

Shapleigh Planning Board

Minutes

Tuesday, November 24, 2020

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

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

Alternate Ann Harris 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.

Roger A. asked if there were any changes to the minutes from Tuesday, October 27, 2020? There were none. The Planning Board minutes from Tuesday, October 27th were accepted by members as read. Note: There was no meeting on Tuesday, November 10, 2020.

The Planning Board meeting started at 6:30 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 $3.5 \pm$ acres to the river's edge and $5.10 \pm$ 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 $184 \frac{3}{4}'$ to the barn and $149 \frac{3}{4}'$ 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, instead a sign would be used along with a portable stand. 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 opened by stating things had been hectic for her as she is a director of a respiratory department, so things have been quite crazy. She stated in spite of this she is trying to make progress. She said that currently in order to get up to code for the State safety requirements, she needs to comply

with square footage, working on the barn and closing part of it off. She stated they were also working toward two means of egress, putting in fire safe windows, and she needs to figure out how to place a door that will be up to code. She said there were many little things to do, and she was trying to understand the many different codes, and what the State and Town wants, trying to meet all the requirements of both.

Mr. Lavoilette stated that as soon as the floors are done on the part of the barn that she recently opened up, they will aim to get the structural engineer to come out and do the weight analysis. She said at this time that is where she is at.

Roland L. asked Mrs. Lavoilette if she was at a point where she had a time table? Mrs. Lavoilette stated that it was slow going. She said she was also waiting for the electrician to come to put in exit signs and that type of thing. She believes she is making progress, although it is slow. She noted there were big things that had to be taken care of, and she hoped to be checking those off in the next few months.

Mrs. Lavoilette stated that she had been working closely with an architect who will do all the design for the State, so there have been emails with him and the State Fire Marshall. She said that there is more construction than they anticipated, required. She stated that having the floors done before the weight analysis makes the most sense, then order windows, and figure out what kind of door and where it will be located. She said that the sliding barn doors don't count, and at present that is all she has.

Steve F. asked Roger A. where the board was at? He didn't have a copy of the last meeting with Mrs. Lavoilette. Steve wanted to know if there was a preliminary approval or was the application tabled? Roger stated that the application was tabled, so Mrs. Lavoilette could get feedback from the Fire Marshal, and find out what she had to do, prior to getting an approval from the board.

Mrs. Lavoilette stated that she would be happy to send along any emails to the board that she received for the record. She has emails from the architect and the representative from the State. She said besides guiding her along, there is a list to start working on before the weight analysis, so she is working on the list.

Roger A. stated at the present time the reason Mrs. Lavoilette is before the board is in case there are no meetings in December, she would not want to lose the ability to table the meeting again. You can only table an application for 90 days without additional information, and then the board has to table once again to extend the time period. Roger said based on today's update, the board can table the application once again, giving her another 90 days to gather information and make progress. Roger stated this keeps things moving forward. Steve F. stated he had no issues with this.

Madge B. stated, "I move that the board tables the application for up to another 90 days pending further information". Maggie M. 2nd the motion. All members were in favor. So, by a vote of 5 – 0 the motion passed unanimously.

Mrs. Lavoilette wanted to know if the board needed anything further, or should she just let Barbara F. know when she was ready to come back. Roger A. stated to just let Barbara know when she has made some progress and is ready to return. Mrs. Lavoilette stated, "Ok".

Mrs. Lavoilette wished everyone a great holiday season. Nothing further was discussed.

Growth Permits

Map 3, Lot 3B-1 (Flybox Road) – New Home

GP #28-20

Provided along with the application was a copy of a deed registered at the York County Registry of Deeds as Book 15611, Page 454-455, registered on 4/21/2009 which transferred the deed from Pamela and Thomas Snowe to both as Trustees under the Pamela P. Snowe Living Trust dated August 15, 2008. The application also noted a deed registered as Book 15237, Page 720-721, dated 8/20/2007.

Roger A. stated that this is a lot of record, noting that the lot does not have 200 feet of road frontage. He said it was being accessed by a right-of-way. He stated that the original lot was broken up in 1983. Steve F. asked, “So they don’t need frontage”? Roger said, “No, it’s a lot of record.” He noted there was another issue he will bring up after the Growth Permit on this subject.

Roland L. asked what the name was on the permit? Roger stated, “Thomas Snowe, and he lives on Warden’s Way in Shapleigh. The lot is on Flybox Road”. Madge B. stated that it is a lot of record but wanted to know if in 1983 the town required 200 feet of road frontage. Roger stated that he thought the town did but CEO Demers looked into it and said the effective date of the Shapleigh Ordinance was March 12, 1983, and the deed for this lot was executed on February 8, 1983. Madge asked if the town had zoning before 1983? CEO stated that the town had zoning but its written in 1983 that anything predating this ordinance (March 1983), is grandfathered. Madge said, “Ok”. She was not surprised that they created a lot in February of ‘83. CEO Demers agreed, they probably saw it coming.

Roger A. stated that this permit would be #28, as it meets all the other criteria for a lot when it was created.

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Roger A. stated that he wanted to bring up that today, any new lot needs to have 200 feet of road frontage, except a lot approved in a cul-de-sac in a cluster subdivision. Madge B. agreed. He said that would be the only lot exempted from having to create the road frontage by way of a road. CEO Demers stated that if you created a new lot today, you have to have 200 feet of road frontage and 80,000 sf of area. Roger agreed, at a minimum. CEO Demers said the only exception is the one provision, that it was in a subdivision, you could have a lot at the end of a cul-de-sac with 50 feet of frontage. Roger agreed that was true in a cluster subdivision. Roger noted that this sized lot would be approved by the Planning Board through the subdivision process. CEO Demers agreed.

Roger A. stated there is a new lot that was created on Walnut Hill that isn’t before the board at this time. He stated that this lot is not a buildable lot, and he would not grant a Growth Permit on it. He added that based on the location, if it comes before the board, he will have to have Steve F. chair the discussion, so it isn’t construed as a conflict of interest. (Roger lives on Walnut Hill Rd and knows the gentleman who owns the property.)

Roger A. said the board may also start seeing more of these issues, with lots on a tote road. The frontage is on the tote road but it really isn’t accessible. Roger said it could be a town road without accessibility, but the town isn’t going to build up the road, so someone can have 200 feet of road frontage. Madge B.

agreed. Steve F. asked if it would be the owner’s responsibility to bring the road up to town specs? Roger said, “Yes, even though it is the towns road, a road of record from many years ago, the town never gave it back to the landowners, and now it may be a 4 wheel path, never updated or worked on for years”. CEO Demers asked where Roger was talking about? Roger said, “It could be anywhere”. He said he wasn’t being specific. Maggy M. thought she had one of those roads on her property. Roger said he did as well, owning land on both side but the town owned the road. Roger said in his case it was road access to back land that can only be accessed via the tote road, so he didn’t think the town should give it back to the landowner, in this case, him.

Maggie M. noted that when the town calls it an abandoned road, they just leave it in limbo. Roger agreed. Roger said it would be up to an owner that buys a lot way in the back, or wherever it is, to upgrade that road and get it passable, before someone can build on it.

Steve F. noted that it comes up quite often in real estate, and he said at one point he did research on it, and the State of Maine in perhaps 2006, the legislature tried to tackle the problem. He said the towns were told that the State understood that small towns have these old roads that may or may not have been abandoned correctly at Town Meeting, and may or may not be winter maintained, so the State will give you a free pass to get this squared away. He didn’t think much action, if any, happened; not just with the Town of Shapleigh but with other towns in the surrounding area. He didn’t know if it wasn’t publicized, or when the legislation was passed, but the legislation did exist. He said in his business they hope they don’t run into it often, but if they do, it’s a grey area as to what happened. He said if the town didn’t vote to discontinue it, does the town still have a right-of-way, and if not, what should be done with it? He said there is never the same answer with any two properties. Roger A. agreed. Roger noted again the case on his property and that he wouldn’t expect the town to upgrade the road, just so he could build on the property. Steve did not disagree.

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Roger A. asked if anyone else had anything else? Roland L. said he had an f.y.i. He stated that this past Sunday, he and Carol went for a ride on Mousam Lake and got to see, one of the sites that the barge which is moored/beached at the foot of the lake in Shapleigh, one of the walls they are repairing on the Acton side. He said, this wall being worked on is not accessible from the land, it is off of 13th Street, but with the barge they are able to transport the equipment and the 600 pound plus blocks, and do the job with best management practices in place, which would have been otherwise inaccessible.

Roland L. said he had a feeling we would see more of this taking place, to the betterment of Mousam Lake. He hoped it would work out to everyone’s advantage. He said he had seen the barge moored, but now has seen it at a site, transporting the equipment and blocks. He thought it was a slick operation. Roger A. noted he had seen one on Little Ossipee in Waterboro, using the barge to bring all the rip rap to an island, hundreds of yards to help preserve the island. He said they also built walls, and brought construction material, all approved by the DEP. He said it was a big undertaking and the barge worked well. Roland again said he believed it would be for the betterment of the lake because of the areas they can access and address, whereas other methods would not work.

Roland L. said he did see a few things he would be contacting CEO Demers about, shorefront activities in the Shapleigh area, that haven’t come before the board. He will share the information and pictures with CEO Demers.

Madge B. said she was glad to know why the barge was there. She had seen it, but didn't know what it was doing. Roland L. said he couldn't remember the name of the company on the barge. CEO Demers said it was Matt Colton. Roland knew that, but the information said barge something and said jetties, wharfs, walls, etc. There is also a local cell number on it.

Roger A. asked if there was anything further. There was not.

The Planning Board meeting ended at 7:05 p.m.

NOTE: The winter hours are in effect as of November 1st; the meetings now begin at 6:30 p.m. and any scheduled public hearing begins at 6:00 p.m.

The next Planning Board meeting scheduled will be via Zoom on Tuesday December 8, 2020 at 6:30 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
Town of Shapleigh
planningBoard@shapleigh.net