

Shapleigh Planning Board

Minutes

September 14, 2021

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

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

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.

The Public Hearing began at 7:00 pm

Conditional Use Permit – Medical Marijuana Caregiver Business – Map 4, Lot 32-2 (118 Cross Road) – Carrie Coull Martel, Applicant; Paul Martel, Property Owner

Mr. & Mrs. Martel were present for the public hearing.

Roger A. asked the Martels to let the Board and audience know what she wanted to do.

Mr. Martel stated, “I own the property, me and Carrie are married, Carrie has been a licensed caregiver for almost a year now. We strictly do business with Nature’s Gift in Lebanon which is a medical marijuana dispensary. We don’t do any retail sales, or adult use / recreational use, anything like that. It is all strictly medical. We are looking to renew our permit next month and with the new laws, if you plant you need Town approval, which in this case is Planning Board. A conditional use permit. If there are any questions, I’ll answer them”.

Citizen – You just answered it. That was mine, whether or not it was retail. And I’ve talked with a few neighbors and they all said they were concerned about traffic.

Mr. Martel – There will be no traffic. If we get to a point where we have employees, there would only be one or two employed.

Citizen – I live on the corner of Ferguson, you go by all the time. I would know if anything was retail.

Mr. Martel – There is to be no store, anything like that. I won’t have people coming in or out, or traffic. Are there any other questions?

Roger A. stated that for everyone’s information, under §105-17 ‘Land Uses’, regarding marijuana for the Town of Shapleigh, under Notes: 5) Marijuana is neither considered an agricultural crop or commercial gardening. Marijuana is not considered a seasonal produce or plant. Conduct pursuant to the Maine Medical Use of Marijuana Act 22 M.R.S.A. §558-C requires a conditional use permit. He said that is why the applicants are before the Board. He added that also in the ordinance, the Townspeople have not allowed retail sales of marijuana throughout town.

Roger A. stated if there are no other questions, he would close the public hearing. There were no questions. The public hearing for Mr. & Mrs. Martel, for a medical marijuana caregiver business closed at 7:05 pm.

Conditional Use Permit – Solar Power Installation – Map 2, Lot 9 (987 Back Road) – MEVS Brown, LLC, Applicant; Michael Brown, Property Owner

Stephen Barrett of Barrett Energy Resources Group, located in Concord MA, was present to represent the applicant for the public hearing.

Roger A. asked Mr. Barrett to let the Board know what they intended to do.

Mr. Barrett introduced himself and his business and that he was representing the applicant for this project, which is MEVS Brown LLC, which is a component of CENERGY Power, a solar power company out of California. Mr. Barrett showed a map of the property, Michael Brown's property, located on 987 Back Road.

Mr. Barrett stated the main components of the project are the two solar arrays, which he pointed out on the plan. He said there would be an access road by Mr. Brown's house, and trucks would come in four times a year to do maintenance on the facility. He stated an electrical line would come in through the back of the property. He pointed out an existing electrical line that services Mr. Brown's house presently, he said they would be right along that line on the same poles, then they would go underground for a small section under Mr. Brown's driveway and then along his back property. He said the electricity would come back up on poles for the last section.

Mr. Barrett stated the solar arrays are what is called fixed tilt solar arrays, they don't move with the sun, as some projects that propose a tracking system. He said there were different reasons to do fixed tilt vs tracking. He stated for this project they are doing fixed tilt, which basically means the panels are facing due south, tilted at 25 degrees and they do not move at all.

Mr. Barrett said for the project they will be clearing the land around the arrays to build the solar farm, and they will be keeping all the land around the solar open, so the area will be cut once or twice a year to keep the vegetation down; keeping it a grassy meadow habitat, rather than let it grow up to forest and block the sun from shining on the solar panels.

Mr. Barrett said the area for the solar panels is about 20 acres in size, so it is a large installation. He said one of the benefits of the site from the community perspective is it is all surrounded by forest, so it won't be viewed by anyone.

Mr. Barrett stated the project is on Mr. Brown's property; the applicant will be leasing the land from Mr. Brown for a minimum of 20 years, and it could be up to 35 years, depending on how things go. He said all expectations is that this will be a successful project, it will generate green energy, which will be distributed into the grid. He said there is 3 phase power that services all the homes that are hooked up to that. He said it will provide green electricity for the grid, and revenue payment for Mr. Brown, monthly payments for a minimum of 20 years up to 35 years.

Mr. Barrett believed this gave an overview and he stated he was open to any questions.

Citizen – Did I hear there was access to that from Route 109?

Mr. Barrett – You are correct, I forgot to mention that. For construction purposes we don't want to bring in equipment to take down the trees, to do some grading, and to install the solar panels, past Mr. Brown's house. It's a fairly narrow road, fine for a passenger car, for a pickup truck, which is what we will be using in the future. But not so great for big logging trucks. We will be installing a temporary access road, here to access for construction, and the land will be restored afterwards. We will plant some small trees, and the area obviously will be affected for some time until the trees grow back. We won't be using that after construction.

Mrs. Elsa Cook (abutter) – When you were pointing, you made it look like it was on our land, which is south of Mr. Barrett – Right here (pointing to the plan).

Mrs. Cook – No, the big long piece.

Mr. Barrett – This is Mr. Brown's land.

Mrs. Cook – All this access road would be on his land.

Mr. Barrett – Yes, it will come up through the easement. He does not actually have frontage, but he can get access. He once had frontage but the utility easement crossed, so we can come up to that easement and then come through his property.

Robert Ferguson (Abutter) – I would think he would have access over the high tension line because his predecessor and property back a couple of owners previous, gave an easement to Central Maine Power for that high tension line.

Mr. Barrett – Ya, that's true. I think there was some talk when we were preparing the application about approaching landowners, but we don't need to because we can access through the high tension line.

Mr. Ferguson – Who is going to purchase the energy?

Mr. Barrett – So it's part of Maine's Solar Program. The solar program has a couple of different aspects, but this is a community solar which limits the project size to what we are showing here, which is a 5 megawatt AC generation. The power will just go into the grid and it will be purchased by Central Maine Power, by municipalities, we are working with the city of Portland, the city of Waterville. They can purchase the power from any project from anywhere in the State, and credit their bills, so it's not like the electricity is coming directly to the buyers. It is all going into the grid and then buyers are through a paper transaction, buying that electricity. So with this particular project, I believe it is for commercial customers in the State of Maine.

Mr. Ferguson – Do you presently have an agreement with Central Maine Power?

Mr. Barrett – What we have with Central Maine Power is an agreement to interconnect the facility, so they verify that we can build this and their system can receive the amount of power that we are going to generate. That's really key to fatal flaw for these projects, is making sure there is sufficient power. As far as the approval of the power purchase, CMP doesn't actually approve that initially, it's approved by the State of Maine through the Maine Solar Program, but I don't have any details for tonight.

Mr. Ferguson explained that he represented a landowner in Kittery, a client he had that was trying to do something similar and after permitting, after over 11 months, they have not been able to cut a tree because the developer told them that until an agreement is signed to purchase the output, they will not spend any more money. He said because of this, his client isn't getting any of his promised incremental payments. He said he received an initial one but nothing further. Mr. Barrett said the two keys aspects are getting approval to physically interconnect with the electric grid, making sure it has the capacity at your location, and then having buyers for the power. He said if you don't have buyers, then you don't have a long term business. He said if you have signed contracts then you have a guaranteed revenue source, because cities, towns, LL Beans, all sorts of customers are looking to sign long term contracts for this power. Mr. Ferguson said that his client supposedly was told by a Central Maine representative, that they were not going to take any further actions on power until

after the November referendum on the Green Energy Corridor, because hydro Quebec, according to this CMP employee, would be able to produce enough green energy to supply northern New England for several years to come, meaning Maine, New Hampshire, Vermont and Massachusetts, without having to get into the patchwork quilt and meter reading, credit billing, etc. He said anything that goes with a patchwork of wind, solar, etc. Mr. Barrett stated that his understanding was that the CMP Corridor, all of that power is going to southern New England, the largest load going to Massachusetts, as they have a very ambitious climate change legislation. This requires them to do something drastic like buy a huge amount of hydropower from Canada. He said this was not his project. He said this is Maine's Community Solar Program, 5 megawatts or smaller, 20 acres. He said there were lots of projects being built around the State. Mr. Ferguson stated that he was in favor of these, whether it was wind or solar. He felt it was the wave of the future, and wished Mr. Barrett good luck.

Citizen – Is there a buffer zone between the project and the abutting landowners?

Mr. Barrett – We have about a 50 foot buffer. So even though it looks small on the plan, there will be a 50 foot buffer of forested area. If someone were to build a house close by, they wouldn't see it because of the 50 feet on Mr. Brown's property.

Mrs. Cook – So you are saying from the fenced in area to the lot line is 50 feet?

Mr. Barrett – It is 50 feet.

Roland Legere – The life expectancy of these panels is approximately what?

Mr. Barrett – So the warranties are typically for 25 years, but they also assume a certain loss of electricity production over time due to degradation. So typically after 25 years the panel is still producing about 80 percent of the power that it originally produced. There is not a lot of experience in how this works because the first real commercial solar panels were not built until the mid 80's, so we are getting around that time. But my understanding is that most of the projects that were built early on, the owners have decided to continue to let them operate because they are still producing electricity and there is very little upkeep necessary. So it is very economical after 25 years.

Roger Allaire – What about the inverters?

Mr. Barrett – The inverters typically last 10 years, and then they need to be replaced. So the financial model that assesses the cost of production at this facility, assumes that the inverters will need to be replaced after 10 – 12 years.

Citizen – Where are fixed solar panels manufactured?

Mr. Barrett – Most of the solar panels are manufactured in China, which is presenting a challenge with the supply chain right now. So if you hear about projects that are delayed, we have a couple of projects that have been approved, we've cleared the land, we are ready to go, but the panels probably won't be coming until spring.

Roland Legere – Pending approval, when will the project begin?

Mr. Barrett – I think we would like to be in construction probably the second quarter of next year. But there is a key element to the approvals, this summer the legislature passed a bill which required any projects that are going to move forward, have all of their local permits by the end of 2021. So we have most of those and this is one of the few that has dragged a little bit behind. We are hoping we can meet that deadline.

Roger Allaire – Our Conditional Use Permits have a one year time limit, so if anything is greater than a year and nothing has been done, then the conditional use goes away. You would have to re-apply.

Mr. Barrett – Are there no extensions?

Roger Allaire – No. This is just for info.

Mr. Barrett – We just need to apply for a building permit and start construction within a year, is that correct?

Roger Allaire – Yes.

Mr. Barrett – That shouldn't be a problem. We have had a few where we had to come back to towns for extensions, but you don't have an extension process.

Roger Allaire – The building permits are valid for 2 years.

Roger A. asked if there were any other questions? Mr. Ferguson stated that he had one comment that has nothing to do with the Planning Board. He said the power line cuts across the corner of his field, and his wife gave the easement to Central Maine Power, it said if they ever wanted to use it for a building lot, pole 1 to the pole on Mike's property, needs to be moved to the road. He said this was a Central Maine problem. Mr. Barrett stated they will do whatever Central Maine tells them to do.

Mrs. Cook – I was wondering, how does the Town ensure compliance with their building?

Roger A. – Specifically, Code Enforcement.

Mrs. Cook – OK, and you would be checking on it how often?

Roger A. – The Planning Board doesn't. The Planning Board has no enforcement capability whatsoever. It goes totally to Code Enforcement. If there are any deviations to what is approved, he has to enforce it.

Mrs. Cook – I contact him if we have a problem.

Roger A. – True.

Roger A. stated that if there were no other questions, he was going to close the public hearing. There were none

The public hearing closed at 7:25 pm

The minutes from Tuesday, August 24, 2021 were accepted as read.

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

Best Practical Location – Expand Footprint of the Structure Adding a Foundation – Map 26, Lot 33 (126 21st Street) – Steve & Nancy Nicolucci, Applicant(s); Richard Grant, Property Owner

Richard Grant, owner of the property was present for the review of the application.

Provided along with the application was a sketch depicting the existing house as being 970 sf in size. The sketch showed the distance to the high water mark as being 20' at its closest point. Also shown on this sketch was the location of the septic system and the existing 20' x 24' garage.

Provided was a sketch plan of the proposed addition being 235 sf in size which was noted as being less than a 30% expansion. The plan showed a 12' x 15' addition on the north side and a 7' x 5' entry on the side facing the road. A sketch labeled 'Alternate Proposal' for a proposed addition, showed the addition as being 290 sf in size or a 30% expansion. The addition was a 2' x 10' porch on the north side and a 12' x 23' addition on the road side.

Provided was a sketch plan of the ‘Existing property’. The plan depicted the lots property line between the adjacent lots, as well as the location of the water. The sketch showed the existing house to be 43’ x 23’ in size. It was shown to be 93’ from the high water mark from the farthest point of land, 34’ to the high water mark at the closest point on the north side, and 20’ to the high water mark on the south side. The distance from the existing house to the lot line of Map 26, Lot 32 was depicted as 60 feet, the distance from the structure to the road is 82 feet, and the distance to the 20’ x 24’ garage is 32’ 7”. The garage was noted as being 20’ from the property line of Map 26, Lot 34.

Provided was a sketch plan of the proposed addition to the existing house. The distance to the high water mark from the addition, which is located on the north side, was noted as 39’. The distance from the addition to Map 26, Lot 32 will be 50 feet. The addition is 15’ x 15’ in size. The closest point to the high water mark was not provided on the plan.

The detailed description of the project is as follows: *Add a foundation; expand footprint 200 sf; add ½ bath upstairs; possible addition of dormers on North side; remove an existing fireplace. If raising the house safely is not an option (for a foundation), then a complete rebuild may be necessary. Possible addition of a small shed @ 10’ x 12’.*

Roger A. asked Mr. Grant to give a brief description of what they wanted to do. Mr. Grant stated that he had 2 cottages on 21st Street, one his Dad built in 1957. He said basically his daughter wants to enlarge the bedroom and the bathroom within the allowed limits. He said that she submitted a plan and was looking to get a permit for it. He stated he was the owner of the property but she wants to live there in the future.

Roger A. asked if they were going to lift the camp and put a full foundation under it? Mr. Grant stated that there would not be a basement. Roger asked if they were just going to support the structure? Mr. Grant said again that the cottages were built back in 1957 and they set on stone and cement blocks. He said because of this, it needs to be stabilized, so they want to put a foundation under it but not raise it up. Roger asked if they would pick up the camp to place the foundation under it? Mr. Grant stated that they haven’t decided yet, because they don’t have an estimate. He said that if they have to raise it with steel beams, it may raise the camp 10 inches. He said it is possible that they put a foundation under the camp as it exists, by digging down and he noted again it hasn’t been decided on how it will be done yet. He said that basically they want to stabilize the foundation, because it is open now, so they want to seal it up to keep out the mice, squirrels, etc.

Roger asked CEO Demers if he had any input? CEO Demers stated that they will be putting in a 4 foot frost wall and a slab for a foundation. He said there would be no basement level. Mr. Grant agreed that there would be no basement. CEO Demers said that there may be a mechanical room with access to it through a bulkhead. Mr. Grant said that they have that now for the heating system.

Roger A. said that on the plan they had an alternate proposal. Barbara F. stated that Mrs. Nicolucci sent an updated plan after that. Roger said that the newest plan had the foundation bumping out 15 feet toward the water. Roger was not sure this would be allowed. Madge B. stated that this shows the addition 39 feet to the water. Roger stated that if you look at the whole structure, it goes closer than that to the water because of how the water runs. He thought it was less than 25 feet, but could not be sure. Roger said the figure is from the back corner but it needs to be scaled from the other corner which is closer. CEO Demers stated that no expansion would be allowed within the 25 feet, so as long as the expansion doesn’t come closer than the 25 feet it would be allowed.

Madge B. noted that she found the ordinance hard to read. She read §105-4.D(a) as follows: *Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.* She felt this didn't apply. She then went to section (c) which spoke about expansion less than 75 feet from the normal high-water-mark, but this section did not address the setback allowed to the high-water-mark.

CEO Demers stated that the principal structure is at 17 feet at the closest point, and wholly within the 100 foot. He asked if this was correct? Madge B. said she did not see anywhere that it said 17 feet, she did see a location where it was 20 feet to the water on the opposite side. CEO Demers stated that no area within 25 feet of the water could be expanded, and the rest is within the 75 foot and also within the 100 foot. He said they could add the 30% expansion or up to a certain square footage, whichever is greater. Madge agreed. CEO Demers added, that as long as you don't come any closer than 25 feet to the water, because you are currently 20 feet from the water. Madge said, "Then you can go closer to the water". CEO Demers said he isn't going closer than the 20 feet. Madge said, "He is with the expansion, he is getting closer to the water than he is now on one side". CEO Demers said it would be a sideways expansion. He said he is not getting closer than 20 feet to the water. Roger A. believed he would be when adding the 15 feet. CEO Demers asked if this was with the 15' x 15' addition? Ann H. said "Yes, it would give him 24 feet on one corner and on the other corner, it could be even 10 feet". CEO Demers said it was 39' minus the 15'. Roland L. said that the 39' was to the rear of the structure. Roger agreed, and stated you had to measure from the front of the addition to the high water mark. Madge agreed. Roger thought that when you added the 15' on that corner, you would be going down to 20 feet from the high-water-mark. Madge agreed or close to that. CEO Demers said that the Board could give them the parameter of no closer than 25 feet to the high-water-mark. Roger added that they would have to watch the overhang.

Roger A. told Mr. Grant that a surveyor will have to determine the location of the 25 feet from the high water mark.

Roger A. stated that with respect to the best practical location, the existing location is the best location due to the location of the existing septic tank, which is on the driveway side. He also stated that the 15' x 15' addition is the best choice, because the other choice that was 12' x 23' would have placed the addition over the septic tank. Madge B. asked where the leachfield was? Roger stated that it was toward the road.

Roger A. reviewed §105-4.D(3) 'Foundations' as follows: Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and the new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection D(7), Relocation below. *Roger stated that at present there are only blocks and posts keeping the building up. He said it was not a stable foundation.*

Roger A. reviewed §105-4.D(7) 'Relocation' (b) as follows: In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish the relocation. *Roger stated that the structure is not going to be relocated, it will stay in the same location.*

Roger a. reviewed §105-4.D(7) ‘Relocation (c) as follows: All approved plans shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board.

Roger A. stated that any disturbed soils will have to be replanted, so when the excavator comes in they will go 3 to 4 feet beyond the foundation, so that will expose the soil and that area will have to be replanted with grass, like it is at the present time.

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

- 1) No portion of the proposed 15’ x 15’ addition shall be within 25 feet of the high-water-line.
- 2) The camp shall remain in the same location as it is at this time.
- 3) The area around the new foundation and addition shall be revegetated with something similar as what is existing, which currently is grass.
- 4) Best Management Practices shall be kept in place until the project is completed and the area is stabilized with vegetation, which includes the use of silt fencing or hay bales. The contractor must be DEP certified in erosion control methods to work in the Shoreland District.
- 5) A DEP Permit by Rule must be applied for prior to deconstruction of the existing structure.
- 6) A licensed surveyor shall confirm in writing that the addition to the structure shall be at least 25 feet from the high water mark and the existing structure shall remain in its current location.

Madge B. moved to approve the best practical location to add a foundation under the existing camp, leaving the camp in its existing location, adding the 15’ x 15’ addition, which shall not be within 25 feet of the high water line, on Map 26, Lot 33 (126 21st Street). Maggie M. 2nd the motion. All members were in favor. By a vote of 5 – 0, the motion passed unanimously.

Nothing more was discussed.

The Findings of Facts

1. The owner of Shapleigh Tax Map 26, Lot 33 (126 21st Street) is Richard L. Grant, mailing address of P.O. Box 325, Shapleigh, ME 04076, per Warranty Deed BK 1907 PG 402, recorded at the YCRD on 6/10/1971.
2. The property known as Map 26, Lot 33 is located in the Shoreland District and according to the Assessor the property contains .3 acres.
3. The Best Practical Location application was presented to replace the foundation under the existing structure and add an expansion.
4. The detailed description of the project is as follows: *Add a foundation; expand footprint 200 sf; add ½ bath upstairs; possible addition of dormers on North side; remove an existing fireplace. If raising the house safely is not an option (for a foundation), then a complete rebuild may be necessary. Possible addition of a small shed @ 10’ x 12’.*

5. Provided was a sketch depicting the existing house as being 970 sf in size. The sketch showed the distance to the high water mark as being 20' at its closest point. Also shown on this sketch was the location of the septic system and the existing 20' x 24' garage.
6. Provided was a sketch plan of the proposed addition being 235 sf in size which was noted as being less than a 30% expansion. The plan showed a 12' x 15' addition on the north side and a 7' x 5' entry on the side facing the road. A sketch labeled 'Alternate Proposal' for a proposed addition, showed the addition as being 290 sf in size or a 30% expansion. The addition was a 2' x 10' porch on the north side and a 12' x 23' addition on the road side.
7. Provided was a sketch plan of the 'Existing property'. The plan depicted the lots property line between the adjacent lots, as well as the location of the water. The sketch showed the existing house to be 43' x 23' in size. It was shown to be 93' from the high water mark from the farthest point of land, 34' to the high water mark at the closest point on the north side, and 20' to the high water mark on the south side. The distance from the existing house to the lot line of Map 26, Lot 32 was depicted as 60 feet, the distance from the structure to the road is 82 feet, and the distance to the 20' x 24' garage is 32' 7". The garage was noted as being 20' from the property line of Map 26, Lot 34.
8. Provided was a sketch plan of the proposed addition to the existing house. The distance noted to the high water mark from the addition, which is located on the north side, was noted as 39'. The distance from the addition to Map 26, Lot 32 will be 50 feet. The addition is 15' x 15' in size. The closest point to the high water mark was not provided on the plan.
9. The application required Planning Board review as a Best Practical Location under §105-4 'Nonconformance'. The Planning Board members agreed the application as presented, will meet all the criteria in the ordinance with conditions, and the proposed relocation of the new structure is in the best practical location due to the location of the septic system and having water on three sides of the camp.
10. A notice was mailed to all abutters within 500 feet of the property on August 25, 2021. Meetings were held on Tuesday, August 24, 2021, and Tuesday, September 14, 2021. A site inspection was done by members on September 14th prior to the meeting.
11. The Planning Board unanimously agreed to approve the Best Practical Location to replace the foundation under the existing structure, keeping the structure in the same location, and add a 15' x 15' expansion, on Map 26, Lot 33 (126 21st Street), per the final plans provided, with six conditions.
12. The conditions of approval are:
 - 1) No portion of the proposed 15' x 15' addition shall be within 25 feet of the high-water-line.
 - 2) The camp shall remain in the same location as it is at this time.
 - 3) The area around the new foundation and addition shall be revegetated with something similar as what is existing, which currently is grass.
 - 4) Best Management Practices shall be kept in place until the project is completed and the area is stabilized with vegetation, which includes the use of silt fencing or hay bales. The contractor must be DEP certified in erosion control methods to work in the Shoreland District.
 - 5) A DEP Permit by Rule must be applied for prior to deconstruction of the existing structure.

- 6) A licensed surveyor shall confirm in writing that the addition to the structure shall be at least 25 feet from the high water mark and the existing structure shall remain in its current location.

Decision:

The Best Practical Location application to replace the foundation under the existing structure, keeping the structure in the same location, adding a 15’ x 15’ expansion no closer than 25 feet to the high water line, on Map 26, Lot 33 (126 21st Street), per the final plans presented, with six conditions was approved.

Best Practical Location – Replace Existing Structure(s) – Map 18, Lot 19 (7 1st Street) – Jan & Linda Rajchel, Trustees, Applicant; Rajchel Family Revocable Trust of 2014, Property Owner(s)

Mr. & Mrs. Rajchel were present for the review of the application.

Provided along with the application was a survey map drafted by Dana Libby PLS #1350, dated June 20, 2000, which depicted First Street and the lots adjacent to First Street, including the applicants property. Provided was a copy of a survey by LinePro Land Surveying, dated December 3, 2020 for Stephen Foglio, Jr., depicting both Mr. Foglio’s property and the applicant’s lot, emphasizing the boundary line between the two properties.

Provided was a plan depicting the ‘Existing Building Dimensions’ and ‘Building Height per Shapleigh Code = 23.72’. Provided was a plan of both the existing structure dimensions and the proposed structure dimensions, and it included the following notations: proposed new roof over front stairs, proposed new roof over walkway with drip edge, replace retaining wall, drip edge of roof, proposed erosion control precast retaining wall (26 ft. min), location of proposed stairs, proposed flag pole, and high water mark. Also, provided was a computerized sketch of the proposed structure.

Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by John Large, SE #7, dated 10/31/97. Provided was a copy of the FEMA Standard Flood Hazard Determination Form, dated 6/6/19. Provided was a copy of the Town of Shapleigh 2020 Real Estate Tax Bill and John E. O’Donnell’s Property Information / Assessment for the property.

The detailed description of the project is as follows: *Replace existing dwelling and decks; add retaining wall for erosion control; elevate lowest ground grade adjoining the building; install flag pole.*

Provided was a copy of a survey drafted by Dana Libby, PLS #1350 of Corner Post Land Surveying, entitled ‘Plan Showing a Boundary / Existing Conditions Survey for Rajchel Family Revocable Trust of 2014’. Also provided was an enlarged copy of the survey which showed the proposed and existing building footprints, elevations, location of septic disposal field & septic tank, proposed erosion control wall, flag pole and various structure dimensions and distances to lot lines. The proposed structure distances to the proposed boundary line are 6.31 feet at its closest point to Map 18, Lot 20; 14.61 feet at the closest point to Map 18, Lot 18; 52.77 feet at the closest point to the high water mark; and 14.98 feet to the edge of First Street at its closest point.

On Tuesday, August 24, 2021, Roger A. reviewed Zoning Ordinance §105-4.D(3)(a) ‘Foundations’; §105-4.D(7) ‘Relocation’ and D(9) ‘Low retaining walls in the Shoreland district less than 24 inches in height for erosion control.’ The Board determined based on the information presented, that the deck which was removed one year ago, could not be replaced, as the side setbacks requirement in the Shoreland district could not be met

with the proposed replacement. The application was tabled and the Board asked the applicant to come back with a revised plan, one where the side setback requirement could be met.

Roger A. began by asking if everyone read the email from CEO Demers, dated August 26, 2021. The email read as follows: *I have received photographic evidence relevant to an application currently before the Planning Board for Best Practical Location. The property is Map-Lot 018-019-000-000 and the applicant is Rajchel Family Revocable Trust. The photo below shows a portion of the deck in place on September 2, 2020. This portion of the deck existed less than one year ago and an application has been made for its replacement in compliance with 105-4 D (5). Provided the Corrective Deed is recorded prior to the next meeting I believe the Planning Board can act on this application. The current side setback to be considered should be 6.31' to the south and 14.61' to the north as depicted on the applicant's plot plan. (A picture was provided as well.)*

The Board determined the following distances, based on the information provided, as being the closest distance allowed from the proposed structure to the side setbacks, high-water-mark and road:

- 1) 14.98 feet to the edge of 1st Street at its closest point;
- 2) 6.31 feet at its closest point to Map 18, Lot 20;
- 3) 14.61 feet at the closest point to Map 18, Lot 18;
- 4) 52.77 feet at the closest point to the high water mark.

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

- 1) A licensed surveyor shall confirm in writing that the structure is correct per the plan approved by the Planning Board. The proposed structure distances to the proposed boundary line are 6.31 feet at its closest point to Map 18, Lot 20; 14.61 feet at the closest point to Map 18, Lot 18; 52.77 feet at the closest point to the high water mark; and 14.98 feet to the edge of First Street at its closest point.
- 2) Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales. The contractor must be DEP certified in erosion control methods to work in the Shoreland District.
- 3) A DEP Permit by Rule must be applied for prior to deconstruction of the existing structure.
- 4) All debris from the demolition of the existing structure shall be taken out of Shapleigh and disposed of at a proper facility.

Madge B. made the motion to approve the Best Practical Location to replace the existing structure(s) per the plans presented and the approved distances noted, on Map 18, Lot 19 (7 1st Street) with the stated conditions. Maggie 2nd the motion. By a vote of 5 – 0, the motion passed unanimously.

Mr. Rajchel asked if the erosion control wall that he proposed was an issue for the Board or was it for the Code Enforcement Officer. Roger A. stated the Board should have taken that up as well. Roger asked if anyone had an issues with the proposed erosion control wall? No member had any issue. Madge B. asked if they would put up erosion control for the construction of the wall? Roger said they would have to. Ann H. said, “But the retaining wall is going to be permanent.” Roger said that yes, it would stay in place.

Madge B. made the motion to approve the proposed retaining wall per the plan presented, on Map 18, Lot 19, using best management practices during its construction. Maggie M. 2nd the motion. All members were in favor. By a vote of 5 – 0, the motion passed unanimously.

Mr. Rajchel asked about his proposed flag pole. Roger A. stated that was not a Planning Board issue.

Nothing further was discussed.

The Findings of Facts

1. The owner(s) of Shapleigh Tax Map 18, Lot 19 (7 1st Street) are Linda M. Rajchel and Jan J. Rajchel, Trustees of the Rajchel Family Revocable Trust of 2014 u/d/t/ dated May 28, 2014, mailing address of 122 Jacobs Well Road, Epping, NH 03042, per Quitclaim Deed with Covenants, recorded at the YCRD BK 17534 PG 706, recorded on 8/9/2017.
2. The property known as Map 18, Lot 19 is located in the Shoreland District and according to the Assessor the property contains .23 acres.
3. The Best Practical Location application was presented to replace the existing structure(s) with a new structure, elevate grade, add an erosion control retaining wall & flag pole.
4. The detailed description of the project is as follows: *Replace existing dwelling and decks; add retaining wall for erosion control; elevate lowest ground grade adjoining the building; install flag pole.*
5. Provided was a survey map drafted by Dana Libby PLS #1350, dated June 20, 2000, which depicted First Street and the lots adjacent to First Street, including the applicant’s property. Provided was a copy of a survey by LinePro Land Surveying, dated December 3, 2020 for Stephen Foglio, Jr., depicting both Mr. Foglio’s property and the applicant’s lot, emphasizing the boundary line between the two properties.
6. Provided was a plan depicting the ‘Existing Building Dimensions’ and ‘Building Height per Shapleigh Code = 23.72’. Provided was a plan of both the existing structure dimensions and the proposed structure dimensions, and it included the following notations: proposed new roof over front stairs, proposed new roof over walkway with drip edge, replace retaining wall, drip edge of roof, proposed erosion control precast retaining wall (26 ft. min), location of proposed stairs, proposed flag pole, and high water mark. Also, provided was a computerized sketch of the proposed structure.
7. Provided was a copy of a survey drafted by Dana Libby, PLS #1350 of Corner Post Land Surveying, entitled ‘Plan Showing a Boundary / Existing Conditions Survey for Rajchel Family Revocable Trust of 2014’. Also provided was an enlarged copy of the survey which showed the proposed and existing building footprints, elevations, location of septic disposal field & septic tank, proposed erosion control wall, flag pole and various structure dimensions and distances to lot lines. The proposed structure distances to the proposed boundary line are 6.31 feet at its closest point to Map 18, Lot 20; 14.61 feet at the closest point to Map 18, Lot 18; 52.77 feet at the closest point to the high water mark; and 14.98 feet to the edge of First Street at its closest point.
8. Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by John Large, SE #7, dated 10/31/97. Provided was a copy of the FEMA Standard Flood Hazard Determination Form, dated 6/6/19. Provided was a copy of the Town of Shapleigh 2020 Real Estate Tax Bill and John E. O’Donnell’s Property Information / Assessment for the property.

9. The application required Planning Board review as a Best Practical Location under §105-4 ‘Nonconformance’. The Planning Board members agreed the application as presented, will meet all the criteria in the ordinance with conditions, and the proposed location of the new structure is in the best practical location.
10. A notice was mailed to all abutters within 500 feet of the property on August 11, 2021. Meetings were held on Tuesday, August 10, 2021, Tuesday, August 24, 2021, and Tuesday, September 14, 2021. A site inspection was done by members on August 24th prior to the meeting.
11. The Planning Board unanimously agreed to approve the Best Practical Location for the replacement of the existing structure(s) on Map 18, Lot 19 per the plans provided and information presented, placing the new structure 14.98’ at its closest point to 1st Street; 6.31’ at its closest point to Map 18, Lot 20; 14.61’ at its closest point to Map 18, Lot 18, and 52.77’ from the high water mark per the plans provided, with four conditions.
12. The conditions of approval are as follows:
 - 1) A licensed surveyor shall confirm in writing that the structure is correct per the plan approved by the Planning Board. The proposed structure distances to the proposed boundary line are 6.31 feet at its closest point to Map 18, Lot 20; 14.61 feet at the closest point to Map 18, Lot 18; 52.77 feet at the closest point to the high water mark; and 14.98 feet to the edge of First Street at its closest point.
 - 2) Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales. The contractor must be DEP certified in erosion control methods to work in the Shoreland District.
 - 3) A DEP Permit by Rule must be applied for prior to deconstruction of the existing structure.
 - 4) All debris from the demolition of the existing structure shall be taken out of Shapleigh and disposed of at a proper facility.

Decision:

The Best Practical Location application to replace the existing structure(s) per the plans presented, with the approved distances noted, elevate the grade level, and put in an erosion control retaining wall on Map 18, Lot 19 (7 1st Street) with four conditions was approved.

Amendment to a Best Practical Location – Change Approved Location – Moving Farther from the High Water Line – Map 30, Lot 43 (22 Hemlock Rd) – Kevin Sevigny, Applicant & Property Owner

Mr. Sevigny was present for the review of the application.

Provided along with the application was a sketch plan drafted by Joseph L. Stanley, PLS #2453, of LinePro Land Surveying, which depicted Map 30, Lot 43, showing it as being 35,732 ± Square Feet in size, as well as the location of the existing house, steps & deck; the location of the existing 2 sheds; location of the existing well; and the proposed location of new house with attached garage. Hemlock Road was also on the plan, along with the 17’ BPL to the high water mark, the 100’ setback to the high water mark, and the 50’ setback per the CEO from the corner of the lot. The new structure is noted as being 54.7’ from the high water mark at its closest point and 10.9’ from the lot line of Map 30, Lot 45.

Provided was a re-vegetation plan which had an arrow pointing to the location of the existing house that said ‘revegetated’.

The detailed description of the project is as follows: *Tear down existing camp and build new single family house. Remove storage shed as well.*

This Best Practical Location was previously approved on March 23, 2021, with a 36’ x 48’ footprint, moving the structure back 17’ from the high water mark / existing concrete wall. The conditions of that approval were as follows:

- 1) The project, including stabilization of the area and replacing all trees removed, four just prior to construction and approximately 8 during, with trees a minimum of six feet in height no farther from the water than the existing, will begin in September 2021 and shall be completed by July 2022. If this date cannot be met, the applicant shall come back before the Planning Board to establish a new date of completion.
- 2) Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales.
- 3) All debris from the demolition of the existing structure shall be taken out of Shapleigh and disposed of at a proper facility, such as Simpson’s in Sanford Maine.
- 4) All roof runoff shall be contained on site.
- 5) A licensed surveyor shall confirm in writing that the structure is correct per the plans approved by the Planning Board, which move the existing structure 17 feet from the high water mark / concrete retaining wall.
- 6) Approved DEP Permit by Rule required prior to construction.

Roger A. began by stating that because Vice Chairman Steve Foglio was not present, he would facilitate the meeting for the application but he would not vote on the application. (Roger is related to Mr. Sevigny, although he stated he had no interest in the project.)

Roger A. stated that the original approval was for 17 feet from the high water mark, and now he is pushing the footprint back to 54.7’. Mr. Sevigny stated that was correct.

Ann H. asked if the circular driveway he wanted to put in was on the plan? Mr. Sevigny stated that it was not. He stated that the driveway was going to be where it was noted on the plan ‘50’ setback per CEO’. He said there would be two garage doors, and there would not be a circular driveway. Ann said there were some trees marked to be taken down, because he was going to change his driveway, so the trees would come out. Ann said that she wasn’t sure if he was allowed to do that, but now the Board doesn’t need to address it, because he is not doing it. Madge B. said there should be a planting plan. Ann agreed, where the existing structure is located. Barbara F. noted that the plan said ‘Revegetated’ and there was an arrow, no vegetation was noted. Mr. Sevigny said it would be a hole, and he would fill it with lawn. Madge thought the Board needed that information on the plan and she asked if any trees would be coming down for the driveway. Ann did not think he would be removing any trees for the driveway now. Madge asked if there were any trees coming out within 100 feet of the water? Mr. Sevigny stated he was not sure where it was all going to layout. He said he had an open permit for trees from CEO Demers. He asked if this could be discussed as the project progresses. He asked if this permit was for the location, not tree cutting? CEO said this was for the location of the foundation. He said the revegetation the Planning Board is going to consider is where the structure is today. Madge agreed. She did not believe there were any trees where the construction was going to happen. Mr. Sevigny agreed. Madge said there

was revegetation required and asked if there was enough information on the revegetation on the plan? Ann stated that currently there is lawn. Mr. Sevigny agreed and said there was a concrete pad. Ann asked if it would be taken out? Mr. Sevigny stated he would probably leave it. Ann asked if between the concrete pad and the front of the new house, would there be loam and grass seed? Mr. Sevigny stated he would seed it and probably add shrubs in front of the new house.

Madge B. stated the Board had the conditions from the previous approval that could be attached to this application. Barbara F. was not sure because everything was not the same. Madge agreed. Barbara said on the last approval the Board was asking for the replanting of trees, now you are saying none are coming down. Mr. Sevigny stated that previously the house was closer to the lake, the current structure is farther back, so trees do not have to be removed. He said, that at 17 feet oak trees would have had to come down.

Madge B. said the area where the house is being torn down still needs stabilization; best management practices; all debris will be taken out of Shapleigh; roof runoff shall be contained on site; a licensed surveyor shall confirm in writing the structure is correct; and a DEP Permit by Rule is required prior to construction. Madge said the Permit by Rule will be different for this location than the previous one. She asked Mr. Sevigny if he had a new Permit by Rule filed? Mr. Sevigny stated he was unaware he needed one. Roger A. stated that anytime you remove a structure within 100 feet of the water you need a Permit by Rule. CEO Demers stated that any soil disturbance within 75 feet of the lake needs a DEP Permit by Rule. CEO Demers stated he could put it in with the building permit application process. CEO Demers did not think this project was going to happen until next season. Mr. Sevigny stated that was correct.

Madge B. asked for a date of completion. Mr. Sevigny stated it was unlikely to start until next fall, 2022. He said they would start right after Labor Day. Madge said that the project would begin 2022 and be finished by July 2023. Mr. Sevigny stated that was his hope. He said it would depend on the contractor. Madge said their concern was the replanting, the Board does not want bare ground left open, where it can wash into the lake. She said that is why there is a date of completion. Ann H. stated that the Board didn't care about it being finished inside, just get it framed up and closed in, and get the revegetation completed. Mr. Sevigny stated there would be no bare ground exposed.

Roger A. asked if 7/30/2023 would be a good date to complete the vegetation. Mr. Sevigny stated that would not be a problem.

Maggie M. asked if the Board should have something actually on the plan about the replanting, noting the Board ran into issues before when there was nothing on the plan. Madge B. thought Roger said it was on the plan. Roger A. stated it said 'revegetated'. He said the revegetation will be all lawn, there are no bushes being removed or being put back in. Maggie said she realized there were no bushes being removed but she thought the Board was trying to encourage people to use something other than lawn along the water. Roger agreed. Maggie said there would be more of an open area, so perhaps have some lawn but also something around the edge of the water such as bushes to help with stormwater runoff. Mr. Sevigny stated he had a retaining wall that runs the whole perimeter of the lake, on the front of it. Maggie asked how high it came above the ground? Mr. Sevigny stated it came up probably 12 inches. Madge said it appeared to be several inches. Mr. Sevigny said it was 12 inches as least. Mr. Sevigny stated he did not plan on bringing loam up to the top of the wall. Maggie agreed with Madge that she did not believe the wall was 12 inches high. Madge thought it was high enough to stop the runoff.

Madge B. stated that the Board didn't like grass because often it gets fertilized. Madge asked if it was prohibited to fertilize grass in the Shoreland? Roger A. stated it is prohibited within 100 feet of the water. Roland L. agreed. Mr. Sevigny asked if he could water it? Roger said he could, just no fertilizer.

Roger A. stated the conditions were as follows:

- 1) The project, including stabilization of the area shall be completed by July 30, 2023. If this date cannot be met, the applicant shall come back before the Planning Board to establish a new date of completion.
- 2) Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales. A contractor licensed by the DEP in erosion control measures shall be present throughout the project. His license number shall be provided to the Code Enforcement Officer during the building permit process.
- 3) All debris from the demolition of the existing structure shall be taken out of Shapleigh and disposed of at a proper facility, such as Simpson's in Sanford Maine.
- 4) All roof runoff shall be contained on site.
- 5) A licensed surveyor shall confirm in writing that the structure is correct per the plans approved by the Planning Board, which move the existing structure 54.7 feet from the high water mark at its closest point.
- 6) An approved DEP Permit by Rule required prior to construction.

Maggie M. made the motion to approve the Best Practical Location to move the structure on Map 30, Lot 43 per the plan provided and the stated conditions. Madge B. 2nd the motion. All members were in favor. By a vote of 4 – 0, the motion passed unanimously. (Roger abstained from voting.)

Nothing further was discussed.

~~~~~  
**The Findings of Facts**

1. The owner(s) of Shapleigh Tax Map 30, Lot 43 (22 Hemlock Road) is Kevin D. Sevigny, mailing address of 10 Cedar Hill Road, Springvale, Maine 04083, per Warranty Deed, recorded at the YCRD BK 17793 PG 266, recorded on 9/4/2018.
2. The property known as Map 30, Lot 43 is located in the Shoreland District and according to the Assessor the property contains 2.2 acres.
3. The Best Practical Location application was presented to replace the existing structure(s) with a new structure.
4. The detailed description of the project is as follows: *Tear down existing camp and build new single family house. Remove storage shed as well.*
5. Provided was a sketch plan dated July 1, 2021, drafted by Joseph L. Stanley, PLS #2453, of LinePro Land Surveying, which depicted Map 30, Lot 43, showing it as being 35,732 ± Square Feet in size, as well as the location of the existing house, steps & deck; the location of the existing 2 sheds; location of the existing well; and the proposed location of new house with attached garage. Hemlock Road was also on the plan, along with the 17' BPL to the high water mark, the 100' setback to the high water mark, and the 50' setback



per the CEO from the corner of the lot. The new structure is noted as being 54.7’ from the high water mark at its closest point and 10.9’ from the lot line of Map 30, Lot 44.

6. Provided was a re-vegetation plan which had an arrow pointing to the location of the existing house that said ‘revegetated’.
7. The application required Planning Board review as a Best Practical Location under §105-4 ‘Nonconformance’. The Planning Board members agreed the application as presented, will meet all the criteria in the ordinance with conditions, and the proposed relocation of the new structure is in the best practical location.
8. A notice was mailed to all abutters within 500 feet of the property on August 25, 2021. Meetings were held on Tuesday, August 24, 2021, and Tuesday, September 14, 2021. A site inspection was done by members on September 14th prior to the meeting.
9. The Planning Board unanimously agreed to approve the Best Practical Location for the replacement of the existing structure(s) on Map 30, Lot 43 (22 Hemlock Road), placing the new structure 54.7’ at its closet point to the high-water-mark, per the plans provided drafted by Joseph Stanley PLS #2463, dated July1, 2021, with six conditions.
10. **The conditions of approval are:**
  - 1) **The project, including stabilization of the area shall be completed by July 30, 2023. If this date cannot be met, the applicant shall come back before the Planning Board to establish a new date of completion.**
  - 2) **Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales. A contractor licensed by the DEP in erosion control measures shall be present throughout the project. His license number shall be provided to the Code Enforcement Officer during the building permit process.**
  - 3) **All debris from the demolition of the existing structure shall be taken out of Shapleigh and disposed of at a proper facility, such as Simpson’s in Sanford Maine.**
  - 4) **All roof runoff shall be contained on site.**
  - 5) **A licensed surveyor shall confirm in writing that the structure is correct per the plans approved by the Planning Board, which move the existing structure 54.7 feet from the high water mark at its closest point.**
  - 6) **An approved DEP Permit by Rule required prior to construction.**

**Decision:**

**The Best Practical Location application to replace the existing structure on Map 30, Lot 43 (22 Hemlock Road), moving it back from the high water mark 54.7’ at its closest point to the high-water-mark per the plans provided, with six conditions was approved.**

-----

**Conditional Use Permit – Medical Marijuana Caregiver Business – Map 4, Lot 32-2 (118 Cross Road) – Carrie Coull Martel, Applicant; Paul Martel, Property Owner**

Mr. & Mrs. Martel were present for the review of the application.

Provided along with the application was a copy of Carrie A. Coull's Driver's License and Medical Caregiver License authorizing her for a Plant Canopy of 500 square feet, dated 10/26/2020, and expiring on 10/25/2021. Provided was Paul R. Martel's Driver's License and Medical Caregiver Assistant card, dated issued on 5/19/2021 and expiration date of 5/18/2022. A copy of the MMMP Certification (Maine Medical Marijuana Program) card for Carrie A. Martel was provided, dated issued on 4/30/2021 and a copy of Paul Martel's MMMP Certification card was dated issued on 4/30/2021, both expire on 4/30/2022.

Provided was a copy of the State of Maine, Office of Marijuana Policy, Maine Medical Marijuana User Individual Caregiver Retail Location Registration, that being Nature's Gift Medical, 1384 Carl Broggi Hwy, Lebanon, authorized for 6 mature and 2 immature and/ or harvested plants. Also the State of Maine, Maine Revenue Services, Resale Certificate valid through December 31, 2023, Certificate No. 1161820 for Nature's Gift & Wellness, 1384 Carl Broggi Hwy, 256 Lower Middle Rd, Lebanon, Maine.

Provided was a letter from Tim Bragdon of Nature's Gift Medical, which read as follows:

*Carrie Martel has been supplying Nature's Gift with high-quality marijuana product for the last 8 months. She has supplied all appropriate paperwork and has been up to date when delivering. We hope you will consider her application as we would like to continue her service for the future. She has been donating to our veterans' program which continues to grow. She is an outstanding individual.*

Provided was a copy Chapter 251, 'An Act to Make Technical Changes to the Maine Medical Use of Marijuana Act', approved by the Governor on June 17, 2021.

Provided was an aerial picture of the existing property which includes the existing mobile home with addition, along with the garage to be used; a sketch plan which depicted the 14 x 70 mobile home with 14' x 40' addition, location of the leach field, driveway and 24' x 40' 3 bay garage with 12' x 20' addition; and a sketch of the 'Interior Operations' in the garage, showing areas entitled auto flower, vegetation seedlings, canopy, etc.

The detailed description of the project is as follows: *Carrie Martel is a state licensed medical cannabis caregiver who was licensed in October of 2020 with a 500 square foot canopy license. In November of 2020 she made a substantial donation to Nature's Gift Medical to distribute to veterans suffering with issues such as PTSD which is the leading cause of veteran suicide in this country. This act of kindness founded the veteran's donation program and set an example for other caregivers to do such good deeds. Carrie being a medical patient herself due to a car accident and a boat accident knows what medical patients need, which is relief from pain and inflammation and depression associated with such issues. Carrie would like to simply keep working with Nature's Gift Medical and looks forward to growing in the community and to continue to do the good deeds in the future. As a licensed agent in a highly regulated business our goal is 100% compliance with all local and state agencies which brings us here today.*

*Madge B. stepped down from the review of this application, as this was her neighbor.*

Roger A. stated the State of Maine requires a Conditional Use Permit for anyone growing marijuana for medicinal purposes. Roger stated that Shapleigh does not allow the retail sales of marijuana, so there will be no traffic to the site other than the applicant's going to and from the site.

**Roger A. reviewed the basic performance standards that are applicable as follows:**

**Basic Performance Standards:**

- 105-21 – Traffic. *Roger stated there will be limited traffic, the applicant's only, so traffic is therefore safe.*
- 105-22 – Noise. *Roger stated there would no noise associated with this business.*
- 105-23 – Dust, fumes, vapors and gases. *Roger stated this business takes place inside a closed facility with a filtration system.*
- 105-24 – Odors. *Roger stated there will be no offensive or harmful odors perceptible allowed beyond its lot lines. Roger noted that if there are any complaints this business could be shut down.*
- 105-25 – Glare. *Roger stated there will be no additional lighting creating a strong dazzling light onto neighboring properties specifically for this business.*
- 105-26 – Stormwater runoff. *Roger stated all structures are currently in existence, and there have been no issues.*
- 105-27 – Erosion control. *Roger stated there is nothing being done to the site to create erosion.*
- 105-28 – Setbacks and screening. *Roger stated no changes are being made to what exist at this time, all plantings take place inside the existing structure.*
- 105-29 – Explosive materials. *Roger stated there is a small propane gas tank inside the structure. Roger stated it will be kept away from any heat source.*
- 105-30 – Water quality. *Roger stated there are no chemicals or industrial waste stored outside.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *Roger stated there are no changes to the existing vegetation.*
- 105-32 – Relation of the building to the environment. *Roger stated the building has been in existence for many years and fits in well with the surrounding area.*
- 105-33 – Refuse disposal. *Roger stated the applicant will have to take care of the waste products, and not take them to the Transfer Station. The earth will be recycled and the plants composted. Mr. Martel stated that just about everything can be used or reused, even the stocks can be made into an extract.*

Roger A. stated he did not think this was a home occupation as the applicant stated that it was possible in the future there may be an employee. Roger said at present this is a conditional use permit but he wasn't sure about home occupation. Ann H. did not think he qualified for a home occupation, because no one came to the site for a service, the product was taken off-site.

Roland L. stated that under §105-40 'Home occupations' B. it states: Not more than one employee other than the home's occupants may work on-site at any time, and one additional on-site parking space shall be provided if there is such an employee. He said based on this it sounded like a Home Occupation could have at least one employee. Mr. Martel asked when Roland was speaking about one employee, was this from the Town's perspective or the State? Roland said that they are looking at the Town's ordinance under Home Occupations. He said this is what the Board is discussing, whether or not it is a home occupation. He said if it was a home occupation, it does say not more than one employee, it doesn't say you cannot have any. Maggie M. stated that under the definition it does say in part 'carried on by a member of the family residing in the dwelling unit'; it doesn't say anything about employees. Roland said under the Home Occupation there were contradictions because it says only 1 additional, then further down it speaks of additional workers cannot gather.

Roger A. read Medical Marijuana Home Productions, it read as follows: Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. Roger felt this did not meet the definition of a Home Occupation.

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

- 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, this business takes place within an enclosed structure and composting will not harm the environment.***
- 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 the Comp Plan does not address this type of business.***
- 4) Traffic access to the site is safe. ***Roger stated there is minimal traffic associated with this business, only the applicants will be using the driveway, so it is safe.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***Roger stated it is.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***Roger stated there is an existing State approved septic system on site for the house, the solid waste will be recycled.***
- 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.***
- 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 is.***
- 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. There is no noise associated with this business, all activity is taking place indoors with a filtration system in place. There is no additional outside lighting for the business.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***Roger stated they will with one condition.***

**Roger stated the condition of approval is there shall be no retail sales of marijuana on site.**

Roland L. asked if he could make a comment about the propane tank stored inside the building. Mr. Martel stated that Carrie works for Downeast Energy and they have spoken about putting the propane tank outside behind the building, on the pad where the mini-split is setting. Roland said he was not opposed to the project, he just didn't want to see them get blown up. Mrs. Martel stated she has been speaking with her employer but at present they are backed up with work due to Covid, but she is in the process of doing it. Roland stated he was just worried about their wellbeing.

Roger A. asked CEO Demers if there was an occupancy permit for this? CEO Demers stated there would not be an occupancy permit for this, it is an accessory dwelling. Roger asked if there was any oversight? CEO Demers thought the State had one inspector for this. Mr. Martel stated there were quite a few inspectors, he said two showed up to do the inspection. Mr. Martel stated there were four in southern Maine that work out of the Portland office. Roger asked if they had any issues? Mr. Martel stated that they did not. He said the only thing they said was he had to get a trade legal scale, even though they are not retailing it. He said they had to spend \$700 on a scale they will never use. Mrs. Martel agreed that was the only issue.

Ann H. thought the rules will be constantly changing and Mr. Martel agreed, stating that the rules are constantly changing. Roger A. stated he was surprised, for a business such as this, that the electrical was not all in conduit. Mr. Martel stated that everything under head level had to be in conduit, and there needed to be GFI's. He said the overhead did not have to be in conduit, and he noted that he was surprised at that. Ann stated that growers over 30,000 sf the electric had to be in conduit, but they also use a different type of lighting. Mr. Martel agreed, stating he is not using high pressure sodium lighting.

**Roland L. made the motion to approve the Conditional Use Permit for a medical marijuana business on Map 4, Lot 32-2 (118 Cross Road), with no retail sales. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 4 – 0, the motion passed unanimously. Madge B. abstained from review and voting.**

*Barbara F. stated that the applicant needed to provide a copy of their medical marijuana card each year upon renewal for the Planning Board for the record. The Planning Board agreed this should also be a condition of approval as it is a requirement.*

Nothing further was discussed.

~~~~~

Findings of Fact

1. The owner(s) of Shapleigh Tax Map 4, Lot 32-2 (118 Cross Road) is Paul Martel, of 118 Cross Road, Shapleigh, Maine 04076. Proof of ownership via Quitclaim Deed without Covenant, Book 17179, Page 970, recorded at the York Country Registry of Deeds on 2/4/2016.
2. Provided was a copy of Carrie A. Coull's Driver's License and Medical Caregiver License authorizing her for a Plant Canopy of 500 square feet, dated 10/26/2020, and expiring on 10/25/2021. Provided was Paul R. Martel's Driver's License and Medical Caregiver Assistant card, dated issued on 5/19/2021 and expiration date of 5/18/2022. A copy of the MMMP Certification (Maine Medical Marijuana Program) card for Carrie A. Martel was provided, dated issued on 4/30/2021 and a copy of Paul Martel's MMMP Certification card was dated issued on 4/30/2021, both expire on 4/30/2022.
3. Provided was a copy of the State of Maine, Office of Marijuana Policy, Maine Medical Marijuana User Individual Caregiver Retail Location Registration, that being Nature's Gift Medical, 1384 Carl Broggi Hwy, Lebanon, authorized for 6 mature and 2 immature and/ or harvested plants. Also the State of Maine, Maine Revenue Services, Resale Certificate valid through December 31, 2023, Certificate No. 1161820 for Nature's Gift & Wellness, 1384 Carl Broggi Hwy, 256 Lower Middle Rd, Lebanon, Maine.
4. Provided was a letter from Tim Bragdon of Nature's Gift Medical, which read as follows:

Carrie Martel has been supplying Natures Gift with high-quality marijuana product for the last 8 months. She has supplied all appropriate paperwork and has been up to date when delivering. We hope you will consider her application as we would like to continue her service for the future. She has been donating to our veterans' program which continues to grow. She is an outstanding individual.

5. Provided was a copy Chapter 251, 'An Act to Make Technical Changes to the Maine Medical Use of Marijuana Act', approved by the Governor on June 17, 2021.
6. Provided was an aerial picture of the existing property which includes the existing mobile home with addition, along with the garage to be used; a sketch plan which depicted the 14 x 70 mobile home with 14' x 40' addition, location of the leach field, driveway and 24' x 40' 3 bay garage with 12' x 20' addition; and a sketch of the 'Interior Operations' in the garage, showing areas entitled auto flower, vegetation seedlings, canopy, etc.
7. The detailed description of the project is as follows:

Carrie Martel is a state licensed medical cannabis caregiver who was licensed in October of 2020 with a 500 square foot canopy license. In November of 2020 she made a substantial donation to Nature's Gift Medical to distribute to veterans suffering with issues such as PTSD which is the leading cause of veteran suicide in this country. This act of kindness founded the veteran's donation program and set an example for other caregivers to do such good deeds. Carrie being a medical patient herself due to a car accident and a boat accident knows what medical patients need, which is relief from pain and inflammation and depression associated with such issues. Carrie would like to simply keep working with Nature's Gift Medical and looks forward to growing in the community and to continue to do the good deeds in the future. As a licensed agent in a highly regulated business our goal is 100% compliance with all local and state agencies which brings us here today.

8. The application as presented met the Basic Performance Standards in the Zoning Ordinance. Traffic access is safe, only the applicants will be using the driveway; there is no noise generated; dust, fumes, vapors, gasses or odors will be inside the structure and there is a filtration system; no changes on site to create stormwater or erosion issues, keeping existing screening and preservation of landscape; water quality will not be affected; waste will be recycled or composted.
9. The application as presented met the performance standards under §105-73 'Conditional Use Permits'. There will be no adverse impact to fish, birds or wildlife; traffic access is safe; there is minimal waste and most will be recycled or composted; there are no hazardous materials associated with the business; there are no changes that would create erosion or a stormwater issue; existing vegetation will remain in place to prevent stormwater; there is no noise, glare, and the like, associated with this business, odors will be taken care of with a filtration system inside the existing structure.
10. A notice was mailed to all abutters within 500 feet of the property on August 25, 2021. Meetings were held on Tuesday, August 24, 2021 and Tuesday September 14, 2021. A site inspection was done by members on Tuesday, September 14th prior to the meeting. A public hearing was held on Tuesday, September 14, 2021.
11. The Planning Board unanimously agreed to approve the Conditional Use Permit for a medical marijuana caregiver business on Map 4, Lot 32-2 with two conditions.

12. The conditions of approval are as follows:

- 1) There is no retail sales of marijuana on site.
- 2) A copy of the medical marijuana card shall be provided each year to the Planning Board upon renewal.

Decision:

The Conditional Use Permit for a medical marijuana caregiver business, located on property known as Map 4, Lot 32-2 (118 Cross Road) per the plans provided with two conditions, was approved.

Conditional Use Permit – Shoreland District Setbacks in General Purpose District for Garage with Single Dwelling Above – Map 36, Lot 27 (Indian Village Road) – Raymond Cadotte, Applicant & Property Owner Mr. Cadotte was present for the review of the application.

Provided along with the application was a copy of a Maine Statutory Trustee’s Deed, Registered at the YCRD as BK 18028, PG 343, dated 8/23/2019, showing Raymond T and Deborah Cadotte as owners of the property.

Provided was a sketch plan depicting the location of the existing foundation. The distance dimensions shown from the existing foundation to the lots lines are 120± to the rear lot line, 80’ from Indian Village Road, 54’ from Map 37, Lot 34 (Joyce Knappe), and 18’ from Map 36, Lot 28 (Donna & Richard Arcand). The foundation itself is depicted as 30’ x 50’ in size.

The detailed description of the project is as follows: *Garage with single dwelling above.*

Provided was an ‘Existing Drainage Plan’ dated August 19, 2021, drafted by Carl V. Beal, P.E. The plan, Sheet No. D1, depicted the existing drainage flow direction existing on the property at this time. Also provided was a ‘Proposed Drainage Plan’ dated August 19, 2021, drafted by Carl V. Beal, P.E. The plan, Sheet No. D2, depicted the existing riprap swale between the applicant’s property and Map 37, Lot 34; the existing grassed swale between the applicant’s property and Map 36, Lot 28; and the location of the new stone berm, recharge basin & drywell, to be located next to Indian Village Road and alongside Map 36, Lot 28. The drainage flow direction was also on this plan.

Provided was a letter entitled ‘Stormwater Drainage Study – New Garage, Raymond & Deborah Cadotte, 248 Indian Village Road, Shapleigh, Maine, provided by Carl V. Beal, P.E. #5013, dated August 24, 2021. The letter read in part as follows: *The Cadotte’s are constructing a new 28’ x 48’ garage with 2nd floor living space at 248 Indian Village Road. A 50’ x 75’ gravel driveway will be constructed from Indian Village Road to the structure. A drainage swale, that has existed for decade’s, runs along the north side of the property to a 36” metal culvert under the road. The remainder of the property drains southwesterly to Indian Village Road. Runoff continues to flow over the road easterly toward Square Pond. Post-development runoff will flow in the same direction as pre-development. A new Stone Level Spreader will be installed at the SW corner of the parcel along with a 4’ deep recharge basin and a dry well, to capture runoff from the site and to reduce the potential for erosion of the road and abutting properties. The basin will allow stormwater to infiltrate into the ground and limit runoff energy and velocity to match existing conditions. In conclusion, development of the new structure will result in no negative impacts due to stormwater runoff to downstream properties or to Square Pond.*

Roger A. began by reading the letter from Carl Beal regarding the stormwater runoff (as written above). Mr. Cadotte pointed out that the address of the lot is not actually 248 Indian Village Road as stated by Mr. Beal, the lot is across the street from 248. Roger agreed, noting the lot they are reviewing may not have a number yet.

At the meeting on August 10, 2021 Roger A. reviewed §105-13 ‘Division of lots by district boundaries’. Section A, ‘Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this chapter, the regulations applicable to the less-restricted portion of the lot may be extended, except when the more-restricted portion lies in the Shoreland District, the Resource Protection District or the Stream Protection District, not more than 50 feet into the more-restricted portion of the lot subject to the provisions of Subsection B Below’. Section B, ‘ Extension of use shall be considered a conditional use, subject to approval of the Planning Board and in accordance with the criteria set forth in §105-73G, Standards applicable to conditional uses’.

Roger then reviewed §105-73.G as follows:

- 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 structure is not located adjacent to the shoreline, and will have to have a State approved septic design prior to occupancy.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***Roger stated this is not applicable. The structure is not adjacent to the shoreline and has no affect to access of the lake.***
- 3) The use is consistent with the Comprehensive Plan. ***Roger stated it is.***
- 4) Traffic access to the site is safe. ***Roger stated it is safe for the intended use.***
- 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 design and installation approved by the CEO shall be done prior to occupancy.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***Roger stated there are no hazardous materials associated with this project.***
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. ***Roger stated on August 10th that at the site inspection members noted there needed to be something put in place, a design, to make certain stormwater would remain on site. There was concern with the slope of the land. The Board asked Mr. Cadotte to obtain a stormwater plan, which he did as indicated above, provided by Carl Beal, PE #5013.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Roger stated on August 10th that soil erosion needs to be addressed. This was addressed in the stormwater plan done by Carl Beal, PE #5013.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***This is located near the lake.***
- 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. ***The only noise will be when the structure is being built. There is no glare, fumes, dust or odors associated with this application.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They will with the stormwater plan already provided.***

Roger A. stated this application was tabled due to the concern with stormwater runoff. He said with the information from Carl Beal, that concern has been address. He believed he could entertain a motion for approval.

Madge B. moved for approval of the Conditional Use Permit, that the applicant can use the Shoreland District setback in the General Purpose District setback in order to build a garage with living quarters over, on Map 36, Lot 27 (Indian Village Road) per the plans provided. Maggie 2nd the motion. All members were in favor. By a vote of 5 – 0, the motion passed unanimously.

Nothing further was discussed.

~~~~~  
**Findings of Fact**

1. The owner(s) of Shapleigh Tax Map 36, Lot 27 (Indian Village Road) are Raymond T. & Deborah Cadotte, of 12 Cheshire Court, Londonderry, NH 03053. Proof of ownership via Maine Statutory Trustee's Deed, Book 18028, Page 343, recorded at the York County Registry of Deeds on 8/23/2019.
2. The property known as Shapleigh Tax Map 36, Lot 27 is located in both the Shoreland District and General Purpose District, and according to the Assessor the property contains .59 acres.
3. Provided was a sketch plan depicting the location of the existing foundation. The distance dimensions shown from the existing foundation to the lots lines are 120± to the rear lot line, 80' from Indian Village Road, 54' from Map 37, Lot 34 (Joyce Knappe), and 18' from Map 36, Lot 28 (Donna & Richard Arcand). The foundation itself is depicted as 30' x 50' in size.
4. Provided was a letter entitled 'Stormwater Drainage Study – New Garage, Raymond & Deborah Cadotte, 248 Indian Village Road, Shapleigh, Maine, provided by Carl V. Beal, P.E. #5013, dated August 24, 2021. The letter read in part as follows: *The Cadotte's are constructing a new 28' x 48' garage with 2<sup>nd</sup> floor living space at 248 Indian Village Road. A 50' x 75' gravel driveway will be constructed from Indian Village Road to the structure. A drainage swale, that has existed for decade's, runs along the north side of the property to a 36" metal culvert under the road. The remainder of the property drains southwesterly to Indian Village Road. Runoff continues to flow over the road easterly toward Square Pond. Post-development runoff will flow in the same direction as pre-development. A new Stone Level Spreader will be installed at the SW corner of the parcel along with a 4' deep recharge basin and a dry well, to capture runoff from the site and to reduce the potential for erosion of the road and abutting properties. The basin will allow stormwater to infiltrate into the ground and limit runoff energy and velocity to match existing conditions. In conclusion, development of the new structure will result in no negative impacts due to stormwater runoff to downstream properties or to Square Pond.*
5. Provided was an 'Existing Drainage Plan' dated August 19, 2021, drafted by Carl V. Beal, P.E. The plan, Sheet No. D1, depicted the existing drainage flow direction existing on the property at this time. Also provided was a 'Proposed Drainage Plan' dated August 19, 2021, drafted by Carl V. Beal, P.E. The plan, Sheet No. D2, depicted the existing riprap swale between the applicant's property and Map 37, Lot 34; the existing grassed swale between the applicant's property and Map 36, Lot 28; and the location of the new stone berm, recharge basin & drywell, to be located next to Indian Village Road and alongside Map 36, Lot 28. The drainage flow direction was also on this plan.
6. The detailed description of the project is as follows: *Garage with single dwelling above.*

- 7. The application as presented met the requirements under §105-13 ‘Division of lots by district boundaries’ per the plan(s) provided.
- 8. The application as presented met the performance standards under §105-73 ‘Conditional Use Permits’. There will be no adverse impact to fish, birds or wildlife, the structure is not near the shoreline and there shall be a State approved septic system in place prior to occupancy; there is a stormwater plan in place; traffic access is safe for the proposed project; there are no hazardous materials associated with this project; there is no noise other than during construction, there is no glare and the like.
- 9. A notice was mailed to all abutters within 500 feet of the property on July 28, 2021. Meetings were held on Tuesday, July 27, 2021, August 10, 2021 and Tuesday September 14, 2021. A site inspection was done by members on Tuesday, August 10th prior to the meeting.
- 10. The Planning Board unanimously agreed to approve the Conditional Use Permit to allow the use of the Shoreland District Setbacks in the General Purpose District in order to construct a garage with single family dwelling over on Map 36, Lot 27.

**Decision:**

**The Conditional Use Permit to allow the use of the Shoreland District Setbacks in the General Purpose District in order to construct a garage with single family dwelling over on Map 36, Lot 27 (Indian Village Road) per the plans provided, was approved.**

-----  
**Conditional Use Permit – Solar Power Installation – Map 2, Lot 9 (987 Back Road) – MEVS Brown, LLC, Applicant; Michael Brown, Property Owner**

Mr. Steven Barrett of Barrett Energy Resources Group LLC was present to represent the applicant.

The following is the detailed project description:

**Project Description**

MEVS Brown, LLC (the “Applicant”) is developing a solar photovoltaic (“PV”) project (the “Project”) on land owned by Michael Brown at 987 Back Road in Shapleigh. A site plan showing the project is provided as Attachment A. A tax map with the parcel’s location is provided in Attachment B.

MEVS Brown, LLC has executed a lease option agreement whereby MEVS Brown, LLC has the exclusive right to develop a solar project on specified land over a two-year period. A copy of the redacted lease option agreement is available upon request. If the development activities are successful and the Project is approved by Central Maine Power (“CMP”), MEVS Brown, LLC will construct the Project, and own and operate the facility during a 21-year lease period which may be extended for three additional five-year periods (i.e., 36-year lease).

The proposed Project is a 7.44-megawatt (“MW”) direct current (“DC”)/ 4.98- MW alternative current (“AC”) photovoltaic (“PV”) ground mounted solar facility. The area enclosed by the Project is approximately 19.5 acres. The solar array is comprised of solar PV modules attached to a fixed tilt racking system which is anchored by a series of pile driven posts. The panels will face due south (180°) with a tilt angle of 25°. The height of the solar panels is less than 14 feet above ground level. There is ancillary electrical distribution equipment within the array including inverters that convert the PV generated electricity from DC to AC. The

site is enclosed by a chain link fence 7 feet tall. The project site will be accessed from Back Road by a short 15-foot-wide gravel road. The plan also shows a separate electrical conduit along the north parcel line to minimize impacts on the landowner.

Construction will entail various site preparations, including tree removal for the site, and installation of a temporary access road from the southwest corner of the property. The piles to support the racking system can be installed along the existing contours. The vegetation of the developed site will be managed as a field with annual cutting to ensure that vegetation does not grow up and shade the solar panels.

Operations and maintenance of the site is primarily conducted by monitoring performance remotely, conducting site visits to perform corrective maintenance in response to abnormalities in operations, and implementing an annual preventive maintenance protocol to ensure optimum system performance.

MEVS Brown has executed an interconnection agreement with Central Maine Power (CMP) for this Project. The Project will interconnect to the 12.47 kV distribution system along Back Road. A copy of the redacted interconnection agreement with CMP is available upon request. In addition, MEVS Brown LLC has also entered into long term power purchase agreements with prominent Maine commercial and industrial entities that will save significantly on their utility bills once the Project has been constructed and commissioned with no upfront cost to these entities. As of the date of this application, 100% of the power from the MEVS Brown solar project has been subscribed.

There will be little traffic generated by the Project. The construction period will extend for approximately 4-6 months. Construction personnel will assemble at the site daily in the morning and depart the site in the evening. There will be periodic delivery of solar facility equipment from the temporary construction road off Route 109 which can be scheduled to minimize impacts on local traffic. Once constructed, permanent access will be gained from the existing driveway off Back Road. There will be minimal traffic with only periodic inspections and responses to maintenance as necessary.

The Project will participate in Maine's solar program enacted under legislation referred to as LD 1711. The power from the Project will be virtually sold to nearby municipalities and businesses and will help these entities save on their utility bills.

Provided along with the application was a site plan drafted by CENERGY entitled Proposed Solar Power Installation – Michael Brown – Back Road, Shapleigh ME 04076 – GPS 43.492804, -70.821016, Sheet No. SP-1, Sheet Title Solar Power System Site Layout, Owner Michael Brown, last revision on sheet 7/21/2021.

Provided was a copy of the Town Tax Map and Flood Zones were provided.

Provided were the following regulatory letters:

\* Letter dated June 28, 2021 from Becca Settele, Wildlife Biologist, from the State of Maine Department of Inland Fisheries & Wildlife, Re: Information Request – MEVS Brown LLC Project, Shapleigh. The letter stated in part that 'Our Department has not mapped any Essential Habitats that would be directly affected by your project'. There was a highlighted paragraph in the letter that read as follows: *Please note this document does not fulfill the requirements of the Maine Public Utilities Commission's Distributed Generation Project Siting Attributes for solar energy projects. For solar projects seeking MDIFW's determination of potential impacts to Main-listed Endangered or Threatened species or habitats pursuant to the MPUC process, please send a separate, clearly labeled request to: [IFWEnvironmentalreview@mail.gov](mailto:IFWEnvironmentalreview@mail.gov) and a separate response will be provided.*

- \* Letter dated June 17, 2021 from Kristen Puryear, Ecologist, Maine Natural Areas Program, State of Maine, Department of Agriculture, Conservation & Forestry, Re: Rare and exemplary botanical features in proximity to: MEVS Brown LLC, Brown Solar Project, Shapleigh, Maine. The letter stated in part that according to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.
- \* Letter dated June 17, 2021 from Nancy McBrady, Director Bureau of Agriculture, Food and Rural Resources, State of Maine, Department of Agriculture, Conservation & Forestry, Bureau of Agriculture, Food & Rural Resources. The letter stated in part: Prime Farmland is land identified with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. This land may or may not be active farmland, but it is not currently urban, developed or inundated by water. Farmland of Statewide Importance generally includes areas that nearly meet the requirements for Prime Farmland and economically may produce high yields of crops when treated and managed according to acceptable farming methods. FARMLAND SOIL HIT: According to the information currently in the Farmland Soils Data layer, the project site includes areas with mapped farmland soils. Agricultural siting best Practices recommend avoiding conversion of land designated as Prime Farmland or Farmland of State Importance. This project area includes soils mapped as: Prime Farmland; Farmland of Statewide Importance. Our review covers only areas mapped as Prime Farmland or Farmland of Statewide Importance. This finding is not a substitute for on-site surveys. Field Surveys are needed for solar project clearance according to the Maine Public Utilities Commission Procurement Announcement, Appendix A, Project Attribute Criteria #9. As a general statement of policy, the Maine Department of Agriculture, Conservation and Forestry recommends that whenever possible, commercial scale solar projects be sited on non-agricultural lands. If that is not possible, the Department recommends minimizing the footprint of solar development on high value agriculture soils and encourages the development of dual use solar projects.

Provided was the soil profile. A copy of the Web Soil Survey / National Cooperative Soil Survey by the USDA Natural Resources Conservation Service – Soil Map of York County, Maine was provided. The following soils appear to lay directly underneath or in close proximity to the proposed solar structure: BsB – Brayton and Estbury very stony fine sandy loams, 0 to 8 percent slopes; Ch – Chocorua peat; HeB – Hermon sandy loam, 3 to 8 percent slopes; HeC – Hermon sandy loam, 8 to 15 percent slopes; HeD – Hermon sandy loam, 15 to 25 percent slopes; HmC – Hermon sandy loam, 8 to 15 percent slopes, very stony; HnE – Hermon sandy loam, 15 to 60 percent slopes, extremely stony; LnD – Lyman loam, 15 to 25 percent slopes, rocky; LyC – Lyman-Rock outcrop complex, 8 to 15 percent slopes; LyE – Lyman-Rock outcrop complex, 15 to 80 percent slopes; SrB – Skerry fine sandy loam, 0 to 8 percent slopes, very stony; SrC – Skerry fine sandy loam, 8 to 15 percent slopes, very stony. Soils under or adjacent the proposed access road: LnC – Lyman loam, 8 to 15 percent slopes, rocky & PeB – Peru fine sandy loam, 3 to 8 percent slopes.

Provided was the HydroCAD Stormwater Model Diagram and Calculations for a Type III 24-hour, 100-year rainfall = 8.70". The summary showed the existing runoff area, runoff volume(s), runoff depth(s) and flow length for four subcatchments, for the existing conditions, along with post development.

Provided were Pre- and Post-Development Stormwater Drawings, drafted by Jeffrey Allen of A.E.Hodsdon Consulting Engineers. Sheet C1.1 entitled Pre-Development Watershed Plan of Proposed Solar Power Site, Back Road, Shapleigh, Maine for CENERGY, 3176 Lionshead Ave, Carlsbad, CA, dated 8/2/2021. Sheet C1.2

entitled Post Development Watershed Plan of Proposed Solar Power Site, Back Road, Shapleigh, Maine for CENERGY, 3176 Lionshead Ave, Carlsbad, CA, dated 8/2/2021.

Provided were the Stormwater Calculations and Erosion Control Plan, drafted by Jeffrey Allen, PLE No. 6059, as follows:

### **EXECUTIVE SUMMARY**

The applicant for this project, Michael Brown, proposes to create a commercial solar array development between Back Road and an existing Central Maine Power Company easement crossing Emery Mills Road. The solar array will be mounted on posts above grass and the only new impervious area will be 29,050 SF where the permanent access road and inverter are located.

This stormwater analysis was done to demonstrate that the Post-Development peak rate of stormwater flow from the site will not exceed the Pre-Development flow rate from the site. Wooded areas will be replaced with thickly grassed meadow under the solar panels. The analysis shows that the proposed changes to the site will have no change in the runoff from the site.

The applicant proposes to install bark mulch berms and silt fencing with ditch turnouts during construction. These and roadside buffers will ensure good stormwater quality. Following construction, the temporary access road will be removed and revegetated.

### **PROJECT DESCRIPTION**

This solar array site is being built west of Back Road, just south of Hooper Road. Permanent access to the site will be partially via an existing driveway to a home. From near the end of this existing driveway, a 950-ft-long by 15-ft-wide gravel access road will be built westward to the eastern edge of a large array, which is about 800-ft square. From the west side of this array, another 360-ft-long by 15-ft-wide access road will be built westward to access the smaller area of solar panels, approximately 400-ft by 450-ft. In the southeast corner of the larger array, an area of about 9,400 SF will be permanent impervious area. This is the last of the access way and the inverters. The total permanent impervious area will be 29,050 SF (0.67 acres).

During construction, an approximately 3,000-ft-long by 15-ft-wide temporary access road will be built off the Emery Mills Road. It will start from the north side of the road and go north along the edge of a CMP power line easement. It then turns east near the southern property line and extends to the southwest corner of the larger array. Following construction this road will be removed and the area reseeded. The temporary access road will cross four unnamed drainage ways using properly sized culverts. It avoids all mapped vernal pools.

The area under the two proposed arrays is currently wooded. These trees will be removed. This area will become grass meadow beneath the solar panels. The solar panel array will be mounted on posts with minimal ground disturbance. The only permanent impervious area to be created is the access roads and inverter pads at the southeast corner of the larger array. The impervious area will total about 29,050 SF or 0.67 acres.

Wetlands and vernal pools have been delineated for the area and are shown in a separate report. The area proposed for development contains no wetlands and is being constructed to avoid four significant vernal pools by more than a 250-ft radius.

Soils mapping is shown on maps from the Natural Resources Conservation Service, attached later in this section. Soils on-site are comprised of several named classifications including Brayton, Hermon, Lyman, and Skerry. The soils are rated A to D for their ability to absorb and infiltrate stormwater. This is called their Hydrologic Soil Group. Hermon soils are group "A" and are composed of sandy loams which accept rainwater

readily. The other soils are very fine sandy loams or rock outcrops which are less able to infiltrate stormwater. They are rated “D”. For stormwater quantity analyses, the Hydrologic Soil Groups are considered to be “D” to be most conservative.

The attached pre- and post-development stormwater plans show the proposed layout of the solar panels, the temporary construction road and the permanent road that will serve them. The site has defined drainage ways on the east and west sides so stormwater flows away from the site in two directions, east and west, to reach streams which flow south. Slopes range up to about 6-8%. No areas on-site are especially vulnerable to erosion, but it is a general concern and will be monitored during and after construction.

Stormwater quality will be managed by the use of roadside buffers as defined by Maine Department of Environmental Protection. The buffers will treat runoff from the area of the inverter. The buffer will treat 100% of the new impervious area on site.

During construction there will be an erosion control bark mulch berm and roadside buffer along the downhill sides of the access road. Double bark mulch berm buffers will protect identified wetland areas. The berm will also be placed around the construction area. Bark mulch berms are preferred because they generally require less maintenance and are more durable than silt fencing. Following construction, the berms may be left in place to provide additional erosion and runoff protection as the vegetation under the solar panels is reestablished.

The site will be developed uniformly with solar panels covering the entirety of the site. There will be no areas of concentrated flow. The pre- and post-development stormwater models both have the same summary points.

Stormwater calculations have been done in the HydroCAD modeling system which is based on the older TR-55 model. The size of drainage subcatchments, area of each land use within the subcatchment and the time of concentration within each subcatchment is shown on both the Pre-Development Plan and the Post-development Plan.

Design Drawings and Calculations: Rainfall Intensity

According to Appendix H of the Maine DEP Stormwater Design Manual, rainfall in York County should be modeled as a Type III Storm. The 24-hour rainfall intensity rates for the 100-year storm in York County is 8.7-inches. This is the required storm analysis for the Town of Shapleigh.

**Pre-Development Conditions**

The site has generally uniform slope from north to southwest. Time of Concentration (Tc) is the estimated time that a drop of water would take to travel the longest length in the subcatchment. This was calculated based on the ground cover and slope. The Tc time in minutes is shown in the following table for the four subcatchments. Each assumes a mixture of sheet flow and shallow concentrated flow patterns.

| Subcatchment | Time of Concentration |
|--------------|-----------------------|
| A            | 47.7 min.             |
| B            | 50.6 min.             |
| C            | 60.5 min.             |
| D            | 41.8 min.             |

The development is a mixture of grass, and woods cover on Hydrologic Soil Groups A, C/D, and D soils. To be conservative, we have called all soils HSG D. The Runoff Curve Number for the Pre-Developed site is 79.

**Post-Development Conditions**

The removal of the wooded area and its replacement with meadow buffer did not change the flow’s Time of Concentration because the longest flow paths are not in the areas being cleared. The change from wooded to meadow and impervious ground cover in the area of the fenced enclosure did not change the weighted Runoff Curve Number from 79. The calculated Post-Development stormwater runoff from the site thus is unchanged. The comparison between Pre- and Post-development runoff flow rate in Cubic Feet per Second (CFS) are summarized in the following table.

| Subcatchment | Predevelopment Flow | Post development Flow |
|--------------|---------------------|-----------------------|
| A            | 29.0 CFS            | 29.0 CFS              |
| B            | 32.8 CFS            | 32.8 CFS              |
| C            | 69.4 CFS            | 69.4 CFS              |
| D            | 50.6 CFS            | 50.6 CFS              |

The calculations from the HydroCAD modeling were provided.

**SCHEDULE OF CONSTRUCTION**

Following approval of this application, the installation of temporary and permanent sediment and erosion control structures will be the first activities done before construction begins. This includes silt fence or bark mulch berms down gradient of any proposed clearing or construction. As work progresses, the locations of these features may be updated and other features added to properly manage the runoff from the site.

**Inspection and Maintenance for Sediment and Erosion Control Measures.**

Sediment and erosion control measures requiring maintenance is just the silt fencing or bark mulch berms. The location of these are shown on the Post-Development Stormwater plan. These measures must be maintained in an operational condition and in place until the site is stabilized with vegetation growth. Bark mulch berms may be left in place following construction to provide additional treatment for erosion until the vegetation under the panels is well established. This is highly recommended.

The Contractor must inspect the silt fencing and bark mulch berms weekly or following any significant rain to ensure that they continue to function properly and have not accumulated sediment more than half their height above the ground or been washed out in any areas. If required, the contractor will repair, replace or relocate the silt fencing/bark mulch berm to ensure continuous operation. Once vegetation is established, and all up-gradient areas stabilized, the silt fencing must be removed. Bark mulch berms may be left in place or raked down.

The annual maintenance requirements are summarized in the following edited list from the latest edition of Maine DEP’s Best Management Practices manual.

Inspection and Maintenance requirements for Stormwater Management Structures are listed here.

**DITCHES, SWALES AND OPEN STORMWATER CHANNELS**

Inspect annually in the spring and late fall and after heavy rains

- Remove obstructions, sediments or debris from ditches, swales and other open channels.
- Repair any erosion of the ditch lining.
- Mow vegetated ditches.
- Repair any slumping side slopes.

## **ROADWAYS AND YARD AREAS**

Inspect annually in the spring or as needed

- Grade gravel roads and gravel shoulders.
- Ensure that stormwater runoff is not impeded by false ditches of sediment in the shoulder.

Provided was a Construction Access Point Distance Overview. The overview showed there to be 285 feet of sight distance to the North and 586 feet of site distance to the South.

Provided was a Decommissioning Plan and Cost Estimate. It read as follows:

## **Proposed Decommissioning Surety Memorandum**

### **Introduction**

MEVS Brown LLC has prepared this Decommissioning Plan (the “Plan”) for the MEVS Brown LLC Photovoltaic Facility (the “Facility”) to be constructed on land owned by Michael Brown in the Town of Shapleigh, Maine, located off of Back Road with parcel ID 002-009. This Plan was prepared to provide the Town with a decommissioning overview and surety. It assumes that the Facility will be constructed in accordance with permits and conditions issued by the Town of Shapleigh, Maine.

### **Facility Description**

The proposed solar system Facility will consist of a new approximately **7.44 Megawatt MW (DC)/4.98 Megawatt MW (AC)** capacity solar power-generating operation secured within a fence surrounding the solar panels and equipment and accessed via a locked gate. The Facility will include the following site features:

- An approximately less than 20 -acre array of photovoltaic (PV) modules (panels) and mounting system;
- Screw driven piles supporting the photovoltaic modules;
- Up to two (2) transformers;
- Underground conduit;
- A seven (7)-foot security fence;
- Underground conduit and wires;
- Up to six (6) aboveground wooden utility poles;
- Overhead wires; and,
- A gravel access road.

### **Decommissioning Plan**

The Facility will be decommissioned by completing the following major steps: Dismantlement and Demolition, Disposal or Recycle, and Site Stabilization as further described below.

### **Dismantlement, Demolition, and Disposal or Recycle**

A significant amount of the components of the photovoltaic system at the Facility will include recyclable or re-saleable components, including copper, aluminum, galvanized steel, and modules. Due to their re-sale monetary value, these components will be dismantled and disassembled rather than being demolished and disposed of.

Following coordination with Central Maine Power Company regarding timing and required procedures for disconnecting the Facility from the private utility, all electrical connections to the system will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the panels will be cut at the panel and then removed from their framework by cutting or dismantling the connections to the supports. Each panel will be individually lifted from its support (likely using a small crane and synthetic rigging straps), wrapped in sheet plastic and taped before



being removed. They will then be stacked and cushioned on pallets, plastic wrapped, and transferred to a flat-bed truck for transfer to the purchaser or recycler. The exterior glass of the solar panels is commercial-grade and tempered, designed to significantly reduce a complete fracture. However, in the event of a total fracture, the interior materials are silicon-based and are not considered to be hazardous materials. Disposal of these materials at a landfill will be permissible.

The PV mounting system framework will be dismantled and recycled. The metal screw piles will be removed from their approximated depth of eight feet and recycled for salvage value.

Finally, all associated structures will be demolished and removed from the site for recycling or disposal as required by the Town of Shapleigh. This will include the site fence and gates, which will likely be reclaimed or recycled. Grade slabs will be broken and removed to a depth of one foot below grade, and clean concrete will be crushed and disposed of off-site or recycled (reused either on- or off-site).

Sanitary facilities will be provided on-site for the workers conducting the decommissioning of the Facility.

Aboveground utility poles owned by MEVS Brown LLC will be completely removed and disposed of off-site in accordance with utility best practices. Overhead wires will be removed from the area of the solar modules and terminated at the utility-owned utility poles located on Back Road. The access road will remain in place and Central Maine Power Company will be responsible for dismantling those overhead wires and poles under its ownership.

Coordination with Central Maine Power Company personnel will be conducted to facilitate Central Maine Power Company's removal of their aboveground poles and overhead wires located on the site.

A final site walkthrough will be conducted to remove debris and/or trash generated within the site during the decommissioning process and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of the facility being removed.

### **Site Stabilization**

The areas of the Facility that are disturbed (during decommissioning) will be stabilized with the ground treatment approved by the Planning Board during the Special Permit Review process, including application of a drought-tolerant grass seed mix to surfaces disturbed during the decommissioning process. The gravel access road from the property owner's driveway, including the portion within the perimeter fence surrounding the photovoltaic modules, will remain intact and shall not be removed.

### **Permitting Requirements**

Given the size and location of the Facility, several approvals are required prior to initiation of ground-disturbing activity. Table 1 provides a summary of the expected approvals if the decommissioning were to take place in July, 2021. Noting, however, that because the decommissioning is expected to occur at a later date, the permitting requirements listed in the table below will be reviewed and updated based on current local, state, and federal regulations at the time.

### **Schedule and Cost**

The decommissioning process is estimated to take approximately six to eight (6-8) weeks (but no longer than six (6) months) and is intended to occur outside of the winter season.

**Table 1. Current Permitting Requirements for Decommissioning**

| Permit                                                                                                           | Agency                                 | Threshold/Trigger                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activity | U.S. Environmental Protection Agency   | Ground disturbance of greater than 1 acre with discharge to wetlands or water bodies. Requires preparation of a Stormwater Pollution Prevention Plan, including erosion And sedimentation controls.     |
| Non-Ministerial Permit if Applicable                                                                             | Town of Shapleigh Planning Board       | Anticipated decommissioning requirements listed in the [Non-ministerial permit if applicable] conditions of approval.                                                                                   |
| Building Permit                                                                                                  | Town of Shapleigh Building Departments | A building permit is required to construct the facility. A building permit must also be obtained for any construction, alteration, repair, demolition, or change to the use or occupancy of a building. |

**Permitting Requirement Assumptions:**

1. The access road will remain in place throughout the Facility.
2. All ground disturbance, including temporary laydown areas will obtain the appropriate approval from the Town of Shapleigh and State of Maine, if required.

**Surety Proposal/ Decommissioning Cost Estimate**

Consistent with the approach it has taken in surrounding communities, MEVS Brown LLC, or the parent company of MEVS Brown LLC, proposes to provide a decommissioning surety bond, to be posted prior to the beginning of operations (COD) and the final Town of Shapleigh Certificate of Compliance, in the amount of **\$150,000**, for decommissioning in the unlikely event that MEVS Brown LLC is unable to meet its contractual obligations for solar project removal and restoration.

In developing the decommissioning surety bond, MEVS Brown LLC collected decommissioning cost data based on the assumption of recycling the solar modules, racking and associated project components as raw materials. In addition to the decommissioning cost, a 5% contingency and allowance for associated legal costs was included.

**Below is a summary of the analysis:**

**Project Size (Megawatts DC)** **7MW (DC)**

**Decommissioning Cost – No Salvage Value**

|                            |              |
|----------------------------|--------------|
| Decommissioning (DC)       | \$20,000 /MW |
| 3% Contingency             | \$600 /MW    |
| 2% Legal Services Estimate | \$400 /MW    |

|                                                                       |                            |
|-----------------------------------------------------------------------|----------------------------|
| Total Decommissioning Cost, No Salvage Value                          | <b><u>\$21,000 /MW</u></b> |
| Proposed Total Decommissioning Cost for the 7 MW DC Facility          | <b><u>\$147,000</u></b>    |
| Proposed Decommissioning Bond Amount for the MEVS Brown Solar Project | <b><u>\$150,000</u></b>    |

Provided for this evenings review was a letter from the Maine Historic Preservation Commission, written by Kirk Mohney, State Historic Preservation Officer, dated August 17, 2021, which stated that based on the information submitted, there will be no historic properties (archaeological or architectural) affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act.

Roger A. stated under §105-17 ‘Land Uses’, this application will be reviewed under ‘permitted uses similar to’ and in this case §105-61.5 ‘Small wind energy systems’, and it requires a Conditional Use Permit. Ann H. noted §105-54 ‘Solar considerations’. Roger stated the only thing that pertained in this case was Section A(1) which stated ‘When solar energy systems are proposed, which are not attached to a house, they shall be set back 10 feet from the side and rear lot lines and 25 feet from the right-of-way line (or 50 feet from the center line) of a road, whichever distance is greater.’

Madge B. stated she has several questions. She said that one question is regarding the entrance on the CMP corridor onto Rte. 109, do they need a permit from the State? Roger A. believed they needed a DOT entrance permit. Roger asked how long it would be before the access road from Rte. 109 would be open, before it is reclaimed? Mr. Barrett stated that it would be used during construction only, which was estimated to take four to six months. He said once construction is completed, the road will be discontinued. Roger said, “So within a year”. Mr. Barrett agreed. Madge believes there is a requirement to get DOT approval to enter onto Rte. 109, although she wasn’t sure where in the ordinance the requirement was located. Roger stated that §105-34 related to ‘Access control on Routes 109 and 11’. He read it as follows: Land lying on Routes 109 and 11 may be divided into lots, but all vehicular movements to and from the highway shall be via a common driveway or entranceway serving adjacent lots or premises. All lots of record existing at the time of the ordinance amendment shall be allowed direct access to Routes 109 and 11, provided that minimum safe sight-distance standards can be met. Madge stated this section was not applicable to this situation. Barbara F. stated she wasn’t sure it was in the ordinance but the Board has always required anyone entering a State road to contact DOT for a permit, in part for safety reasons, and because it is a requirement of the State. Madge said she believed this is what she remembered.

Madge B. stated she had a comment regarding soils mapped as prime farmland or farmland of State importance. She said she didn’t have the State guidelines for solar projects over prime farmland. She said she will find it and print it out, but it calls for making sure that no more than 10% of the project is located on land containing soils defined by the USDA Natural Resources Conservation Services as ‘Prime Farmland’ or ‘Farmland of Statewide Importance’. She said the application says that there are prime farmland soils within the project, but she did not know what percentage. Mr. Barrett stated that he did not have that information. He said the letter was submitted to the Department of Agriculture. Madge said that she saw the letter. Mr. Barrett said their comment was basically prime soils are important and they should be avoided if possible. He said with all the requirements of avoided things, this always gets left. He said in addition, as far as prime impact to soils for a project like this,

they will just have posts in the ground, and often times they are protecting the farm soil for the future. He said he wasn't aware of any other State guidance. Madge said that she found it on line but didn't have time to bring it, and she said it calls for not more than 10% and without have the prime land delineated on their maps, there is no way of telling how much there is. She wasn't sure what they wanted to do about it. She said she could get the information for the Board. Maggie M. stated there was a report in the package. Madge agreed but it did not determine how much soil. Maggie said that it stated that because prime soil is important, it's usually not recommended to use it, but they stopped short of saying don't do it. Mr. Barrett agree. Madge said the reports are not based on site evaluation, they are based on soils maps. She said, therefore, it is hard to tell how much or where it is located. Madge said the letter states the project site includes areas with mapped farmland soils. Agricultural siting best practices recommend avoiding conversion of land designated as Prime Farmland soils. Madge said she didn't know what to do about it. She said there is no State guideline that says 'thou shalt' but there is a State guideline on solar projects. Ann H. asked if there was a way to do a condition that meets the State guidelines for the soil? Madge didn't think so, because it could change the layout of this. She said she didn't have time to do enough research. Mr. Barrett asked if it spoke about 10% of prime farmland on the parcel? Madge said she thought it was where the solar collectors are located. She said what the State wants is for those soils to be used for farming, so there are all sorts of projects being developed as to how we can farm under these, because there are so many of them now located on farmland. She believed this is evolving and she did not believe this will stop the project. Maggie thought another way to look at this is you have to go quite a way in before you get to the project, and you have to clear about 20 acres. She said in order to have a farm back there, there will need to be a lot more cleared, doing more damage than what will be with the solar project. Madge said, "Except that the State policy is to protect all high value farm soils for future use, that is why they have the policies. It doesn't mean they are going to be used now". The State is trying to protect high value farmland soil. Mr. Barrett said that he can say with a high level of confidence that the poles that are impacting the soils is a very small percentage. Madge agreed. He said compared to a parking lot or a building. Madge said again that she totally agreed. He said that is why he said they are actually protecting the soil for future use in agriculture. Madge said she is merely pointing out this is a State issue.

Madge stated it is true of all of these things. She said you can hire botanists to go out and look for the rare plants, herbologists to go out and look, and she noted she was interested that the Blanding's turtle turned up as a possibility. She said the regional Land Trust acquires land that is a regional habitat.

Roger A. stated that he had a question regarding the performance guarantee. He stated the project cannot start until the Town has a performance guarantee. Mr. Barrett stated that it varies with different towns. He said typically they execute an agreement with the Select Board, and it can be a condition of the Planning Board permit, but it is negotiated with the Select Board. He said ultimately it is a financial issue for the Town and so, in other towns the Planning Board says they are not responsible for financial issues. He said what they have done is present the Board with a decommission plan and cost of \$150,000 and that is what they propose. He said if they approve it, they also have to go to the Select Board to ultimately finalize it. He stated that they have said it will be in place at the beginning of construction.

Roger A. stated the reason he is bringing it up is because once the Board approves the application, the applicant has 45 days to present the bond information, and the bond itself must be presented within 90 days or the approval becomes null and void. Roger A. said that once the application is approved, this needs to be executed and accomplished, he wanted Mr. Barrett aware. Mr. Barrett asked if he was hearing Roger correctly, that he must present the bond within 45 days of approval. Roger said that it goes between the Town's lawyers and the applicant's lawyers. Mr. Barrett thought 45 days may be difficult, and then the performance guarantee. Roger

read from the ordinance as follows: (§105-73.I ‘Performance guaranties’) The bond shall be presented to the Planning Board within 45 days of application approval and, once approved, must be rendered to the Town of Shapleigh no later than 90 days from the date of bond approval, or the application shall be null and void. Madge B. asked if the Board should look at changing the ordinance? Roger did not think there was an issue with how the ordinance was written. Barbara F. stated that based on past experience, after the Town receives the description of the bond from the applicant, the Town’s attorney is given the information and typically gets back with an answer for the Board within a week. There isn’t a long turnaround. She added that if the Planning Board believes the amount of the bond is correct, the Selectmen typically are in agreement. The Selectmen rely on the Planning Board, Code Enforcement, etc. to provide them with the information. She said again the Town attorney will get back to the Board with any changes in the verbiage within a week or so, then it goes to the applicant’s attorney for an agreement. She said often within 2 or 3 weeks the wording is agreed upon. She stated that after that, it is up to the applicant to produce the bond within the 90 days. She said the only time it isn’t executed is if the person just cannot get a bond. Mr. Barrett stated if this is the requirement, then they will make it happen. Roger added that typically the bonding company will only go out 1 or 2 years, so the bond will have to be renewed. Mr. Barrett understood. Ann H. asked if they would have to keep the surety bond in place for 21 years? Barbara said, yes. Roger said that the bond itself could be increased upon renewal for inflation. Mr. Barrett stated this was not the first project he had to produce a bond for, but he hasn’t had to produce one within 90 days. Roger asked if he wanted to move forward or did he want to table the application? Mr. Barrett felt it was essential that he had an approval by the end of the year. He added that he could conceivably produce a performance bond within 90 days.

Barbara F. stated that typically the applicant’s attorney drafts a bond and sends it to her and she will give it to the Selectmen, where it will then go to the Town’s attorney. Mr. Barrett stated that within 45 day he will have to come back before the Board to present the bond. Barbara stated all the transactions can be done via email and mail, he didn’t have to come back before the Board once the application is approved. Barbara said once approved, there are 45 days to come to an agreement on the wording of the bond, then you have 90 days to present the actual bond. Mr. Barrett said, “Ok”. He said they will go for that.

Roger A. asked if there were any other questions? Madge B. stated it looked like during construction they will be crossing wetlands. She asked how that will be done? Mr. Barrett stated there were narrow channels and they would be crossing them with culverts. Looking at the plan he pointed out to Madge where they would be traveling for construction and operations. Madge asked if the culverts stayed in? Mr. Barrett stated that they would leave them in and they were required to put in a PBR for stream crossings from the DEP.

Roger A. asked if there were any other questions? There were none.

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

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat. ***Roger stated he was not certain. He said with 20 acres be cleared, there will be habitat lost, such as nesting for birds, etc. He said there would also be a 7 foot high fence surrounding the area, which could create issues. Roger stated there is a letter from Inland Fisheries and Wildlife and they do not have an issue with the project. Mr. Barrett stated that MDIFW pointed out the Blandings turtle, so they left the 250 foot buffer area around the significant vernal pools, which they consider to be potential habitat.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***Roger there are no water bodies, so this is not applicable.***

- 3) The use is consistent with the Comprehensive Plan. **Roger stated the Comp Plan has not been updated to address solar projects. The applicant noted that the Comp Plan speaks of the quality of lakes, rivers, streams and forests, and protecting significant wetlands to maintain their ability to provide cover and wildlife habitat. Wetlands and vernal pools will be fundamentally undisturbed for the life of the project.**
- 4) Traffic access to the site is safe. **Roger stated it is. Site distances are met on back road, there will be minimal traffic once construction is completed. A DOT entrance permit will be required for Rte. 109.**
- 5) The site design is in conformance with all municipal flood hazard protection regulations. **Roger stated it is. This parcel is not located in the flood zone.**
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. **Roger stated there is none generated on site, so this is not applicable.**
- 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 he was not certain that this was addressed for the entire 20 acres. Mr. Barrett stated that they provided stormwater calculations, and noted that the solar project did not have much impervious surface, so a stormwater drainage system was not applicable.**
- 9) Adequate provisions to control soil erosion and sedimentation have been made. **Roger stated the information was provided. A document entitled ‘Inspection and Maintenance for Sediment and Erosion Control Measures’ detailed best management practices that will be taken.**
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. **Roger stated fire issues might come about if the area is extremely dry and the solar project creates heat to help ignite it.**

Roland stated that the area was surrounded by chain link fence. He asked if the Fire Department would be provided with an access key, so if something unfortunate happened they would be able to access the area? Mr. Barrett stated that typically they have a Knox Box with a key to provide access to the Town’s emergency services. He said they agree to do that. Roland said that if they are not going to improve the access road often, could a fire truck or rescue vehicle get up there? Roger noted they would use the existing driveway to access the area. Roger said it would have to be upgraded from the driveway to the site. Roland said they were speaking about a pickup truck. Mr. Barrett said they didn’t look specifically at the existing driveway and how it could accommodate fire trucks. He said it’s a paved driveway, 15 or 20 feet wide. He said there is a curve in it but it is substantial. Roland said he was not concerned with up to the building, he was concerned ‘from’ that building to the actual site. He said if a fire should start up there, and it wasn’t controlled in a reasonable period of time, you have a large forested area that could potentially catch fire. Mr. Barrett said they are showing a 15 foot wide gravel road that is fairly straight as part of the project. He said that is what we show when they ask about fire access. Madge B. thought Roland’s concern was a good point. Roland said that where it is remote, if there is a fire, by the time it is identified and vehicles get up there, things could get out of hand. He said this area has been in drought conditions on State maps, and everyone is concerned with the possibility of uncontrolled fires. He said he didn’t know what the risk factor was, perhaps a solar array is very low probability of a fire. He said he has sat in on conversations when the fire department speaks about budget considerations for equipment, and they are always concerned about access to sites. He said the Board is concerned about those whether it is about a subdivision or individual residence. He said you have to be able to get in and get out. Roland wondered if the road should have a hammerhead turnaround, perhaps that is what the Board needs to consider. Roger added that they needed to ensure the road will be capable of carrying 100,000 pounds. Roland said this is something to consider. Roland asked how wide the gate was? Mr. Barrett stated that it is 20 feet. Roland asked if the fire equipment would have room to travel within the fenced in area if they needed to? Mr. Barrett stated that it was

*pretty tight, because they tried to minimize the effects. He said there is an inverter field with a road going around it for trucks that are accessing the site, there is a loop around it. He said there is also a setback to the actual solar panels, but he didn't have any more specifics other than what was shown on the plan. He pointed out the access road and the road around the inverter pad, as well as the area cleared around the panels. He said he didn't know if it was designed specifically for any certain size truck. Roland asked if there was any data that would indicate what the risk factor was for fire? He said this is a new technology around here. He said if you do any research about this area, the fire of 1947 took out a good part of this area; we keep getting reminded of that as the climate change builds and things get drier. Mr. Barrett stated that the systems produce electricity and electricity runs on the existing networks. He said the inverters are probably the area where there would be highest concentration of some type of energy. He said the fire trucks could access that area. He said everywhere else there are individual solar panels with small wires, so each individual point is not a concern. He thought they provided for access to the possible area of concern. Roland asked how they would know there was a failure on site? Mr. Barrett stated that everything was monitored remotely through computers, so they know if energy production drops, there may be an issue. He said the inverters produce data, so they know what their performance is. He said if it is not performing properly, then they send out people to check the systems on the ground. He said they would use local contractors to be on call to provide the service. He said they have about 15 solar projects like this one, they have contractors for them. Roland asked if there was a fire there, they would be aware of it? Mr. Barrett said they would know something was wrong and they would send someone out to look into it. Roger A. asked what the contractor response time was? What is in the contract? Mr. Barrett was not sure what they require? Roger said typically under a government contractor you go 2 to 4 hours. He said a lot of things can happen in that amount of time.*

Roger A. stated there had been some good questions asked. He wanted to know if the Board wanted to table the application in order to get the answers?

Madge B. said she had another question. She asked if there was any federal connection to the project? Mr. Barrett stated that they are filling some wetlands, which the plan shows 479 sf. He said the Army Corp of Engineers issues a permit but if it is under 15,000 sf it's called a self-verification form. He said they also have to file a Notice of Intent for Stormwater Construction Activity. He said those were the only federal approvals they are required to do. He said they were both passive, because the agencies don't issue an approval, they just need to notify them that they are complying. Madge said, "Ok".

Madge B. said that she found in the application 'the applicant will consult with MDOT regarding construction access points onto Rte. 109. She said that they are already aware of this. She did not think there was any problem with the Board making a point about it.

Madge B. said that the application also said that the applicant is working with Michael Brown to secure a copy of his easement through parcel Tax Map 13, Lot 9, owned by Donna Desper as shown on the site plan. The applicant requests that any concerns or requirements from a standard be a condition of approval. Madge wanted to know what this was about? Mr. Barrett stated that they thought Mr. Brown had an access through an adjoining property owner, off of Rte. 109. He said they since learned that they have the access through the CMP corridor. Madge said ok, and noted he had mentioned it. Mr. Barrett apologized for any confusion. Madge said that the Board obviously doesn't have to address this. Mr. Barrett agreed.

Madge B. felt that the access road should be adequate for fire and rescue. Roland L. thought they would be remiss with not consulting with the Fire Chief. Madge agreed. Roland didn't think the Board could make the decision that what is proposed is adequate for them to access the area or turn around. He didn't think it was in the Board's purview.

Barbara F. asked if the Board was going to have the applicant connect with the Fire Chief and show him the plan? The Board felt this was appropriate. Roger A. stated that he felt the Board should table the application until the applicant can speak with the Fire Chief and get his opinion, and get a letter stating he is satisfied with the access. Mr. Barrett stated they will consult with the Fire Chief and bring the information. Barbara stated that she thought he should have the Fire Chief's contact information with his application, but if not she could provide it tomorrow. He believed that he did.

Madge B. stated she will look into the information regarding the soils of statewide importance. Mr. Barrett stated he could do some calculations on the project area. He said he will also look into the performance bond.

**Madge B. moved to table the application pending further information. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to table was unanimous.**

Roland L. noted that this application was one of the most comprehensive the Board has ever received. Mr. Barrett thanked him.

Nothing further was discussed.

**Major 11-Lot Subdivision (10 lots plus open space) – Name 'Shapleigh Heights II' – Map 8, Lot 61 (Gulf Road) – North Country Land / Robert Libby, Property Owner; James Logan of Longview Partners, Representing**

Mr. Logan was present for the review of the application.

The preliminary application for the 11-lot subdivision contained the following information:

Name of Property Owner: North Country Land, c/o Robert Libby, RW Libby & Sons, 483 Old Meetinghouse Road, Porter, Maine 04068

Name of Authorized Agent: James Logan, Longview Partners, LLC, 6 Second Street, Buxton, Maine 04093

Name of Land Surveyor: Isaiah Plante, PLS, Kimball Survey & Design, Inc., 30 Frost Hill Road, York, Maine 03909

**Land Information:**

Location of Property: YCRD Book 17858, Page 716  
Shapleigh Tax Map 8, Lot 61

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

Acreage to be Developed: 11± Acres  
Property is part of a prior subdivision.  
There have been no divisions within 5 years.

Restrictive Covenants: No Mobile Homes Allowed



Existing Use: Wood Lot Selectively Cut  
The parcel does not include a waterbody.  
The parcel is not within a special flood hazard area.

Proposed Name of Development: Shapleigh Heights  
Number of Lots: (9) from original Lot #4 (plus open space)  
Date of Construction: Spring 2020 (no internal road)  
Date of Completion: TBD, as lots sell.  
Infrastructure Required: No  
The property currently has road access on Gulf Road.  
Method of Water Supply: Individual Wells  
Method of Sewer Disposal: Individual Septic Systems  
Method of Fire Protection: Sprinklers in home.

There are no Proposed: Streets  
Recreation Areas  
Common Land  
Requested Waiver(s): To be submitted with final plan.

Also provided with the application was a Preliminary plan of the proposed 10 lot division. Total Area Containing 10 Lots per the Surveyed Plan = 11.95 Acres (this excludes the road); Proposed Lot Areas are as follows: Lot #4 - 1 Acre; Lot #5 – 1.09 Acres; Lot #6 – 1.31 Acres; Lot #7 – 1.31 Acres; Lot #8 – 1.05 Acres; Lot #9 - .93 Acres; Lot #10 – 1.23 Acres; Lot #11 – 1.13 Acres; Lot #12 – 1.32 Acres; Lot #13 – 1.58 Acres. Lots 1 thru 3 of the previous 4-lot subdivision are on the plan (Lot #4 is now the 10-lot subdivision). Also, on the plan is remaining land entitled ‘Open Space’ containing 36.39 Acres. There is a TP 7 located on Lot #5, TP 8 located on Lot #12 and TP #9 located on Lot 7. Gulf Road is depicted as having a 50’ wide public easement. The contours on the map are based on NAVD88 Datum and list elevation changes every 2 feet.

Roger A. noted to Mr. Logan that the Board needed a letter from Bob Libby stating that he could represent him. Mr. Logan said that was no problem. He said he had previous authorization, but will update. Mr. Logan stated that for the record he wanted it noted that the ordinance doesn’t provide a great sketch plan form to get to the Board, it goes right to preliminary plan. He said many towns there would be a sketch plan meeting, which is informal, which is what he has on the map. He stated the plan is far lacking in terms of what a typical preliminary plan would be. He said he wanted to come to the Board for a discussion, get guidance back from the Board, before they formalize anything.

Mr. Logan stated the reason for coming back is this originally was a 4-lot minor subdivision that was approved back in June of last year. He said Mr. Libby went to market and the three small lots were sold quickly, but the larger lot didn’t have a lot of interest or activity. He said Mr. Libby’s experience has been on White Tail Lane, and he asked Mr. Logan to create something similar in this location. Mr. Logan stated that he let Mr. Libby know there was a requirement in Town for hot topping the road, and he asked what about a town road that isn’t paved? (Gulf Road is not paved.) He said they put the plan together to sound the Board out.

Mr. Logan stated that he spoke with CEO Demers, who said with the increase in the number of houses on the road, the Town might consider paving Gulf Road. He said if this was the case, it would be a forgone conclusion for their situation that they also pave. Mr. Logan said they tentatively showed it as a cluster subdivision but he noted there is enough land that it doesn't have to be a cluster. He said they are showing 9 lots, and in the event the hot top requirement won't be waived or won't be considered to be waived, then you have to have 9 lots to justify the extra cost of hot top. He said it was counterintuitive if the Town is not planning to pave Gulf Road imminently. CEO Demers stated that he spoke with the Road Commissioner and it will not happen in the next few years, it would be more like 10 years. Mr. Logan said his thinking was about Buxton, a town similar to Shapleigh, that is going through growing pains. He said it is the next bedroom town where the lots are starting to be very desirable, because it is still cost effective to build on the minimum lot size lot. He said Shapleigh has an 80,000 sf zone, we have created what looks like a cluster division, but we can easily turn these into conventional 80,000 sf lots. He said they just have to lengthen the road.

Mr. Logan stated that Mr. Libby said he would consider a smaller number of lots, than what is shown, in the event the Town might consider the waiver request for no pavement. He said they still anticipate the need for the road to be built to Town standards, every other standard would be met. Mr. Logan stated that Mr. Libby does a lot of work with Joe Stanley from LinePro Land Surveyors, and Joe indicated that in the past he had come before the Board with a similar situation where the Town road wasn't paved and the Board did consider and was willing to grant a waiver for hot top. Roger A. stated that not while he has been on the Board, which has been only 30 years. Barbara F. stated the Board allowed the waiver for a minor subdivision, not a major.

Mr. Logan asked if there was any reduction in the number of lots that the Board would be willing to consider to allow the waiver for hot top? Madge B. said the Board could not suggest a number. Roger A. said the only thing they could do, which the Board has done, would be to allow the base coat goes in after the third house is sold, then the final coat after five lots are in, to help with the cost. Roger said the Board has allowed the road to be phased in. Mr. Logan said, "Ok".

Roland L. asked if there was green space on the plan. Mr. Logan stated currently it is left as Open Space, if they consider a cluster. Mr. Logan stated Mr. Libby was willing to consider many options to satisfy both the Board and the abutters, but if it comes down to the paved road with no waiver possible, then they will have to go back to the drawing Board to balance the length of the road, cost of hot top, with the number of lots to justify it.

Roger A. asked about the conservation area? Roger noted it was mandatory to hold 10% of the acreage as open space. Mr. Logan stated there won't be if they go to 80,000 sf lots. Roger said there will be, as it is required. Mr. Logan said there is plenty of land. Mr. Logan stated they spoke about including a 25 foot strip around the edges or using building envelopes to create a buffer for the neighbors. He said their big concern was balancing the number of lots with the hot top requirement, making it cost effective.

Roger A. asked about fire protection; if they are going to go with all sprinklers can the aquifer support it? Mr. Logan stated they would provide a hydrological assessment on it. He said his guess, if you go onto an 80,000 sf lot, you can find the water.

Mr. Logan stated he would have to come back and balance the length of the road with the lots, put together adequate soils tests, etc. He said the soils on this plan were the original, done with the 4 lot subdivision. He said he just wanted to discuss their options with the Board.

Mr. Logan said he will go back to the drawing board and return with something more acceptable. He thanked the Board for their time. And he congratulated the Board members who he saw in the newspaper for their time spent on the Board.

Nothing further was discussed.

-----  
**Conditional Use Permit – Replace Existing Structure – Matt Colton, Applicant; Alice White, Property Owner**

Mr. Colton was present for the review of the application, along with Mr. Arey who works with him.

Provided along with the application, was a letter of authorization which stated that Alice White granted Mr. Colton permission to act as her agent in all aspects in order to obtain a Building Permit from the Town of Shapleigh, dated August 19, 2021.

Provided was a copy of the Permit by Rule Notification Form, dated 8/31/21, with a Project Description as follows: *Replace Existing Retaining Wall with Pepin Precast Wall Block*. A picture of the existing wall was also provided.

Provided was a sketch plan which showed the location of the existing house, steps, landing, sandy beach area and vegetation that will not be disturbed. Noted on the sketch was the following: 127’ of frontage; 3” birch tree; New 4’ Precast steps into Lake; 3’ Height, 53’ of existing wall to be replaced.

The application detailed description of the property is as follows: *Replace existing / failing retaining wall at water’s edge*.

Roger A. asked Mr. Colton to let the Board know what they wanted to do. Mr. Colton stated that Mrs. White wants them to replace the existing retaining wall that is failing. It will be the same height and same length.

Roger A. asked about the plan showing new steps going into the lake. Mr. Colton said there is a big open area currently, she is old and she can’t get in. He said there is a pool area where the wall fell in and he thought there were steps at one time but now it is sandy beach. He said she wants two steps made from the precast material. Roger asks if the steps were going into the water? Mr. Colton stated they would be touching the sea wall. Roger said that you cannot put anything ‘in’ the water. Mr. Colton stated that the sea wall is touching the water, so they cannot do it until the water goes down. Mr. Colton asked what the difference was? CEO Demers said it is whether or not the DEP will approve it. Mr. Colton stated that he spoke with the DEP and they wanted to know how the meeting went this evening. Roland L. asked if it qualified as handicap accessible? Mr. Colton stated it was going to the wall. Roger said it looked like they are going into the lake? Mr. Arey said they are going in front of the wall. Mr. Colton stated the wall will have a return, then there will be steps. Ann H. said, “So they are not going into the water”. Mr. Colton stated that they were not.

**Roger A. stated a site inspection would be held on an individual basis due to the lack of light before the meeting. A notice to abutters will be mailed out. The next meeting will be Tuesday, October 12, 2021.**

Nothing further was discussed.

**Best Practical Location – Replace Structure – Map 34, Lot 42 (41 Chestnut Street) – Frederick & Jennifer Bermont, Applicant and Property Owner(s); Kevin Couture, Contractor**

Mr. Bermont was present for the review of the application.

Provided along with the application was a copy of the Building Permit application, dated 9/2/2021, to demo the camp and add a new foundation and build a new camp.

Provided was a sketch plan of Map 34, Lot 42. The plan depicted the existing structure, showing it as being 8 ½ feet from Map 34, Lot 43 at its closest point; 21 feet from Map 34, Lot 41 at its closest point; 40 feet from the high-water-mark on the NW side of the lot at the closest point; 32 feet from the high-water-mark on the SE side of the lot at the closest point. There is also a storage shed on the property and right-of-way. The location of the 2000 gallon holding tank sits between the existing structure and the ROW. The structure is 22.5 feet x 20.5 feet in size with a 17 foot x 8.5 foot addition on the SW side.

The application detailed description of the project is as follows: *Demo of existing structure, new foundation and rebuild of new structure to match existing square footage.*

Roger A. asked Mr. Bermont what he wanted to do. Mr. Bermont stated they purchased the camp last fall, it is next door to his in-laws. He said the camp is a 1952 camp, it needs repairs. He wasn't sure if there was a foundation under it. He said they wanted to do some revisions, and CEO Demers and his contractor determined there was likely no foundation. He said they want to utilize the camp, so they want to redo the camp keeping the same footprint, creating the least amount of disturbance as possible. He said they will expand the roof height to the maximum allowed of 20 feet.

Roger A. thought it would stay where it is because of the septic tank. Mr. Bermont didn't want to change anything and he realized it is close to the water on both sides. Mr. Bermont stated they want to use it as a 3-season camp, they don't want to upgrade it to be year round. He said they do not plan to use it in the winter.

Roger A. stated that raising the camp and putting in a full foundation will require a DEP Permit by Rule. He said the person doing the project needs to be DEP certified in erosion control. Mr. Bermont stated he would let the contractor know, but he assumed he was aware of this.

**Roger A. stated a site inspection would be done on an individual basis. A notice to abutters will be mailed. The next meeting will be Tuesday, October 12, 2021.**

The Board asked if anyone would be around if they showed up on site? Mr. Bermont said his contractor might be around and his in-laws should be there for another month. He will inform them that the Board will be walking around.

Nothing further was discussed.

\*\*\*\*\*

**Growth Permits**

**Map 37, Lot 34 & Lot 35 (56 Indian Village Road) – 1 New Home**

**GP #26-2021**

These are two lots of record adjacent to each other.

**Map 5, Lot 3-2 (345 23<sup>rd</sup> Street Loop – New Home**

**GP #27-2021**

A two acre lot is being cut out of the parent lot. It meets the minimum requirements for a lot.

\*\*\*\*\*

**The Planning Board meeting ended at 10:00 p.m.**

**The next Planning Board meeting scheduled will be October 12, 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)