

**TOWN OF SMITHFIELD  
PLANNING BOARD MEETING MINUTES OF  
AUGUST 10<sup>TH</sup>, 2022**

**MEMBERS PRESENT:** Eric Rasmussen Jo-Anne Bushey  
David Kincaid Ed Glasheen  
Jodie Mosher Towle

**MEMBERS EXCUSED:** David Merry Jr.

**MEMBERS ABSENT:** Michelle Taylor

**OTHERS PRESENT:** Andy Marble Nichole Clark Mike Wallace  
Ben Theriault Hans Rasmussen Steve Liberty  
Linda & Don Myers

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

**Jodie Mosher Towle will be voting as an alternate for an absent regular member, David Merry Jr.**

**Minutes of the July 13<sup>th</sup>, 2022, Meeting:**

Ed Glasheen motioned to accept the July 13<sup>th</sup>, 2022; minutes as typed. David Kincaid seconded the motion. Motion passed.

**Board Update/Info: None**

**Code Enforcement Update/Report:**

Andy Marble, CEO informed the board that he submitted his resignation to the Board of Selectmen.

**OLD BUSINESS:**

**Eric Rasmussen asked the board if all agreed to move Old Business to after the New Business is finished. Jodie Mosher Towle motioned to move to New Business before Old Business on the agenda. David Kincaid seconded the motion. Motion passed.**

**1. Solar Facilities Draft for Commercial Ordinance**

Andy Marble, CEO discussed his work on the Solar Facilities Draft to the board. Central Maine Power has recently done some work with solar usage and Andy will be using some of that data to put in the draft.

**2. CEO Proposal for Septic System Requirements in SLZ Ordinance**

A small discussion was held about what changes were being discussed for this and the CEO added that there are statutes already in place and that wording needs to be put into our current SLZ Ordinance. The CEO will continue to work on the draft.

## **NEW BUSINESS:**

### **1. Application for Bowling Alley Addition to Existing Gym, Camp Matoaka, Map 1 Lot 30 Commercial Business**

The below is an exact document submitted by the CEO for this application.

Comments in bold underlined are votes from the board.

#### **“Commercial Site Review Applications for Camp Matoaka**

- This application is to construct a bowling alley addition to the existing gymnasium
- The “scope” of the planning board review is somewhat limited to only those area which are changing (since this is a “revision to a previously approved plan”). Since I do not know what the planning Board will deem necessary for review, I will simply go down the standard list used for a new application.
  - After reviewing each standard, I will state that it **Meets Requirement**, **Does Not Meet Requirement** or **Partially Meet Requirement**.
    1. Section B(4)a. States that an application fee must be paid. The applicants have paid \$125. **Meets Requirement**
    2. Section B(4)b. requires drawings to be 24” x 36”. **Meets Requirement**
    3. Section B(4)(c)(1) requires an approved block for signatures. **Meets Requirement**
    4. Section B(4)(c)(2) requires a date, scale, and arrow for North and magnetic north. **Meets Requirement**
    5. Section B(4)(c)(3) requires the shoreland zoning district where the premises in question is located. A copy of the shoreland zoning map is included which shows the property is not in the shoreland zone. **Meets Requirement**
    6. Section B(4)(c)(4) requires a perimeter survey from a registered surveyor or engineer. **Meets Requirement**
    7. Section B(4)(c)(5) requires the scaled location of existing and proposed buildings. **Meets Requirement**
    8. Section B(4)(c)(6) requires landscaped areas be shown. Plan 1 of 4 appears to show where the grass and trees are located. **Meets Requirement**
    9. Section B(4)(c)(7) requires all sign locations to be shown. Sign location is shown. **Meets Requirement**
    10. Section B(4)(c)(8) requires complete elevation drawings to be shown for all proposed structures. **Meets Requirement**
    11. Section B(4)(c)(9) requires all existing contours and finished grade elevations, and the system of drainage proposed to be constructed. Pan 1-4 shows contours and drainage. **Meets Requirement**
    12. Section B(4)(c)(10) requires the location, type, and size of all storm drainages, catch basins, and utilities. drainage shown. **Meets Requirement**
    13. Section B(4)(c)(11) requires the location of all existing and proposed utilities to be shown. Utility around gymnasium are shown. **Meets Requirement**
    14. Section B(4)(c)(12) requires erosion control to be shown. Erosion control fence and berm shown on plan. **Meets Requirement**
    15. Section B(4)(c)(13) requires all streets, driveways, and parking areas to be shown. All driveways/ driving areas appear to be shown. **Meets Requirement**

16. Section B(4)(c)(14) requires all existing or proposed rights of way, easements, and other encumbrances be shown. **(not sure if there are any)**
17. Section B(4)(c)(15) requires plans and cross sections of any streets, driveways, or roads to be built. No roads or driveway proposed. **Meets Requirement**
18. Section B(4)(c)16 requires the location, names and widths of all existing streets abutting the property, as well as abutting landowners names. Streets and abutting landowners shown. **Meets Requirement**
19. Section B(4)(d) “attachments” requires the following attachments be included:
  - Smithfield site review form. **Meets Requirement**
  - Applicant right title or interest in the property. (deed on file, but not included with application) **Partially Meet Requirement.**
  - A written narrative of how the project will meet approval of the review criteria. **Does not meet requirement**
  - Evaluation of water supply for the proposed use and fire safety. **Does not meet requirement/Board voted is in compliance**
  - Wastewater disposal plan, on file but not included. **Partially Meet Requirement.**
  - Summary of all local, state, and federal approvals needed, with proof of approval. **Unknown if any others are needed/Board voted requirement is fulfilled.**
  - A cost estimate and performance guarantee of all public improvements. **N/A**
  - A detailed design of any roads proposed to be conveyed to the Town **None being offered. N/A**
  - Copy of storm water management plan. **Does not meet requirement Board Voted plan is not required**
  - Evaluation of wildlife impact by professional biologist if development is in critical wildlife habitat. **N/A**
  - Professional evaluation of significant historical or archeological impact **Does not meet requirement Board voted N/A**
  - Traffic movement permit from DOT. **N/A**

Based on my comments above, the vast majority of the items have been met.”

**Ed Glasheen motioned to approve the application. David Kincaid seconded the motion. Motion passed.**

## **2. Amendment to Existing Permit to Increase Basement Depth, Myers, Map 13 Lot 7**

The below is an exact document submitted by the CEO for this application. **Board votes are in bold underlined are votes from the board.**

Reviewed under Shoreland zoning Sections 12(C)(2) Foundations

Site visit 6/28/22

The applicant received approval from the Planning Board on 7/13/22 to put a 4’ frost wall under an existing non-conforming camp.

The applicant is looking to amend their application from a 4' frost wall to an 8' full foundation

The camp currently sits about 44' from the normal high-water line

#### Application review

Since the structure is not being expanded from what was already approved, and since the board already said the structure had been "moved back as far as practical" last month, it would appear that there are limited things we need to worry about.

Thing one: is the height of the structure increasing?

Applicant says no, and page five shows the height staying at 20 feet.

Realistically, per the ordinance, the peak height could increase up to 3' and still not be considered an "expansion"

The Town will need to set an elevation reference point prior to construction to ensure this

Thing two: Will the basement be finished?

This matters for two reasons

If it is finished space, it would need to meet egress standards (not really a planning board issue, but definitely a CEO issue)

If there are bedrooms being added, the septic would need to be enlarged

I asked the applicants for a floor plan of the basement, but I am not seeing one in the application.

Thing three: Based on the septic report, the existing septic field is garbage.

This really does not have anything to do with full foundation versus crawl space issue, but it is still a worth discussing.

Septic fields are supposed to be 15' from a structure on posts or a slab, and 20' from a structure on a foundation (either frost walls or full foundation).

One of the reasons for this is to ensure that the perimeter drainage around the foundation does not accidentally "short circuit" the septic field (in other words, so it does not straight pipe septic effluent right towards the pond).

Based on the septic report, the existing septic is not even picking up the shower and kitchen sink (those are going to a malfunctioning grey water system under the camp) and is vastly undersized to boot (roughly 1/4 the size it should be)!

The applicants said they are planning to replace the field but want to wait until after the camp has been put on a new foundation.

It makes more sense to do both of the improvements at the same time since the site will be dug up anyway

a. The camp immediately west of this (Walter Height) did exactly this when a foundation was placed under the camp two years ago

I realize doing both at the same time is financially difficult, but one project is a "need" (septic), and one is a "want" (full foundation).

Overall

Provided a floor plan showing no new bedrooms or living area being installed in the basement, I recommend approval of the application with the following conditions

Prior to occupancy of the structure, a new replacement septic system will be installed

The peak height of the structure shall not be increased more than three feet from the current structure

All erosion control shall be installed prior to any earthwork commencing and shall be maintained until all loose soil is permanently stabilized.

**Jodie Mosher Towle motioned to approve the application with the requirement that the LPI require a new septic be installed prior to construction. David Kincaid seconded the motion. Motion passed.**

### **3. Application to Replace Camp, Theriault/Goode, Map 16 Lot 26A**

The below is an exact document submitted by the CEO for this application. **Notes from the board are in bold underlined.** A copy of the boards Finding of Fact and Conclusions of Law are attached to these minutes.

Reviewed under: 12(C)(4) “reconstruction or replacement” and Section 15(B) “principal and accessory structures” in the Shoreland Zoning Ordinance

Applicant is looking to rebuild a camp which was torn down in early March of 2021.

Site visit: numerous, last done 8/2/22

This lot already has two other dwellings on it (three counting the one which was torn down)

Since the ordinance requires 200’ of frontage and 80,000 square feet of land per dwelling, the town would obviously never allow three dwellings on a lot that has 135 feet of shore frontage, and one and a half acres of land.

However, since all of these dwellings predate the ordinance, they can remain provided a permit is obtained within 18 months of the camp being “damaged, destroyed or removed”

The end of august marks 18 months from the date of removal, so this is cutting it close!

Since the new structure is proposed to be 110 back from the normal high-water line (due to shoreline shape, closest water is actually diagonal across the northern neighbors land), we do not need to worry if the structure has been “moved back as far as practical” (since its conforming).

There is a large maple tree which will need to be removed to build the camp

This tree will need to be replaced with at least two of three saplings (preferably on the water side of the new camp).

There is also a power pole which will need to be moved.

Finally, this is a tight area on the lot because there is a 25’ x 55’ septic system which will support all three camps.

Since the septic regulations require a 20’ setback from edge of field to edge of foundation, this pushes the 26’ wide camp to within 4 or 5 feet of the property line.

There are no sideline setbacks in Smithfield, but this cuts it close.

Application review

Page three of the application

Applicant shows that the new camp will be 110 feet away from water.

As mentioned above, the closest water is actually across the neighbors lot  
The applicant shows 1092 ft<sup>2</sup> of proposed un-vegetated area

It does not look like this includes overhangs since the floor plan of the structure shows the foundation as 26 x 42 (which magically comes out to 1092 square feet)

Also, the floor plan for the structure shows a porch on the front, which does not seem to be accounted for on the plot plan or the un-vegetated area calculations.

Realistically, neither of the above omissions will likely push the total over 20% since they are only at 7.5% currently.

Page four

Septic design (2004) and inspection report (2021) included. Field appears to be sized to handle the additional camp and functioning properly.

A new septic tank will be needed for the structure though.

Peak height is shown as 31' 10" (which is under the 35' height allowed).

Page four not filled out because the structure will be beyond 100' setback

Other

Applicant has included a plot plan, floor plan, septic plan, and building inspection report (with pictures), and a septic inspection report (last page of building report).

Overall

Provided the new structure is setback at least 100' from the high-water mark, and at least 20' from the edge of the field, this application is approvable.

As with all shoreland applications, good erosion control is necessary.

**Ed Glasheen motioned to approve the application with the following requirements of replanting of area per CEO requirements. David Kincaid seconded the motion. Motion passed.**

#### **4. PB Inquiry Form Steve Liberty**

Request for information on additions to existing storage building owned by Steve Liberty located on Map 7 Lot 12D-1. Would a lean to on the backside of the building be considered a commercial storage. Mr. Liberty told the board no it would only be used for personal storage. Due to the fact that it is personal storage, the property would not fall under the Commercial Ordinance.

### **MEETING ADJOURNED**

Jodie Mosher Towle motioned to adjourn. Jo-Anne Bushey seconded the motion. Motion passed.