

# Shapleigh Planning Board

## Minutes

July 27, 2021

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

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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.

**The minutes from Tuesday, July 13, 2021 were accepted by members as read.**

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

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

Michael Pierre was present for the final review of the application.

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

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

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

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

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

The Planning Board conducted a site inspection of the property on June 22<sup>nd</sup> and during the meeting Board members requested the applicant provide a revegetation plan. Because the 3 tree(s) to be removed are in direct contact with the existing retaining wall, the Board allowed the applicant to cut the trees and not replace them, as they would degrade the integrity of the new wall if placed in this location. It was noted that the stumps would have to remain, citing §105-51.1, but tree roots could be cut as needed. The revegetation plan provided is depicted below.



Roger A. opened the meeting asking Mr. Pierre to let the audience know what he intended to do. Mr. Pierre stated that he would be replacing a rotting railroad tie wall with a 3 foot tall concrete block wall. Roger asked about the revegetation plan that the Board asked for at the last meeting and Mr. Pierre stated that he had sent it to Barbara in an email. She had not received it but he sent it again, and she made a copy for the Board to review.

Roger A. stated that on site there were a couple of trees to be removed. Mr. Pierre agreed. Steve F. asked what the replanting plan consisted of. Mr. Pierre stated that the trees would be replaced with lowbush blueberry bushes and any soil disturbed would be raked out, roughed up, and it would be seeded. He stated that mulch will be added as well as needed.

Steve F. asked if the X's on the plan were where blueberry bushes would be placed. Mr. Pierre stated that was correct. Steve said it looked like 6 blueberry bushes, 3 on each side. Steve asked if there were stairs in the middle? Mr. Pierre stated that there were. Roger A. stated that both walls were being replaced. Mr. Pierre stated that was correct. Roger noted the large chunk of concrete that was on the property. Mr. Pierre stated that he would be removing that as it was a patio that was all busted.

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Roger A. stated the reason the applicant was here was under §105-17, any earth moving, dredging or filling greater than 10 yards has to come before the Planning Board. He noted that DEP has to be notified as well, and he said they have; a Permit by Rule was sent in, back in May. He stated because there was no response from the DEP, it means they have no issue with the project.

Roger A. stated that the height of the wall was under four feet, so engineering would not be required. He said at the last meeting it was mentioned that the contractor would have to be DEP certified in erosion control, which Mr. Pierre is. He said Best Management Practices will be used for the duration of the project until it is completed.

Roger A. said the start date was going to be in the fall when the water was lowered. Mr. Pierre stated as soon as he can start the project he thought it would take 3 to 4 weeks to complete. Roger asked if the project would be completed by 11/15/2021? Mr. Pierre asked when the water was lowered? Roland L. said around what was Columbus Day, now called Indigenous People's Day, that is usually when they begin lowering the water. He said depending on how high the water is, noting it was high right now, typically at the end of October it is at its seasonal low, but that is no guarantee. Mr. Pierre thought he would be finished by the end of November. Roger asked if 12/15 would work? Mr. Pierre believed it would. Madge B. stated that the planting should be done the following year. Mr. Pierre agreed. Steve F. said the wall could be done by 12/15 but the planting probably won't be done until June 30<sup>th</sup>, 2022. Madge agreed.

Madge B. said she couldn't remember what was going to happen with the trees? Roger A. stated due to the distance from the wall, replanting the trees in the same location was too close to the wall, it would once again push against the wall. He said using the blueberry bushes and keeping the remaining vegetation on site, it should be fine. Madge agreed.

Roland L. stated that any materials removed from site needed to be taken out of Shapleigh. Mr. Pierre said he understood.

### **§105-73.G 'Standards applicable to conditional uses' findings of fact are as follows:**

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

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat. ***It will not, the new retaining wall will help protect fish and aquatic life. DEP approval is required before the project can begin.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***Replacing the failing wall will help to conserve shore cover and access to the lake.***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comp Plan is in favor of protecting the health of the lake.***
- 4) Traffic access to the site is safe. ***It is safe for the proposed use.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, the project is not in the flood zone. It is not listed on Shapleigh's Floor Insurance Rate Map.***

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- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***N/A for this project regarding wastewater, the existing wall material will be taken out of Shapleigh and disposed of at the proper facility.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***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. ***The new wall will be constructed per manufacturer's instructions, including geogrid and perforated pipes to keep stormwater from eroding the shorefront.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Best management practices will be in place during the project and until all revegetation is completed.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***N/A for this project.***
- 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. ***There is existing vegetation, only 3 trees are being removed and they will be replaced per the revegetation plan with blueberry bushes. The only noise is during the project. There is no glare, fumes, dust and odors associated with this project.***

12) All performance standards in this chapter applicable to the proposed use will be met. *They will with conditions.*

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

- 1) **The project will begin in October 2020 and the wall shall be completed by December 15, 2021; the revegetation and stabilization of the area shall be completed by June 30, 2022. If these dates cannot be met, the applicant shall go to the Code Enforcement Officer for a new date of completion.**
- 2) **The railroad ties shall not go to the Shapleigh Transfer Station, they shall be disposed of at a proper facility.**
- 3) **Best Management Practices shall be kept in place until the project is completed which includes revegetation and complete stabilization of the area. There must be a person certified by the MDEP in erosion control practices on site during the project, and the person's MDEP certification number shall be given to the CEO during the permitting process.**

**Madge B. made the motion to approve the Conditional Use Permit to replace the existing retaining wall(s) and patio on Map 26, Lot 18, per the plans presented and with the stated conditions. Steve F.**

**2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion passed unanimously.**

Nothing further was discussed.

### The Findings of Facts

1. The owner of Shapleigh Tax Map 26, Lot 18 (286 16<sup>th</sup> Street Loop) is Bruce E. Haines, 825 Barnsdale Road, Bethlehem, PA 18017 – YCRD Book 17094, Page 755.
2. Provided along with the application was a copy of the Town Tax Map with Lot 18 highlighted in yellow, a red circle around the area and a small circle with an X on each side showing where the wall was located.

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3. Provided was a sketch which showed the location of the driveway, house, stairs, and the location of the existing wall and steps. Notations stated the following: A. 81.8' x 217.77' lot dimensions; B. 16<sup>th</sup> loop (Mousam Lake); C. Waterfront Retaining Wall; D. (nothing written); E. Behind existing wall materials; F. Retaining wall.
4. Provided was a picture of the existing retaining wall, and the Permit by Rule that was mailed to the MDEP, dated 5/26/2021.
5. Provided was a revegetation plan which consisted of lowbush blueberries, seeding and mulch. 3 trees were slated to be removed but the Board agreed they do not need to be replaced, due to the proximity of the trees to the wall and the amount of existing vegetation on site. Stumps shall remain.
6. The detailed description of the project is as follows: *Deconstruct the existing retaining wall due to the fact the wood used is rotted & has failed. The plan is to construct a new wall, riprap & geogrid; cut 2 trees & plant a couple new trees.*
7. The application as presented met the Basic Performance Standards in the Zoning Ordinance.
8. The application as presented met the performance standards under §105-73 'Conditional Use Permits' with condition(s).
9. A notice was mailed to all abutters within 500 feet of the property on June 9, 2021. Meetings were held on Tuesday, June 8, 2021, Tuesday, June 22, 2021 via Zoom due to Covid-19; and in person on July 13, 2021 and July 27, 2021. A site inspection was done by members prior to the meeting on June 22<sup>nd</sup>.
10. On July 27, 2021, the Planning Board unanimously agreed to approve the conditional use permit to replace the existing retaining wall(s), stairs and remove the existing patio per the plans provided, on property known as Map 26, Lot 18, with three conditions.
11. The conditions of approval are as follows:
  - 1) **The project will begin in October 2020 and the wall shall be completed by December 15, 2021; the revegetation and stabilization of the area shall be completed by June 30, 2022. If these dates cannot be met, the applicant shall go to the Code Enforcement Officer for a new date of completion.**
  - 2) **The railroad ties shall not go to the Shapleigh Transfer Station, they shall be disposed of at a proper facility.**
  - 3) **Best Management Practices shall be kept in place until the project is completed which includes revegetation and complete stabilization of the area. There must be a person certified by the MDEP**

**in erosion control practices on site during the project, and the person's MDEP certification number shall be given to the CEO during the permitting process.**

**Decision:**

**The Conditional Use Permit to replace the existing railroad timber wall(s) with cement blocks, riprap & geogrid, the same length and height as the existing, and remove the existing cement patio per the information presented, on property known as Tax Map 26, Lot 18 with three conditions, was approved.**

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

Mrs. Laviolette was present for the review of the application.

Originally provided along with the application were the following:

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

The detailed project description is as follows:

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

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

We are proposing the following as part of our plan:

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

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

Mrs. Laviolette in an email dated 9/8/2020, stated the following: *I have talked with the road commissioner and he has approved the use of the portable sign, we will work together for the placement. I have attached the proposed material we will use to construct the sign, could you please pass this along? Thank you. Best, Meagen*

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

The Board received an email dated 9/1/2020 from the Town Administration, Karla Bergeron, who had an email response from Road Commissioner Jeff Goodwin, who was asked if he had an issue with Mrs. Laviolette placing a sign alongside Deering Ridge Road when events would be letting out. Road Commissioner Jeff Goodwin replied as follows: *I don't have a problem with it, I think a sign with a flashing light will work. I don't think it should be a permanent sign; I think it should be portable and put out when they have an event. Jeff*

Provided by Mrs. Laviolette were the following emails from the architect working on the project and the State Fire Marshalls Office. The emails read in part:

October 20, 2020 from Architect Robert Foster to Marc Veilleux, Public Safety Inspector III, Office of State Fire Marshal – I just got contacted by a couple that wants to use the barn on the property as an events (weddings) barn. The intent is to leave the barn rustic and un-heated for summer use only. Toileting will be provided by temporary facilities (portable toilets). The barn is approximately 40' x 72' or 2,800 sf. As an assembly occupancy this project would require a permit by your office. The intent is to only use the main floor level with no access to flanking mezzanines and the un-finished crawl space underneath. How is your office reviewing these projects in reference to sprinkler, alarm & detection systems? A sprinkler system would be difficult/ expensive due to lack of public water and the associated costs for large water storage tanks & pumps.

October 21, 2020 from Marc Veilleux to Robert Foster – Based on your description, the occupant load could be 187 to 400 depending on the use and layouts. If the furniture is not fixed and can be moved and stored away, then we have to assume that the layout can be a wide open floor plan which would put them over the 300 occupant threshold and require sprinklering. If they can have built in elements that can utilize some of the square footage to reduce the overall useable space, then the calculations can be reduced. If they understand that they have to maintain a pre-set furniture plan for all events then I can accept that as long as you provide a few furniture plan options that they will have to abide to. The option for storage of tables and chairs is always a red flag for us that the tables and chairs can be removed and they can have a wide open floorplan event. So take that into consideration. As well, a signed letter on letterhead of their understanding of the furniture layout limiting them to less than 300 occupants at all times is beneficial with the furniture plans. The mezzanine if usable space, would also add to the occupant load, so take that into consideration by either eliminating access to it somehow or calculating the occupant loads accordingly.

October 21, 2020 from Robert Foster to Meagen Laviolette, email read in part: – See attached response from State Fire Marshal's Office. As you can see, the goal is keep the occupancy below 300 persons if you don't

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want to sprinkler the barn. To determine the occupant load for assembly occupancies the code uses 7 sq. ft. per person for a wide open floor plan and 15 sq. ft. per person for areas with pre-set furniture plans like restaurants or banquet halls. If you want complete flexibility and want to accommodate more than 300 people you will need to factor in installing an NFPA 13 sprinkler system. The system will also need to extend into attached structures unless you provide a 2 hour fire wall between the structures. Since the building won't be heated and there is no

public water you would need to install a dry system with a water storage tank (dedicated to the sprinkler system) and a fire pump (kept in a heated area). If interested, you could contact High Tech Fire Protection

Co., in Poland, Maine to get a budget for installing all of the required components. Off the top of my head (without doing a detailed code analysis) other items that you will probably be required to address include:

- 1) Provide a minimum of 2 remote, code compliant, means of egress (current sliding barn doors don't count), with illuminated signage. This may require the construction of exterior stairs and/or ramps.
- 2) Provide full fire alarm & detection system.
- 3) Provide emergency lighting.
- 4) Provide portable fire extinguishers.
- 5) Provide handicapped accessibility & proper signage.
- 6) Have a structural analysis performed to determine if all the structural elements are sound and can properly support the proposed uses.

Mrs. Laviolette provided the Board with a copy of the Submittal Criteria for Construction Permits for the State Fire Marshal's Office; a copy of the Construction Permit Application for Renovation & Occupancy Change, Mixed Use for an Assembly <300 People; a copy of the Barrier-Free Permit Application for a Renovation, Mixed Use for an Assembly <300 People; and a copy of the Life Safety Plan, drafted by Geoffrey Aleva, LPE #9679 of Civil Consultants.

Mrs. Laviolette stated she was before the Board to obtain approval to have weddings and small venues in her barn. She stated she was finally able to submit her information to the State Fire Marshal's office last Thursday. She said she had to revise some of the plans that were sent, such as they want her to have the manual fire pull stations connected to the fire alarms at all the egress doors, so she has a call in to a security company in Yarmouth. She said when they get back to her she will have a better time frame on when this will be accomplished. She said when she has the plans for the State she will also provide a copy for the Board, so they will have the updated plans, she had to submit a couple of different floor plans. She said she was hoping the State will issue a permit soon. She felt they were being more stringent because there are only two people working for the State and because this was not a big construction job it was taking time for them to get back out to the site.

Steve F. asked if this was all the Board was looking for, the permit from the State? Barbara F. believed so. Mrs. Laviolette stated she had all the structural things that had to be put in, such as the support beams, are in. She said once she has her permit she can finish the construction.

Roland L. asked when she was hoping to open? Mrs. Laviolette asked if there was a time when she had to open after approval? Roger A. stated she could open the day after approval if she wanted. Mrs. Laviolette stated she believes she would be opening in the spring of 2022, she needed to get all her legal documents and insurance in place.

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Steve F. asked if she would be back before the Board in a few weeks with what she needed from the State? Mrs. Laviolette hoped so, but could not state that she would have the information by the next meeting. Steve said once she has State approval, she can come back before the Board and then move forward with what she needs to do through Code Enforcement.

Roger A. stated the Board could table it until she had the rest of the information required from the State.

**Madge B. moved that the Board table the application up to 90 days pending further information from the State. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion passed unanimously.**

Nothing further was discussed.

**Conditional Use Permit – Replace Retaining Walls – Map 28, Lot 45 (31 Carpenters Cove Road) – Mainly Barge LLC (Matt Colton, Jr.), Applicant; Sean White, Property Owner**

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

Presented along with the application, was a letter dated June 13, 2021 from Sean & Karen White which read as follows: We have contracted with Mainly Barge LLC and/or Matt Colton to replace retaining walls on our

property located at 31 Carpenters Cove Road, Shapleigh, ME 04076. This letter authorizes Mainely Barge LLC and/or Matt Colton to apply on our behalf for whatever permits may be required to perform this work.

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

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

Roger A. stated Mr. Colton was before the Board for replacing a wall on Carpenters Cove. Mr. Colton stated that he presented a revegetation plan but he did not get an engineered stamped plan for the new wall yet, noting he was supposed to have it today.

The revegetation plan presented was received by the Board on July 27, 2021 via email. The plan stated the following: As discussed in the Planning Board meeting the tree growth is very full at 31 Carpenters Cove Road, and trees that will be removed are causing the wall to fail, so replanting will consist of low ground bearing bushes such as blueberry bushes, and junipers.

Mr. Colton stated he knew he would have to come back with the engineered plan. Roger agreed and said the Board will have to table it.

**Madge B. made the motion to table pending the engineering information for the new wall. 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.**

Nothing further was discussed.

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**Minor Subdivision – 2 Lots + Remaining Land – Map 10, Lot 22A (State Route 11) – Chris Chabot, Applicant; Gray Area Farm Trust, Property Owner; LinePro Land Surveying, Authorized Agent**

Chris & Philip Chabot were present for the review of the application.

**The sketch plan application for the 3-lot subdivision contained the following information:**

Name of Property Owner: Gray Area Farm Trust, Philip Chabot & Glenn Armell, Trustees)

Mailing Address: 385 Town Farm Road, Shapleigh ME 04076

Name of Applicant: Chris Chabot

Mailing Address: 1 Oak Hill Road, Shapleigh ME 04076

Name of Authorized Agent: Joseph Stanley of LinePro Land Surveying

Mailing Address: 455 Main Street, Springvale ME 04083

Name of Land Surveyor: Joseph Stanley of LinePro Land Surveying, LLC.; PLS #2453

Email Address: [jstanley@lineprosurveying.com](mailto:jstanley@lineprosurveying.com)

**Land Information:**

Location of Property: YCRD Book 17598, Page 213

Shapleigh Tax Map 10, Part of Lot 22A

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: 4.5 Acres

Property is not part of a prior subdivision.

There have been other divisions within 5 years.

Restrictive

Covenants: None

Existing Use: Residential

The parcel does not include a waterbody.

The parcel is not within a special flood hazard area.



Proposed Name of

Development: Chabot Ranch

Number of Lots: (2) Plus Remaining Land – *Total of 3 Lots*

Date of Construction: Fall / Winter 2021

Date of Completion: Fall / Winter 2021

Infrastructure

Required: No

This property currently has access on State Route 11.

Method of Water

Supply: Individual Wells

Method of Sewer

Disposal: Individual Septic Systems

Method of Fire

Protection: None listed.

There are no Proposed: Streets

Recreation Areas

Common Land

Requested Waiver(s): §89-29.A – Underground Utilities  
 §89-30.A (1), (2), (3) – Stone Monuments  
 §89-36.M – Sidewalks.  
 §89-36 – Paved Road Surface

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Provided was a copy of the Town Tax Map 10, which depicts Lot(s) 22A & 22B. *Note, these lots on the Town Tax Map are currently not depicted correctly.*

Provided was a copy of the Subsurface Wastewater Disposal System Application, dated 9/21/2020 for Chris Chabot, provided by Kenneth Gardner, SE #73, which is for a 3 bedroom home. This application is for the proposed new lot, indicated on the plan provided as Lot #2. Also provided, was a Test Pit, provided by Kenneth Gardner, SE #73, dated 2/26/2021 for proposed Lot #1.

Provided was a copy of the York County, Maine Soil Map for the proposed subdivision. The Web Soil Survey, dated 7/1/2021 indicated Adams loamy sand (AdB), 0 to 8 percent slopes; Adams loamy sand (AdD), 15 to 60 percent slopes to make up the majority of the property.

Provided was a plan dated July 1, 2021, drafted by Joseph Stanley, PLS #2453, entitled ‘Plan Showing a Proposed Minor Subdivision “Chabot Ranch” for Chris Chabot, 2 Oak Hill Road, Shapleigh, Maine 04076, of Property Located on State Route 11 (Shapleigh Corner Road) in Shapleigh. The plan depicts Map 10, Lot 22B, which abuts the proposed division, along with Lot 22A, in which Proposed Lots #1 & #2 will be created. Lot #1 is depicted at 80,000 SF or 1.83 Acres, to be conveyed to a family member; Lot #2 is depicted as 2.00 Acres and is to be conveyed to a family member. Lot #2 and the ‘remaining land’ of Lot 22A which consists of 57.7± Acres are accessed via a proposed 50 foot wide right-of-way, entitled “Chabot Ranch Way”. The plan also depicts a ‘Road & Ditch Section’ for the proposed ROW, the location of a Fire Pond located on the adjoining property; the notation that ‘Chabot Ranch Way’ is to remain a private road, and that the Town of Shapleigh will not be responsible for the maintenance, repair, plowing or similar services for the private way shown hereon.

Provided this evening was a plan dated July 23, 2021, drafted by Joseph Stanley, PLS #2453, entitled 'Plan Showing a Proposed Minor Subdivision "Chabot Ranch" for Chris Chabot, 2 Oak Hill Road, Shapleigh, Maine 04076, of Property Located on State Route 11 (Shapleigh Corner Road) in Shapleigh. The plan depicts Map 10,

Lot 22B that is 10 Acres in size, which abuts the proposed division, along with Lot 22A, in which Proposed Lots #1 & #2 will be created. Lot #1 is depicted at 80,000 SF or 1.84 Acres, to be conveyed to a family member; Lot #2 is depicted as 2.00 Acres and is to be conveyed to a family member. Lots #2 and the 'remaining land' of Lot 22A which consists of 57.7± Acres are accessed via a proposed 50 foot wide right-of-way, entitled "Chabot Ranch Way". The plan also depicts a 'Road & Ditch Section' for the proposed ROW, the location of a possible Fire Pond located on the adjoining property; the notation that 'Chabot Ranch Way' is to remain a private road, and that the Town of Shapleigh will not be responsible for the maintenance, repair, plowing or similar services for the private way shown hereon. Plan notes were amended as follows: Note 1 (c.) was added under Deed references; Note 9 Soils, the Septic Design notation was now noted along with the Test Pit logs; and Note 11 Fire Protection, Sprinkles are the proposed fire protection instead of a fire pond on the neighboring property.

***Board members did a site inspection prior to this evenings meeting.***

Roger A. stated that on the site inspection he mentioned to the applicant that after reading the Trust, Chris Chabot, the applicant, has no interest or ownership in the property. Roger said because of this, the application and documentation needs to be in Philip Chabot's name, who is currently one of the Trustees of Gray Area Farm Trust. Philip Chabot asked if there was anything he could sign to change this? Roger said that Joe Lenkowski (Attorney) could create a document stating that Philip Chabot gave Chris Chabot permission to apply for the subdivision. Philip Chabot asked what the next step was? Roger stated that the next step is to

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change the documentation to have his name placed on it or get something from the attorney. Roger said that Joe Stanley could change the existing documents, putting Philip Chabot's name in place of Chris. Philip Chabot said he would do whatever was the quickest and easiest. Roger thought it would be easy for Joe Stanley to change the names on the plan and application.

Barbara F. asked if she could notify abutters and post the public hearing, she thought Mr. Stanley could have the documents changed for the next meeting. Roger A. agreed.

Roger A. stated that at the last meeting Mr. Stanley asked if the Board would require the applicants to pave the right-of-way or would the Board waive it. Roger said it is a requirement in the subdivision ordinance, but the Board could waive that requirement. He said it was up to the Board to decide. Roland L. stated that on the plan depicted is crushed gravel for the roadway, because they wanted to maintain a rural characteristic. Philip Chabot thought it matched the area, and he said that they had a lot of heavy equipment that would travel the ROW, and he felt that especially in the summer the heavy equipment would damage a paved road.

**Madge B. moved for approval of the waiver for paving the private right-of-way, Article 89-36.I & 89-37.A, 'street design standards – pavement requirement for a private way'; based on the fact that in this location pavement would not provide a better road surface due to the location and how the roadway will be utilized. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to approve the waiver was unanimous.**

Madge B. stated the applicant agreed to the use of an in-home sprinkler system in lieu of a pond and dry hydrant for fire protection, and the Board had agreed this was adequate. (§89-30.B(2)(c))

**Madge B. moved for approval of the waiver for the requirement for underground power, Article 89-29.A 'Utilities shall be installed underground except as otherwise approved by the Board'; based on the fact this is for 2 lots only and the short length of the private ROW, the Board will allow overhead utilities. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to approve the waiver was unanimous.**

**Madge B. moved for the approval of the waiver for stone monuments, Article 89-30, 'stone monuments shall be set at all street intersections and at all corner and angle points'; based on the fact pins have been set at angle points, which is adequate in this location, noting there was one stone monument in**

place. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to approve the waiver was unanimous.

Madge B. moved for the approval of the waiver for sidewalks, Article 89-36.M, ‘sidewalks shall be installed within all subdivisions within the urban compact area’; based on the fact this is a minor subdivision, it is in a rural area, it does not fall within an Urban Compact Zone, and no one has put them in. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to approve the waiver was unanimous.

*A notice to abutters will be mailed and the public hearing will be held on August 10<sup>th</sup> at 7:00 pm.*

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Roger A. stated again the applicant can either go through the attorney to get Chris Chabot’s name put on the Trust or he can have Joe Stanley change the name on the application and plan for the next meeting. Philip Chabot stated he would call Joe Stanley, he felt this would be easiest. Roger agreed.

Nothing further was discussed.

#### **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.*

Roger A. asked Mr. Cadotte to let the Board know what he intended to do. Mr. Cadotte stated that he purchased a lot across the street on Indian Village Road from his lot. He said he was going to build a garage on this lot, 28’ x 48’ in size. He said CEO Demers gave him the permit for the foundation and while speaking with CEO Demers, he advised him that he could file for an extended shoreline district setback. He said CEO Demers said it would be a possible option to put an apartment above the garage, and this is what he was looking to do for extended family to stay in. He said the foundation is in, it’s a 28’ x 48’ foundation. He said he was originally going to put in a garage for boat storage, with storage upstairs. He said once he spoke with CEO Demers, there was a possibility to get a dwelling above the garage as well. That is his hope.

Roger A. asked how big the lot was? Mr. Cadotte stated, 102’ by 250’. He said 102 is the street side. He said the foundation and slab were done this summer. Roger said he was asking because of the septic system. Mr. Cadotte stated he hadn’t gotten that far because he wanted to see if it was possible to do the apartment, then he would get a septic design and have a well put in. He didn’t want to bear the expense if he couldn’t do it.

Mr. Cadotte stated that currently the foundation is approximately 18 feet from the property line. He said when he originally did it, he only had a 10 foot setback.

Steve F. asked if CEO Demers reasoning was because he didn’t meet the setback requirement. Mr. Cadotte said, “Right, what he was explaining to me, if I got it correctly, is that the land is within the shoreland district; it just doesn’t reach where the actual foundation is. He advised me to apply for an extension. The other thing is my neighbor down the street just applied for it and got it, so I figure it was worth a shot.” Steve said it is allowable as the ordinance permits it, the shoreland setback can be extended onto this lot. Mr. Cadotte asked if this is granted, does it have to be completed, or can it remain in rough condition to be completed in the future? Roger A. stated the building permit lasts for 2 years. He said if at the end of the 2 years he didn’t do it, he would have to go through the process again. Mr. Cadotte said he would get it done.

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Board members found where this is allowed under §105-13 ‘Division of lots by district boundaries’, 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 A. stated a site visit would be held on August 10<sup>th</sup> at 6:30 pm, a notice to abutters will be mailed as well.*

Madge B. asked how this was a legal lot? Steve F. stated it was a non-conforming lot of record, noting this was part of a subdivision from the 60’s. He said this was lot 58 from maybe 100 lots of this subdivision.

Nothing further was discussed.

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**Growth Permits**

**Map 7, Lot 35A (Norton Ridge Road) – New Home GP# 22-2021**

Roger A. stated the lot exceeds all the requirements for a lot in the ordinance, it is 13+ acres in size and exceeds 200 feet of road frontage.

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**The Planning Board meeting ended at 8:30 p.m.**

**The next Planning Board meeting scheduled will be August 10, 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)