

**TOWN OF SMITHFIELD
PLANNING BOARD MEETING MINUTES OF
DECEMBER 14th, 2022**

MEMBERS PRESENT: Eric Rasmussen Jo-Anne Bushey
David Kincaid Jodie Mosher

MEMBERS EXCUSED: Michelle Taylor Ed Glasheen

MEMBERS ABSENT:

OTHERS PRESENT: Andy Marble Nichole Clark
Hans Rasmussen Tim Covert Barry Wheaton II

6:00PM meeting was called to order and members present reviewed all documents presented to them.

Jodie Mosher will be voting due to a regular member being absent.

Minutes of the November 9th, 2022, Meeting:

Jodie Mosher motioned to accept the November 9th minutes as typed. David Kincaid seconded the motion. Motion passed.

Board Update/Info: None

Code Enforcement Update/Report: None

OLD BUSINESS:

1. Solar Facilities Draft for Commercial Ordinance

The board reviewed the final draft from Andy Marble for a Solar Facilities addition to be added to the Commercial Ordinance. The board agreed to send the copy to the Board of Selectmen for consideration for the Annual Town Meeting Warrant.

2. Septic System Requirements in SLZ Ordinance Draft

The board reviewed the final draft from Andy Marble for Septic System requirement changes from the current section in the Shore Land Zoning Ordinance. The board agreed to send the copy to the Board of Selectmen for consideration for the Annual Town Meeting Warrant.

3. Smithfield PB By-Law Additions

The board reviewed the additions to the Smithfield PB By-Laws. The addition is to add to the secretary duties. The secretary will handle the Findings of Fact & Conclusion of Law for every SLZ application. Jo-Anne Bushey motioned to accept the additions. Jodie Mosher seconded the motion. Motion passed.

NEW BUSINESS:

1. Application to Build a New Attached Deck, Map 16 Lot 25-8, Wheaton, Barry & Laurie

a. Review

The board reviewed the application for an attached deck submitted by Barry & Laurie Wheaton.

The following is the CEO's comment pages as typed and given to the board.

“Unit 8, Sunset Camps

- Reviewed under Shoreland zoning Sections 12(C)(4) “non-conforming structure removal”, as well as section 15(B) “principal and accessory structures”
- The applicant is trying to re-use the “unvegetated footprint” from a wooden board walk (which was removed in 2021) to build a new attached deck
- Site visit 12/6/22
 - The camp itself (and proposed deck) are well beyond 100’ setback from the water.
 - There is an existing leach field roughly 7’ from the existing structure
 1. Since the minimum setback from a field to a structure on posts is 7’, this setback could not be reduced (hence why the applicant is proposing to expand off the side of the building).
 - The area where the walkway used to be located is more or less grassed over (vegetated) now, although this is still a bit of a footpath which is bare of vegetation
- Application review
 - If this were anywhere besides Sunset camps, it would be a pretty straight forward application. However, because it’s located inside Sunset camps, it gets somewhat confusing....
 1. Issue one: It’s a well-known fact that sunset camps (especially “Sunset North”, which is where this camp is located) is well above the 20% “un-vegetated area” limitation that section 15(B) allows. Because of this, there are no expansions allowed unless the new unvegetated area is offset somewhere else (so that there is no “increase” in un-vegetated area on the lot). This is why the applicant is trying to “re-use” the unvegetated area of the wooden boardwalk which used to lead to the covered bridge. This walkway was removed and will apparently not be replaced.
 2. Issue two: When exactly was the wooden walkway removed? The Ordinance allows 18 months from the date a “non-conforming structure” was removed for the applicant to obtain a permit to replace the structure. Based on pictures from the applicant, the structure was removed sometime in mid-June of 2021. 18 months from that date would be mid-December of 2022, meaning this would just squeak under the 18-month deadline. However, in their application, the applicant says that the walkway was removed in May/June of 2021. If it were removed in May of 2021, the 18-month window has already passed
 - Reviewing the application page by page, we find the following:
 1. Page 2:

- The applicant is proposing to build a new 8x12 deck on the side of the existing camp, build a 4' x 4'6" deck where the existing stairs are located, and build a new set of 4' x 4'6" stairs in front of the existing camp.
2. Page 3:
 - The applicant uses their "limited common element" lot size and coverage under questions 17-28
 - As mentioned above, since sunset is all one "lot", the un-vegetated area is viewed as a whole, not just one "limited common element". This being said, since we already know that the un-vegetated area is over 20% (and thus no new expansions can be made without offsetting the expansion somewhere else on the property), having applicants measure all existing un-vegetated areas (which would be all 9 existing camps, parking areas, driveways, walkways, etc.) is not needed as long as no "new" unvegetated area is being created.
 - The proposed expansion is beyond 100' from the water (shown as 146'), so it is considered a "conforming structure expansion".
 - The applicant states that 194 ft² of walkway were removed, and that they are adding 112 ft² of deck back in, for a net reduction of 82ft²
 3. Page 4:
 - The applicant shows there will not be an increase in bedrooms, and that the structure will be located on posts
 - As mentioned earlier, since the existing septic is shown as only 7' away from the existing structure, any new posts for the proposed deck would need to maintain this setback (at a minimum)
 4. Page 5:
 - Not filled out because the construction is beyond 100' from the water. This being said, the walkway which was removed was within 100' of the water, so there is actually a net reduction of "non-conforming structure" on the site.
 5. Other:
 - The applicant has included the following items as well
 - Copy of septic design from 2017
 - Survey showing unit 8
 - Copy of deed
 - Numerous pictures of the original wooden boardwalk, and one of the existing camp
 - Two plot plans (one showing an overview of unit 8, and the other showing a close up of the proposed deck expansion, and old boardwalk.
- Overall
 - This application is plausible to permit provided that the boardwalk was removed less than 18 months ago, and the area where the boardwalk was remains vegetated.
 - On a side note, the buffer to the water at Sunset Camps is fairly dismal (it's all grass), so maybe a buffer planting near the shorefront could be required to help offset the deck?"

Jo-Anne Bushey motioned to accept the application for an attached deck for Map 16 Lot 25 C8 owned by Barry & Laurie Wheaton. Jodie Mosher seconded the motion. Motion passed.

b. Approve Findings of Fact & Conclusion of Law, Wheaton Application

All sections of the findings of fact & conclusion of law were reviewed and voted on and the Planning Board voted 4 to 0 that the application is accepted due to meeting Section 15B, K, P, & S of the Smithfield Shore Land Zoning Ordinance.

MEETING ADJOURNED

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