

**TOWN OF SMITHFIELD
PLANNING BOARD MEETING MINUTES OF
APRIL 13TH, 2022**

MEMBERS PRESENT: Eric Rasmussen Jo-Anne Bushey
David Merry Jr. David Kincaid
Michelle Taylor

MEMBERS EXCUSED: Jodie Mosher Towle Ed Glasheen

MEMBERS ABSENT:

OTHERS PRESENT: Andy Marble Nichole Clark
Kevin Hill Virginia Anderson

6:00PM meeting was called to order and members present reviewed all documents presented to them.

Minutes of the January 12th, 2022, Meeting:

Jo-Anne Bushey motioned to accept the January 12th, 2022; minutes as typed. Michelle Taylor seconded the motion. Motion passed.

Board Update/Info: None

Code Enforcement Update/Report:

OLD BUSINESS:

1. Commercial Solar Facilities Ordinance Review Outline

Andy Marble, CEO gave the board outlines to follow to start the review of the draft Commercial Solar Facilities Ordinance. The board first stated that a standalone Ordinance is not what they were looking for and would like to add it to the current Commercial Ordinance.

A copy of the outline is attached to these minutes. Andy Marble will take the information from the board and start a draft for review.

NEW BUSINESS:

1. Application for Additions to Existing Structure (bedroom, porch extension, & porch extension) and Add a Garage, Map 3 Lot 35, Kevin & Heather Hill.

Kevin Hill was in attendance for his application. The board reviewed section 15(B) “principal and accessory structures” and section 15(P) “clearing or removal of vegetation for activities other than timber harvesting.”

The following underlined is verbatim of the Code Enforcement Officers comments to the application.

- The applicant wants to construct a few additions to an existing camp, which include a master bedroom suite, porch extension, and two car garage. The driveway is also being expanded to reach the two-car garage
- Site visits: 4/5/2022
 - The measurements in the application are very accurate
 1. Furthermore, the applicant has used spray paint to outline where the expansion will be going, and marked any trees which they are proposing to remove for the project
 - I measure the front of the camp as roughly 101-102 feet setback from East Pond.
 - The lot slopes rather quickly away from the existing house, meaning an area to the south will need to have a fair amount of fill to raise the grade for the proposed garage/addition.
 - While this is not a small lot (it has 255' of frontage, and almost an acre and a half within the shoreland zone), it does have a fair amount of cleared canopy area around the existing house and garage.
 1. More on this below
 - There is also a small gravel area along the northern property line which could probably be considered a driveway.
 1. It clearly does not see regular use, but it appears that vehicles do get driven down it from time to time, and the water running off the paved driveway keeps any vegetation from growing.
 - The applicant had asked me about this area prior to submitting their application, and ended up not including it in the calculations for page 2
 - This area is roughly 480 ft²
 - The septic tank has been located and marked, and the new addition will be 5' from the tank. This is the closest allowed under the Maine Subsurface Wastewater rules.
- Application review
 - Page two of the application shows us that this site is located within the limited residential district of the shoreland zone
 - Page three of the application shows us:
 1. Currently the unvegetated area on the lot is 5299 ft²
 - As mentioned above there is a 480ft² gravel area/driveway that could probably be added into this to make it 5,689 ft²
 - Alternatively, this area could get covered with loam and seed to revegetate, and a curb or rubber razer installed to prevent it from eroding in the future. This would be a better solution for the lake.
 2. It also shows us that the applicants are proposing to create 5,233ft² of new unvegetated area
 - As shown on the plot plan, the applicant wants to add a 900 square foot garage, 735 ft² master suite, two small porch additions, and large driveway extension.
 3. All of this adds up to roughly 16.5% of the shoreland portion of the lot being covered with unvegetated surface (17.3% if you add the gravel washout/driveway). Since this is less than 20%, it would be allowed.

4. While the applicant meets the unvegetated standard, there is another issue that I discovered on site which will need to be addressed.
 - Section 15P of the shoreland zoning ordinance requires cleared openings beyond 100' from the water to not exceed 10,000 square feet, or 25% of the total lot size, whichever is greater.
 - Since 25% of the total shoreland lot size of this parcel is 15,937 ft², this would be the maximum cleared opening allowed on the property.
 - Since much of the new driveway and garage that the applicant is proposing will require trees to be removed, the cleared opening on the lot will increase.
 - Because of this, I did some rough measuring while on site, and found that this could actually exceed the 25% threshold mentioned above.
 - When I got back to the office, I used google earth to calculate the existing and proposed canopy openings
 - I found that if the proposed trees were removed, the canopy opening would be roughly 18-19,000 square feet (2k-3k square feet larger than allowed)
 - I have attached images of the google earth measurements to these comments.
 - I spoke with the applicant about this and informed them that they would either need to replant an equivalent number of trees on the property or reduce the number of trees being removed.
 - They understand the issue and should have a proposal to present to the Board at the meeting.
- Page four of the application shows us:
 1. The height of the structure will be 25' (less than the 35' allowed)
 2. The structure will have two bedrooms total when completed.
 - This means the septic does not need to be enlarged.
 - It should be inspected though to ensure that it is still functioning properly.
- Additional packet items
 - Two plot plans, one showing the existing buildings, the other showing the proposed buildings
 1. These are excellent, and accurate
 2. Also, the "proposed" plot plan shows the location of the silt fence, and has a brief erosion control plan on the upper left corner
 - Two floor plan sketches
 - One elevation drawing
 - One roof layout sketch
 - Picture of the site
- Overall
 - While it may not look like it on paper (since its only adding a garage and somewhat small additions), this is actually a fairly large project
 1. luckily, it is all taking place beyond 100' from the water

- While lot coverage and setbacks meet the ordinance, the canopy area is a concern, and will need to be accounted for before the application can be approved.
 1. A replanting plan (in accordance with the newly adopted section 15(S) of the Shoreland Zoning ordinance) would need to be submitted.
- Also, given the amount of earthwork and the slope, good erosion control will be necessary on this property.

The board completed the findings of fact and conclusions of law and voted on all the sections. A copy of that is attached to these minutes.

David Merry Jr. motioned to approve the application with the following conditions, the total cleared canopy area within the SLZ shall not exceed 25%. If this happens a replanting plan in accordance with section 15(S) shall be submitted. After approval, all replanting shall be completed prior to occupancy. All new construction shall be in compliance with the Maine Uniform Building and Energy code. A certificate of occupancy shall be obtained from the Smithfield CEO prior to any occupancy of the structure.

Jo-Anne Bushey seconded the motion. Motion passed.

2. Information/Inquire for 165 Lake View Drive, Mike Labbe

The board reviewed an inquire form from Mike Labbe. Virginia Anderson was granted written permission from Mike Labbe to speak on his behalf. A copy of the form is attached to these minutes.

Andy Marble will be contacting the town attorney to ask about the interpretation of the RV Campground's approval wording to do with the right of way associated with the property.

3. Information/Inquire for 161 Lake View Drive, Virginia Anderson

Virginia Anderson submitted an inquire form for the board to review. A copy of the form is attached to these minutes.

4. Election of Officers

Jo-Anne Bushey nominated Eric Rasmussen for Chair, David Merry seconded the nomination. Eric Rasmussen accepted the position.

Jo-Anne Bushey nominated David Merry Jr. for Vice Chair. David Kincaid seconded the nomination. David Merry Jr. accepted the nomination.

Eric Rasmussen nominated Jo-Anne Bushey as secretary. David Merry seconded the nomination. Jo-Anne Bushey accepted the nomination.

MEETING ADJOURNED

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