

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

MEMBERS PRESENT: Eric Rasmussen Jo-Anne Bushey
David Kincaid Ed Glasheen
Michelle Taylor

MEMBERS EXCUSED: David Merry Jr. Jodie Mosher Towle

MEMBERS ABSENT:

OTHERS PRESENT: Andy Marble Nichole Clark
Linda Myers Don Myers, Kenneth Christian
Randi Kirshbaum-Christian

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

Michelle Taylor will be voting as an alternate for an absent regular member, David Merry Jr.

Minutes of the May 11th, 2022, Meeting:

Ed Glasheen motioned to accept the May 11th, 2022; minutes as typed. Michelle Taylor seconded the motion. Motion passed.

Board Update/Info: None

Code Enforcement Update/Report: None

OLD BUSINESS: Eric Rasmussen asked the board if all agreed to move Old Business to after the New Business is finished. All in attendance agreed to move agenda.

1. Solar Facilities Draft for Commercial Ordinance

This item is still tabled.

2. Wording & Placement for Additions to PB By-Laws

Jo-Anne Bushey worked on wording to add into the boards By-Laws, section 3, F, secretarial duties for the board secretary. Jo-Anne Bushey motioned to accept the additions. David Kincaid seconded the motion. Motion passed.

3. CEO Proposal for Septic System Requirements in SLZ Ordinance

This items is tabled.

NEW BUSINESS:

1. Application for a Crawl Space with Foundation Walls under Existing Structure, Map 13 Lot 7, Don & Linda Myers

The board reviewed the Shoreland zoning Sections 12(C)(2) Foundations

The CEO did a site visit on 6/28/22.

The applicant is looking to build a 4' frost wall under a grandfathered non-conforming camp. The camp currently sits about 44' from the normal high-water line. There is no increase in footprint to the structure, so the board looked at whether the structure can be moved back as far as practical. The following is the wording taken from the CEO's comments pertaining to the structure being able to be moved back. A copy of the CEO comment pages are attached to these minutes.

- Moved back as far as practical
 1. As always, the ordinance mandates that the planning board deem how far back "practical" is. This is typically a pretty subjective question, with numerous variable to look at
 - Septic, roads, wells, other buildings, topography
 2. This is a narrow lot (50' wide) with a camp road (Mitchell Lane) that bisects it with a small garage located on the opposite side of the road (away from the lake)
 3. The camp has a septic tank located behind it, but the septic field itself is a bit of an unknown
 - I've asked the applicants to get a septic inspection to determine exactly where the existing field is. This will also determine what condition the field is in, since there does not appear to be any record of the field on file.
 - This septic inspection report should be available at the meeting
 4. Since moving the camp to the opposite side of the road is not really an option (since there is already a garage there with little room for anything else), the only practical alternative would be to move the camp back towards the road (where the tank and field currently sit. If the septic report shows that the field is malfunctioning and needs to be replaced anyway, this might be an option, otherwise, there is really nowhere for the camp to be moved to.
- Will the height increase?
 1. Page 5 shows the height will be staying the same (20' existing, 20' proposed). The owner said that the camp has a stone fireplace and chimney, which prevents it from being raised.

- Erosion control
 1. The applicant shows where silt fence will be installed on their plot plan, and the contractor (Paul Mushero who is DEP certified) states in his work quote that he will “installed silt fence across front of lot”.
- Overall
 - The only question appears to be whether the structure has been moved back as far as practical. Given the layout of the lot, this probably depends on whether the septic is in good working condition, or if its failing and will be moved.

The board went through the Findings of Fact and Conditions of Law, a copy of that with voting details are attached to these minutes.

The board received a Septic Inspection Report, requested by the CEO. This was discussed in depth and the board had some concerns and where made a condition to the approval. Jo-Anne Bushey motioned to accept the application with the condition of the shower & kitchen drains be added to the septic tank system.

Michelle Taylor seconded the motion. Motion passed.

2. Application to Covert Walking Path to Driveway, Map 4 Lot 1F, Christian & Kenneth Christian

The following is wording taken from the CEO’s comment pages and is attached to these minutes.

The board reviewed this application under Section 15(B) “principal and accessory structures”, and section 15(H) “roads and driveways” in the Shoreland Zoning Ordinance.

The applicant wants to construct a new 9’ wide driveway to access a dwelling which is currently being constructed. This lot has been in front of the Board numerous times, most recently to approve a dwelling with a 4.5’ wide path leading to it for access.

The applicant is currently applying to DEP to change the path into a driveway. This driveway goes through a wetland of special significance, hence why DEP permitting is needed.

There have been numerous site visits by the Code Enforcement Officer.

The applicant last received a permit from the Planning Board on 4/14/2021 and began construction on the site last fall (swamp mats laid down in the bog to access the site).

The slab was poured last winter for the approved structure, and framing has begun. Since the applicant is looking at increasing the size of the driveway, the board look at the amount of lot coverage, and any specific regulations which might be outlined in section H of the ordinance.

First, the applicant states on page three that after adding the 9' driveway, the total unvegetated area of the lot would be 6.4%, which is well below the 20% allowed. Secondly, Section H of the ordinance requires: all new roads and driveways to be at least 100' setback from the normal high-water line and ditch relief turnouts at least every 250' for a 2% grade. This will have culverts every 50'.

This will involve a large amount of earthwork within the shoreland zone, excellent erosion control will be needed during construction. The applicant has stated that Manter construction will be doing the work, and that they are a DEP certified contractor.

The CEO has commented that overall, this is a pretty swampy area. As such, building a driveway through the middle of it is going to raise some eyebrows. It appears to meet the regulations within section 15B and 15H, there is an overarching list of general regulation listed under section 16(D)(3) which all shoreland zoning applications need to meet. The CEO recommended the Board read down through the requirements in section 16(D)(3) to make sure all are being met.

The board used the Finding of Fact & Conclusions of Law to review this application. A copy of that form and voting information is attached to these minutes.

Ed Glasheen motioned to approve the application. Jo-Anne Bushey seconded the motion. Motion passed 3 for-1 against.

MEETING ADJOURNED

Michelle Taylor motioned to adjourn. Ed Glasheen seconded the motion. Motion passed.