

# Shapleigh Planning Board

## *Minutes*

June 22, 2021

This evening's meeting was conducted via Zoom due to Covid-19. *Note: The Board will begin in-person meetings at the Town Hall beginning on July 13, 2021, which is the next meeting.*

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

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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 who is speaking.

### **Public hearing began at 7:10 pm**

#### **Conditional Use Permit – Baked Goods Business – Map 12, Lot 30-5 (70 Silver Lake Road) – Lynn Carter, Applicant; Michael Pierce (Son), Property Owner**

Ms. Carter was present for the public hearing via Zoom. *Members did a site inspection prior to this evening's meeting.*

Roger A. stated the application was for a baked goods business on Silver Lake Road and he asked Ms. Carter to let the audience know exactly what she intended to do. Ms. Carter stated her business was a basic bakery specializing in wedding cakes, birthday cakes and holiday pies, that type of thing. She said that it was not retail, people cannot come to the home and look at baked goods. She said it was primarily delivery or pickup, and by phone calls only.

Roger A. asked if anyone had any questions? Madge B. said she would ask the usual questions, such as was Ms. Carter going to add any lighting that would throw glare onto neighboring properties? Ms. Carter stated, "No, I have enough lighting outside. I would prefer anyway that people come, if they need to pick up stuff, that they will be here at daylight, so I will have to set the time." She said that if for some reason someone can't make it, she has enough existing lighting for them, that she believed was sufficient.

Roland L. asked if pickup would be available 7 days a week, or would it be limited to certain days and times? Ms. Carter stated she would be open 7 days a week, but after a certain hour she did not want people coming to her home such as at 5 am. She thought something like 8 am to 5 pm, during daylight hours, would be best. She didn't believe the business would flourish to require more hours. Roger A. stated the Board needed to know the actual hours, because it would be attached to her permit. Ms. Carter thought that 8 am to 6 pm, would be good hours. Madge B. agreed those hours were good, and noted that it would not limit when she was baking. The other members agreed.

Madge B. said there were no other outside changes, and she said members agreed any odor might attract people not bother them. She didn't have any additional questions or concerns. Roger A. noted there was plenty of area to turn around on site, as well as places to park. He said it was unlikely there would be more than one or two people coming to the site at one time.

Roger A. asked if there were any additional questions?

An abutter asked if there was any signage that would be added? Ms. Carter didn't believe she wanted signage on the street because she did not want people to just show up, although because of the location she may have one that says 'phone calls only'. She had some concern that people would not be able to locate her. She wanted to be sure they didn't drive in without an appointment to pick up. She thought perhaps fall or spring she would put up a sign, she noted she was not ready at this time. Roger A. stated that any signage would be permitted through the Code Enforcement Office.

The same abutter asked if the baked goods were standard baked goods and not marijuana based products? Ms. Carter stated, "No, standard baking goods". The abutter said, "Thank you, good luck".

As there were no other questions, the public hearing ended at 7:15 pm.

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**The minutes from Tuesday, June 8, 2021 were accepted by members as read.**

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

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**Conditional Use Permit – Skin Care / Aesthetics Business – Map 30, Lot 17 (5 Treasure Island Road) – Kaelyn Couture, Applicant & Property Owner**

Ms. Couture was present via Zoom for the review of her application.

Provided along with the application, was a sketch plan which depicted the existing home, shed and garage; an area within the home blocked off entitled 'spa room', the location of the entrance door to the spa, stairs leading to the entrance door and location of the parking area / turn around. Other notations on the sketch were for the location of trees, the well, leach field and septic system, as well as a right-of-way from Treasure Island Road to the home and the location of Totte Road.

Provided was a copy of the State of Maine, Department of Professional and Financial Regulations, Barbering and Cosmetology License for Kaelyn Morgan Couture, License Number AE62117, as a qualified Aesthetician, dated March 19, 2021.

Provided for this evenings meeting was a copy of the town tax map depicting the lot and abutting properties, Totte Road, the right-of-way, the location of the existing garage, a parking area down by Totte Road with a notation that said 'Personal car parking' and a parking area alongside the garage with a notation that said 'Parking area turnaround' with the area dimensions being 24' x 36' in size. In addition, a traffic flow pattern was depicted coming in off of the ROW into the parking area and back out again.

Provided were deeds transferring the David Boutilier and Josephine Boutilier, husband and wife, property to David Boutilier, Quitclaim Deed Book 17821, Page 54, dated 10/11/2018; then from David Boutilier to Tony Cole, Warranty Deed Book 17954, Page 188, dated 5/21/2019. This property is the Couture property that is before the Board this evening.

Also provided, was a deed transferring the abutting property from Mary Gerry to Laura Joslyn, Warranty Deed Book 10299, Page 185, dated November 3, 2000, which included a notation to the ROW access on the property; the deed description stated in part, ‘Subject to a 25-foot right of way bounded and described as follows:’. There were no ROW restrictions noted in the deed.

The application detailed description of the project is as follows: *Opening up a skincare / esthetics business.*

The Project Description continued as follows:

*I would like to open a skincare spa in my home, offering hands-on services for clients. I also plan to sell retail skincare products in the same space as a part of this business. As a solo member LLC, I plan to run this business strictly by appointment only and be limited to one client at a time. My anticipated operating hours will be Monday – Friday, 10-7 and Saturday 10-2. (These hours were amended to 8 to 8, 7 days a week.)*

*I plan to make use of the existing room in my finished basement as well as an existing outdoor entrance to that space. This space has adequate utilities, heating and lighting already in place. To this point I have only re-painted the room and outfitted it with spa equipment, furniture, and décor.*

*I plan to have clients access my property via Totte Road (approximately 16 Totte Road), where there is an existing portion of my property that will be used as a parking area. Due to its orientation, clients can also use this as a turnaround to safely get back onto Totte Road when exiting. Clients will use existing landscaping stairs to reach the exterior door and will enter directly into the skincare spa.*

Roger A. asked Ms. Couture to once again state what she wanted to do for those present. Ms. Couture stated she was looking to open up an in-home skin care studio in an existing finished basement. She said she would be the only worker in this business, as a single member LLC. Services will be by appointment only and she would only be able to see one client at a time. She stated that she wanted to point out to neighbors who had some concerns, and for anyone who wasn’t able to attend the last meeting, the business will be a holistic skincare studio. She said that she did not take the term holistic lightly and that her services would be holistic from two perspectives. She stated, “One being my skin care practices, a customized, individualized healing approach. From a second perspective, I do not take ingredients or the processes that these ingredients undergo to create the skincare products used in treatment, lightly. Meaning, there will never be harsh chemicals, acids, fillers, additives, parabens, phalates, dyes, etc. used in my services or in my choice of cleaning products. Skin care products are holistic and USDA certified organic products and my cleaning products are also always safe, clean, natural, and per the Board of Barbering and Cosmetology and Aesthetics, they are also required to be EPA certified. Therefore, I will never use harsh chemicals, as it is my philosophy and practice for the safety of myself, my guests, and the longevity of the health of the environment. Thank you very much.”

Roger A. asked if there were any questions? There were none. Roger asked Ms. Couture if she still wanted an alternate access to her property other than Dogwood? Ms. Couture stated that she was still looking to continue with the Dogwood entrance.

Roger A. read the following email provided by Ms. Couture, dated June 21, 2021, it read as follows:

Hello Planning Board members,

Related to my application for conditional use permit at 5 Treasure Island rd., I would like to bring some information to your attention that I recently found regarding businesses on Totte rd. Following the previous planning Board meeting, where it

was determined that Totte rd. is not safe for business travel, I researched properties on Totte rd. that I believe to be operating businesses.

Since moving in (2019), I have witnessed first-hand, repeated short-term visitors to 12 and 13 Totte Rd. One can only deduce that these properties are being used as vacation rentals, not as primary/secondary residences. I am unsure if these folks have gone through the proper town channels to be permitted for this **business** activity (I was unable to find any information on this), but on the surface this seems to be a point of hypocrisy, given the Board's finding on my own application to use Totte rd. for **business**.

I found the following vacation rental ads listed online for 13 Totte and 38 Totte (unknown if this one is still active):

**Ads for 13 Totte:**

<https://www.realestate2000rentals.com/vacation-rental-home.asp?PageDataID=146211>

<https://www.facebook.com/goosepondgetaway/>

[https://www.airbnb.com/rooms/25133536?adults=1&translate\\_ugc=false&federated\\_search\\_id=3b7d52d0-e6ed-48b9-b5ec-0c67fc553552&source\\_impression\\_id=p3\\_1624289122\\_e4smfmDPbay14DHm](https://www.airbnb.com/rooms/25133536?adults=1&translate_ugc=false&federated_search_id=3b7d52d0-e6ed-48b9-b5ec-0c67fc553552&source_impression_id=p3_1624289122_e4smfmDPbay14DHm)

**Ad for 68 Totte:**

<https://countryside-rentals.com/product/68-totte-rd/>

My concern is that the property owners at these addresses are using Totte rd. for **business** purposes, when it was clearly determined by the Board that the road is **unsafe for business travel**.

Given this new information, I'd like to have access from Totte rd. reconsidered on my application. With others using this road for business travel (permitted or not), it doesn't seem equitable that my proposed business use is denied. I also wanted to point out the inconsistency in how Totte rd. is treated and used. I have yet to hear a complaint from neighbors about the increased road traffic (or safety, runoff, noise, etc. for that matter) about these properties and their use of a private way, and yet reservations can still be made to stay here.

I am prepared to continue my own application with the entrance from Treasure Island rd., but **my strong preference is to use Totte rd.** I hope this information is helpful in your decision process. I am open to discussion and questions if you have any at all.

Thank you, Kaelyn Couture / Tony Cole.

Roger A. stated that the Board had asked Ms. Couture for information regarding the ROW and she provided a deed for the Joslyn property which described the ROW from Dogwood, and there were no restrictions noted in the deed.

**Roger A. began review of the Zoning Ordinance as follows:**

**105-17** – Land Uses. *Roger stated the property located in the Shoreland District, the applicant is asking for a home based business, so a conditional use permit is appropriate.*

**105-18** - Dimensional requirements. *Roger stated the lot is a lot of record, so it will meet the criteria in the ordinance.*

**Basic Performance Standards:**

**105-21** – Traffic. *Roger stated that looking at the Dogwood/Treasure Island entrance, site distances are adequate.*

**105-22** – Noise. *Roger stated due to the nature of the business, and doing this work in the basement, there will be no noise heard outside.*

- 105-23 – Dust, fumes, vapors and gases. *Roger stated this business will not create any dust, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, emitted beyond the lots lines.*
- 105-24 – Odors. *Roger stated there will be no offensive or harmful odors perceptible beyond its lot lines, either at ground or habitable elevation for this business.*
- 105-25 – Glare. *Roger stated there will be no additional lighting creating a strong dazzling light onto neighboring properties, there is one existing light used only during the seasons when there is limited daylight in the evening, where the business will be open until 8 pm to light the access to the business.*
- 105-26 – Stormwater runoff. *Roger stated the property has been well taken care of, since the applicant purchased the property in 2019. During the site inspection it was noted that a great deal was done to minimize the stormwater runoff from leaving the property, which includes landscaping around the existing structure and walkway, and limiting exposed areas that could erode.*
- 105-27 – Erosion control. *Roger stated this is the same as with the stormwater, the walkways have been designed well and the exposure of open areas has been kept to a minimum to prevent erosion issues.*
- 105-28 – Setbacks and screening. *Roger stated no changes are being made to what exist at this time, all business is taking place inside the existing structure, no outside storage of materials.*
- 105-29 – Explosive materials. *Roger stated this is not applicable, no explosive materials associated with this business. No propane tanks used for this business.*
- 105-30 – Water quality. *Roger stated there is no chemicals or industrial waste stored outside.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *Roger stated parking is in existence, there is no additional landscaping required for this business.*
- 105-33 – Refuse disposal. *Roger A. stated the applicant would be taking her waste to the Transfer Station, the amount should be minimal with this type of business.*
- 105-40 – Home occupations;
- A. Home occupations shall be carried on wholly within the principal building or other structure accessory to it. *Roger stated it was in the basement of the home.*
  - B. Not more than one employee other than the home occupant may work on site, one additional parking space if there is an employee. *Roger stated at present there are no other employees requested, Ms. Couture is the only employee, therefore, no additional parking space is required.*
  - C. There shall be no exterior display, no exterior sign except as permitted by the provision of this chapter, no exterior storage of materials and no indication of the home occupation. *These are all met, signage will be per the ordinance and through the Code Enforcement Officer.*
  - D. Additional workers cannot gather even briefly on the property. *Roger stated this is not applicable, there are no other workers.*
  - E. No nuisance, heavy traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation shall be generated. *None will be generated on site.*
  - F. Expanded off-street parking will require screening from adjacent lots. *Roger stated this is not applicable, there is not a large parking area, existing parking area is sufficient.*
  - G. Home occupations are allowed on nonconforming lots of record within legally existing nonconforming structures provided all performance standards are met.

- 105-43** – Off-street parking and loading. *Roger stated two spaces per dwelling unit would be required, and one space for every 150 sf of floor area used for a service establishment. This business would require one additional space, for a total of three spaces, which there are currently.*
- 105-46** – Sanitary provisions. *Roger A. stated there is an existing State approved septic system on site for the house. It was asked of the applicant if any of the chemicals being used could harm the septic system, and Ms. Couture provided information about the products being used. If any modification is required to the septic system, this will be handled through the Code Enforcement Office.*
- 105-47** – Signs and BillBoards. *Roger A. stated that all signage must be permitted and approved through the Code Enforcement Office, so if this application is approved it will be allowed through that office.*

**Roger A. reviewed §105-73.G ‘Standards applicable to conditional uses’ findings of fact are as follows:**

*Standards applicable to conditional uses. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application unless it makes written findings that one or more of these criteria have not been met.*

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat. *Roger stated, it will not, the business is taking place entirely inside the existing structure, parking is in existence.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *Roger stated this is not applicable.*
- 3) The use is consistent with the Comprehensive Plan. *Roger stated it is, the Comp Plan is in favor of home based businesses.*
- 4) Traffic access to the site is safe. *Roger stated it is safe from Dogwood / Treasure Island Road.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *Roger stated it is, the project is not in the flood zone.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *Roger stated a State approved septic system is on site, and any solid waste will be removed by the applicant.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *Roger stated there will not be any generated.*
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. *Roger stated there are no changes being made to the exterior of the structure for this business, and the changes that have been made on site have helped to mitigate stormwater issues.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *Roger stated there are no changes being made on site to create soil erosion, and improvements have been made to prevent erosion.*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *Roger stated there was.*
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors, and the like. *Roger stated there is existing vegetation, no changes are being made to the site. No additional lighting is being added to what is currently in existence.*
- 12) All performance standards in this chapter applicable to the proposed use will be met. *Roger stated they will with conditions.*

Roger A. stated the conditions of approval are as follows:

- 1) Hours of operation are 8 am to 8 pm, 7 days a week.
- 2) Access to the site is from Dogwood / Treasure Island Road.

Steve F. asked if the Board could discuss the access for the business? Madge B. said she wanted to discuss it as well. Steve stated, “I’ve been tossing this around for the last few weeks and although our ordinance calls for traffic access to the site to be safe, it’s a limited statement in the ordinance. I understand that the people on the road wouldn’t be happy to have additional vehicles going up and down the road, however, the use that this applicant is looking for seems in my opinion to be fairly limited. Our ordinance does not say that if the neighbors down the street want to have birthday parties and have 30 vehicles go in and out, they are allowed to do that. And even though the road is tight, I don’t know of any instances that there has ever been a head-on collision in that tight area. I feel like if the access to the road leading onto Goose Pond Road wasn’t safe, I would feel differently. I don’t feel in this instance as though this particular use, at least in the summer time, is going to present any more of a problem than somebody down the street having 3 or 4 friends over on a Saturday. That’s my take on it.”

Madge B. stated, “I wanted to join the discussion too. My take on it is more practicality perhaps. A very practical thing is we have no way to enforce which road they use. So I think we are putting in a condition that the applicants already said she is not happy to meet, and so how do we ever enforce it?” She said, “Secondly, I don’t see a particular advantage to people on Totte Road. If her client is required to come in on Treasure Island Road, then they have to move cars onto Totte Road. So at the same time, we are going to increase traffic on Totte Road. What have you accomplished by requiring one person to park on Totte Road? I’ve also looked at the plan that I got, and it looks to me, and I understand that we have to be sure where there’s enough room to put one car on the Totte Road side without crossing any boundaries, but the plan depicted that we have in front of us, shows the Totte Road parking area larger than the parking area off of Treasure Island Road. So I just don’t see what we have accomplished by restricting it.”

Roger A. stated that he felt that as a Planning Board granting a Conditional Use Permit for a business, that the access road that they want to use, is a private way, and any issue ends up being a civil matter. He felt if the Board approved it and says Totte Road can be used and there is a complaint, it will become a civil matter. He said that Treasure Island Road is a legal entrance and there will be no issue creating a civil matter, so the Board isn’t generating an issue. He noted this was his opinion. Madge B. stated that the ordinance allows businesses on private roads, so the Board has the legal basis to approve a business on a private road. She did not see that the Board would be legally at fault for doing that. She said there may be nuisance cases, she didn’t think in this case anyone was going to sue and win.

Roland L. stated, “Unlike any of the other Board members, I have over 50 years of driving experience on Totte Road being a resident here. I will tell you from firsthand experience, and Kaelyn please don’t take this in the wrong way, at times of the year and it doesn’t have to be the winter time, that road is so narrow.....if you are not paying really close attention, and I know Steve has said there hasn’t been a head-on collision, I wonder why there hasn’t been given the speed travel traveled, the narrowness of the road, and it bottlenecks just as you make the curve on the 16 Totte Road side. When you add to that the winter, there’s no place to put that snow; it’s one lane, it’s a one lane ice track, basically that’s what it is. I just worry that even adding a little bit of extra traffic, in addition to inconveniencing the year round folks that are there, I think you are opening up the possibility of an accident. And if you look at emergency vehicles and you have an accident there, they are going to have a hard time even getting to that area. So I have reservations about that, I really do. I would prefer to go with the

entrance off Treasure Island Road or Dogwood as its being referred to. I just feel that that would be safer all the way around and it would inconvenience the fewest number of individuals. That's a personal statement based on a lot of years of using that road."

Steve F. stated that what he and Madge were saying is that in order for the applicant to use the upper road, the Board would be looking to have her have her two vehicles down on Totte Road. Roland L. said that he thought he read in the minutes a reference to having a vehicle in the garage and freeing up space. He would like clarification on that, if in fact that's going to force one of the Couture's to put their vehicle down below. He didn't remember hearing that. Madge said she was basing it on the plan Ms. Couture provided, which shows how you put a client's car in off of Treasure Island Road and have enough space to turn the vehicle around and head out. She said that to have a client do that, you can't have the other cars there. She said you could have one in the garage, but probably not two. She said it was a point of information the Board could get. Ms. Couture stated that Madge was correct. She said that they would have to move both of their cars to Totte Road to have enough room for clients. Madge thanked Ms. Couture.

Lauren Joslyn asked the Chairman if she could speak? Roger A. stated that she could. Ms. Joslyn stated, "I think that we had left the last meeting with a couple concerns about vehicles turning around on Totte Road. That was one of the issues that I had raised, as well as, was there any survey done of the property, because I believe that the property line is included in the turnaround on Totte Road. And then there was the question of reviewing the deed for the right to pass for personal use and repass for the right-of-way off of Dogwood. And I lost the meeting for a few minutes, so I don't know if any of that was covered." Roger stated that the ROW for Dogwood does give them permission to gain access to their lot with no restrictions. Ms. Joslyn stated, "Ok, thank you". Roger said that he did not believe there was a survey done on the turnaround parking area for Totte Road. Madge B. stated that the plan the Board has, shows the parking area within the property boundaries. Roger agreed. Ms. Joslyn thanked the Board and stated she would get her own survey done.

Michael Keane, 35 Totte Road, asked the Chairman if he could speak? Roger A. stated that he could. Mr. Keane stated, "I would like to get back to the access on Totte Road. I have a couple of points I guess. The first being, is if we are going to allow this access, it is going to be year round access, you can't expect somebody to go to Totte Road in July and know to go to Treasure Island in December. So I think that we need to sort of choose one and make that the case. With respect to the entrance at Goose Pond, I would argue that that's not a very safe access point as it is now. The site lines at Goose Pond vs Treasure Island are much different. You are coming down a grade and around a corner as you come to Goose Pond and you are coming up a grade through a narrow bridge with a speed limit that is marked to 25, and if I have ever seen a car go 25 down there, I'd be very surprised. It's 45 and 50, and just trying to walk across that bridge you take your life in your hands as people come around there. I do think that Treasure Island is a much safer entrance and exit onto Goose Pond Road. The narrowness of the road at Goose Pond again creates a problem because if there's a car there waiting to exit onto Totte Road, if there is a car waiting to exit onto Goose Pond from Totte Road, and is sitting there waiting and another car comes down and tries to make a left in there, it's a very narrow entrance, and again I think that becomes a safety issue through there. I think the matter of the residents needing to move their car down onto Totte Road when the customers come, I don't think that would be a happenstance every time a customer comes. My guess is that if they have customers coming that day, they move their cars down there once until they need them, and not move them back and forth. So if you have four or five customers a day, you've eliminated five or six vehicle trips just by having the residents cars parked there. There's also the matter of Totte Road as the business address, then deliveries that come by UPS or Federal Express, that going to increase traffic there also. All those things would be eliminated if we went back to the Treasure Island address. If the Board is inclined to



go to Totte Road, based on the applicant's statement that there would only be 1 or 2 customers a day, then we really need to have some sort of a condition on there that it is 1 or 2 customers a day. Because three or four years from now, as the business starts to grow, and you start getting 5 or 6 customers a day, again it is going to be a different story than what you are taking into account here by saying there is 1 or 2 customers and that is not much different than the residential use down there. Thank you." Roger A. thanked him.

Madge B. stated she liked his argument about deliveries to a business that would have a Totte Road address. She felt he had a valid point. Ms. Couture stated that she would have to use Treasure Island as there isn't a mailbox on Totte, all mailings would go to Treasure Island. Mr. Keane thought mail was different than Federal Express or UPS. Ms. Couture stated that he was correct, and they would all go to Treasure Island Road.

Roger A. stated that with respect to conditions, he had as the first condition the hours of operation, 8 am to 8 pm, 7 days a week, and he is proposing that the other condition is that the access is from Treasure Island Road and Dogwood. He said he preferred not to see Totte Road used as customer access. He said it was due to access to the site, he felt there is a safety issue for customers and anyone using Totte. He added that at the last meeting he asked Ms. Couture if she contributed to the maintenance of the road, and she said no, but she did say she would if she was asked. Ms. Couture stated, "To clarify, upon approval we would definitely contribute. I just wanted to get the words correct." Madge B. stated that the wording wouldn't be in the Board's decision.

Madge B. asked Board member Maggie M. what she thought about what was being discussed? Maggie M. stated that she had only traveled Totte Road twice and she would prefer not to have to do it again. She said she was not comfortable with it at all and she couldn't imagine what it was like in the winter. Maggie said, "Safety wise, I prefer the Treasure Island argument. I understand it's convenient because the back of the house is where there room is, to be able to park down below. Considering everything, I really think they would be better off using the actual address. There is no 16 Totte Road, so that could cause confusion."

Steve F. stated that he felt at this point the Board has made their points clear, and if Roger A. was inclined, he would like to take a vote on this issue and move it forward. Roger said that was fine. Madge B agreed as well.

**Steve F. made the motion to vote on 105-73.G (4) to allow the applicant to use Totte Road. Madge B. 2<sup>nd</sup> the motion. Steve F. and Madge B. voted to allow the use of Totte Road; Roger A., Roland L. and Maggie M. voted against. By a vote of 3 – 2, the motion to allow the use of Totte Road for customers failed to pass.**

**Roland L. made the motion to approve the conditional use permit for an in-home skincare / aesthetics business on Map 30, Lot 17 using the Treasure Island entrance as the point of entry and with the hours of operations from 8 am to 8 pm, 7 days a week. Maggie M. 2<sup>nd</sup> the motion. Roland L., Maggie M., and Roger A. voted to approve; Steve F. and Madge B. voted against. By a vote of 3 – 2, the motion to approve the application using the Treasure Island Road entrance for customers with the stated hours of operation passed.**

Ms. Couture thanked the Board their time.

Nothing further was discussed.

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**The Findings of Facts**

1. The owner(s) of Shapleigh Tax Map 30, Lot 17 (5 Treasure Island Road) are Kaelyn Couture & Tony Cole of 5 Treasure Island Road, Shapleigh, Maine 04076.
2. Provided along with the application was a sketch plan which depicted the existing home, shed and garage; an area within the home blocked off entitled ‘spa room’, the location of the entrance door to the spa, stairs leading to the entrance door and location of the parking area / turn around. Other notations on the sketch were for the location of trees, the well, leach field and septic system, as well as a right-of-way from Treasure Island Road to the home and the location of Totte Road.
3. Provided was a copy of the State of Maine, Department of Professional and Financial Regulations, Barbering and Cosmetology License for Kaelyn Morgan Couture, License Number AE62117, as a qualified Aesthetician, dated March 19, 2021.
4. Provided was a copy of the town tax map depicting the lot and abutting properties, Totte Road, the right-of-way, the location of the existing garage, a parking area down by Totte Road with a notation that said ‘Personal car parking’ and a parking area alongside the garage with a notation that said ‘Parking area turnaround’ with the area dimensions being 24’ x 36’ in size. In addition, a traffic flow pattern was depicted coming in off of the ROW into the parking area and back out again.
5. Provided were deeds transferring the David Boutilier and Josephine Boutilier, husband and wife, property to David Boutilier, Quitclaim Deed Book 17821, Page 54, dated 10/11/2018; then from David Boutilier to Tony Cole, Warranty Deed Book 17954, Page 188, dated 5/21/2019. This property is the Couture property that is before the Board this evening.
6. Provided was a deed transferring the abutting property from Mary Gerry to Laura Joslyn, Warranty Deed Book 10299, Page 185, dated November 3, 2000, which included a notation to the ROW access on the property; the deed description stated in part, ‘*Subject to a 25-foot right of way bounded and described as follows:*’. There were no ROW restrictions noted in the deed.
7. The application detailed description of the project is as follows: *Opening up a skincare / esthetics business.* The Project Description continued as follows:

*I would like to open a skincare spa in my home, offering hands-on services for clients. I also plan to sell retail skincare products in the same space as a part of this business. As a solo member LLC, I plan to run this business strictly by appointment only and be limited to one client at a time. My anticipated operating hours will be Monday – Friday, 10-7 and Saturday 10-2. (These hours were amended to 8 to 8, 7 days a week.)*

*I plan to make use of the existing room in my finished basement as well as an existing outdoor entrance to that space. This space has adequate utilities, heating and lighting already in place. To this point I have only re-painted the room and outfitted it with spa equipment, furniture, and décor.*

*I plan to have clients access my property via Totte Road (approximately 16 Totte Road), where there is an existing portion of my property that will be used as a parking area. Due to its orientation, clients can also use this as a turnaround to safely get back onto Totte Road when exiting. Clients will use existing landscaping stairs to reach the exterior door and will enter directly into the skincare spa.*

8. The application as presented met the performance standards under §105-40 ‘Home Occupations’. The business shall be carried out wholly within the principal building; there shall be no other employees; there shall be no exterior display or storage of materials or other indication of the home occupation; there will be no nuisance, heavy traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation generated. Any signage shall be through the Code Enforcement Office.
9. The application as presented met the Basic Performance Standards in the Zoning Ordinance.
10. The application as presented met the performance standards under §105-73 ‘Conditional Use Permits’ with condition(s). After careful consideration it was determined that access to the site would be via 5 Treasure Island Road, the majority of the members citing safety concerns with the usage of Totte Road.
11. A notice was mailed to all abutters within 500 feet of the property on May 26, 2021. Meetings were held on Tuesday, May 25, 2021, Tuesday, June 8, 2021 and Tuesday, June 22, 2021 via Zoom due to Covid-19. A site inspection was done by members prior to the meeting on June 8<sup>th</sup> and a public hearing was held on that date as well.
12. The Planning Board approved the conditional use permit for an in-home skincare / aesthetics business on Map 30, Lot 17 using the Treasure Island entrance as the point of entry and with the hours of operations from 8 am to 8 pm, 7 days a week.
13. The conditions of approval are as follows:
  - 1) Hours of operation to be 8 am thru 8 pm, 7 days a week.
  - 2) The applicant shall use 5 Treasure Island Road as the entrance for all customers coming to the establishment for skincare and aesthetics.

**Decision:**

**By a vote of 3 – 2, the Conditional Use Permit for an in-home skin care/aesthetics business on Map 30, Lot 17, using the Treasure Island Road entrance as the point of entry for customers and with the hours of operations from 8 am to 8 pm, 7 days a week, per the information provided was approved.**

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**Conditional Use Permit – Baked Goods Business – Map 12, Lot 30-5 (70 Silver Lake Road) – Lynn Carter, Applicant; Michael Pierce (Son), Property Owner**

Ms. Carter was present for the review of the application via Zoom. *Board members did a site inspection prior to this evenings meeting.*

Provided along with the application, was a sketch that depicted the location of the house / porch, front and back yard, septic system location, driveway, parking area, and entrance into the house. There was a notation that there would be no parking in the back yard, and that were were woods on three sides of the property.

The detailed description of the project is as follows: *This application is for a permit to be able to make baked goods (specialty cakes and deserts) for the public. Orders only, pickup & delivery.*

Roger A. asked Ms. Carter to let the Board know what she wanted to do. Ms. Carter stated that the bakery is by telephone calls only, so people will not be coming in and out of the property. She said it will be delivery and pickup only. It is baked goods such as wedding cakes, birthday cakes, holiday pies and that type of thing. She said it would be specialties, not whoopee pies and cupcakes. She said it would be a simple business.

**Roger A. began review of the Zoning Ordinance as follows:**

**105-17** – Land Uses. *Roger stated under this chapter home businesses require a conditional use permit.*

**Basic Performance Standards:**

**105-21** – Traffic. *Roger stated that traffic access is safe in this location.*

**105-22** – Noise. *Roger stated there is no noise generated by this business.*

**105-23** – Dust, fumes, vapors and gases. *Roger stated this business will not create any dust, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, emitted beyond the lots lines.*

**105-24** – Odors. *Roger stated there will be no offensive or harmful odors perceptible beyond its lot lines, either at ground or habitable elevation for this business.*

**105-25** – Glare. *Roger stated there will be no exterior lighting added specifically for the business, the business will not be open past 6 pm.*

**105-26** – Stormwater runoff. *Roger stated there are no modifications to the property for this business. There is existing vegetation on site and no current stormwater issues.*

**105-27** – Erosion control. *Roger stated this is the same as with the stormwater, there are no changes being made to the site for this business.*

**105-28** – Setbacks and screening. *Roger stated the property is set back and there are no changes being made to what exist at this time; all business is taking place inside the existing structure, no outside storage of materials.*

**105-29** – Explosive materials. *Roger stated this is not applicable, no explosive materials associated with this business.*

**105-30** – Water quality. *Roger stated there is no chemicals or industrial waste stored outside.*

**105-31** – Preservation of landscape; landscaping of parking and storage areas. *Roger stated parking is in existence, there is no additional landscaping required for this business.*

**105-33** – Refuse disposal. *Roger A. stated the applicant would be taking her waste to the Transfer Station, the amount should be minimal with this type of business.*

**105-40**– Home occupations;

- A. Home occupations shall be carried on wholly within the principal building or other structure accessory to it. *Roger stated it is taking place entirely in the home.*
- B. Not more than one employee other than the home occupant may work on site, one additional parking space if there is an employee. *Roger stated there are no other employees associated with this business.*
- C. There shall be no exterior display, no exterior sign except as permitted by the provision of this chapter, no exterior storage of materials and no indication of the home occupation. *These are all met, signage will be per the ordinance and through the Code Enforcement Officer.*
- D. Additional workers cannot gather even briefly on the property. *Roger stated this is not applicable, there are no employees.*

- E. No nuisance, heavy traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation shall be generated. ***None will be generated on site.***
  - F. Expanded off-street parking will require screening from adjacent lots. ***Roger stated this is not applicable, there is not a large parking area; the existing parking area is sufficient.***
  - G. Home occupations are allowed on nonconforming lots of record within legally existing nonconforming structures provided all performance standards are met. ***Roger stated this is a conforming lot of record.***
- 105-43** – Off-street parking and loading. ***Roger stated two spaces per dwelling unit would be required, and one space for every 150 sf of floor area used for a service establishment. This business would require one additional space, for a total of three spaces, which there are currently.***
- 105-46** – Sanitary provisions. ***Roger A. stated there is an existing State approved septic system on site for the house.***
- 105-47** – Signs and BillBoards. ***Roger A. stated that all signage must be permitted and approved through the Code Enforcement Office, this business is allowed to have a sign when approved.***

**Roger A. reviewed §105-73.G ‘Standards applicable to conditional uses’ findings of fact are as follows:**

*Standards applicable to conditional uses. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application unless it makes written findings that one or more of these criteria have not been met.*

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat. ***Roger stated, it will not, the business is taking place entirely inside the existing structure, no changes are being made to the property.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***Roger stated this is not applicable.***
- 3) The use is consistent with the Comprehensive Plan. ***Roger stated it is, the Comp Plan is in favor of home based businesses.***
- 4) Traffic access to the site is safe. ***Roger stated it is safe.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***Roger stated it is, the project is not in the flood zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***Roger stated a State approved septic system is on site, and any solid waste will be removed by the applicant.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***Roger stated this is not applicable, there is none being generated.***
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. ***Roger stated there are no changes being made to the exterior of the structure for this business, there are no stormwater issues in existence on this site.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Roger stated there are no changes being made on site to create soil erosion.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***Roger stated there was.***

- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors, and the like. **Roger stated there is existing vegetation, no changes are being made to the site. No additional lighting is being added to what is currently in existence.**
- 12) All performance standards in this chapter applicable to the proposed use will be met. **Roger stated they will.**

**Roger A. stated there was one condition of approval, hours of operation 8 am to 6 pm, 7 days a week.**

**Madge B. moved for approval of the conditional use permit to open an in-home baked goods business on Map 12, Lot 30-5 with the condition of hours of operation, 8 am to 6 pm, 7 days a week. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to approve passed unanimously.**

Ms. Carter thanked the Board. Nothing more was discussed.

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**The Findings of Facts**

- 1. The owner of Shapleigh Tax Map 12, Lot 30-5 (70 Silver Lake Road) is Michael Pierce of Stuttgart County, Germany, mailing address is CMR 445, Box 119, APO, AE 09046. Lynn Carter, the applicant, is Michael Pierce’s mother who lives at the residence.
- 2. Provided along with the application was a sketch that depicted the location of the house / porch, front and back yard, septic system location, driveway, parking area, and entrance into the house. There was a notation that there would be no parking in the back yard, and that there were woods on three sides of the property.
- 3. The detailed description of the project is as follows: *This application is for a permit to be able to make baked goods (specialty cakes and deserts) for the public. Orders only, pickup & delivery.*
- 4. The application as presented met the Basic Performance Standards in the Zoning Ordinance. During the site inspection, members agreed there was adequate parking, area to turn around, and the home was well screened from neighboring properties.
- 5. The application as presented met the performance standards under §105-40 ‘Home Occupations’. The business shall be carried out wholly within the principal building; there shall be no other employees; there shall be no exterior display or storage of materials or other indication of the home occupation; there will be no nuisance, heavy traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation generated. Any signage shall be through the Code Enforcement Office.
- 6. The application as presented met the performance standards under §105-73 ‘Conditional Use Permits’ as presented with one condition.
- 7. A notice was mailed to all abutters within 500 feet of the property on June 9, 2021. Meetings were held on Tuesday, June 8, 2021 and Tuesday, June 22, 2021 via Zoom due to Covid-19. A site inspection was done by members prior to the meeting on June 22nd and a public hearing was held on that date as well.
- 8. The Planning Board unanimously agreed to approve the Conditional Use Permit for an in-home baked goods business for specialty items, per the information provided, with one condition.

9. The condition of approval is as follows:

- 3) Hours of operation to be 8 am thru 6 pm, 7 days a week.

**Decision:**

**By a vote of 5 – 0, the Conditional Use Permit for an in-home baked goods business for specialty items, orders only, pickup and delivery service - no in-home display, on Map 12, Lot 30-5, per the information provided and with one condition, was approved.**

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**Conditional Use Permit – Replace Retaining Wall – Map 26, Lot 18 (286 16<sup>th</sup> Street Loop) – Michael Pierre, Applicant; Bruce Haines, Property Owner**

Michael Pierre was present via Zoom for the review of the application. *Board members did a site inspection prior to this evenings meeting.*

Presented along with the application, was a copy of the Town Tax Map with Lot 18 highlighted in yellow, a red circle around the area and a small circle with an X on each side showing where the wall was located.

Provided was a sketch which showed the location of the driveway, house, stairs, the location of the wall and stairs. Notations stated the following: A. 81.8’ x 217.77’ lot dimensions; B. 16<sup>th</sup> loop (Mousam Lake); C. Waterfront Retaining Wall; D. (nothing written); E. Behind existing wall materials; F. Retaining wall.

Provided was a picture of the existing retaining wall, and the Permit by Rule that was mailed to the MDEP, dated 5/26/2021.

Provided was a letter from the property owner, Bruce Haines, dated 2/7/2021, which stated the following in part: The purpose of this note is to ask that the Town of Shapleigh recognize Michael Pierre as my representative with regard to the construction of a retaining wall at my property on Mousam Lake at 286 16<sup>th</sup> Street Loop, Shapleigh. His company, Pierre Enterprises, has been retained by my wife and I for this purpose.

The detailed description of the project is as follows: *Deconstruct the existing retaining wall due to the fact the wood used is rotted & has failed. The plan is to construct a new wall, riprap & geogrid; cut 2 trees & plant a couple new trees.*

The Planning Board asked Mr. Pierre at the last meeting review on June 8, to provide the Board with a revegetation plan, depicting what would be done in all exposed areas, and where replacement trees would be placed.

Roger A. asked Mr. Pierre to let the Board know what Bruce Haines wanted to do. Mr. Pierre stated there was an existing old railroad tie wall that needs to be replaced due to rotting. He said it would be replaced the same height and length, adding 4” perforated pipe behind it with geogrid, and removing 3 trees. He said for ground cover, when the job is completed, he will put in low blueberry bushes. He said the new wall will have 2 corner going back into the grade, and there are steps in the center of the wall.

Roger A. stated that at the site inspection he asked if Mr. Pierre had an actual landscaping plan to provide to the Board. Mr. Pierre stated he would draw one up, showing where the revegetation will take place, and will send it to the Board.

Roger A. asked with the tree removal, would the stumps be pulled, meaning the large pine in the front? Mr. Pierre said that tree would have to come out and be removed, so there is nothing in the way of the new wall. Roger asked if Mr. Pierre had the DEP approval for the project? Mr. Pierre stated the paperwork had been sent in, but he would follow up to be sure, because they said they would have someone go to the site. He said the DEP said it would take 2 weeks, so he believed someone should be going out shortly.

Roger A. stated that with respect to the tree, storm damaged or hazards trees, stumps may not be removed. (§105-51.1) Mr. Pierre said, “Ok, it will be cut down low and left there.” Madge B. asked if he left the stump could he cut some of the roots? Roger believed he could. Madge said the roots are heading into the wall. Roger agreed and added that some of the roots are in the proximity of the stairs, so when replacing the stairs Mr. Pierre can cut the roots out of the area. He said what the DEP didn’t want is someone removing the stump and roots and creating a large hole that needs to be filled, but cutting some of the roots is permissible. Madge noted it would be the same for all the trees, because there is another tree right along the wall. Mr. Pierre agreed, on the right side.

Roger A. said because there is no landscaping plan, the application should be tabled until the next meeting.

Madge B. moved that the Board table the application to the next meeting. Madge noted that the next meeting will be in person, and she asked if Mr. Pierre would have to come in person? Roger A. said he would have to be present. Mr. Pierre had to issue with coming to the meeting.

**Madge B. made the motion that the Board table the application until the next meeting, so the applicant can provide a revegetation plan. Maggie M. 2<sup>nd</sup> the motion. All members were in favor to table. By a vote of 5 – 0, the motion to table was unanimous.**

Madge noted that the revegetation plan did not need to be done by an outside party, just something on paper so the Code Enforcement Officer can see what is proposed, what vegetation will be used and where. Mr. Pierre stated he would draw something up. Madge stated that CEO Demers would be happy to let him know what it is he needs on paper. Roger A. added that it will be all the exposed areas affected by the project, even access areas, need to be on the plan and what will be put in to revegetate. Mr. Pierre said, Ok.

Roger A. stated the next review of this application would be Tuesday, July 13. Roger asked Mr. Pierre if he would call Barbara F. if he is not ready on the 13<sup>th</sup>.

Steve F. asked Mr. Pierre when he sent his documents to the DEP? Mr. Pierre stated he sent it express last week sometime. Steve said the CEO would get notified but Mr. Pierre may not unless there is a problem. Roger A. agreed, it was 14 days after it is submitted. Steve said that if in 14 day Mr. Pierre doesn’t hear anything, then the permit is granted.

Nothing further was discussed.

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**Conditional Use Permit – Temporary Boat Ramp for Barge – Map 22, Lot 1 (84 Wardens Way) – Matt Colton, Jr., Applicant; Sean Dumont, Property Owner**

Mr. Colton was present via Zoom for the review of the application.



Provide along with the application was an email dated June 9, 2021 from Sean F. Dumont, which stated the following: I, Sean Dumont, owner of 84 Wardens Way, Shapleigh Maine 04076, give Matt Colton permission to pull a permit on my behalf.

Provided was a copy of part of Town Tax Map 22, depicting Lot 1. On the map was the general location of the proposed boat ramp, with the notation ‘Proposed Ramp 10’ Wide’.

The detailed description of the project is as follows: *Excavating a temporary ramp 10 feet wide to load and unload barge. Silt fence and erosion control in place.*

Roger A. asked Mr. Colton to let the Board know what he wanted to do. Mr. Colton stated that his lease was up where he currently is, the family wants to do something different, so he found a new piece of property to lease. He said the location is temporary, probably 2 years. He would continue to carry out his obligations to do jobs you can’t do without the boat. He said he replaced a lot of retaining walls in tight spots, that would require a lot of trees to be removed, and it would be difficult for erosion control. Roger asked what would happen at the end of 2 years, would the area be restored to what it is today? Mr. Colton said, “Correct. I had a pretty good talk with Lucien Langlois from the Maine DEP. He was actually allowing a six foot right-of-way to continue after we are gone, and I kind of left that up to the landowners, Sean and Willy Dumont. If they want it with or without a six foot access. Whichever way the State or whichever way the landowners want it.”

Roger A. stated that he understood that at the present time there was a stop work order on the site. Mr. Colton stated there was a verbal, there is nothing in writing. He said he was speaking with CEO Demers, and he hadn’t worked in two weeks. He said he didn’t dare start a job. He has access to where the boat is now, but he didn’t want to start a new job until he is guaranteed this access. He said he can’t do that to his customer. Roger said any soil movement in the Shoreland District greater than 10 yards needs a conditional use permit from the Planning Board. Mr. Colton stated, “Correct”. He said he had his State permit and was hoping to get his Town permit.

Steve F. stated that, so he can be clear, he asked Mr. Colton if he was just modifying the shoreline, so he could get materials on and off the barge. Mr. Colton stated, “Correct”.

Roland L. asked Mr. Colton if there was a road to the site or will he have to build a road to the location he will be opening up? Mr. Colton stated that on GIS you can see there are all kinds of roads through the flat field, and he will not disturb anything other than access to the water. Steve F. believed it would be clearer to the Board at the site inspection.

A citizen, Richard Jagger – property owner on Wardens Way, asked if he could bring up the access to the site, coming down Wardens Way. He said it was a private road, it is privately maintained and he has strong concerns about the heavy truck traffic down there, particularly during mud season bringing heavy stuff down there. He said there was a man who maintains the road and those that live on the road contribute to the cost of him doing it. He doesn’t charge for labor, but he doesn’t get his diesel fuel or gravel for free.

Mr. Colton stated, “I’m very fond of your family, my father worked for you guys for a long time. We talked to Bob Torno, as the road commissioner so to speak, and if there is an issue we have all the same equipment as Mr. Torno, that we plan on bringing your road back up to date, and leaving it the way we found it, so to speak. If that ever becomes an issue, you can reach out to any of us, talk to the Dumont’s. I know you guys pay \$100 a

person, that is not to be a concern. We have 1 ton trucks, we don't have big triaxle's, my father has all the triaxle's and the heavy equipment. We literally have 10,000 pound 1 ton pickups, so-to-speak. A dump truck.”

Citizen Tom Snowe of 75 Wardens Way asked to speak. Roger A. stated that he could. Mr. Snowe stated his concern was with the heavy equipment, and increased traffic. He said it was a private road and a narrow road, with particular pinch points. He encourage the Board when they do the walk through, that they start at the 23<sup>rd</sup> Street Loop, as there is a line of site issue turning off of 23<sup>rd</sup> Street Loop. There is 150 feet of 14 foot wide access to Hitchman where it turns onto Warden's Way, where there is another line of site issue and a curve. He said as you go further down Wardens Way there is another pinch point, there is a line of site issue and long curve. He said as it is now, when he and his wife walk the dogs, and he noted he was a runner, he has to yank to one side when a car goes by. He said going forward with a commercial use, the road is not made for a commercial use for a wide truck and a trailer probably. Whether a 10 ton or a 1 ton, he didn't see how safety can be addressed adequately without rebuilding the road. He said that was his number one concern. He said he also echoed what Dick Jagger was saying about maintenance. He said he could not take the word of Colton Construction, that they are going to rebuild, when they started the work without a permit. He said unless the Board is going to ask him to put out a bond, as a condition of the permit, he didn't see how it could go forward. Roger thanked Mr. Snowe for speaking.

Roger A. asked if there were any other questions for Mr. Colton? Citizen Pete Shanahan, 40 Shapleigh Corner Road, who said he was speaking for Michelle Catarack and Pat Pike, noting they are immediate abutters to the barge currently. He said his question wasn't for Mr. Colton but the current owners of the land he is using; he wanted to know if the land was going to be restored? He said Mr. Colton came in, wiped out the trees, bushes, put in a gravel road, small parking lot, boat ramp. He said they would like to know what is going on with that. CEO Demers asked if he was speaking about the foot of the lake. Mr. Shanahan said he was speaking about the foot of the lake. CEO Demers said they were not talking about that property this evening. Mr. Shanahan said, is Mainely Barge not going to restore the property they are on now, and then go to another property and say they are going to do it. He felt it was relevant. CEO Demers said the Board is considering the property that is on the application today. Mr. Shanahan said, Ok.

Mr. Colton stated that he wanted to address it even though he did not have to. He said that his lease is up on the 30<sup>th</sup> and he plans on replanting trees, as discussed in the permit. He said they are restoring it now, and after the 30<sup>th</sup> of June the trees will be put in. He said that they put up the gate and will be restoring what was permitted. Roger A. asked if greater than 10 yards of soil was moved in that area? Mr. Colton said, “No. The dirt is actually still right there. We are going to do everything when we move the boat. We have erosion control in place. We are going to plant the trees. Have the excavator there for one last time and shut down that piece and start on our new piece”. Roger said again, “So there wasn't 10 yards to be moved”? Mr. Colton asked if he was referring to the original piece where the Board is right now? Roger said, “Yes”. Mr. Colton said there was not more than 10 yards.

**Roger A. stated the Board would be reviewing this application again on July 13<sup>th</sup>. A site inspection will take place on that evening at 6:30 pm, and then it will be brought back up at the meeting at 7:30 pm. A notice to abutter will be mailed as well.**

Mr. Jagger stated he had one additional question. He asked if the ramp does go in, could it in the future conceivable be that someone puts in a public boat ramp there; or will it be that when the barge company leaves, that the ramp is somehow made unavailable, so it could not become a future issue? Roger A. said that from what Mr. Colton stated early, the DEP has only allowed a six foot access way when they leave, so it will not be a boat launch area.

Nothing more was discussed.  
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**Conditional Use Permit – Replace Retaining Walls – Map 28, Lot 45 (31 Carpenters Cove Road) – Mainly Barge LLC (Matt Colton, Jr.), Applicant; Sean White, Property Owner**

Mr. Colton was present via Zoom for the review of the application.

Presented along with the application, was a letter dated June 13, 2021 from Sean & Karen White which read as follows: We have contracted with Mainely Barge LLC and/or Matt Colton to replace retaining walls on our property located at 31 Carpenter’s Cove Road, Shapleigh, ME 04076. This letter authorizes Mainely Barge LLC and/or Matt Colton to apply on our behalf for whatever permits may be required to perform this work.

Presented was a picture of the existing retaining walls and stairs, and superimposed on the picture were highlighted areas of the walls, with measurements. One area was depicted as 4’ x 67’, one area 4’ x 6’, one area 4’ x 67’, and a final area as 70’ x 32”. Also on the plan depicted were 5 trees to be removed.

The detailed description of the project is as follows: *Replace existing retaining walls to same height, length and location.*

Roger A. asked Mr. Colten to let the Board know what he intended to do. Mr. Colten said they were replacing the wall, same height, same length as existing. He thought there were four pines to be removed, that are causing the problem. He said the existing is small masonry blocks, he said they would be using the 2000 lb. Pepin concrete precast retaining wall blocks. He said the only way to do the wall was by using the barge, because of the incline. He said the owners have been there since the 80’s and have been looking to have it replaced since that time. He said before the boat was put on the lake, there wasn’t a contractor that would touch the job.

Roger A. asked if there were any questions for Mr. Colton? There were no questions.

**Roger A. stated the site inspection will be at 7:00 pm on July 13<sup>th</sup> and the review afterward at the meeting. A notice to abutter will be mailed as well.**

Nothing more was discussed.  
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**OTHER:**

- Roger A. let the Board members know that the Town was going to bid for reclamation for what was the Ferrera gravel pit on Route 11.

• Roland L. wanted to note that this evenings attendance was at least 20 individuals looking in on the meeting. He noted that in all the years he has been attending meetings or on the Board, there ever being this level of participation. He asked other members how they felt about doing Zoom meetings once a month, giving the applicant a choice of going with an in-person meeting or Zoom meeting, as a way of increasing participation. Madge B. agreed with Roland and is impressed with the amount of people who have attended the meetings because of Zoom and if there is any way the Board can try Roland’s suggestion, she is in favor. Steve F. agreed that it seemed like the Board is getting more input from people, or at least participation. He said that Roland was correct, that at one point this evening there were almost 30 people at the Zoom meeting, and didn’t remember seeing this many at an in-person meeting. He didn’t know what the requirements are, but if the intent of the in-person meeting is to allow people access, he feels that Zoom has done this. Roger A. believed the legislature was looking into allowing Zoom for meetings, but it hadn’t been approved on both sides of the house yet. Madge asked if it was only allowed because of the state of emergency? Roger said yes, because of Covid 19.

Steve F. stated that typically a first meeting, for example for a retaining wall, and the first meeting is a 5 minute what-do-you-want-to-do meeting, he feels bad when they have driven two hours to Shapleigh, only to speak their piece and then they have to drive home. He wondered if there was a way they could include them in the meeting via Zoom for the first meeting. Roger A. stated they could check with Maine Municipal on this. Barbara F. stated she would ask Town Administrator Karla Wilcox to look into it. Steve asked if the applicant has to be present to be on the agenda? Roger stated that in the past they had to be, but with the new legislation, we can look into it. He agreed with Steve that the first or initial review of the application is often only five minutes, it seems the first review would be done via Zoom if it is allowed, then they could come in for the final review and site inspection. Steve felt like they could do Zoom for both meetings, the technology is there. Barbara F. stated again she will see if she can find more information regarding this matter.

• Roland wanted to share with Board members, that Carol, his wife of 45 years, had competed in the run up Mt. Washington.

Nothing more was discussed.  
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**Growth Permits**

**Map 9, Part of Lot 1A (Apple Road) – New Home**

**GP#20-2021**

Roger A. stated the road divides Lot 1A, and this piece is on the other side of the road of the larger piece and it is a lot of record. He stated it has 1.66 acres, 250’ of lake frontage and 500’ of road frontage. It meets the criteria in the ordinance.

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**The Planning Board meeting ended at 8:50 p.m.**

**The next Planning Board meeting scheduled will be July 13, 2021 and the meeting will be held IN PERSON at the Town Hall.**

**NOTE: The summer hours are in effect through October 30th; the meetings will begin at 7:30 p.m. and any scheduled public hearing begins at 7:00 p.m.**

The Planning Board meets the 2<sup>nd</sup> and 4<sup>th</sup> 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](mailto:planningBoard@shapleigh.net)