

# Shapleigh Planning Board

## Minutes

December 28, 2021

Members in attendance: Roger Allaire (Chairman), Madge Baker, Roland Legere, & Maggie Moody. The Code Enforcement Officer Mike Demers, Steve Foglio (Vice Chairman), and Alternate Ann Harris were unable to attend. *Madge Baker needed to leave after the public hearing.*

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

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### Public Hearing began at 6:04 pm

#### Conditional Use Permit – Scrap Metal Business – Map 10, Lot 10A (1416 Shapleigh Corner Road) – Brad Davis, Applicant & Property Owner

Mr. Davis was present for the public hearing.

Roger A. asked Mr. Davis to let the Board know what he was presenting. (There were no citizens in attendance.)

Mr. Davis stated he spoke with an abutter, David Moulton, who owns a large parcel next to him. He said he found out they were relatives. (Mr. Moulton spoke with Barbara F. prior to this evenings meeting, and stated that he had no issues with what Mr. Davis was intending to do, because after speaking with Mr. Davis it was clear this project presented no issues of concern.)

Mr. Davis stated he spoke with CEO Demers prior to the meeting regarding his intention to create an impervious surface to place the lawnmowers and snow blowers on. He said he did consider the earlier suggestions from the previous meeting of asphalt or concrete, but he had an idea to use metal. He said he called a sheet metal fabrication place he knew of and they have sheet metal 1/8 inch thick, and even better, they have stainless steel. He said it was pricier but it will be impervious and will not rust. He stated they have a 4’ x 6’ sheet in stock, so if approved, he will purchase it and place it in one section of the area. He said when the weather is better he will create a sign on a post that states, ‘anything containing gas or oil, please leave on this pad’. He said he could put the stainless steel down now but he felt it would be hard with the snow to designate the area. He felt it would be best in the spring, but if the Board wants it down now, he will purchase it and place it there now. Roger A. stated the concern is for the aquifer. Mr. Davis stated that he understood and if the lawnmowers or snow blowers are placed on the stainless steel he can wipe up any leaking oil or gas. Mr. Davis stated that CEO Demers liked the idea of the steel pad and believed the size would be sufficient. Mr. Davis stated that it should hold 2 lawnmowers and perhaps a snow blower and he added that he did not keep anything there for more than a few days. Mr. Davis noted that there was a snow blower on site recently and it was gone within a few days; he picked it up with his tractor and took it to the scrap yard.

Mr. Davis said he did get the application from CEO Demers for the curb cut onto Rte. 11, he is filling it out. He spoke with the DOT in Scarborough and told them he would be submitting the application. He said he was told it would be a few weeks before someone could come to the site. He said that CEO Demers did not believe there would be an issue, because it was 26 feet in width and the line of site is at least 3/4 of a mile. The Board members agreed there was a substantial line of site in that location.

Roland L. asked Mr. Davis if he was planning any exterior lighting? Mr. Davis stated there was a motion sensor solar light there currently, but he did not plan on putting any lighting that would bother the neighbors.

Madge B. asked if the area was just gravel? Mr. Davis stated that was correct, the driveway and the disposal area were gravel, and there would be the stainless steel pad on top of the gravel in one corner, with a sign designating that anything containing gas or oil should be placed on the pad.

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

The public hearing closed at 6:08 pm

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**The minutes from Tuesday, December 14, 2021 were accepted as written.**

**The Planning Board meeting started at 6:30 p.m.**

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**Conditional Use Permit – Scrap Metal Business – Map 10, Lot 10A (1416 Shapleigh Corner Road) – Brad Davis, Applicant & Property Owner**

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

Provided along with the application was a copy of the Town Tax Map 10, depicting Lot 10A. There is an asterisk with a red circle around it on the lot, and a notation pointing to the asterisk which states ‘Scrap Metal Drop off Site’.

Provided was a sketch plan entitled South East Corner of Lot #10A. The sketch depicts State Rte. 11, a 26’ wide entrance from Rte. 11 onto the lot, and from there a 12’ gravel drive. At the end of the gravel drive is a gravel pad which is noted as being ‘Drop off Area for Scrap Metal’. The gravel pad area is approximately 90 feet off of Rte. 11, and 34’ x 46’ in size.

The detailed description of the project is written as follows:

*Scrap Metal Recycling Drop-off area at the Southeast Corner of Lot 10A in Shapleigh.*

*Creation of a No-fee Scrap Metal Recycling Drop-off area that is open to the public, serving both Shapleigh and surrounding communities, encouraging responsible recycling to lessen the land fill burden in Maine.*

*Accepted materials include all metal items but excludes refrigerators, freezers, propane tanks, chemicals, paint cans, gas cans, oil tanks, e-waste, TV's, tires.*

*All material will then be separated and removed from the site on a weekly basis in order to maintain a tidy drop site.*

**Roger A. began review of the Basic Performance Standards for the application.**

- 105-17 – Land Uses. *Roger A. stated a scrap metal business in the General Purpose District requires a Conditional Use Permit from the Planning Board.***
- 105-18 – Dimensional requirements. *Roger A. stated there is enough land to support the dimensional requirements for this business, there is more than the required amount of road frontage and acreage.***
- 105-20 – Applicability of standards. *Roger reviewed ‘Prohibited uses’. A. These standards apply to all new or expanded uses of land and buildings which are listed as permitted or conditional uses in Article IV of this chapter. B. Prohibited uses include all uses which would be obnoxious or injurious because of odor, dust, smoke, refuse matter, fumes, noise, vibration or waste material, or which would be dangerous to the health and safety of the community or which would disturb or annoy the community, notwithstanding any other provision of this chapter and applicable state and federal laws and regulations. Roger stated the application meets the criteria in this section. C. Plans for the effective control and/or elimination of the same shall be presented to the Planning Board for approval. Roger stated the application and material presented takes care of this section.***
- 105-21 – Traffic. *Roger A. stated the site distance recommendations in this location exceed both the minimum and maximum required. An MDOT entrance permit shall be obtained for the curb cut onto Route 11.***
- 105-22 – Noise. *Roger A. stated there is no excessive noise associated with the application. The only noise may be when someone drops something off, which could create a bang when it hits the ground. No other noise should occur.***
- 105-23 – Dust, fumes, vapors and gases. *Emission of dust, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited. Roger stated there should not be any gases, unless there is a leak from an A/C hose or gas/oil tank. This would be temporary. Other items are not allowed per the signage to be placed on site.***
- 105-24 – Odors. *Roger A. stated there shall be no offensive or harmful odors perceptible beyond the lot lines.***
- 105-25 – Glare. *Roger A. stated there shall not be any glare, no new lighting is being added to the site.***
- 105-26 – Stormwater runoff. *Roger A. stated there are no changes to the land being used, so there is no stormwater issue being created.***
- 105-27 – Erosion control. *Roger A. stated that this is the same as with stormwater; there is nothing being done on site to create an erosion issue.***
- 105-28 – Setbacks and screening. *Roger A. stated there is existing screening on site.***
- 105-29 – Explosive materials. *Roger A. stated that propane tanks are not allowed.***

- 105-30** – Water quality. *Roger A. stated all outdoor storage facilities for fuel, chemicals, chemical or industrial wastes and potentially harmful raw materials shall be completely enclosed by an impervious pavement and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and vehicle fuel, not exceeding two five-hundred-fifty-gallon vessels, may be exempted from this requirement, in situations where neither a high seasonal water table (within 15 inches of the surface) nor rapidly permeable sandy soils are involved. Roger stated there will be a 4' x 6' stainless steel plate set on the ground for the placement of lawnmowers and snow blowers to prevent gas and/or oil from leaking into the sand.*
- 105-31** – Preservation of landscape; landscaping of parking and storage areas. *Roger A. stated there is no parking area, there is only a place to pull in and turn around. It is a drop-off site only.*
- 105-33** – Refuse disposal. *Roger A. stated trash is not to be left on site. All metal will be removed in a timely manner so as not to collect on site for a lengthy period of time.*
- 105-34** – Access Control to Route 11. *Roger A. stated this is being handled with an MDOT entrance permit. The permit shall be obtained as soon as possible for the curb cut.*
- 105-43** – Off-street parking and loading. *Roger A. stated the entrance / exit shall not exceed 26 feet in width without the permission of the Planning Board.*
- 105-47** – Signs and Billboards. *Roger A. stated that all signage must be permitted and approved through the Code Enforcement Office.*

**Roger A. then reviewed §105-73.G ‘Standards applicable to conditional uses’ and made findings of fact.**

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

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *Roger A. stated, it will not.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *Roger A. stated this is not applicable.*
- 3) The use is consistent with the Comprehensive Plan. *Roger A. stated it is, the Comp Plan wants businesses along Route 11.*
- 4) Traffic access to the site is safe. *Roger A. stated it is, the site distances exceed the maximum allowed in both directions. An MDOT entrance permit shall be obtained.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *Roger A. 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 A. stated a State approved septic system is not required for this project. The solid waste will be removed by the applicant as presented in the application and as discussed.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *Roger A. stated there will be none generated or held on site.*

- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. **Roger A. stated there was none developed as there was no need for this project. No changes were made to the property to create a storm water issue.**
- 9) Adequate provisions to control soil erosion and sedimentation have been made. **Roger A. stated there was nothing done on site that would create an erosion issue.**
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. **Roger A. stated this location is not far from a tank located on the old Hannon property that is available for the Town to use.**
- 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 A. stated there is screening on site, and there is no noise, glare, fumes, dust, or odors generated by this business.**
- 12) All performance standards in this chapter applicable to the proposed use will be met. **Roger A. stated they shall with conditions.**

Roger A. stated one of the conditions is that the hours of operation requested were 24 hours a day, 7 days a week. Barbara F. stated that there needs to be a condition that the stainless steel plate be placed on site, because it is not there now. Mr. Davis stated that the board could state a date for when they want it placed on site. Roger said that he believed it should wait until spring. Barbara asked if May 15, 2022 would work? Mr. Davis believed it would. Barbara reminded the board that all permits run with the land, not the 'person', so they need to remember to put into place conditions that protect the Town in the future. Roger agreed stating that all applications run with the land not the property owner, so anyone purchasing the property would have to abide by the conditions placed.

Roland L. stated with respect to the 4' x 6' sheet of metal, he felt that if possible a 1 inch lip should be placed around the outside edge, to help contain any spillage, and perhaps place some kitty litter around the outside corners to help absorb any spillage. Mr. Davis stated that he thought Steve F. brought it up at the last meeting but it was decided that if there were a berm it would hold rainwater. Roland said that he wasn't suggesting a berm, but coming up 1 inch all around it, further contains the possibility of gasoline from running off. He said it was something for Mr. Davis to think about, he wasn't suggesting it be a condition of the permit. Roland thought it would also help Mr. Davis with the cleanup of any spillage. Mr. Davis said his only concern was if someone drives on it and there is a lip on it, it could tip it and spill whatever is in it onto the gravel. He felt it if were flat it would just stay in place. Maggie M. noted that Mr. Davis stated that nothing sits on site for a long period of time. Mr. Davis agreed and said it doesn't sit for more than a day or two before he removes it.

Barbara F. stated that she felt there should also be a condition that the area to be utilized for drop-off is per the plan provided, otherwise the size could get larger and larger. She felt if he were to expand, then it should come back to the Board for further review. She reminded the Board again this runs with the land and the next person taking over this business may want to expand the size of it. She noted presently it was a very manageable size as presented. Mr. Davis agreed, saying that he picks it up often. Barbara stated the next person may not do so and then it becomes a large junkyard. Barbara added that if Mr. Davis wanted to expand the project, he just had to come back before the Board for an amendment to his approval.

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

- 1) The hours of operation are 24 hours a day, 7 days a week.
- 2) A 4' x 6' stainless steel plate shall be placed on site for items that contain gas and oil, and a sign shall be put up designating to place such items on the plate. The 4' x 6' SS plate and sign shall be put into place by May 15, 2022.
- 3) The area to be used for the scrap recycling shall be per the plan provided. The area is approximately 34' x 46' in size not including the 12' x 90' gravel entrance. Should the area be enlarged, the amendment to the permit shall have to come back before the Planning Board for approval.

Maggie M. made the motion to approve the Conditional Use Permit for a Scrap Metal Recycling Business to be located on Map 10, Lot 10A, per the plans provided and as presented with the stated conditions. Roland L. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 3 – 0, the motion passed unanimously.

Nothing further was discussed.

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**The Findings of Facts**

1. The applicant is Brad Davis of 58 Indian Village Road, Shapleigh ME 04076. The owner of Shapleigh Tax Map 10, Lot 10A (Shapleigh Corner Road), is Davis Farm LLC, Bradford S. & Brigitte L, Trustees, mailing address the same as noted above.
2. The property is located in the General Purpose District and according to the assessor, the property contains 42.2 acres.
3. Provided along with the application was a copy of the Town Tax Map 10, depicting Lot 10A. There is an asterisk with a red circle around it on the lot, and a notation pointing to the asterisk which states 'Scrap Metal Drop off Site'.
4. Provided was a sketch plan entitled South East Corner of Lot #10A. The sketch depicts State Rte. 11, a 26' wide entrance from Rte. 11 onto the lot, and from there a 12' gravel drive. At the end of the gravel drive is a gravel pad which is noted as being 'Drop off Area for Scrap Metal'. The gravel pad area is approximately 90 feet off of Rte. 11, and 34' x 46' in size.
5. The detailed description of the project is written as follows:

*Scrap Metal Recycling Drop-off area at the Southeast Corner of Lot 10A in Shapleigh.*

*Creation of a No-fee Scrap Metal Recycling Drop-off area that is open to the public, serving both Shapleigh and surrounding communities, encouraging responsible recycling to lessen the land fill burden in Maine. Accepted materials include all metal items but excludes refrigerators, freezers, propane tanks, chemicals, paint cans, gas cans, oil tanks, e-waste, TV's, tires.*

*All material will then be separated and removed from the site on a weekly basis in order to maintain a tidy drop site.*

6. The Board members agreed an MDOT permit for a curb cut on Rte. 11 would be required for the business. Any expansion in size or scope of the business would require the applicant to come back before the Board to be certain what was taking place was having no impact to either neighbors or the aquifer.
7. The Board reviewed Zoning Ordinance, Article V, Basic Performance Standards and members concurred the application met all the standards imposed.
8. The Board reviewed Zoning Ordinance §105-73, Section G, ‘Standards applicable to conditional uses’ and members concurred the application and information as presented met the performance standards in this chapter, with conditions.
9. A notice was mailed to all abutters within 500 feet of the property on December 15, 2021. Meetings were held on December 14, 2021 and December 28, 2021. A public hearing was held on December 28, 2021, prior to the meeting. Members did a site inspection on an individual basis due to light constraints.
10. The Planning Board unanimously agreed to approve the Conditional Use Permit for the scrap metal recycling business on Map 10, Lot 10A (Shapleigh Corner Road), per the plans and information provided, with three conditions.
11. **The conditions of approval are as follows:**
  - 1) **The hours of operation are 24 hours a day, 7 days a week.**
  - 2) **A 4’ x 6’ stainless steel plate shall be placed on site for items that contain gas and oil, and a sign shall be put up designating to place such items on the plate. The 4’ x 6’ SS plate and sign shall be put into place by May 15, 2022.**
  - 3) **The area to be used for the scrap recycling shall be per the plan provided. The area is approximately 34’ x 46’ in size not including the 12’ x 90’ gravel entrance. Should the area be enlarged, the amendment to the permit shall have to come back before the Planning Board for approval.**

**Decision:**

**The Conditional Use Permit for a scrap metal recycling business on Map 10, Lot 10A (Shapleigh Corner Road), per the plans and information provided with three conditions, was approved.**

**Growth Permits**

There are Growth Permits available.

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**The Planning Board meeting ended at 6:50 p.m.**

**The next Planning Board meeting scheduled will be January 11, 2022 and the meeting will be held IN PERSON at the Town Hall.**

**NOTE: The winter hours are in effect through March 30th; the meetings will begin at 6:30 p.m. and any scheduled public hearing begins at 6:00 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)