

**TOWN OF SMITHFIELD
PLANNING BOARD MEETING MINUTES OF
DECEMBER 8TH, 2021**

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

MEMBERS EXCUSED: Ed Glasheen Erik Rasmussen Jodie Mosher Towle
David Kincaid

MEMBERS ABSENT:

OTHERS PRESENT: Andy Marble Nichole Clark Eric Wacome

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

Erik Rasmussen, Chair was absent, David Merry Jr., vis chair will be acting as chair. Michelle Taylor, Alternate will be voting in place of regular members absent.

Minutes of the October 13th, 2021, Meeting:

Jo-Anne Bushey motioned to accept the November 10th, 2021; minutes as amended. Michelle Taylor seconded the motion. Motion passed.

Board Update/Info: None

Code Enforcement Update/Report: None

Jo-Anne Bushey motioned to move to New Business before discussing Old Business. Michelle Taylor seconded the motion. Motion passed.

OLD BUSINESS:

1. Request for the Following to be discussed/reviewed

a. Update to Application Review/Voting Procedures

Jo-Anne Bushey submitted a draft Finding of Fact and Conclusion of Law for the board to review. Jo-Anne will continue to make changes and submit at the next PB meeting.

b. Use a check List to Fully Document Board Review and Vote

This item is tabled until a full board is present

c. Update Shoreland Zoning Ordinance Section 16: Administration D. Procedure for Administrating Permits 1 line 5

This item is tabled until a full board is present.

d. Decide to Update Commercial/Industrial Site Review Ordinance to Support Solar Energy Systems

Jo-Anne Bushey has been doing research on other communities Solar Energy System Ordinances. The discussion was about not having a draft amendment ready for the Annual Town Meeting Warrant. Jo-Anne Bushey motioned to have a draft moratorium on Solar Energy Systems submitted to the BOS. Michelle Taylor seconded the motion. Motion did not pass, 1 in favor, 2 not in favor.

e. Discuss a Fertilizer Ordinance for Shoreland Zone

This item is tabled until a full board is present.

NEW BUSINESS:

1. Application to Remove Existing Camp and Rebuild, Map 18 Lot 6, William & Kirsten Ellsworth

William and Kristen Ellsworth applied to remove their existing camp and rebuild. A signed permission letter was sent from the Ellsworth to allow Eric Wacome to represent them with the Planning Board. The board reviewed under: Section 12(C)(1) “expansions”, 12(C)(4) “reconstruction or replacement”, Section 15(B) “principal and accessory structures”

The following is the CEO’s report verbatim and is being used as details for the minutes.

- The applicant is looking to remove an existing camp, move the structure back 15’ from the water, and rebuild a new 24 x 40 dwelling on a new foundation.
 - This applicant came in front of the Board earlier this year to make extensive renovations to the existing camp, but after consulting with a contractor, believes it would be easier and more effective to simply remove the existing camp and build new.
 - While I met with the applicants earlier this year, most of our correspondences have been over email simply because they live in Arkansas and are active-duty military.
 - Because of their active duty, I do not believe they will be able to attend the Planning board meeting in person.
 - Site visit: (multiple, last done on 12/1/21)
 - 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
 - There are three or four oak trees which will need to be removed behind the camp to allow for the new construction
 1. Realistically, most of these trees could be considered “hazard” trees and would have been damaged or removed anyway when a new septic tank is installed (which has already been permitted).

- Application review
 - Page two of the application states that they want to remove the existing camp and rebuild a new 24x40 structure 15'+ back from the lake
 - Page Three
 1. The calculations on page three are a little hard to follow but make much more sense once you read the "74 Fairview Lane Rebuild Plan" narrative which the applicant has included.
 - The applicant is proposing to remove a 60 ft² wood platform which is roughly 20' from the water to offset the 57 ft² footprint increase
 - Where is the 57ft² increase coming from you ask? Based on the narrative, it is from a new 26x42 building (including 12" eaves), and a 2x5 (10 ft²) entry roof. This makes the new dwelling footprint 1102ft²
 - When we compare this to the existing dwelling (1045ft²), we get an increase of 57ft²
 - By removing the wood deck (60ft²), we have a theoretical net reduction of 3ft² in un-vegetated area
 - One thing we do not have (or at least not a good one), and will need, is a revegetation plan for the area where the original camp was located.
 - Consisting of native trees, shrubs, and ground cover
 - Page four
 1. 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
 - Page five of the application
 1. 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)
 2. Again, the applicant could have done a better job filling out this section to track where the footprints are going, but suffice to say, the applicant is removing 60 square feet from within 25' of the water and adding 57 ft² in the 25-75' zone.
 - Based on my measurements, the back of the proposed camp will actually be slightly beyond the 75' setback.
 - Addition attachments
 1. The applicant has also included floor plans, tax maps, plot plan, photos of the site, DEP contractor certification, as well as a narrative regarding exactly what they are proposing to do (the narrative is excellent).
 - Overall
 1. I only see two areas of concern with this application.
 - First, as with any non-conforming structure which is being put on a new foundation or removed by more than 50%, the Planning Board needs to determine if the structure has been moved back to the "greatest practical extent".

- You may want to do a site visit for this. Realistically, this lot is small enough that there are not a lot of options beyond what is being proposed

- Secondly, we would need a revegetation plan (in line with the chapter 1000 guidelines again) to replant the area of the original camp and offset the trees which would be removed.

Jo-Anne Bushey motioned to approve the application from the Ellsworth's as presented and discussed. Michelle Taylor seconded the motion. Motion passed.

2. Vote on Sending SLZ Ordinance Amendment Section 15 Land Use Standards, Q to the Board of Selectmen for the Annual Town Warrant. (Therefore, Q becomes R, R becomes S, and S becomes T)

The board reviewed the draft DEP Chapter 1000 replanting guidelines. The following section was amended.

1. Q (1) was changed from "Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met" to "Hazard trees in the shoreland zone may be removed after receiving a written approval from the Code Enforcement Officer if the following requirements are met".

Jo-Anne Bushey motioned to recommend to the BOS to add the draft Replanting Guidelines to the current Shoreland Zoning Ordinance at the 2022 Annual Town Meeting Warrant. Michelle Taylor seconded the motion. Motion passed.

MEETING ADJOURNED

Michelle Taylor motioned to adjourn. Jo-Anne Bushey seconded the motion. Motion passed.