

# Shapleigh Planning Board

## Minutes

March 9, 2021

This evening’s meeting was conducted via Zoom due to Covid-19.

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

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**The minutes from Tuesday, February 23, 2021 were accepted as read.**

**The Planning Board meeting started at 6:30 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 whom is speaking.

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**Best Possible Location – Replace Existing Structure – Map 21, Lot 32 (89 24<sup>th</sup> Street) – Tyler Matthews, Applicant; Dan & Laura Lajeunesse, Property Owners**

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

Along with the application, provided was a letter stating Mr. Matthews could represent Dan & Laura Lajeunesse before the Planning Board.

Provided were square foot calculations that depicted the main camp as having 1705 sf, and an outbuilding having 536 sf, for a total of 2241 sf, with a lot size of .17 acres or 7406 sf. This showed there was approximately 30.25% existing lot coverage which exceeds the maximum lot coverage allowance of 10% in the shoreland district.

Provided was a land survey plan showing existing conditions done by Joseph Stanley, MPLS #2453 of LinePro Land Surveying, dated 2/1/2021. The plan depicted the location of the outbuilding which was 1.7’ from 24<sup>th</sup> Street at the closest point, and 11.1’ to the nearest lot line. The plan depicted the main camp as being 4.3 feet to the nearest lot line and the attached deck being 13.3’ at its closest point to Mousam Lake.

Provided was an ‘existing conditions’ plan which in addition to the locations of the main camp and outbuilding, it also depicted the location of the septic tank and chamber system. Exact distances to the main camp and side lots lines from the septic tank or chambers were not noted on this plan.

Provided was a ‘proposed’ plan which depicted the new structure / house and showed it as being 10’ from the nearest lot line and 16’ from the high water mark of Mousam Lake. Also on the plan was a stormwater dripline trench noted along the sides of the new structure.

*Page 1 of 10*

***Shapleigh Planning Board Minutes – March 9, 2021 Page 2 of 10***

Provided was a ‘re-vegetation’ plan which depicted areas around the new proposed structure / house that were shaded in green. No actual type of vegetation was listed.

Provided was a copy of the Subsurface Wastewater Disposal System Application, dated 5/21/2002, done by John Large, SE #7, with an approved installation date of 6/21/2002. In addition, a Replacement System Variance Request form was provided, approved on 5/28/2002 by the Shapleigh Code Enforcement Officer.

The detailed description of the project is as follows: *Looking to tear down main camp & build new camp.*

Provided by CEO Demers was an email dated 2/19/2021 that stated the following:

You should have received a packet for BPL application at [89 24th Street](#) and I would like to share a couple minor concerns with you. First I will say that the two structures on this lot are legally existing non-conforming structures. There are tax records dating back to 1980 on both. One concern is the declared existing square foot on the lot may not be what is actually there. The steps should not be considered as structure and two feet of the deck may be an illegal addition because at one point it was an 8' patio. Now the 10' deck cantilevers over the retaining wall and the area of concern is highlighted in the attachment.

The assessors page shows total structure at 1910 sf and the application declared is 2241 sf. The applicant may be accounting for overhangs too but this number needs to be nailed down because the lot coverage is 20%-30%.

In summary...

- Structure may be replaced SF for SF
- Steps should not be counted as SF
- Illegal expansions should not be counted as SF
- Overhangs may be counted as SF

*A site inspection was done by members on Monday, March 1<sup>st</sup> at 4:00 pm.*

Roger A. opened the discussion by asking Mr. Matthews to let the board and anyone listening know what he intended to do. Mr. Matthews stated that they were going to tear down the building near the lake and build a new structure. Steve F. stated that it appeared they were not expanding by 30%. Mr. Matthews stated that was correct, but they were pulling the structure off the side lot line by 10' and away from the lake 16'.

Steve F. stated that the plan showed 13' to the wall. Mr. Matthews stated that 16' was the new number for the setback. Roger A. asked if the side setback would be 10 feet? Mr. Matthews stated that because they were close to the septic tank, they would be keeping it at 10 feet.

Roland L. stated that at the site visit it was noted that 2 trees would be coming down. Mr. Matthews stated that yes, 2 trees that are closest to the building will be removed. Madge B. asked if that would require them to replace the 2 trees? Mr. Matthews stated that he would talk to CEO Demers. Madge asked if he would have to mulch or place vegetation where the trees were removed? Mr. Matthews stated that anything disturbed would be mulched. He added that alongside the new structure would be a dripline added, which was required in the building code.

Steve F. asked if the area on the revegetation plan that was shaded in green would be replanted with grass? Mr. Matthews stated that mulch would be placed. Steve asked if the area was pine needles now? Mr. Matthews stated that it probably was along with dirt, so that is why he wanted to use mulch to keep it natural. He also did not think a lawn would grow because the area was all sand.

### ***Shapleigh Planning Board Minutes – March 9, 2021 Page 3 of 10***

Roger A. stated that Best Management Practices shall be used which includes a silt fence. Mr. Matthews agreed. Roger asked about a time frame, when would the project start and be completed? Mr. Matthews stated that he believed they would be starting in the fall but would not have it done until May. Ann H. asked if it was May 2022? Mr. Matthews stated, correct. Roger asked if a date of completion of June 15, 2022 would work? Mr. Matthews stated that he would prefer July 4<sup>th</sup>. Roger and the other board members had no issue with that date.

Roland L. asked Mr. Matthews if he remembered that the board had spoken about the fact that the materials from the old structure cannot be taken to the transfer station? Mr. Matthews stated that he would be taking it to Simpson's, but asked if he got a demo permit, could he take it to the transfer station? Ann H. stated that you cannot take anything like that to the transfer station. Mr. Matthews wondered if the property owner could take it with a permit? The board members stated again that no demo refuse could be taken to the transfer station.

*Note: The Town of Shapleigh had a Demo Debris policy which clearly states that 'Debris from full demolition of a cottage, residence, barn or garage will not be accepted at the Transfer Station. This activity requires an owner to have the Contractor haul the demo debris directly to a licensed disposal facility as part of the cost of the project.'*

Roger A. stated that the board was reviewing this application under §105-4 ‘Nonconformance’. He stated that it fell under Section D ‘Nonconforming structures’ but because there was no expansion, Section (1) would not apply. He said because the structure already exceeded 10% lot coverage, it could be replaced because it was grandfathered, but there could be no expansion, so the amount of square feet cannot change. He stated it was a 1 for 1 replacement.

Roger A. stated that under §105-4.D(7) ‘Relocation’ the structure would be shifted 3 more feet away from the water and off the side lot line from 4 feet to 10 feet. Roger stated that because of the location of the shed and septic system, the proposed structure location was in the best location on the lot.

Roger A. stated that under §105-4.D(7)[1] ‘Trees, woody vegetation and ground cover’, there would be 2 trees removed, so there would have to be 2 trees put in to replace them, at least six feet in height. He stated that the replacement trees had to be placed no farther from the water than those removed, although they could be closer to the water. He said that CEO Demers would oversee their location and placement.

Roger A. stated that the existing structure is currently seasonal, so the owner might want to apply for a Growth Permit to make it a year round residence. Mr. Matthews stated that CEO Demers stated that they would not be allowed to be year round per state law, due to the size of the lot.

Roger A. stated the conditions of approval would be as follows:

- 1) All disturbed areas shall be stabilized or revegetated. The 2 trees that will be removed shall be replaced with 2 trees six feet in height, no farther in distance from the water than the trees being removed.
- 2) Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales.
- 3) All debris from the demolition of the existing structure shall be taken out of Shapleigh and disposed of at a proper facility, such as Simpson’s in Sanford Maine.
- 4) The project, including stabilization shall be completed by July 4, 2022.

#### ***Shapleigh Planning Board Minutes – March 9, 2021 Page 4 of 10***

- 5) A licensed surveyor shall confirm in writing that the structure is correct per the plans approved by the Planning Board, which move the existing structure 16 feet back from the high-water-mark and 10 feet from the adjacent lot known as Map 21, Lot 30. There shall be no increase in size of the footprint of the existing structure.

Roger A. asked if the board wanted to entertain a motion?

**Madge B. made the motion to approve the replacement of the existing structure on Map 21, Lot 32 per the plans provided, given the size and layout, with the noted conditions, because the proposed location, moving it to the 10’ south lot line, and back away from the lake from the current location 2’7”;** due to the fact the structure cannot be shifted more because of the location of the structure behind the building and the location of the septic tank. **Steve F. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0 the motion passed unanimously.**

Nothing more was discussed.

#### **The Findings of Facts**

1. The owner(s) of Shapleigh Tax Map 21, Lot 32 (89 24<sup>th</sup> Street) are Daniel Lajeunesse & Laura Bauman of 5674 Drysdale Drive, San Jose CA 95124.
2. The property known as Map 21, Lot 32 is located in the Shoreland District and according to the Assessor the property contains .17 acres.
3. The Best Practical Location application was presented to replace the existing structure with a new structure.
4. The application description reads as follows: *Looking to tear down main camp & build new camp*
5. Provided were square foot calculations that depicted the main camp as having 1705 sf, and an outbuilding having 536 sf, for a total of 2241 sf, with a lot size of .17 acres or 7406 sf. This showed there was approximately 30.25% existing lot coverage which exceeds the maximum lot coverage allowance of 10% in the shoreland district.

6. Provided was a land survey plan showing existing conditions done by Joseph Stanley, MPLS #2453 of LinePro Land Surveying, dated 2/1/2021. The plan depicted the location of the outbuilding which was 1.7' from 24<sup>th</sup> Street at the closest point, and 11.1' to the nearest lot line. The plan depicted the main camp as being 4.3 feet to the nearest lot line and the attached deck being 13.3' at its closest point to Mousam Lake.
7. Provided was an 'existing conditions' plan which in addition to the locations of the main camp and outbuilding, it also depicted the location of the septic tank and chamber system. Exact distances to the main camp and side lots lines from the septic tank or chambers were not noted on this plan.
8. Provided was a 'proposed' plan which depicted the new structure / house and showed it as being 10' from the nearest lot line and 16' back from the high water mark of Mousam Lake. Also on the plan was a stormwater dripline trench noted along the sides of the new structure.

***Shapleigh Planning Board Minutes – March 9, 2021 Page 5 of 10***

9. Provided was a 're-vegetation' plan which depicted areas around the proposed structure / house that were shaded in green. No actual type of vegetation was listed.
10. Provided was a copy of the Subsurface Wastewater Disposal System Application, dated 5/21/2002, done by John Large, SE #7, with an approved installation date of 6/21/2002. In addition, a Replacement System Variance Request form was provided, approved on 5/28/2002 by the Shapleigh Code Enforcement Officer.
11. The application required Planning Board review as a Best Practical Location under §105-4 'Nonconformance'. The application as presented, will meet all the criteria in the ordinance with conditions.
12. A notice was mailed to all abutters within 500 feet of the property on February 24, 2021. Meetings were held on Tuesday, February 23, 2021, and Tuesday, March 9, 2021 via Zoom due to Covid-19. A site inspection was done by members on Monday, March 1st.
13. The Planning Board unanimously agreed to approve the Best Practical Location for the replacement of the existing structure on Map 21, Lot 32 per the plans provided and information presented, moving the footprint 16' back from the high water mark at its closest point and 10' from the south lot line, with five conditions.
14. **The conditions of approval are:**
  - 1) **All disturbed areas shall be stabilized or revegetated. The 2 trees that will be removed shall be replaced with 2 trees six feet in height, no farther in distance from the water than the trees being removed.**
  - 2) **Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales.**
  - 3) **All debris from the demolition of the existing structure shall be taken out of Shapleigh and disposed of at a proper facility, such as Simpson's in Sanford Maine.**
  - 4) **The project, including stabilization, shall be completed by July 4, 2022.**
  - 5) **A licensed surveyor shall confirm in writing that the structure is correct per the plans approved by the Planning Board, which move the existing structure 16 feet back from the high-water-mark and 10 feet from the adjacent lot known as Map 21, Lot 30. There shall be no increase in size of the footprint of the existing structure.**

**Decision:**

**The Best Practical Location application to replace the existing structure with no expansion, moving it 16' back from the high water mark and 10' from the south lot line, adjacent to Tax Map 21, Lot 30, per the plans provided, with five conditions was approved.**

**Best Practical Location – Replace Existing Structure – Map 32, Lot 9 (32 Dahlia Street) – Tyler Matthews, Applicant; Susan Kronlund, Property Owner**

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

Provided along with the application was a letter of authorization which stated that Mr. Matthews could represent Ms. Kronlund in all aspects in order to obtain a building permit from the Town of Shapleigh.

***Shapleigh Planning Board Minutes – March 9, 2021 Page 6 of 10***

Provided was a boundary survey entitled 'Existing' which depicted the existing camp showing the distance to the side lot lines as being 14.9' and 3' to Dahlia Street. The plan noted the lot as being 15,694 ± sf.

Provided was a plan entitled 'Kronlund – 32 Dahlia Street, 'Proposed', which depicted the proposed new structure as being 20' x 30' in size, 3' from Dahlia Street and 15' from the side lot lines.

Provided was a copy of the Subsurface Wastewater Disposal System Application for a 4 bedroom home (encompassing two separate structures), drafted by John Large SE #7, dated 7/7/2008, inspected by the Code Enforcement Officer on 9/9/2008. Along with the application is an evaluation letter for 27 Dahlia Street, written by John Large, which stated in part the following:

The attached application is for an expansion from the current three bedroom chambered system to add an additional bedroom in the small building.

The current requirements for a 4 bedroom system are 15, 4' x 8' concrete chambers. The existing system as inspected calls for a 1000g septic tank and 15 concrete chambers.

A concrete tank was found at the site and a chamber was uncovered. The locations and the elevations of the units were similar to the requirements of the original design. Clean, dry fill was found above the chamber indicating that the system is functioning properly.

Based on the above, the addition of a bathroom in the existing small building would be acceptable.

John Large

The detailed description of the project is as follows: *Tear down existing camp & build new single family house.*

Roger A. asked Mr. Matthews to let the board know what he intended to do on Map 32, Lot 9. Mr. Matthews stated that the property was located off of Dogwood Drive on Dahlia Street; the structure to be removed was a bunkhouse that has had nothing done to it. He said the intention was to tear it down and replace it, and because it is 100' beyond the high water mark, the size is not an issue. He noted that because of the hill behind the structure, they wanted to keep the structure in the same location. Also, the septic system from this structure is tied to a camp they own on the adjoining property, which is depicted on the Septic plan he provided.

Roland L. asked if he was correct that the proposed structure would be 3' from the edge of Dahlia Street. Mr. Matthews stated that was correct. Roland acknowledged that Dahlia did not have much traffic but he still thought that was close to the road. Mr. Matthews agreed, but stated that because of the hill, he did not think it was possible to move it back, otherwise, it would be up on the hill. He noted that the board would see what he was talking about at the site inspection.

Roger A. asked about the number of bedrooms in the existing camp on the adjoining lot? Mr. Matthews stated there were 2, and added that the new structure would have 1 bedroom. He said that CEO Demers told him that the proposed structure would still be able to use the existing leach field but would need its own septic tank. CEO Demers concurred. Madge B. asked where the new septic tank would be placed? Mr. Matthews stated that he would be providing a new septic plan. Roger A. thought he could show the board where it will be located at the site visit. Mr. Matthews stated that he could.

### ***Shapleigh Planning Board Minutes – March 9, 2021 Page 7 of 10***

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

**A notice to abutters shall be mailed and a site inspection held on Tuesday, March 23<sup>rd</sup> at 5:00 pm. Due to Covid, members will meet on site.**

Nothing further was discussed.

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**Best Practical Location – Replace Existing Structure – Map 30, Lot 43 (22 Hemlock Road) – Tyler Matthews, Applicant; Kevin Sevigny, Property Owner**

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

Provided along with the application was a letter of authorization which stated that Mr. Matthews could represent Mr. Sevigny in all aspects in order to obtain a building permit from the Town of Shapleigh.

Provided was a copy of the Boundary Survey for Vincent & Diane Srebnick for 22 Hemlock Road, drafted on May 31, 2016, done by Dana Libby PLS #1350 of Corner Post Land Surveyors. The survey depicted the location of the existing structures, the location of the existing well, and abutting properties were also noted on the plan. Distance from the structure to the lot lines was not on the survey plan.

Provided was a plan entitled ‘Kevin Sevigny – 22 Hemlock Rd’ - ‘*Proposed*’ which depicted the lot, including the location of the existing driveway, well, and proposed house location that being 17’ from the high-water-mark, along with the proposed new structures footprint dimensions of 36’ x 48’.

Provided was a plan entitled ‘Kevin Sevigny – 22 Hemlock Rd’ - ‘*Revegetation Plan*’ which depicted the lot, the location of the existing driveway, well, proposed structures location / footprint and red dotted lines which were indicating a dripline trench along the 48’ length of the structure; and the area where the existing shed will be removed has a green area indicating that it will be revegetated. The type of vegetation is not indicated.

Provided was a plan drafted by the previous owners for a proposed addition, which indicated the distance from the addition to the well as being 15’8” and the distance from the existing house to be 11’ 11” from the high water mark of Square Pond. Also on the plan was the existing storage shed, driveway, septic tank and leachfield. There is no date on the plan.

Provided was a copy of the Subsurface Wastewater Disposal System Application for a 2 bedroom home, drafted by John Large SE #7, dated 5/12/1999, inspected by the Code Enforcement Officer on 6/22/1999. In addition, a copy of the Replacement System Variance Request, signed by the Code Enforcement Officer on 5/13/1999.

The detailed description of the project was as follows: *Tear down existing camp & shed & build new single family house.*

Roger A. asked Mr. Matthews to let the board know what he intended to do. Mr. Matthews stated that on 22 Hemlock they would be removing the house and shed, combining the square footage and build one new structure where the existing house sits. He stated the location is somewhat based on the location of the artesian well. CEO Demers asked if he would be salvaging any of the existing house? Mr. Matthews said, no.

***Shapleigh Planning Board Minutes – March 9, 2021 Page 8 of 10***

Roger A. stated that on one side of the new structure it would be 17’ to the water and on the opposite side 105’. Mr. Matthews stated that the dimensions are not written on the survey, so he could not verify the 105’. He added that he could only move the structure north, because he could not go past the 100 foot mark to the south.

Roger A. wanted the board to know that there could be a perceived conflict of interest for him on this project because Keven Sevigny was a relative. He noted that it is not a relative that he sees, and does not converse with, but he would not have an issue if the board wanted him to step down on this project. Madge B. did not believe it was a conflict but a possible bias issue. She did not believe that it was a problem for Roger to be part of the review of this application. The other members agreed, including the fact there was nothing for Roger to gain.

Steve F. asked about a time frame for the project? Mr. Matthews stated that he was only doing the permitting process, so he was not sure but would ask.

Steve F. thought the board should have the current setbacks to the water in order to be able to make an informed decision. He didn’t want to make an approval without accurate measurements and he added that it would be in the best interest of the property owner as well, as it could come up in the future. Mr. Matthews asked if he was talking about having it surveyed? Steve said he wasn’t talking about a full survey, but someone to place the existing structure’s location. CEO Demers stated that the closest measurement to the

water is 11'11". Mr. Mathews stated that he wasn't sure on that figure because he wasn't sure who wrote the sketch that he received from CEO Demers.

CEO Demers noted that they are taking the existing house and garage and combining them. There is no expansion, just combining the square footage. He didn't think new measurements were necessary because of the 11'11" measurement.

Roger A. asked if there was going to be a new septic system put in because the existing system is only designed for a 2 bedroom home. Mr. Matthews stated that they can keep the existing system and enlarge it for a 3 bedroom home. CEO Demers concurred.

Steve F. was still concerned with the distance to the high-water-mark and that it be accurate. Mr. Matthews stated that the high-water-mark was actually a concrete wall. Steve said that was fine but there is a conflict between the town tax map and the survey. Both look very different. He believed in order for the board to grant a best practical location, any setback measurements should be accurate, and again noted this would be in the owner's best interest in the future. Ann H. asked if the concrete wall was staying? Steve stated that it was.

Roland L. asked if there were any trees coming down. Mr. Matthews stated that he would stake out the location of the new structure and mark the trees to be removed. CEO Demers stated there was an open permit to take down trees currently and some have already been removed.

Roland L. stated that he agreed with Steve F. that there should be something formal for a measurement for the board to review and have on record. Ann H. thought that because they would have to have a surveyor place the

structure, the board will have a measurement. Mr. Matthews asked if they were asking for a survey? Steve said that when you reset the building a surveyor will have to state that it was placed per the approval.

Mr. Matthews asked if they were asking to have measurements from where the house sets to the water? Steve F. said yes, because looking at the plan, Dana Libby's survey vs the town tax maps, there is a large discrepancy.

### ***Shapleigh Planning Board Minutes – March 9, 2021 Page 9 of 10***

Roland L. again said he would like to have something in writing showing the location of the existing structure. Mr. Matthews stated that he would measure it.

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

**A notice to abutters will be mailed and a site visit scheduled for Tuesday, March 23<sup>rd</sup> at approximately 5:30 pm. They will do it after the Dahlia site visit.**

Nothing further was discussed.

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### **Growth Permit(s)**

#### **Map 7, Lot 16-3A (34 Stone Post Road) – New Home GP 04-2021**

Previously discussed on February 23<sup>rd</sup> regarding this application was the fact the Planning Board would need proof that when this new lot was created, it did not leave the original lot, Lot 16-3, without the required road frontage of 200 feet. The original subdivision plan did not depict Lot 16-3 as having a minimum of 400 feet of road frontage.

Provided was a survey plan done by Dana Libby of Corner Post Land Surveying, Inc., dated October 4, 2014, which depicted Lot 16-3 as having exactly 200 feet of road frontage and Lot 16-3A as having 245.74 feet of road frontage, which showed both properties could meet the road frontage requirement for a building lot in Shapleigh. Lot 16-3A contains 2.00 acres, and Lot 16-3 contains 14.5 acres ±, showing both lots meet the minimum lot size requirement. Therefore, the Growth Permit was approved.

Nothing further was discussed.

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**Other:**

Madge B. had several questions for CEO Demers regarding possible conditional use permit violations. One was a required amendment for a business, which was previously discussed between board members and the CEO several times in the past year and a half, and the other was an existing business operating without a CUP Permit. CEO Demers stated he would be happy to speak with Madge after the meeting.

CEO Demers asked the board about an existing restaurant that was for sale, if it would be allowed to operate a bakery from this location. He noted there was not a lot of existing parking and the lot wasn't large enough to hold both a business and house according to today's zoning requirements. The board members opinion was that the house and business were both grandfathered, as they have been in existence and the business has been approved for years. It was also noted that the parking area had been expanded from the original parking area, with Planning Board approval. With respect to having a bakery vs a restaurant, the board members believed either would be acceptable businesses at this location, therefore, either were currently allowed.

***Shapleigh Planning Board Minutes – March 9, 2021 Page 10 of 10***

Nothing further was discussed.

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

**The next Planning Board meeting scheduled will be via Zoom on Tuesday March 23, 2021 at 6:30 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=OWxLdWM5eTZ5V28yL05VdWdVSmlFjQT09>

**• If calling in:** Find your local number: <https://us02web.zoom.us/j/88005967573?pwd=OWxLdWM5eTZ5V28yL05VdWdVSmlFjQT09>

**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 will be in effect starting April 13; 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)