

**TOWN OF SMITHFIELD  
PLANNING BOARD MEETING MINUTES OF  
JANUARY 12<sup>TH</sup>, 2022**

**MEMBERS PRESENT:**   Michelle Taylor       Jodie Mosher Towle  
                                  Jo-Anne Bushey       Erik Rasmussen

**MEMBERS EXCUSED:** Ed Glasheen David Merry Jr.  
                                  David Kincaid

**MEMBERS ABSENT:**

**OTHERS PRESENT:**    Andy Marble   Nichole Clark  
                                  Dale Churchill   Gary Mosher

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

**Michelle Taylor, Alternate and Jodie Mosher Towle, Alternate will be voting in place of two regular members absent.**

**Minutes of the December 8<sup>th</sup>, 2021, Meeting:**

Jo-Anne Bushey motioned to accept the December 8<sup>th</sup>, 2021; minutes as amended. Jodie Mosher Towle seconded the motion. Motion passed.

**Board Update/Info: None**

**Code Enforcement Update/Report:**

Andy informed the board about an email he received from East Pond Association and an update on the evasive plant in the serpentine and have found it at the dam. The plant was eradicated but will be watched.

**OLD BUSINESS:** Erik Rasmussen motioned to move to New Business. Jodie Mosher-Towle seconded the motion. Motion passed.

**1. Request for the Following to be discussed/reviewed**

**a. Update to Application Review/Voting Procedures(Finding of Facts)**

Jo-Anne Bushey has been working on this form. The form was used for the New Business application below. This form will be used on all applications presented and discussed by the board. It is for the applicants file folder as a guideline for the board.

**b. Discuss a Fertilizer Ordinance for Shoreland Zone**

Erik Rasmussen discussed the adverse harm that landscaping fertilizers can have within Shore Land Zone and would like to work with the board through out the next year drafting an amendment for this purpose.

**NEW BUSINESS:**

**1. Application for a Parking Area 89' From HWM North Pond, Map 15 Lot 4, Dale Churchill.**

Dale Churchill was present to submit his application for a parking area within 100' of North Shore Drive. The property address is 96 Lake View Drive. The board reviewed the application under Section 15(B) and 15(G) "Parking Areas".

The CEO report is as follows verbatim;

- "The applicant is proposing a 12' x 200' parking area
  - This is the second application the Board has received to put a driveway on this lot in the past 6 months. The applicant withdrew the first application.
- Site visit: (numerous)
  - This is a narrow lot, squished between the lake and Lakeview Drive (route 137).
  - The applicant has installed a fence along the road. Based on my measurements, the majority of the fence is 90' (+-) setback from the high-water mark of North Pond. The lot depth does increase as you near the southern property line, and therefore the waterbody setback of the fence increases as well.
- Application review
  - To permit a parking area, the Smithfield Shoreland zoning ordinance requires three things to be proven
    1. That less than 20% of the lot will be covered with unvegetated area
    2. The parking area will be more than 100' setback from the normal high-water mark
    3. The parking area will not allow runoff to directly enter the lake
  - Here are my thoughts on the three items above
    1. Un-Vegetated area
      - Over the past three years a large portion of the low growing vegetation on this lot has been removed. To correct this, the applicant has spread erosion control mulch on all exposed soils and signed a consent agreement with the Town to re-vegetate a 54' x 75' section by planting 15 saplings and blueberry bushes.

o Because this area will be revegetated, and is already covered with ECM, it should not be counted

- The road to the water should be included, since this is not going to be re-vegetated (its 6'4" wide, and 100' long).
- Even with the road added in, the applicant should be well under the 20% threshold

## 2. Setback

- The applicant states in the application that the parking area will only be 89' from the water. Since the parking area does not meet the full 100' setback, this would be grounds for denial.

## 3. Runoff

- The parking area will not be located in an area of steep slope, but obviously being within 100' of the water is not ideal for keeping silt and sediment out of the lake.
- Other
  1. As mentioned earlier, the applicant has a signed consent agreement with the Town. One of the conditions of that consent agreement states that the landowner will "Immediately cease all cutting, earth moving, and operation of vehicles or machinery within 100 feet of the normal highwater mark, excepting those activities allowed under the Smithfield Shoreland Zoning Ordinance"
- Overall
  1. Because the proposed parking area will not meet the required 100' setback, I do not believe this application is approvable."

The board used a finding of facts form that was filled out by Jo-Anne Bushey through out the review of the application and the board voted on each separate point. The form and votes are attached to these minutes.

Jo-Anne Bushey motioned to approve the application. Jodie Mosher-Towle seconded the motion. 0 were in favor, 4 were opposed. Motion does not pass.

## **MEETING ADJOURNED**

Jodie Mosher-Towle motioned to adjourn. Michelle Taylor seconded the motion. Motion passed.