

Shapleigh Planning Board

Minutes

May 25, 2021

This evening's meeting was conducted via Zoom due to Covid-19. *Note: As long as the reduction in positive Covid-19 cases continues, the Board will begin in-person meetings at the Town Hall beginning in July.*

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

Public hearing began at 7:05 pm

Conditional Use Permit – In-home Hair Salon – Map 12, Lot 12A (55 Granny Kent Pond Road) – Sheri Greenhalgh, Applicant & Property Owner

Mrs. Greenhalgh was present via Zoom for the public hearing.

Board members did a site inspection prior to this evening's meeting.

Roger A. asked Mrs. Greenhalgh to brief the Board and anyone in attendance on what she would like to do. Mrs. Greenhalgh stated she wanted to be able to do hair in her home. She said she has the area set up, which she noted the Board observed this evening. She said that she had the set-up, and she had the private driveway with plenty of site distance and an area to turn around. She stated that she just wanted to do what she loved to do from her home. She said that she needed Town approval in order to get her State license for the salon.

Roger A. asked what the hours of operation would be? Mrs. Greenhalgh stated 8 am to 8 pm, 7 days a week, so she can be flexible. She said she would have a sign on the door and she noted they had existing lighting on the side of the house, so if she services people in the evening during the winter there is lighting. She said there was a bathroom as well.

Roger A. asked if this was by appointment? Mrs. Greenhalgh stated that it was. She said that currently due to Covid, the State of Maine requires it to be by appointment, she feels it will eventually be changed. She said that she did not foresee walk-ins in her neighborhood.

Roger A. asked if there were any questions? Roland L. said that she covered all his questions. Madge B. said that if it was by appointment it made a difference because then you can control the flow of people, how many people are there at once. She said she therefore, liked that idea, because it did not appear Mrs. Greenhalgh was set up for having more than 2 people at a time. Mrs. Greenhalgh stated that Madge was correct, and she was not looking to have a walk-in flow. She said it was an intimate environment, she wanted people to be able to come in and relax and get their hair done; she didn't have the accommodations to have a lot of people downstairs. She said she had a few families that have 3 children, but that is a little different. She said perhaps there would be a color and while they are processing, she would do a haircut. She felt this was the extent of it. She stated there was only one of her, with 2 hands. Madge said there was also the issue with the size of the parking, along with the size of the facility. Mrs. Greenhalgh stated that was understandable.

Roland L. asked if the services were for both woman and men? Mrs. Greenhalgh stated, "Correct, and children".

Page 1 of 13

Shapleigh Planning Board Minutes – May 25, 2021 Page 2 of 13

Madge B. asked if she needed any plumbing other than normal plumbing in the house? Mrs. Greenhalgh stated, "No, just regular". Madge said, "Then you don't get a special plumbing permit". Mrs. Greenhalgh stated, "No, because it was all existing, and it wasn't a new structure". Madge asked about trash, what would be done with that? Mrs. Greenhalgh stated that she went to the dump every week. She stated that she used all eco-friendly products, and took any trash to the Town dump. Madge said that eco-friendly was to her advantage as well. Mrs. Greenhalgh agreed, and said she used high-end professional products. Madge said

that because she is using her septic system it would be in her best interest. Madge said she was fine, she had no additional questions.

Roger A. asked CEO Demers if there was any additional sewerage collectors required for hair products or hair washing? CEO Demers said he did not know, he would have to look into it. He said he thought there was for a salon and it may deal with the number of seats. He said again he would look into it.

Roger A. asked if there were any questions at this time, there were none. Roger stated since there were no other questions, he would close the public hearing.

The public hearing closed at 7:13 pm.

The minutes from Tuesday, May 11, 2021 were accepted as read.

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

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.

Conditional Use Permit – Commercial Use of Property for Chessie Excavation – Map 7, Lot 1B-1 (776 Shapleigh Corner Road) – Caleb Chessie, Applicant & Property Owner

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

Provided along with the application was a plan entitled ‘Plan Showing a Proposed Site Plan for Caleb Chessie, 776 Shapleigh Corner Road, Shapleigh Maine 04076 – Of Property Located on State Route #11 (Shapleigh

Corner Road) in Shapleigh, Maine’, drafted by LinePro Land Surveying, LLC of Springvale, Maine, dated March 30, 2021. The plan depicted 2.86 acres owned by Caleb C. & Abigail M. Chessie, YCRD Book 17962,

Page 15, as well as property recently purchased by Caleb & Abigail Chessie, consisting of 4.22 acres, YCRD Book 18225, Page 549, creating a total lot area of 7.08 acres. The plan also depicted the location of the existing house, garage, parking area, & lawn area; a possible 50’ x 100’ future addition to the existing garage; a proposed buffer area – trees to remain; proposed driveway; proposed 12’ x 12’ fuel storage location; proposed overflow parking & material storage area; and a proposed berm to help provide a buffer for the neighbor.

Provided was a deed conveying property from Christopher G. Martha K. and Caleb C. Chessie to Caleb C. & Abigail M. Chessie, dated 6/3/2019, YCRD Book 17962, Page 15; and a deed conveying property from John F.

Shapleigh Planning Board Minutes – May 25, 2021 Page 3 of 13

and Maxine M. Crouch of 43 Valley Road, Wells, Maine to Caleb C. and Abigail M. Chessie, dated 4/22/2020, YCRD Book 18225, Page 549.

Provided was a plan entitled ‘Plan Showing a Proposed Site Plan for Caleb Chessie, 776 Shapleigh Corner Road, Shapleigh Maine 04076 of Property Located on Route #11 (Shapleigh Corner Road) in Shapleigh Maine’, drafted by Joseph Stanley, MPLS #2453 of LinePro Land Surveying, LLC, dated May 5, 2021. The plan depicted the lot as being 7.08 acres in total; located on the plan was State Route 11; the existing entrance onto Route 11, being 75’ in width; the existing parking area, lawn area, house and garage; the proposed buffer area – trees to remain; the proposed berm with trees to help provide buffer for neighbor, it being 60’ x 160’ in size adjacent to Map 7, Lot 1B; a proposed driveway / parking area along with proposed employee parking 10’ x 20’ per spot with a total of 8 spots; a 12’ x 12’ fuel storage area; five trees to be planted spaced 10’ apart located behind the existing house and garage closest to Map 5, Lot 19; a possible future addition to the existing garage, being 50’ x 100’ in size; and a proposed overflow parking & material storage area.

Provided this evening was a plan entitled 'Plan Showing a Proposed Site Plan for Caleb Chessie, 776 Shapleigh Corner Road, Shapleigh Maine 04076 of Property Located on Route #11 (Shapleigh Corner Road) in Shapleigh Maine', drafted by Joseph Stanley, MPLS #2453 of LinePro Land Surveying, LLC, dated May 19, 2021. In addition to the above stated plan information, this plan indicated how stormwater flowed on the property, it depicted the location of a 12" culvert under the driveway coming off of State Route 11 which leads to a ditch across the lawn area, toward the existing berm and on into an area entitled 'Proposed Drainage Retention Area in Existing Depression'. The plan also depicts a 12" culvert that is located between the existing home and shed, that leads to an existing ditch that also goes toward the drainage retention area.

The detailed description of the project is as follows: *Commercial Use*

During the meeting on April 27, 2021 Roger A. reviewed the following Basic Performance Standards for the application: **105-17** – Land Uses; **105-18** – Dimensional requirements; **105-20** – Applicability of standards; **105-21** – Traffic; **105-22** – Noise; **105-23** – Dust, fumes, vapors and gases; **105-24** – Odors; **105-25** – Glare; **105-26** – Stormwater runoff; **105-27** – Erosion control; **105-28** – Setbacks and screening; **105-29** – Explosive materials; **105-30** – Water quality; **105-31** – Preservation of landscape; landscaping of parking and storage areas; **105-33** – Refuse disposal; **105-34** – Access Control to Route 109; **105-39** – Earth removal and filling for activities other than mineral exploration and extraction; **105-43** – Off-street parking and loading; **105-46** – Sanitary provisions; and **105-47** – Signs and Billboards.

Roger A. began by stating that everyone should have received a new plan from LinePro which shows the retention area that is designed for the proposed new structure as well as the existing property. He said the slope of the land heads the water toward the retention area. Madge B. agreed that if the land slopes at all it slopes toward that area on the plan, she noted the area was very flat. Madge said that she did notice the ditch and said this is what she wanted on the plan.

Roger A. stated the only thing that he believed could not be allowed at the present time was the existing entrance width of 75 feet that is on the plan. Roger stated that the ordinance as it is written only allows for 26 feet, unless there is a good reason to go wider. Roger believed the 26 feet was all that the Board could approve at this time (§105-43 'Off-street parking and loading' Section A) Roger said if the ordinance gets amended then the Board could look at a wider width but at present, the Board cannot grant something wider than what is in the ordinance.

Shapleigh Planning Board Minutes – May 25, 2021 Page 4 of 13

Madge B. asked if anyone is going to make him change it, because the Board all agreed for the health and safety it is better the size it is. Roger A. stated that when you look at all the DOT entrances and exits on State roads, the width is no wider than that. Roger said again that because the ordinance has not been changed to allow a wider width, he does not know how the Board can approve a wider width. Madge agreed it was a problem. Roger did not believe the DOT would agree to the 75 feet either.

Steve F. asked Mr. Chessie if he had an existing DOT entrance permit? Mr. Chessie stated that he did, but not in front of him. He said he did have the DOT come out when he began construction of his home. Steve felt the way the Board looked at this at the last meeting was that the design standard was for parking lots, but the Board could review it again. Roger A. said he was uncomfortable going wider than the 26 feet allowed, although the ordinance does allow up to 32 feet if it is necessary, which the Board could allow. He said as of today, he could not agree to more than the 32 feet. Roger said he could not speak for the entire Board. Steve said they could put it to a vote.

Roger A. stated he went through all the other provisions at the last meeting, so the only outstanding item was the retention area for the stormwater management of the area and new building.

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

- 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 meet the minimum in both directions.***

- 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 on site, and any solid waste will be removed by the applicant.**
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. **Roger A. stated that there will be an impervious area under the fuel storage tank with a roof over to prevent stormwater from entering the structure. The structure has not been built as yet.**
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. **Roger A. stated the plan received on May 25, 2021 depicts the flow of stormwater on site, the location of 2 – 12” culverts and a water retention area where all the stormwater will flow, including coming off the new structure and the entire property.**
- 9) Adequate provisions to control soil erosion and sedimentation have been made. **Roger A. stated the berms have been put in and the ditching on site keeps all water and sedimentation on site.**
- 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. Roger added that most things being done on site are not something fire protection would be required for, except for the fuel storage.**
- 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 **Shapleigh Planning Board Minutes – May 25, 2021 Page 5 of 13** like. **Roger A. stated there is a berm on site, five trees will be placed behind the existing home per the plans provided.**
- 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 the condition would be:

- 1) Hours of operation to be 7 days a week in compliance with §105-22 at all times.
- 2) The trees shall be planted by October 31, 2021.
- 3) The fuel shall be stored in an impervious container approved by the CEO & fuel storage company.
- 4) The proposed 50’ x 100’ structure shall have a concrete slab for the floor to prevent any waste oil or fuel oil from going into the ground.

Madge B. asked if Mr. Chessie could go to the State and see if they would waive the entrance distance? Steve F. thought it was the Town ordinance. Madge agreed there was an issue in the Town ordinance but Roger also said the State doesn’t allow an entrance of 75 feet either. Roland L. asked if the Town required that Mr. Chessie have two markers that indicate the width of the entrance, or can he continue using what he has now, do the best he can to use only the space allowed. Roger said this sets a precedent and that is not where the Board wants to go. Roger said the Board has to stay within what the ordinance dictates. He said the ordinance may have to be modified. He said that even at the Town storage facility, they were only allowed the approved extra width of 32 feet for ingress and egress.

Roland L. asked again if the Board was expecting Mr. Chessie to have two markers that indicate where the driveway is, 26 feet. Roger A. stated that was what he was saying, the Board could only allow the 26 feet, then after that it is an enforcement issue. Roger said it would be up to CEO Demers if he wanted to enforce it or not. He said approving what is in the ordinance keeps the Board clean, stating they have approved it per the ordinance. Roland said, ok.

Steve F. said he didn’t know if now was the time to look at the ordinance but he, as stated at the last meeting, and as in the minutes, when he reads the ordinance, and he knows it was enforced on the Town garage, and he is not saying it was in error, but in reading the ordinance it appears as though it is a parking lot design standard for a retail type building. He said when you go beyond the first section of the maximum width, it goes further and talks about other design standards for a parking lot. He said he got it that we don’t want to get into a situation where, for example Central Furniture in Sanford on River Street, they have an area 200 feet wide of people just pulling in and he understood that was the point. He believed in this situation, he did not think the standard applied.

Roger A. stated that this also falls under the MDOT standards because it is on Route 11. Madge B. agreed. Steve F. felt if the DOT has an issue with it, they will be the ones to enforce it, not CEO Demers. Roger said again the Board cannot approve anything greater than what is in the ordinance. Roger said it was up to the

DOT as to what width they will allow. Steve did not think the Board was asking the applicant to go back to the DOT for a new entrance permit. Roger said he was not saying that, but the Board cannot approve the 75 foot width on the plan. Roger said this was the only issue he had with the plan. Steve stated that he disagreed.

Roger A. stated the Board can vote on this, either approve what is written on the plan (75 foot entrance width) or the width not to exceed 26 feet. Roland L. asked if the 26 feet was what the Town sand/salt/storage facility

Shapleigh Planning Board Minutes – May 25, 2021 Page 6 of 13

entrance was? Roger stated they were allowed the 32 feet, the maximum allowed. Roland asked Mr. Chessie if 32 feet was doable? Mr. Chessie stated that he thought he had 32 feet, but made it 75 feet because it was tough. He said he was going on the opposite side of the road to get the truck in.

Steve F. said again, if you read the first few sentences of §105-43, they are talking about automobile parking, they are talking about 200 sf parking spaces, they are talking about a parking lot design standard for off-street parking. He said that is not what the Board is looking at. He said he did not want to be adversarial about it but he didn't think the Board was trying to approve a parking lot, the Board is approving a conditional use with heavy equipment and 75 foot tractor trailers. CEO Demers said the Board wants to check the definition of driveways; driveways refers to dwelling units and we are considering a commercial application where he thought there was a special exception. Steve said that he understood that Roger did not want to approve something that went against the ordinance, and he did not think the Board was doing that by allowing a wider entrance for this application vs a standard parking lot type application. Roger stated that 105-43 was for off-street parking *and loading*. He stated it then goes into Section A 'Basic requirements'. He said this section is why the Board enforces those measurements. Steve said the Board wasn't asking Mr. Chessie to put a tractor trailer into a 2 foot parking space either. Roger said if you go from one road to another road on a State highway you don't have 75 feet. He said where you have a 90 degree from one road to the next road we do not have 75 feet in order for any tractor trailer to meet onto the other road. Roger said this was one reason the DOT would not approve the 75 feet as well.

Mr. Chessie asked if the Board wanted him to make the entrance more narrow? Roger A. stated that the Board cannot approve the 75 feet on the plan. The Board will strike the 75 feet and put the maximum allowed of 32 feet. Roger said whatever width you have, you will have to comply if someone complains, and modify it. He said then it becomes an enforcement issue. Roger said he could not say 'make it as wide as you want' because the ordinance doesn't allow it. He said the ordinance tells the Board what is allowed. He said whether it gets enforced if the entrance is 75 feet, it is up to whomever.

Roland L. asked Mr. Chessie if he could live with the 32 foot width? Mr. Chessie stated that he would have to make it work. He asked if the Board could cross it out on the plan, and write the 32 feet, so he didn't have to wait until another meeting to get approved? Roger A. stated that he could. Roland said they will make the alternation on the plan. Roland asked if they need an amendment to do this? Roger said, "No, we will just strike it on the plan and write the 32 feet, this is what we will approve". Roland said, ok.

Roger A. stated that this shouldn't come back to the Board. If the DOT allows it, and no one complains, at least the Board has something that meets the ordinance.

Roland L. stated he would like to make a motion to approve the plan provided, with the 32 foot entrance and the previously stated conditions. Madge B. 2nd the motion.

Mr. Chessie stated that he knew of other locations with wide entrances, was the Board going to go around and enforce this? Roger A. stated the Board had no ability to enforce anything. He said the enforcement arm is the Code Enforcement Officer, so it is up to the CEO whether he is going to enforce something. He said if he gets complaints he will have to deal with it. Mr. Chessie stated, ok.

Roland L. made the motion to approve the final plan provided, with the entrance width amended on the final plan to 32 feet, with the stated conditions. Madge B. 2nd the motion.

Shapleigh Planning Board Minutes – May 25, 2021 Page 7 of 13

Roger A. reviewed the conditions of the permit as follows:

- 1) Hours of operation to be 7 days a week in compliance with §105-22 at all times.**

- 2) The trees shall be planted by October 31, 2021.
- 3) The fuel shall be stored in an impervious container approved by the CEO & fuel storage company.
- 4) The proposed 50' x 100' structure shall have a concrete slab for the floor to prevent any waste oil or fuel oil from going into the ground.

Roland L., Roger A., Madge B., and Maggie M., voted to approve. Steve F. voted against. By a vote of 4 – 1, the motion to approve was upheld.

The Findings of Facts

1. The owner(s) of Shapleigh Tax Map 7, Lot 1B-1 (776 Shapleigh Corner Road) are Caleb C. & Abigail M. Chessie, mailing address of 776 Shapleigh Corner Road, Shapleigh ME 04076.
2. The property known as Map 37, Lot 37 is located in the General Purpose District and according to the Site Plan provided by LinePro Land Surveying, LLC, the property contains 7.08 acres total.
3. The Conditional Use Permit application was to be able to have a commercial use on the property for Chessie Excavation, and build a 50' x 100' addition. The application description reads as follows: *Commercial Use*.
4. Provided was a plan entitled 'Plan Showing a Proposed Site Plan for Caleb Chessie, 776 Shapleigh Corner Road, Shapleigh Maine 04076 of Property Located on Route #11 (Shapleigh Corner Road) in Shapleigh Maine', drafted by Joseph Stanley, MPLS #2453 of LinePro Land Surveying, LLC, dated May 5, 2021. The plan depicted the lot as being 7.08 acres in total; located on the plan was State Route 11; the existing entrance onto Route 11, being 75' in width; the existing parking area, lawn area, house and garage; the proposed buffer area – trees to remain; the proposed berm with trees to help provide buffer for neighbor, it being 60' x 160' in size adjacent to Map 7, Lot 1B; a proposed driveway / parking area along with proposed employee parking 10' x 20' per spot with a total of 8 spots; a 12' x 12' fuel storage area; five trees to be planted spaced 10' apart located behind the existing house and garage closest to Map 5, Lot 19; a possible future addition to the existing garage, being 50' x 100' in size; and a proposed overflow parking & material storage area.
5. Provided was a final plan entitled 'Plan Showing a Proposed Site Plan for Caleb Chessie, 776 Shapleigh Corner Road, Shapleigh Maine 04076 of Property Located on Route #11 (Shapleigh Corner Road) in Shapleigh Maine', drafted by Joseph Stanley, MPLS #2453 of LinePro Land Surveying, LLC, dated May 19, 2021. In addition to the above stated plan information, this plan indicated how stormwater flowed on the property, it depicted the location of a 12" culvert under the driveway coming off of State Route 11 which leads to a ditch across the lawn area, toward the existing berm and on into an area entitled 'Proposed Drainage Retention Area in Existing Depression'. The plan also depicts a 12" culvert that is located between the existing home and shed, that leads to an existing ditch that also goes toward the drainage retention area.
6. Reviewed was Shapleigh Zoning Ordinance §105-43 'Off-street parking and loading'; the Board members agreed the applicant showed necessity for the Board to allow for the maximum entrance width allowed, that being 32 feet.

Shapleigh Planning Board Minutes – May 25, 2021 Page 8 of 13

7. The application and final plan presented met the conditions in the Basic Performance Standards with conditions.
8. The application as presented met the performance standards under §105-73 'Conditional Use Permits', with conditions.
9. A notice was mailed to all abutters within 500 feet of the property on April 14, 2021. Meetings were held on Tuesday, April 13, 2021, April 27, 2021, May 11, 2021, and May 25, 2021 via Zoom due to Covid-19. A site inspection was done by members prior to the meeting on April 27, and a Public Hearing was held on this date as well.
10. By a vote of 4 – 1, the Planning Board approved the Conditional Use Permit to allow the applicant to have a commercial use on the property for Chessie Excavation, and build a 50' x 100' addition, on property known as Tax Map 7, Lot 1B-1, with the entrance width amended on the final plan to 32 feet, with four conditions.
11. The conditions of the permit are as follows:
 - 1) Hours of operation to be 7 days a week in compliance with §105-22 at all times.
 - 2) The trees shall be planted by October 31, 2021.
 - 3) The fuel shall be stored in an impervious container approved by the CEO & fuel storage company.

- 4) The proposed 50' x 100' structure shall have a concrete slab for the floor to prevent any waste oil or fuel oil from going into the ground.

Decision:

The Conditional Use Permit to allow a commercial use on the property known as Map 7, Lot 1B-1 for Chessie Excavation, and build a 50' x 100' addition, per the final plan provided by Joseph Stanley, PLS #2453, dated May 19, 2021, with the entrance width amended to 32 feet, was approved.

Conditional Use Permit – In-home Hair Salon – Map 12, Lot 12A (55 Granny Kent Pond Road) – Sheri Greenhalgh, Applicant & Property Owner

Mrs. Greenhalgh was present via Zoom for the review of the application.

Provided along with the application were pictures of the property including the view from the outside showing the doors to be used to enter the working space, and pictures of the inside space to be utilized.

Provided was a mortgage sketch which depicted the existing house and garage, 2 paved driveways, above ground pool and movable shed. The sketch showed the location of the entrance to the basement area where the salon will be located, an existing outside light, the parking area for the salon, as well as an area for patrons to turn around.

Provided was a copy of the State of Maine, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Barbering and Cosmetology License No. CO24445 for Sheri Ann Turcotte (Greenhalgh), Issue Date October 28, 2020.

The detailed description of the project is as follows: *In home hair salon. Will be utilized by myself.*

Shapleigh Planning Board Minutes – May 25, 2021 Page 9 of 13

Roger A. began by reviewing §105-40 'Home Occupations' as follows:

Home occupations shall be carried on wholly within the principal building or other structure accessory to it. ***Roger stated it was in the basement of the home.***

Not more than one employee other than the home occupant may work on site, one additional parking space if there is an employee. ***Roger stated at present there are no other employees requested, only the home owner.***

There shall be no exterior display, no exterior sign except as permitted by the provision of this chapter, no exterior storage of materials and no indication of the home occupation. ***Roger stated these are all met, signage will be per the ordinance and through the Code Enforcement Officer.***

Additional workers cannot gather even briefly on the property. ***Roger stated this is not applicable, there are no other workers.***

No nuisance, heavy traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation shall be generated. ***Roger stated none will be generated on site.***

Expanded off-street parking will require screening from adjacent lots. ***Roger stated this is not applicable, there is not a large parking area.***

Home occupations are allowed on nonconforming lots of record within legally existing nonconforming structures provided all performance standards are met. ***Roger stated this was a conforming lot.***

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, it will not.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***Roger stated this is not applicable.***
- 3) The use is consistent with the Comprehensive Plan. ***Roger stated it is, the Comp Plan is in favor of home based businesses.***
- 4) Traffic access to the site is safe. ***Roger stated it is.***

- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***Roger stated it is, the project is not in the flood zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***Roger stated a State approved septic system is on site, and any solid waste will be removed by the applicant.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***Roger stated there will not be any generated.***
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. ***Roger stated there are no changes being made to the exterior of the structure, there is no stormwater issue on site.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Roger stated there are no changes being made on site.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***Roger stated there was.***
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors, and the like. ***Roger stated there is existing vegetation, no changes are being made to the site.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***Roger stated they will.***

Shapleigh Planning Board Minutes – May 25, 2021 Page 10 of 13

Roger A. stated the condition is the following:

- 1) **The hours of operation are from 8 am to 8 pm, 7 days a week.**

Roger A. asked if there were any additional questions?

Roland L. speaking to Mrs. Greenhalgh stated there would be no changes to the exterior lighting. Mrs. Greenhalgh agreed. Roland stated that if she was considering signage then she would have to go to CEO Demers. Mrs. Greenhalgh stated she was only going to do that if it was something the Town required, she didn't plan on a sign if she didn't have to have one. Roger A. stated it was not a requirement, but she was allowed to have one if she wanted it. Mrs. Greenhalgh stated, ok.

Roger A. stated if there were no other issues, he would entertain a motion.

Madge B. made the motion to approve the conditional use permit for an in-home hair salon on Map 12, Lot 12A, with the stated hours of operation. Maggie M. 2nd the motion. All members were in favor. By a vote of 5 – 0, the motion passed unanimously.

Mrs. Greenhalgh thanked the Board for their time. Nothing more was discussed.

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**The Findings of Facts**

2. The owner(s) of Shapleigh Tax Map 12, Lot 12A (55 Granny Kent Pond Road) are Steven and Sheri Greenhalgh of 55 Granny Kent Pond Road, Shapleigh, Maine 04076 per Warranty Deed registered at the York County Registry of Deeds, Book 17804, Page 319.
2. Provided along with the application were pictures of the property including the view from the outside showing the doors to be used to enter the working space, and pictures of the inside space to be utilized.
3. Provided was a mortgage sketch which depicted the existing house and garage, 2 paved driveways, above ground pool and movable shed. The sketch showed the location of the entrance to the basement area where the salon will be located, an existing outside light, the parking area for the salon, as well as an area for patrons to turn around.
4. Provided was a copy of the State of Maine, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Barbering and Cosmetology License No. CO24445 for Sheri Ann Turcotte (Greenhalgh), Issue Date October 28, 2020.
5. The detailed description of the project is as follows: *In home hair salon. Will be utilized by myself.*
6. The application as presented met the performance standards under §105-40 'Home Occupations'. The business shall be carried out wholly within the principal building; there shall be no other employees; there shall be no exterior display or storage of materials or other indication of the home occupation; there will be



no nuisance, heavy traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation generated.

7. The application as presented met the performance standards under §105-73 'Conditional Use Permits'. The applicant will obtain any State permits required.

***Shapleigh Planning Board Minutes – May 25, 2021 Page 11 of 13***

8. A notice was mailed to all abutters within 500 feet of the property on May 12, 2021. Meetings were held on Tuesday, May 11, 2021, and Tuesday, May 25, 2021 via Zoom due to Covid-19. A site inspection was done by members prior to the meeting on May 25.
9. The Planning Board unanimously agreed to approve the Conditional Use Permit to allow an in-home hair salon, on property known as Tax Map 12, Lot 12A, with one condition.
10. The condition of approval is as follows:
- 1) Hours of operation to be 8 am thru 8 pm, 7 days a week.**

**Decision:**

**The Conditional Use Permit to allow an in-home hair salon, on property known as Tax Map 12, Lot 12A, with one condition, per the information provided was approved.**

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

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

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

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

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

The Project Description continued as follows:

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

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

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

***Shapleigh Planning Board Minutes – May 25, 2021 Page 12 of 13***

Roger A. asked Ms. Couture to let the Board know what she wanted to do. Ms. Couture stated she was interested in opening a skin care spa out of her home, in an already existing basement. She stated that in time she would like to sell retail products out of the same space.

**Roger A. stated that the Board could do a site inspection on Tuesday, June 8<sup>th</sup> at 6:15 pm and hold a public hearing at 7:00 pm on that same evening. A notice to abutters will be mailed as well.**

Roland L. suggested that the Board use Totte Road as opposed to the mailing address. He said this is where the applicant is proposing access to her salon. Ms. Couture stated that was exactly what she would like people to do, so the business would have its own entrance down on Totte.

Roland L. stated that Totte Road was a private road that he was quite familiar with, because it is directly opposite the pond where he lives, but also this particular location, Mousam Watershed Improvement Committee is looking at that area because of the runoff on Totte Road into Goose Pond and ultimately into Mousam Lake. He said it has been noted that it's one of the sites in the watershed area that is contributing a significant amount of runoff into the pond, and there is a project scheduled to take place this summer in conjunction with the Acton/Shapleigh Youth Conservation Corp. and York County Soil and Water Conservation to address it. He said he felt the Board needs to keep this in mind, as well as plowing, because there is no road association there. He said it is currently being privately plowed by one of the homeowners who lives there year round down the road, for no compensation. He also noted that he believed snow was placed in this area because there is no other place to put it. He thought the Planning Board needed to look closely at this, because they are looking at a year round use, there is more to it than what the Board may see now, that the Board needs to keep in mind. Roger said, ok.

Madge B. asked if there was a number on the property or should she just look for the property? Roland L. stated he would be there early and he will try to help point out the location. He said the road is narrow, then it opens up where the right-of-way is, and this property is on the left of that. Ms. Couture said it was somewhere around 16 Totte.

Nothing more was discussed.

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### **Growth Permits**

#### **Map 37, Lot 37 (Indian Village Road) GP #17-2021**

Roger A. stated this was the lot the Board looked at, at the last meeting, this is for the garage for the apartment above. Roger stated the deed was supplied.

#### **Map 9, Lot 1C (Private Way off West Shore Rd – Lot 2 Hidden Cove Subdivision – More Info Needed**

Roger A. stated this Growth Permit cannot be granted because the private way has not been constructed and the power isn't in. He added that the private way will have to be approved prior to granting a growth permit on any lot accessed by the private way. Roland L. asked if the applicant will be notified of this? Roger stated that he would, and this can come back up for review if the private way is in, otherwise the Board will have to deny the permit. Madge B. did not think by the next meeting they could have the road done and power in. She did not feel there was any point in coming back until the road was in and the power. Roger agreed but did not want to deny the permit yet, the Board will notify them to see where they are at with it. He added that he remembered telling them at one of the meetings that they had to have both the road in and power before getting a permit to

#### ***Shapleigh Planning Board Minutes – May 25, 2021 Page 13 of 13***

build on either one of the two lots accessed by the private way. Roger said there is one lot available because it abuts an existing road with overhead utilities. Madge agreed and remembered Roger stating this. (Planning Board Minutes June 23, 2020)

#### **Map 5, Lot 9A (23<sup>rd</sup> Street Loop) GP #18-2021**

Roger A. stated the deed was provided, it is a new lot cut from an existing lot of record, it is a 4 acre lot with the required road frontage.

#### **Map 13, Lot 11 (Rte. 109 – Emery Mills Road) GP #19-2021**

Roger A. stated there is a purchase and sale agreement, it is an existing lot of record meeting the minimum requirements, including the road frontage required.

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**The Planning Board meeting ended at 8:15 p.m.**

**The next Planning Board meeting scheduled will be via Zoom on Tuesday June 8, 2021 at 7:30 p.m. See the Town website, [www.shapleigh.net](http://www.shapleigh.net) to obtain the link details or use the information below.**

To attend the meeting, you may connect via the following:

• **Join Zoom Meeting**

<https://us02web.zoom.us/j/88005967573?pwd=OWxLdWM5eTZ5V28yL05VdWdVSmFjQT09>

• **If calling in:** Find your local number: <https://us02web.zoom.us/u/ktZsuHPrX>

**Zoom Meeting ID:** 880 0596 7573 **Passcode:** 860338 **(For all links)**

- You may send an email by noon on the day of the meeting to [planningBoard@shapleigh.net](mailto:planningBoard@shapleigh.net) and the link to the meeting will be emailed to you, or you can find that link on [www.shapleigh.net](http://www.shapleigh.net) under Planning Board

**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)