

**TOWN OF SMITHFIELD
PLANNING BOARD MEETING MINUTES OF
September 14TH, 2022**

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

MEMBERS EXCUSED: David Merry Jr.

MEMBERS ABSENT:

OTHERS PRESENT: Andy Marble Nichole Clark
Hans Rasmussen Phil McGouldrick
Thomas & Donna Bolduc

***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.**

***Jo-Anne Bushey was acting chair upon request from Eric Rasmussen.**

Minutes of the August 10th, 2022, Meeting:

Ed Glasheen motioned to accept the August 10th, 2022; minutes as typed. Eric Rasmussen seconded the motion. Motion passed.

Board Update/Info: None

Code Enforcement Update/Report:

OLD BUSINESS:

Eric Rasmussen asked the board if all agreed to move Old Business to after the New Business is finished. Michelle Taylor 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

The AA will have the Board of Selectmen vote to extend the moratorium for the Solar Facilities Ordinance completion and vote to the Annual Town Meeting in March of 2023.

Andy is still working on a draft and will have the for the board at their next meeting.

2. CEO Proposal for Septic System Requirements in SLZ Ordinance

Andy Marble, CEO discussed section K Septic Waste Disposal, from the Town's SLZ Ordinance with the board. Andy stated that the State passed mandatory inspections of current systems when properties are transferred in 2020. Andy will draft up what the board and he discussed and have it for the next meeting.

NEW BUSINESS:

1. Application to Level & Add a Monolithic Slab, Map 16 Lot 25-C15, McGouldrick

- Reviewed under Shoreland zoning Sections 12(C)(2) Foundations
- Site visit 8/30/22
 - The applicant is looking to place their camp (which currently sits on posts) onto a slab.
 1. The camp currently sits about 70' from the normal high-water line of North Pond
- Application review
 - Since the structure is not being expanded, and since this camp is located in Sunset camps, I had the applicant more or less skip page 3 (the un-vegetated area calculation). Since sunset camps is one "lot" with numerous condominium owners on it, an applicant would need to measure every cottage, deck, and driveway for every owner.
 1. Since the applicant does not want to expand the footprint of the existing structure whatsoever, this is not needed (since the amount of un-vegetated areas is not changing.
 - Really, there are only three things the Board would need to look at to verify if this application is in compliance with the ordinance.
 1. Has the structure been moved back to the greatest practical extent?
 - That is up to the Board to determine.
 - I might add that because whole back lawn is filled with the septic system (which serves all of sunset camp "south"), moving it onto the lawn is not an option.
 2. Will the proposed structure meet the height requirements?
 - The existing structure is 19' tall, and the proposed structure is shown as 22' tall
 - Within 75' of the water, the ordinance lists a height cap of 20'
 - However, section 12(C)(2) says that if a new or replacement foundation does not raise the peak more than 3 additional feet, it is not considered an expansion, and would therefore still be allowed.
 3. Will there be good erosion control on site?
 - The applicant included an erosion control plan showing a silt fence around the entire downhill side of the camp, with a separate "spoils" area and a "DEP certification number for the contractor.
 - Since this is located just up the hill from North pond with more or less no vegetation to stop any erosion on the site, good erosion control is necessary on this site.
 -

- Other
 - The applicant included pictures of the site, as well as a copy of the septic report, showing the location and size of the septic field located behind the camp.
 - Obviously, the contractor is going to want to keep the septic field in mind while they are working on the site as well, since running over the field with a concrete truck is probably not the smartest idea!
 1. They are aware of the issue and are going to be using a “pumper” truck from below the site if this is approved.
- Overall
 - Provided the board feels that the structure has been moved back as far as practical, I believe this application could be approved.

The board used the Findings of Fact and Conclusion of Law and voted on each section; a copy of the form is attached to these minutes. Ed Glasheen motioned to approve the application for 7 Ellies Ln, McGouldrick. David Kincaid seconded the motion. Motion passed unanimously.

2. Application to Remove & Rebuild Dwelling, Map 20 Lot 8, Bolduc

- Reviewed under: Section 12(C)(1) “expansions”, 12(C)(4) “reconstruction or replacement” and Section 15(B) “principal and accessory structures” in the Shoreland Zoning Ordinance
- Site visit: (multiple, last done on 8/30/22)
- This is a fairly complicated application, where the applicant is looking at removing every structure on the lot and rebuilding one single dwelling with an attached garage
- Application review
 - Page three of the application
 1. The applicant has 4,577.2 ft² of existing un-vegetated area.
 - The applicant is proposing to removal all of the existing structures and driveways, which is why they have put “0” square feet to remain on question 24
 - A revegetation plan has been included, and if a permit is issued, a condition about re-vegetating will need to be made
 2. They are then proposing to add 4004 ft² of structures, and 672 ft² of driveway after everything is removed
 3. This comes to a grand total of 19.9%. Obviously, this is about as close to 20% as you can get, and should therefore be conditioned on the permit
 - This project will require a certificate of occupancy, and part of that occupancy certificate would be ensuring they are under the 20% listed.
 - Verification should probably be placed on the landowner, requiring a surveyor to verify that the total un-vegetated area on the lot is less than 20% prior to occupancy.
 - The CEO could do this as well, but it will be significantly less accurate, and take a fair amount of time
 4. This page also shows us that the existing dwelling is 59’ setback from the water, and the proposed home is 63’ setback (more conforming)

- Page four of the application
 1. The applicant states that the peak height will be 25'
 - The ordinance requires anything within 75' of the water to have a peak height of 20', and allows a peak height of 25' in the 75'-100' setback range
 - Since the only part of the structure within 75' of the water is a deck (which will be far less than the 20' height limit), this would meet the height requirements of the ordinance
 2. The applicant is proposing a 4-bedroom home (a 4-bedroom septic was installed 2 years ago)
- 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)
 - Looking at past records, it does not appear that any of the structures have been expanded since 1989
 2. After reviewing the existing footprints compared with the proposed footprint, we can see that the overall square footage within 100' of the water is increasing by roughly 20
 - This is under the 30% allowed
 3. As already mentioned above, the height requirement will also be met.
- Addition submissions
 1. The applicant has included a number of plot plans, with some of them being very helpful
 - The plot plan showing the entire parcel (on the grid paper) lacks a lot of detail , but gives you a good overview of the entire lot and where structures are located
 - By far the most helpful plot plan is the one from Hammond lumber which superimposes the proposed house footprint over the existing house footprint, and shows the 59-, 75-, and 100-foot setbacks.
 2. The applicant has also included a copy of the new septic design and a revegetation plan.
 - The revegetation plan is key since there are 8 trees which will need to be removed as a result of the work. These trees need to be replaced, which again, needs to be part of the certificate of occupancy.
- Overall
 - This is a well put together application that does a good job of laying out a complicated project. While the applicant appears to meet all of the square footage and height requirements of the ordinance, the Planning Board needs to decide if the structure has been moved back “as far as practical”

1. In my opinion, given the proximity to the road and location of the existing septic, they have.
 - There really is nowhere else to move the house...
 - The Planning Board can always opt to do a site visits to determine the “moved back issue”
- If the project is approved, please keep in mind my “un-vegetated area” and “re-vegetation plan” comments above.
- The board used the Findings of Fact and Conclusion of Law and voted on each section; a copy of the form is attached to these minutes. Ed Glasheen motioned to approve the application for . David Kincaid seconded the motion. Motion passed unanimously.

MEETING ADJOURNED

Ed Glasheen motioned to adjourn. Eric Rasmussen seconded the motion. Motion passed.