

Shapleigh Planning Board

Minutes

Tuesday, September 8, 2020

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

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

Steve Foglio (Vice Chairman) was unable to attend, therefore, Ann Harris sat in as a regular member.

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.

Roger A. asked if there were any changes to the minutes from August 25, 2020? There were none. The Planning Board minutes from Tuesday, August 25th were accepted by members as read.

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

Conditional Use Permit – Hold Small Events & Venues, and Weddings – Map 1, Lot 22A (24 Deering Ridge Road) – Meagen & Brent Lavoilette, Owners & Applicants

Mrs. Lavoilette was present via Zoom to review her application.

Provided along with the application were the following:

- Aerial photo / sketch plan of the property with the land survey imposed, which depicted the existing structures, lot line measurements and entrance onto Deering Ridge Road. The sketch plan also noted that the property was 3.5 ± acres to the river's edge and 5.10 ± acres to the river centerline.
- Sketch of the property depicting the location of the house / garage / barn and the distance from the structures to the river that being 184 ¾' to the barn and 149 ¾' to the house; the distance from the road to the house being over 200 feet; and the distance from the house and barn to the septic tank being a minimum of 25 feet from either. Both the barn and house appear to be located in the Shoreland District.
- A sketch plan which appeared to be part of a surveyed plan, depicting the location of the house / garage / barn; the location of the gravel driveway including two entrances onto the property; the location of a garden area, cemetery, and three proposed locations for parking. One parking location was depicted as 64 feet by 113 feet, one location 60 feet by 103 feet and a third location being 52 feet by 64 feet. Each parking area is located on the rear of the property behind the barn.
- A sketch plan entitled Parking Plan. The plan depicts the flow of the traffic pattern, in addition, the size of the parking areas, the square foot calculations, were given for each area. The total parking area calculation is 16,740 square feet. The amount per parking space is 200 square feet. This allows for 83.7 spaces for parking. The barn size is also depicted on the plan, that being 38 feet by 72 feet or 2,736 square feet. (Note: §105-43. 'Off-street parking and loading'. If allowing for 200 people, 66.66 parking spaces are required per the ordinance.)

The detailed project description is as follows:

We are proposing to have the following venues and events in our barn on 24 Deering Ridge Road:

- Weddings (≤ 200)
- Small events & venues: small bands/music events, anniversary parties, bridal showers, baby showers, exercise classes, open barn vendor expos, community events, fundraisers, silent auctions, food & beverage events

We are proposing the following as part of our plan:

- Parking Plan
- People working: The only people working on the premises will be volunteers of Babbling Brook Farm and the Lavoilette family. All other working people will be hired by vendors of the customer.
- Hours of Operation: 10 am thru 10 pm – all patrons will be off the premises by 10 pm
- Noise control: Events involving music, live music, and audio systems will be contained in the barn. In the event there is a live band or music outside of the barn, it will not surpass 8 pm.
- Septic: There are no plans for use of the septic system on the property. Septic needs will be rentals specific to the event.
- Trash removal: Trash will be disposed of by the owners of the property at the local transfer station or by the customer. If trash is being taken off the property by the customer, we will ensure disposal location is indicated within their rental contract.

We would love the ability to also provide a space for the community for functions and activities. We take great pride in this piece of history in Shapleigh and are anxious to share it with others.

On August 28, 2020, Mrs. Lavoilette provided members with a proposal in lieu of traffic control using a person to direct traffic. The new proposal was either to use a customized blinking LED sign “Caution Event in Progress Ahead” or a flashing beacon with a custom sign.

This evening provided by Mrs. Lavoilette was an email dated 9/8/2020, which stated the following:

Good morning,

I have talked with the road commissioner and he has approved the use of the portable sign, we will work together for the placement. I have attached the proposed material we will use to construct the sign, could you please pass this along? Thank you. Best, Meagen

Along with the email was a picture of the sign to be used and the portable stand it will sit on. The sign will say ‘Caution: Event in Progress Ahead’, it will be attached to a 6-foot post on a 40 lb. portable sign stand. A 3-volt Amber LED Barricade Flasher light will also be attached to the signage.

In addition, the board received an email dated 9/1/2020 from the Town Administration, Karla Bergeron, who had an email response from Road Commissioner Jeff Goodwin, who was asked if he had an issue with Mrs. Lavoilette placing a sign alongside Deering Ridge Road when events would be letting out. Road Commissioner Jeff Goodwin replied as follows:

Hey Karla,

I don't have a problem with it, I think a sign with a flashing light will work. I don't think it should be a permanent sign; I think it should be portable and put out when they have an event. Jeff

A copy of the email was forwarded to Mrs. Lavoilette.

Roger A. asked Mrs. Lavoilette to update the board and anyone listening, where she was at this point in time.

Mrs. Lavoilette stated that she was able to connect with RC Jeff Goodwin and the local Sheriff as well. She said that in the end it was decided that she could have a sign that she would put up for the event. RC Goodwin liked the idea of not having something permanent, just putting it out when they had events. She said he thought it would be more eye catching for traffic, people wouldn't get used to the sign and overlook it because they were coming by often. She said that this morning she sent Barbara a simple proposal about how the sign would look and the pieces that would be put on the sign. She said that RC Goodwin will come out to the property eventually, and they will decide where it will be placed.

Roger A. stated that he totally agreed, and Steve Foglio did as well, with the sign. All other members agreed the sign was a good idea. Roger said he thought solar powered might be the best vs trying to put batteries in it to keep it lit up. He said it was up to Mrs. Lavoilette what she wanted to use for a power source. Mrs. Lavoilette stated that the light would be like she proposed, which his battery operated. Roger said again that all the members agree the temporary light would be fantastic.

Mrs. Lavoilette stated this was as far as she has gotten. She said she had not proceeded to hire any engineers until she gets some type of approval of the project, and then she will move forward with the others conditions that have been discussed. She said there is the structural engineer for weight analysis and there is a certain type of architectural engineer that will come out and do the safety analysis for the State. She said she hasn't contacted him yet; he will do the whole analysis and that would be all the paperwork she will submit to the State Fire Marshall's office for their approval process.

Roland L. asked Mrs. Lavoilette if the State inspection was for fire purposes only, or would that engineer also do the structural analysis as well? Mrs. Lavoilette said that was a separate analysis. She said the State Fire Marshall is likely to require some type of plans, perhaps architectural plans of the barn, and where things would be placed such as signs, and fire protection such as fire extinguishers. She said he would also know if she needed a sprinkler system and those type of details. She said when she had talked with the structural engineer that Ann Harris had recommended, he strongly encouraged her to contact this person first, because most likely she would have to bring him in and it would save her a step-in time. She said he is going to have to come out to do the paperwork for the State for the Fire Marshall approval process.

Roger A. said, "So the next step is for the safety analysis, for that person to come over and determine whether or not the barn actually needs a sprinkler system". Mrs. Lavoilette stated, "I think he will do the whole thing. He will write up all of the plans to scale to say where all the entrances, exits, all of that type of analysis. Where the signs would go, fire extinguishers, and he should be able to give me a good idea of what the States going to require of me".

Ann H. asked Roger A. if the board could give her, if everyone is in agreement, a go ahead, with conditions that those are approved? She said that Mrs. Lavoilette cannot open unless she gets the safety inspections approved and the structural engineer approval. Roger said that he preferred not to approve, because the inspections could add conditions on to the approval once the board has the reports. Ann stated that she would hate to have Mrs. Lavoilette spend the money and get it done without some type of approval. She asked Mrs. Lavoilette if she was looking for an approval prior to spending the money on the engineers, that the Town of Shapleigh is ok with her having this event business based on the conditions of fire safety, because if the fire safety isn't approved, she cannot do it anyway. Ann said it is expensive and she didn't want her to go through the expense, if the Town isn't going to allow her to do it.

Roger A. stated he didn't have any issue with seeing this approval move forward, he thought the idea of what she was proposing was fantastic. He said there would be some limitations, and when she has the safety analysis done, she may decide she isn't going to invest the money in order to get approved, and may decide to pull the permit.

Ann H. asked Mrs. Lavoilette what she was looking for, if it was to make sure everyone is ok with the project before she gets the additional two things done? Mrs. Lavoilette said, yes, and that she wasn't expecting a complete approval. She said they finally have the traffic control in place, and she believed it was what was holding her up the most. She said if all that she presented so far is tentatively approved by the board, then she will go ahead and move forward. She said she would likely do the safety inspection first, because if they do require a sprinkler system and it is a huge overhaul, then she may wait until the spring to see where Covid goes and where we are headed in 2021. She said if she didn't have to make a huge investment for fire safety, then she would try to move forward as quickly as possible to put everything into place.

Roger A. stated he had no issue moving forward with a temporary approval, with the items presented to date, for the traffic issue, having the temporary signage to be placed with each event; he believed this was adequate. He said the portable toilets required would be one for every forty people, so she may need 5 portable toilets on site all summer or however long her large venues are going to be going. He didn't think the company providing them would want to pull them after every event. He thought she may have to have a contract for an extended amount of time, such as for six months at a time.

Roger A. stated the safety analysis was going to be very important to determine whether or not she wants to expend the money for the business. Roger thought initially the structural analysis might be more important than the safety, but he said it now looks like it might be the other way around. He said the safety may be moreso money wise. Mrs. Lavoilette said she did not believe the actual analysis would be costly but depending on how much a sprinkler system cost if it is required, that may be a bigger issue. Ann H. stated that she may not be required to put in a sprinkler system, because she knew of other event barns in the area and none of them have sprinklers in them. Mrs. Lavoilette stated she didn't know how it would work since the structure is already built. She said the gentleman she spoke with at the Fire Marshalls office, who wasn't her point contact but he was helpful, he did say once you get into two stories, then that is when they might require it. She said at this point they do not have two stories, so she wasn't sure what they would require. Roger added that he had been to several venues such as what she would be doing, and he said he has never seen a sprinkler system in them. He added that he hasn't even seen extinguishers. Mrs. Lavoilette stated it would be a must for her, and high on the priority list. She noted that they were not doing any cooking on site, so she thought that might make a difference as well.

She said she was anxious to move forward and contact the engineers to see when she can get them to the property.

Roger A. stated that he has no issue giving a temporary approval to say ‘continue on’, realizing he didn’t anticipate any unknowns that would be a surprise to the applicant, with respect to the board’s requirements. He said he would do the safety analysis first and wait on the structural, to determine whether or not she wants to continue. He said then if she does want to, next the structural to be sure the building will support the weight of 200 people. He said parking is all set; the entrance and exit has been determined and how to work with the traffic; the lighting has been determined, keeping the area lit so people can find their vehicles in the dark.

Roger A. said he could take a poll to see how to move forward. Madge B. asked if it would be best to table it, because the board isn’t sure when Mrs. Lavoilette is going to come back. She said the board could table it, with the decision to date she has met all the Planning Boards requirements, or something to that affect. Roger said she has to date, but with respect to safety, something could come up that the board didn’t look at because they were not aware. He said between safety and structural, those would be the two areas that could be an issue. Madge said that is why she thought the board would table it with a statement that to date she has met the boards requirements, but only to date, which is why the board will table it because there will be additional considerations.

Madge B. asked if Roland wanted to suggest anything? Roland L. stated he supported what has been suggested thus far. He said unless there is something totally unexpected that comes up, he supports the application and he hoped that Mrs. Lavoilette would be able to proceed. He said, as Roger mentioned, the engineers may present something to the board that we haven’t considered and should, as a condition of approval. He said he would want to hear a report from the engineers. Madge said, ok, and she asked Mrs. Lavoilette if the board was being clear? She asked her if she was comfortable with what was being said? Mrs. Lavoilette said that yes, her next steps are the structural engineer and the safety inspection. She said from there, she will have to go through the approval with the State Fire Marshall, which is another process. She said as she gets reports, she will submit them to Barbara F., so she can disperse them to members.

Roger A. stated that he would like the board to see the safety analysis first, before the Fire Marshall, that will give her the path to deal with the Fire Marshall, because it will have determined what needs to be done. He stated, then she can determine if she wants to do the recommendations in order to move forward. He thought the safety analysis would be the best next step and see what is determined, and from that point if the recommendations looked good, then he would go to the structural engineer; lastly, the State Fire Marshall. Mrs. Lavoilette stated, “Ok, I will just keep you guys updated as soon as things come in, if you guys want to look things over, I can hop onto a meeting and discuss it”. Roger thought that was fine.

Madge B. made the motion to table the application, based on the fact all requirements to date have been met, and with pending new information expected on fire safety and structural safety. Ann H. seconded the motion. All members were in favor of tabling the application. By a vote of 5 – 0, the motion passed unanimously.

Nothing further was discussed.

Amendment to a Conditional use Permit – Add a 50' x 150' Storage Building – Map 1, Lot 24A (140 Deering Ridge Road) – Shawn McLeod, Applicant; Adex Properties, Property Owner

Mr. and Mrs. McLeod were present on Zoom for the review of the application.

Provided along with the application, was a sketch plan which depicted the existing structure for the business, a 50' x 100' cement pad for storage of vehicles, two existing driveways (one for personal use), parking area, existing well and septic/leachfield location, locations of the existing 50' x 100' cold storage building and proposed location of the new building which is also, 50' x 100'. The distance to the side lot line of the proposed structure was depicted as 50 feet and distance to the rear lot line is 143 feet. There will be a corridor between the two storage structures, the corridor being 45 feet in width.

The detailed description of the project is as follows: *Add another 50' x 150' steel storage building next to the existing 50' x 150' building. No heat, no electricity.*

Roger A. asked Mr. McLeod to let the board know what he wanted to do. Mr. McLeod stated that he wanted to add an additional storage building beside the one he has now, to extend his storage facility.

Madge B. stated that the application states, 'no heat, no electricity'; she said that she assumed no plumbing. Mr. McLeod stated, "No plumbing as well, that is correct". He said it was four walls and a roof basically.

Roger A. stated that with the addition of the new building, it only got his land coverage to 12%. Mr. McLeod stated, "That's correct".

Roland L. asked, "Shawn, as I am looking at the drawing that you provided, on the far right hand side, the side lot distance, is that 50 feet"? Roland stated that it appears to be written upside down, so he wasn't sure. Mr. McLeod stated that it was 50 feet. Roland just wanted clarification.

Roland L. asked with respect to appearance, would it be the same as the existing building? Mr. McLeod stated that it would. Roland noted that it was a nice looking structure. Mr. McLeod thanked him.

Madge B. asked if there would be a public hearing? Roger A. stated, yes.

Roger A. stated a site inspection would be held on Tuesday, September 22nd at 6:00 pm. The public hearing will be held at 7:00 pm. A notice to abutters will be mailed as well.

Roland L. told board members that the Chairman of the Selectmen stated the board had voted and there would be no more Zoom meetings. Roger A. stated that he had received an email from Karla stating that the Planning Board could have regular meetings at the town hall. Roger said he would be discussing this with members later in the meeting.

CEO Demers said he had a question regarding the number of vehicles or units served or stored on the property. He wanted to know, and he noted he did not expect an answer today, was there a land use regulation in the form of a standard, zoning ordinance, or state law that would give the Planning Board the authority to limit the number of vehicles on the property. He said in his review of the original Conditional Use Permit there was a limit of 100 units. He said he was not clear on where the number came from. He

said with the amendment three years ago, the limit was raised to 350. He said the minutes don't reference any reason or formula as to how this number was calculated. He said if there was a standard, he wants to review it. He said again he wasn't looking at getting into it tonight, he just wanted to bring it up and do some research to talk about it in two weeks. Roger A. stated there was no specific limit with respect to state law. Roger said that the applicant requested that amount be allowed and it was approved by the Planning Board. Ann H. asked if he was saying there is no state law or zoning ordinance that says how many vehicles or pieces of equipment can be stored on the property? CEO Demers stated the only standards he could find would be the off-street parking ordinance and the automobile graveyard statute. He didn't see where there was any limitation for any property owner to have any number of registered vehicles or vehicles in storage on their property. Roger said Mr. McLeod asked for the number and the board approved it, and he would be allowed to change that number if he requests it. CEO Demers said there is no law and it is one of the conditions in the conditional use permit, if there were to be a violation in the future, he felt it would be unenforceable, so he didn't feel there was a reason to have it attached to the conditional use in the first place. Roger disagreed; he stated any condition on a conditional use is enforceable. CEO Demers stated they will discuss it at the next meeting.

Nothing more was discussed.

Other:

Roger A. stated he had no issue continuing with Zoom. He said with the current outbreaks in Sanford, it would be best. He stated Karla (Town Administrator) had sent out an email stating the Selectmen authorized the use of the building for meetings, for groups of up to 50 people.

Roger A. stated that the board hasn't had any issues using Zoom to present, and Steve Foglio, which could not be here this evening, stated he supported Zoom meetings. He sent an email in which he stated the following in part: I just want to say that I am happy with Zoom meetings as I think it includes more people versus excludes them. Thank you.

Madge B. and Maggie M. both stated they were in favor of continuing with Zoom in light of the current situation with Covid locally. CEO Demers stated that he felt the participation has been up since Zoom has started. Roger said with that in mind, he felt the board should continue using Zoom.

Roger A. asked Roland L. his opinion. Roland stated that he agreed that Zoom was best. He wanted the board to know that the tone that was taken at the Select board meeting, it was his understanding we are supposed to be meeting in person. Roland asked that someone verify it. Roger said he had no issue having Barbara F. check with Karla in the morning.

Ann H. asked if there were any complaints from applicants regarding Zoom? Roland L. stated if there were complaints, they didn't share any. He said personally, if given the choice, even down the road if you can come up with a hybrid that would allow participation through Zoom, even with regular meetings, it makes the process that much more transparent and accessible by abutters that may be out of state and can't physically come to the meetings. Ann stated that you can have a public meeting and use Zoom. Maggie M. stated Acton does that with the Selectmen's meetings.

Madge B. said even applicants could come using Zoom instead of driving up from out-of-state. Roland L. added, “Only to be told we will do a site visit in two weeks”. Ann thought it would be a good idea to look into both. Roland thought even from an environmental impact, their time on the road and emissions, you could make a reasonable argument for someone not to have to drive up, sit through a meeting for a five- or ten-minute presentation, only to be told we will do a site visit and the public hearing at the next meeting. He thought it would be good to explore that in the future.

Roger A. stated that at present, under the emergency order from the Governor, he believed the board could continue to use Zoom. He said with everything changing so rapidly, due diligence would be to stay using Zoom.

Madge B. thought the Selectmen were meeting upstairs. Roland L. said the last three meetings he attended, they met downstairs. He said the participation is way down. This week he was the only one there and the last time he attended it was only the EMS Director and himself. He said in the past, the downstairs would be almost full and they would have to add chairs.

Nothing further was discussed.

Growth Permits

Map 11, Lot 10 (Gray Road) – New Home

GP #18-20

Roger A. asked if CEO Demers knew where the new lot would be located, because the applicant didn’t provide a sketch on where it would be on the property. Roger stated there was a reference stating it was 2 acres, it didn’t show that there would be 200 feet of road frontage. Roger added that the warranty deed provided was for the entire parcel, not the 2-acre lot. CEO Demers stated he would not testify where it was located. Roger stated that because they provided the deed for the entire parcel, they can give a growth permit out, but it would be up to CEO Demers to not give out a building permit until the deed for the 2-acre lot is provided. Roger stated that the new deed cannot say 200 + or – with respect to the road frontage, it has to say 200 feet or 200 +, minus would not be acceptable. CEO Demers agreed, stating that the ‘part of Lot 10’ would have to meet the minimum lot requirements including the road frontage. The Growth Permit was therefore approved with a condition that a deed shall be provided depicting the exact measurements of the new lot and showing that it meets the minimum requirements in the Zoning Ordinance.

Map 40, Lot 13 (Granny Kent Pond Road) – New Home

GP #19-20

Roger A. stated the lot was an existing lot of record, meeting the road frontage requirement. He noted it did not meet the 2-acre minimum. This lot was not part of a subdivision.

Map 7, Lot 30-2 (Shapleigh Corner Road) – New Home

GP #20-20

Roger A. stated the lot has 320 feet of road frontage and contains over 7 acres. The lot is not part of a subdivision.

The Planning Board meeting ended at 8:15 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 September 22, 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