-1

Lawrence Merry owner of Map 16 Lot 15-1 presented an application to extend the current driveway on the lot. The board reviewed section 15(H) Driveways of the SLZ Ordinance. The proposed extension will be beyond the 100' mark of the HWM. The extension will be going through a heavily wooded section of the lot but the majority of the trees to be cut are under the 4" DBH. The driveway will not put the lots un vegetated area over the 20% allowed. The applicant has submitted an erosion control plan with the CEO. David Merry Jr. abstained from voting. David Kincaid motioned to approve the extended driveway for Merry Family on Map 16 Lot 15-1. Harold Buzzell seconded the motion. Motion passed.

2. Application to Renovate Existing Seasonal Structure, Map 18 Lot 6

William & Kristen Ellsworth presented an application to make extensive renovations to their existing single-family dwelling and add 50 ft². The board reviewed Section 12(C)(1) "expansions", 12(C)(4) "reconstruction or replacement", Section 15(B) "principal and accessory structures"

The applicant is looking at making extensive renovation to an existing camp on Fairview Lane. Site visit: (multiple, last done on 7/6/21) This is a very narrow lot, with only 50' on the water, and narrowing to 35' at the back of the lot. The current camp sits roughly 24' off the water.

Page two of the application states that they want to remodel the existing structure, add a 50 ft² addition, and put a 12/12 pitch roof on it (to allow for more headroom on the second floor. During my site visit, I found the eve height to be 10.66 feet. Since the structure is 20' wide, this would make the calculated peak height of a 12/12 roof almost 21' tall (which exceeds the 20' height cap) When I brought this issue to the applicant, they stated that they could reduce the pitch to 11/12 or 10/12 as needed to bring the peak height down to 20' (see attached email)

1. The applicant is proposing to remove a 60 ft² wood platform which is roughly 20' from the water to offset the 50 ft² addition they want to do

This would mean that there is effectively going to be a net decrease of 10 ft² of unvegetated area on the lot

The applicant states that the driveway/ parking area is grass, but realistically this is gravel/crushed stone that simply has grass poking through it due to a lack of use. That being said, since nothing is happening with it, and since any additions being proposed are being offset by the removal of the wood platform, I'm not terribly worried about it. Either way, the applicant is well under the 20% unvegetated allowed

The applicant is proposing to add one bedroom to the new camp (floor plans included with application.

They have submitted a septic design showing a new system designed for a 3-bedroom camp

This page looks at the square footage which is located within the various setbacks to see if the camp meets the non-conforming structure expansions allowed under section 12(C)(1)

While the applicant is proposing to add 50 ft to the structure, because they are removing the existing wood deck (60ft²), they will actually have a net decrease of 1% of footprint within 100'

The applicant has also included floor plans, tax maps, a color-coded plot plan, photos of the site with the proposed changes outlines, as well as a narrative regarding exactly what they are proposing to do.

Overall

While this application easily meets the non-conforming structure footprint and un-vegetated area requirements in the ordinance, I'm not certain if this will trigger the "damaged destroyed or removed" regulations of section 12(C)(4)

There is possibly a lot being removed (roof and entire back of camp), and its questionable if this will be more than 50% of the "assessed market value" of the structure.

If it were, then the structure would need to be viewed to be moved back to the "greatest extent practical" as determined by the Board. o This might be a somewhat moot point since this lot has limited room for moving a structure, and since it is on an existing frost

David Merry motioned to approve the application from the Ellsworth's with the following conditions. Erosion control shall be installed prior to any earthwork and shall be maintained until loose soil I permanently stabilized. All earth work shall be performed by a contractor certified by DEP to work within the shoreland zone. The height of the structure shall not exceed 20'. All plumbing shall be permitted and inspected by the Smithfield LPI. A certificate of Occupancy shall be issued by the CEO prior to any occupancy of the structure. David Kincaid seconded the motion. Motion passed.

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MEETING ADJOURNED

David Merry Jr. motioned to adjourn. David Kincaid seconded the motion. Motion passed.