

Shapleigh Planning Board

Minutes

Tuesday, August 11, 2020

This evening's meeting was conducted via Zoom due to Covid-19.

Members in attendance: Steve Foglio (Vice Chairman), Madge Baker, Maggie Moody, Roland Legere, and Alternate Ann Harris. Code Enforcement Officer Mike Demers was also in attendance.

Chairman Roger Allaire was unable to attend.

Minutes are not verbatim, unless in quotes "" – If the name of a citizen making a comment was not requested by the Planning Board Chairman, the reference to their name will be known as 'Citizen' or 'Abutter' depending on whom is speaking.

Roland L. moved that the minutes from Tuesday, July 28, 2020 be accepted as read. Maggie M. 2nd the motion. All members were in favor.

The Planning Board meeting started at 7:30 p.m.

Conditional Use Permit – Relocate Driveway and Prevent Runoff – Map 5, Lot 12 (23rd St. Loop) – George Rankin, Applicant & Property Owner

George Rankin was available via Zoom for the review of the application.

Along with the application, provided was a sketch plan which depicted Map 5, Lot 12, and the location of 23rd Street Loop Road. The sketch also depicted the location of the existing entrance, proposed entrance, existing leach field, existing shed, and the delineation between the shoreland and general purpose district that bisects the lot. In addition, shown is an area where gravel will be removed to create a water retention area to help with the existing stormwater issues, as well as where an earth berm will be added to create a rain garden, also to mitigate stormwater runoff. Elevation notations on the plan show how elevations will be changed after the project is completed.

Also provided, was the Rain Garden Design. Included in the design was a graphic picture showing the location of a 23' long berm, where there will be plantings added, the location of the new driveway, and a crushed stone apron to filter sediment. The Rain Garden Design was described as follows:

- The rain garden will be trapezoidal shape approximately 18' long on the road edge, 30' feet long, and 12' on the far end with a depth of 8" in the center. It will sit in the depression of the old driveway/entrance to the woodlot. It will capture and filter ~1800 sq. ft. of runoff from the road and new driveway.

- A 23' berm will be located behind the rain garden on the road side to prevent overflow. Two stone aprons will also be located on the right hand side of the rain garden to help filter large amounts of sediments that may wash in from the road and driveway.
- Plants that can tolerate wet soils will be planted in the center of the rain garden. The sides and top of the rain garden will be planted with those that like drier soils with occasional flooding. Soils at the site are well-drained, sandy, and acidic. Plants will be chosen that favor partial sun to shade.

Plants were also listed for the Rain Garden. For the center: Summersweet; Marsh marigold; Lady fern, and Rhodora. For the sides: Highbush blueberry; Cinnamon fern; Sheep laurel; Columbine, Purple coneflower; and Common witch hazel. For the Top: Bush honeysuckle; Sweet fern; Bearberry, and Lupine.

The detailed description of the project was written as follows: *Relocate driveway to prevent runoff and remove gravel to provide water retention area. Proposed work to be done by Jeff Goodwin.*

Steve F. asked Mr. Rankin to let the board know what he intended to do. Mr. Rankin stated that he owned a lot across the road from his lot, a back lot about 16 acres in size. He said he owned this lot with his brother. He stated there was a serious water problem on the lot. He said there was an existing entrance and it was the low point of the entire property; therefore, all the water on the hill runs down along the entrance, onto 23rd street and down 23rd street just beyond his property, then down into Mousam Lake. He said it has also created an erosion problem with the property next door, so he wants to address this to help them out.

Mr. Rankin stated that on the map he provided, you can see the existing entrance to the property. He said with a transit he shot some levels, and not from numbers that mean anything, but the existing driveway is at -76 inches and the new driveway which is about 20 feet up the road, would be at -45 inches, so this new driveway would come in at 31 inches higher than the existing. He stated that just beyond the proposed new entrance is the transit reading of -55, which is 10 inches lower than where he is proposing to bring the driveway in, so any water running down the side of the road will come onto the property.

Mr. Rankin stated his leach field is on this property, and is within an inch of being level of the entrance, which is why he chose this level, so the leachfield will not flood with water. He said everything to the east of it will be at a lower point.

Mr. Rankin stated there was a dotted round line on the plan where some earth will be dug out because it is a high point; it will be removed. He said that reading is -30 which is 15 inches higher than the entrance to the driveway, but by taking out about 3 feet of fill in the middle of the circle, it will be roughly 66 inches, so it will be about 20 inches lower than the entrance to the driveway.

Mr. Rankin stated York County Soils, through the grant program, wants to add a rain garden where the existing entrance is. He said they made up a sketch and he believe the board had a copy of that. Madge B. said, "Yes".

Mr. Rankin thought the project would be a plus for the lake, because of the water being held on site. He said he talked to Jeff Goodwin, the Road Commissioner, and he believed no one knows the way the water runs in this location better than he does, therefore, he is going to do the work.

Mr. Rankin stated another reason he wanted to do it was the fact there is a 16-foot easement down 23rd Street and the Road Commissioner will sand it, if he plows it. He said they have a hard time turning around the plow truck presently, but the new entrance will be made so that RC Goodwin can turn the plow truck around without damaging the trees. He felt two problems would be addressed by doing this, both the stormwater and the ability to turn around the plow trucks easier.

Mr. Rankin asked if there were any questions? Steve F. stated he didn't have any questions and he appreciated the explanation. He felt the board was on board with this plan.

Steve F. stated they would schedule a site walk for prior to the next meeting. A notice to abutter will be mailed as well. Steve F. stated there would be a public hearing that evening for the next application, so the board will meet at 6:15 pm. Members will meet on site for social distancing.

Barbara F. asked if this would leave enough time to do the Krans site visit on Dogwood? **Steve F. stated they could do the site visit on 110 Dogwood at 5:45 pm, which should leave enough time. Barbara will notify Mr. Krans.**

Nothing further was discussed.

Amendment to the Subdivision Known as Dezan Subdivision – Adjust Lot Line on subdivision plan Lot 3-2 to Correct a Setback Issue with neighbor’s Garage – Map 7, Lot 41 (Norton Ridge Road & Owls Nest Road) – Lee Dezan, Property Owner & Applicant; Joseph Stanley, Representative

Mr. Stanley was present via Zoom to discuss the application.

The preliminary application for the amendment to the subdivision contained the following information:

Dezan Subdivision

Property

Owner & Applicant: Lee F. Dezan
35 Norton Ridge Road
Shapleigh, Maine 04076

Surveyor: Joseph Stanley, PLS #2453
455 Main Street
Springvale, ME 04083
jstanley@lineprosurveying.com

Land Information

Location: YCRD Book 11543, Page 57-59
Recorded April 16, 2002
Tax Map 7, Lot 41
Subdivision Plan Book 402, Page 22

Zoning: General Purpose
No part of the property lies within 250 feet of the high-water mark of a pond or river.

Acreage to

be Developed: 11.24 Acres as Shown on the Plan (10.79 acres noted in the deed)

No Current Deed Restrictions, Easements, or other Encumbrances.

Part of the parcel does include a waterbody, Norton Brook, which is noted on the plan.

The property is not within a special flood hazard area as identified by the Federal Emergency Management Agency.

General Information

No. of Lots: 4 in the amended Dezan Subdivision, a total of 6 on Lot 41 (two previous divisions on Lot 3)

This development currently has a road.

Water Supply: Individual Wells

Sewage Disposal: Individual Septic Tanks

Fire Protection: Nearby Hydrant & Fire Department

Provided was a copy of the Warranty Deed for Lot 3 or Map 7, Lot 41, recorded at YCRD on 2/16/2002, Book 11543, Pages 57 - 59. (This deed was associated with the original Dezan Subdivision, drafted by Brad Lodge MPLS #2057 of Middle Branch Land Surveying, for 3 lots divided from Lot 41, approved by the Shapleigh Planning Board on 2/26/2002 and recorded at the YCRD as Plan Book 268, Page 7.)

Provided was a copy of the second division of the Dezan Subdivision, drafted by Joseph Stanley MPLS #2453, of LinePro Land Surveying, LLC, creating a total of 6 lots from the parent lot, plan dated approved on 6/11/2019, recorded at the YCRD as Book 402, Page 22 on 6/17/2019.

Provided was a preliminary plan for the lot line adjustment to Plan Lot 3-2 of the Dezan Subdivision, plan entitled 'Revision to Plan Showing Division of Lot #3, Dezan Subdivision, Revising Plan Book 402, Page 22, Shapleigh Tax Map 7 Lot 41, Owned by Lee F. Dezan, 35 Norton Ridge Road, Shapleigh, Maine 04076 of Property Located on Norton Ridge Road & Owls Nest Road in Shapleigh, Maine', plan dated revised July 27, 2020, drafted by Joseph Stanley, MPLS #2453. The plan depicts a lot line adjustment on the property line between Plan Lot 3-2 and Map 7, Lot 41A, owned by David Bourque of 25 Norton Ridge Road, Shapleigh, Maine. The adjustment affects 1430.4 sq. ft, but does not change the total square feet of either lot involved.

The project description is as follows: *The application contained herein is simply to revise one Boundary Line on the Subdivision Plan which was approved last year for Lee Dezan on Owls Nest Road. The purpose of this revision is to correct a potential setback issue for a garage situated on a neighboring property. No other changes are proposed, and all other conditions and waivers per the previous approval will be adhered to.*

Steve F. asked Mr. Stanley to let the board know what they intended to do. Mr. Stanley stated that when they went to set the pins at the Lee Dezan project, they realized that the neighbor's garage was pretty close to the property line, so they went out and measured to the garage, and found it to be 7 feet from the property line. He stated that this adjustment will keep both lots the exact same size and it will fix the setback issue.

Roland L. stated that he was having a hard time hearing Mr. Stanley due to feedback. Other members stated they were as well. CEO Demers asked Mr. Stanley to adjust his microphone.

Steve F. asked if the board had any questions? He did not feel the board had to do a site visit because they were there recently for the approval.

Roland L. asked if Mr. Stanley could repeat what he said because he could not hear him. Steve F. stated that they were correcting a lot line issue. There is a garage that is built too close to the property line, so they want to amend one of the lines. He felt it was just a matter of procedure, he didn't feel it affected the subdivision or any of the neighbors in his opinion. Roland said, "Ok".

Mr. Stanley stated he could hear the echo on his end, so he would like to recap what he said. Mr. Stanley said that Steve F. did cover it. Mr. Stanley said again, that when they went to set the pins on the Lee Dezan project, they realized the neighbor's garage was 7 feet from the property line. He said they, therefore, met with both Mr. Dezan and the neighbor on site, both parties agreed to a lot line adjustment, whereby, both would be gifting up 1430 sq. ft, so both lots would be the exact same size after the adjustment. He said they wanted to preemptively address any setback issue that could come up with for the garage. He said that otherwise they did not intend to change anything with Mr. Dezan's approval. He added that with this adjustment, it still left 50 feet to Lee's (Dezan) existing shop.

Roland L. asked how the board proceeds from here, did they have to have a public hearing? Steve F. stated that they do need a public hearing because it is an amendment to the subdivision. Roland said, "Ok". Steve said that even though it is a minor adjustment, the board has to follow the same procedures.

Steve F. said the public hearing will be held prior to the next meeting at 7:00 pm on the 25th of August.

Steve asked if anyone had any questions? Ann H. asked about the garage on the neighbor's property, she wanted to know if it had been there for a long time. Mr. Stanley was not sure, but it looked like it was fairly new. He said it was probably put up in the last five or ten years. He said the pin was missing along the road, he felt it was probably installed in good faith, but no one understood exactly where the property line was when it went in. Steve noted that it was easier to fix it now than later on. Ann agreed.

Nothing further was discussed.

Other:

Barbara F. let the board know that Mr. Frank Clark was able to get an Escrow Agreement between the Town and himself for his gravel pit reclamation, so he would be able to begin processing. Steve F. noted this was for the gravel pit on Goose Pond Road.

Barbara F. stated that all the signatures had been obtained for Mr. Richardson's subdivision plans. Steve F. stated that the plans were with Mr. Stanley to be recorded.

Roland L. asked if the next meeting would be a Zoom meeting. Steve F. stated that it would be. He said he had no issue with everyone masking up and sitting around a table, but he also felt the board was getting used to Zoom. Other members agreed. Steve said the members didn't have to worry about being in public or wearing a mask or social distancing, so he felt at this time this was best. Barbara noted that she had not had any complaints about the format on Zoom. Steve believed everyone had as much access, as if it were being held at the town hall. Members agreed.

Growth Permits

Map 5, Lot 26A (Owls Nest Road) – New Home

GP #16-20

The lot meets the minimum requirement for a lot in the Zoning Ordinance and has the required 200 feet of frontage on Owls Nest Road. Also, a deed was provided showing ownership, YCRD BK 17680, PG 901.

The Planning Board meeting ended at 7:45 p.m.

NOTE: The summer hours are in effect, the meetings now begin at 7:30 p.m. and any scheduled public hearing begins at 7:00 p.m.

The next Planning Board meeting scheduled will be via Zoom on Tuesday August 25, 2020 at 7:30 p.m. See the Town website, www.shapleigh.net to obtain the link details, or use the information below.

To attend the meeting, you may connect via the following:

- **Join Zoom Meeting**

<https://us02web.zoom.us/j/84895865996?pwd=R0tBZE5ENFVLSGRibFRFaWFVQmEvZz09>

- **If calling in:** Find your local number: <https://us02web.zoom.us/j/84895865996?pwd=R0tBZE5ENFVLSGRibFRFaWFVQmEvZz09>

Zoom Meeting ID: 848 9586 5996 Password: 479754 (For all links)

- You may send an email by noon on the day of the meeting to planningBoard@shapleigh.net and the link to the meeting will be emailed to you, or you can find that link on www.shapleigh.net under Planning Board

The Planning Board meets the 2nd and 4th Tuesday of each month unless it falls on a holiday or Election Day. Should there be a cancellation due to a storm event, holiday or Election, the meeting will typically be held the following Wednesday, also at 7:30 p.m. Please contact the Land Use Secretary if there is a question in scheduling, 207-636-2839, x4.

Respectfully submitted,
Barbara Felong, Land Use Secretary
planningBoard@shapleigh.net