

## Shapleigh Planning Board

### *Minutes*

**May 11, 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, and Roland Legere. Alternate Ann Harris was unable to attend. Code Enforcement Officer Mike Demers was also in attendance.

\*\*\*\*\*

#### **Public hearing began at 7:00 pm**

#### **4 Lot Minor Subdivision ~ Grammar Ridge II – Map 11, Lot 10 (Newfield & Grey Road) – David Dubois & Linda Dubois, Property Owner(s); Corner Post Land Surveying, Inc., Authorized Agent**

Mr. Bartlett was present for the public hearing via Zoom.

Roger A. opened the public hearing and he asked Mr. Bartlett to let the Board and anyone in attendance know what the application was for. Mr. Bartlett began by stating that Grammar Ridge II was a 4-lot minor subdivision located at the intersection of Newfield and Grey Road. He said it was just 4 residential lots. He stated they have had soil tests done, wetland delineated, checked the site distances and as part of the project they are proposing donating 21 acres to the State of Maine. He said he would answer any questions the Board or audience may have.

An abutter, William Tito, asked where the acreage was that was being donated to the State of Maine. Mr. Bartlett stated it was at the top of the hill off Abbott Mountain Road. He said it abuts the State of Maine parcel that is already there. Mr. Tito asked if there was a map showing this? Mr. Bartlett stated it was on Sheet 1, as part of the boundary survey, he said Sheet 2 that shows the closeup of the subdivision did not show the 21-acre lot.

Roland L. asked Mr. Bartlett, and he noted it may have been answered during the site visits, but he did not hear it, so he wanted to ask it again; is the plan for the applicants to build homes and sell those or is it just to sell the lot and then an individual will decide what they have built? Mr. Bartlett stated that his understanding was that the plan was to sell the lots and whoever buys them decides what kind of home gets put on it. Mr. Bartlett stated they could build with the restrictions shown on the plan.

Roger asked if there were any other questions?

Mr. Bartlett stated that Barbara F. passed on to him today that the neighbor on Grey Road had expressed the fact their well was close to the property. He said he took a look at it and the test pit for the septic on the lot that is closest is around 200 feet away from the property line. He did not see there being any issue with their well. He added that Chris Coppi, Licensed Site Evaluator, would have looked at that when he did the test pit.

Abutter – Roger A. addressed her as Donna Lee. She stated that her property was on the Grey Road and her well was shallow. She said she didn't know a lot about that, and asked if she should be concerned about the draw from the four new properties? Mr. Bartlett said he did not have the expertise to answer that, that would be a question for a geologist. He said it was not a lot of development, he did not believe four new properties would

*Page 1 of 28*

#### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 2 of 28***

draw that much more new water, but he said again he could not answer that any certainty. Mr. Bartlett stated he had the email address of a well driller and said he would email them and ask their opinion regarding a 4-unit development and the additional draw.

Abutter Tito asked if the land that was being donated was numbered on the plan? Mr. Bartlett said that it was not, it was just labeled as 21 acres (Exempt Lot) Proposed Gift to Abutter. Mr. Tito asked if it was part of the

parcel that was labeled #10? Mr. Bartlett stated that it was and said there was a thick dashed black line between the parcels (the one being sold and the one being gifted). He noted it was in a darker shade of green. Roger A. held up a copy of the plan and pointed out what land was part of the subdivision and what land was being donated to the State.

Abutter Larry Montuori called in. He said that his question was, where it is a four-lot subdivision, 3 lots on the road and one that is open to the back which goes into a big triangle, what was going into the big triangle? Mr. Bartlett said it was part of one of the four lots. He said there were 3 lots that were close to minimum size and one that is twenty-something acres. Mr. Montuori said the reason he asked was because he felt the large lot looked like a lot that would be open to future development. Mr. Bartlett stated that there was a note on the plan that specifically states that any future development has to come back before the Planning Board, even if it is just to split off one more lot. Mr. Montuori said the reason he was asking, and he noted it was his biggest concern, was that when he bought his property back in 2005, they told him originally that no one would build behind him. He stated that Phil (also an abutter – Philip Garon), which was standing next to him, owns the property next to him and next to their first lot that has been vacant for two years. Mr. Montuori said Phil was also told that no one would be building behind him. He said this was his concern, would they build behind him later on down the road. Mr. Bartlett stated that his understanding from speaking with Mr. Dubois was that he was selling all four lots, he is not keeping Lot #2. Mr. Bartlett said it was possible the buyer may want to build something out back, but he didn't think it was feasible. He thought any builder would say it wouldn't work. Mr. Montuori said he did not mind growth but noted he had dealt with the applicant before, and he didn't get a good vibe from him. Mr. Bartlett believed Lot #2 had a good building area near the road, he felt the further back you went the worse it got. He did not see this lot as being prime developable land. Mr. Montuori said the developer owned his property, Mr. Rollins, and Arthur Mears property at one time. He said again he understood growth, but he did not want someone behind him. Mr. Bartlett stated that he understood and said he would feel the same way. He said that anything to be done in the future would require further permits through the Planning Board.

An abutter asked if someone who purchased Lot 2 could put a house anywhere on the property? Mr. Bartlett stated that they could, but not in the stream setback area. Mr. Philip Garon asked if the lot in the back (being donated to the State of Maine) was one lot with 20 acres? Mr. Bartlett stated that it was, it was 21 acres. Mr. Montuori asked about the size of Lot #2. Mr. Bartlett stated it was approximately 28 acres and noted the other three lots were small lots. Mr. Montuori asked that the map be held up again, so he could see where the 21 acre lot being donated was located. Mr. Bartlett and Roger A. held the map up, and Roger explained the location of the lots, also pointing out the location of the Newfield Road. Mr. Montuori stated his questions were answered and thanked the Board and Mr. Bartlett.

Roger A. asked if there were any other questions?

Madge B. stated that on the plan it states, 'Should the location of the suggested driveways shown hereon be relocated then the landowner will need to have sight distances measured at the new location to verify it will

***Shapleigh Planning Board Minutes – May 11, 2021 Page 3 of 28***

conform to site distance requirements'. She said she couldn't see where on the plan the suggested driveways were. Mr. Bartlett stated that they were only shown on Sheet 2 (the notation was on Sheet 1). Madge thanked Mr. Bartlett.

Mr. Montuori asked if he could get a copy of Sheet 2? Roger A. stated that he could. Mr. Bartlett stated that if they wanted to stop by his office, he would be happy to print him a copy. Mr. Montuori stated that he appreciated that.

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 7:26 pm.

\*\*\*\*\*

**The minutes from Tuesday, April 27, 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.

\*\*\*\*\*

A gentleman came on asking a question, stating he had a client who lived on 286 16<sup>th</sup> St Loop, Bruce Haynes. He stated Mr. Haynes had a retaining wall that was collapsing, made of railroad ties, and he needed to rebuild it. He said he had the paperwork, he just had to send it in. He stated that he did get certified by the MDEP in erosion control last fall. He asked what the next step was? CEO Mike Demers asked the gentleman to contact him, and he would walk him through the process, making sure he had all the paperwork required by the Planning Board. The gentleman asked when the next meeting would be. CEO Demers stated the next meeting would be on May 25<sup>th</sup>. The gentleman asked if there was a certain number of permits given per year? CEO Demers stated that there was no limit for that type of permit. The gentleman said that if he got it approved, he could do the job this year. CEO Demers said, yes. CEO Demers noted that there would be a minimum of 2 meetings, so this would go into June with the process. The gentleman said he would call CEO Demers tomorrow. Nothing further was discussed.

-----  
**Conditional Use Permit – Commercial Use – 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,

***Shapleigh Planning Board Minutes – May 11, 2021 Page 4 of 28***

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. 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.

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

*Planning Board members did a site inspection prior to this evening’s meeting.*

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 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.

Roger A. asked Mr. Chessie to let the Board know what he intended to do. Mr. Chessie stated he wanted a permit to have his business on his property.

Roger A. stated that at the last meeting the Board had requested several changes to the plan presented. Roger stated that LinePro had made the changes and mailed them to members. Roger said the Board was looking for the berm to be correct, the vegetative screen and the entrance onto the road corrected. Roger said the berm is on the plan, the existing parking and overflow parking is on the plan, and the trees to be planted behind the garage on noted on the plan. Roger asked if there were any additional questions for Mr. Chessie?

Madge B. said she was concerned with approving a 50' x 100' foot addition without having any idea of how it would be built, whether the stormwater would be taken care of, whether there is any cement under the building if they are working on vehicles. She did not think the Board ever approved this size building without having those details. She asked if they need an engineered plan, she noted she would have to look it up. She said this was a large building, which would shed a fair amount of rainwater. She stated that Mr. Chessie stated he wanted to have the building approved now, and she was having trouble doing that without more information.

Madge B. stated with the berm, she would like to see a timeline, so it is completed. Mr. Chessie stated that the berm had been completed, the only thing he had left to do was plant additional trees. He said 1/3 of the trees were planted, he just needed to finish. Madge thanked Mr. Chessie, saying it was an extremely helpful thing to

### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 5 of 28***

do. He said that he worked on it over the weekend, and it had been seeded, again he said he just needed to finish planting the trees.

Maggie M. asked Mr. Chessie if she was correct that the building would not be built for a few years. Mr. Chessie stated that she was correct. She asked if perhaps the Board should wait and approve that part of the permit at that time. Mr. Chessie said that was fine, asking if he could just go to the Code Enforcement Officer for that. Maggie believed it would come back to the Planning Board. Roger A. said, right. She thought if he didn't want to hold up the project, he could come back when he was ready. Mr. Chessie stated that that made sense.

Madge B. said that when the Board had gravel pits, they had a condition that the gravel trucks could not go by the school at drop-off and pickup. She said CEO Demers pointed out that there was no way for him to enforce that condition. She said that she agreed. She said that she thought the Board was asked by the school to put those conditions on and she said it was her opinion, but she noted she cannot prove it, that if the school starts having difficulty with tractor trailers going by that it can call the Sheriff's office and see if the situation could be improved. She said in order to be more consistent with what the Board has been doing, she would suggest that we request that the tractor trailers not go by the school at drop-off and pickup. She said one could easily tell what is going on, because of the blinking lights. Steve F. asked if she was suggesting they pull over? She thought that would be fine.

Roland L. said that when this discussion has come up, and he noted he was part of those conversations about limiting traffic, it usually was in reference to a mineral extraction operation, more commonly known as a sand pit. He said that was not what Mr. Chessie was asking for. He said Mr. Chessie has a business, he is not mining gravel or anything else on his property and hauling it by the school. He said that if the job requires that, the same as any contractor in the area, they get their material someplace and they might drive by it. He felt asking this would be unnecessary and not applicable in this particular instance because it is not an application for a sand pit. Madge said, Ok. Maggie M. stated that she lived on Shapleigh Corner Road, and the dozens of trucks that go by every day, are going up the road past the school. She said you cannot control all those companies from having trucks go by. She did not feel it was a reasonable request. Madge said she is beginning to wonder if it is a reasonable request for gravel pits? Steve F. felt this is what CEO Demers was speaking about at the last meeting. He said we want the kids to be safe but at the end of the day, whether it is this project or a gravel pit, or anybody else driving by, there is not a lot the Planning Board can do. He said that the blinking light calls for 15 mph, whether it is a Prius or a school bus or a tractor trailer. He did not think that anything the Board could put in for this application would be helpful.

Roger A. stated that in the review of the gravel pit, under Section 105-61, option C 'Optional Conditions of Permit', the method of removal or processing, number 4 – the route for transporting that material, comes

under the Planning Board's jurisdiction. Madge B. said, Ok. Roger added that the cleaning, repair and resurfacing of the streets is also under the Planning Board's optional conditions. He stated that if the Board can show there are health and safety concerns for the community, the Board can impose anything the Board wants to impose, providing there is a finding that its for the health and safety of the community. Roger added that it did not matter if it was specifically in the ordinance or not. Roger said again, the Board has to be sure they are looking at the health and safety of the community. Roger said it has to be a viable concern, and if so, it will hold up in court. Roland L. stated that this was not the conversation to have at present. Roger agreed. Roland felt the Board needed to get back to Mr. Chessie's application. Roger agreed and said that he did not feel the conditions for mineral extraction were what would be looked at for Mr. Chessie's application. Madge agreed.

### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 6 of 28***

Roger A. stated that with respect to Mr. Chessie's trucks driving by the school, he would just have to comply with the yellow blinking light and do 15 mph. Madge B. thanked the Board for the conversation, stating it was helpful to her.

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.

During the meeting on April 27, 2021 Roger A. also reviewed §105-73.G 'Standards applicable to conditional uses' and made the following findings of fact.

- 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 are per the plan provided. Madge B. stated that there is going to be, the storage facility is not finished. Roger agreed.***
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. ***Roger A. stated he believed Mr. Chessie was handling the stormwater on site currently. The Board members during the meeting concluded to have the plan updated to show the exact size of the berm on site, along with trees being planted, which would help with both stormwater and noise reduction.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Roger A. stated the berms being created and the ditching is to try to keep the water 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 like. ***Roger A. stated this is what has been discussed, creating the berms and vegetative screening.***

### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 7 of 28***

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 some of the conditions of approval would be:

- 1) Hours of operation to be 7 days a week in compliance with §105-22 at all times.
- 2) The berm shall be completed per the plan.
- 3) The fuel shall be stored in an impervious container approved by the CEO & fuel storage company.

Roger A. stated the application was not approved at that time because the Board wanted the berm to be depicted correctly, where the trees would go, and the correct size of the driveway to be placed on the plan.

Madge B. said that she would like it to be made clear that the Board is not approving the 50' x 100' building. Roger said that it could be a condition that when Mr. Chessie is ready to build the structure, he has to come back before the Planning Board for approval. Madge wasn't sure if the other Board members agreed with her.

Mr. Chessie asked why he cannot just go to the Code Enforcement Officer for the building when the time comes? Roger A. stated that it was because it was a structure for a business. Mr. Chessie said, OK. Madge B. stated that her concern was the storm water runoff for the building. Roger said that once the Board has the information for the size of the building, and how the runoff will be handled, then the Board may impose additional conditions prior to the structure being built. Mr. Chessie said, Ok. Roger said that CEO Demers will actually permit the building of the structure after the Planning Board approves it. Madge said she wasn't certain if the CEO could do the stormwater review for a CUP. She said normally the Planning Board does it and again noted it was a large building, so the Board would want a well-designed stormwater plan.

Mr. Chessie asked if every big building in town had to have a stormwater plan? Roger A. stated that anything that goes through the Conditional Use Permitting process needs one. Mr. Chessie stated, "Got it, thank you". Madge B. said she could not think of one that the Board hasn't required a stormwater plan, and sometimes an engineered plan is required. Roger said Parkers Boathouse had an engineered stormwater plan, all the boat storage places because of the large buildings. Roger said Adrienne' Knox's building for the Auto Body Repair shop required a stormwater plan. Mr. Chessie said, Ok.

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

Roger A. stated that the conditions noted at the prior meeting were:

- 1) Hours of operation, 7 days a week in compliance with §105-22.
- 2) The completion of the berm, which has been completed according to Mr. Chessie.
- 3) The proposed 50' x 100' structure to be built at a later date, shall be reviewed by the Planning Board closer to the construction of the building.

Roger A. asked if the Board wanted a date of completion to plant the trees? Madge B. said she was interested in the berm not the trees. Maggie M. said she would like them planted by fall, so they can take hold. Mr. Chessie stated he would have them done by fall. Steve F. stated, 10-31. Mr. Chessie said, "Perfect". Roger asked if this included the trees behind the garage? Mr. Chessie stated, "Correct".

Roger A. stated the conditions again as follows:

***Shapleigh Planning Board Minutes – May 11, 2021 Page 8 of 28***

- 1) The proposed 50' x 100' structure to be built at a later date, shall come back before the Planning Board for review prior to construction.
- 2) The hours of operation are 7 days a week in compliance with the noise standards in §105-22.
- 3) The trees to be planted by October 31, 2021.

Steve F. stated that he wanted to ask the applicant if instead of coming back at a later date for stormwater, it might make sense to go another 2 weeks and have the applicant come back with a stormwater management plan for the building. He said he didn't have a problem looking at this proposal in its entirety, and perhaps it was a compromise Mr. Chessie and Madge B. would be satisfied with, and/or the Board. Madge said that she was fine with his idea, stating again it was too large a building for the Board to not address stormwater.

Madge B. said that she assumed the new structure would be used with vehicles in it, should the Board worry about having an impervious surface in the structure for servicing vehicles. Steve F. asked if she was asking if he was going to pour a garage floor in the building? Mr. Chessie said that he would have a floor. Madge said

she was fine with solving the problem now. Steve said he would leave it up to Mr. Chessie as to whether or not he wanted to do more now, get the stormwater management for the building at this time. Mr. Chessie stated that he would like to get it all over with now.

**Steve F. made the motion to table the application until the applicant is ready to come back before the Board with the stormwater information. Madge B. 2<sup>nd</sup> the motion. All Members were in favor. By a vote of 5-0, the motion to table was unanimous.**

Roger A. stated that the application is tabled, and he asked Mr. Chessie to get in touch with Barbara F. to let her know when he had the stormwater plan for the new building. Mr. Chessie said, Ok, and he thanked the Board.

Nothing further was discussed.

-----  
**Conditional Use Permit §105-13 – Build Garage w/Apartment Over – Moving Out of Shoreland District– Map 37, Lot 37 (Indian Village Road) – Tyler Matthews, Applicant; Gary Bracy, Property Owner**

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

Presented along with the application was a letter of authorization dated March 24, 2021, which stated that Tyler Matthews could act as agent to obtain a building permit from the Town of Shapleigh on behalf of Gary Bracy, owner of Map 37, Lot 37 (54 & 54A) Indian Village Road.

Provided was a sketch plan which depicted a structure entitled ‘Proposed Garage’, showing a structure 10’ from one side lot line with a dripline on two sides of the structure.

Provided was a sketch plan which depicted a ‘Garage’; notations that the lot was 100’ in width, 200’ in depth; the new structure would be 300’ from the high-water mark; a line depicting the ‘road setback’ and a sentence stating, ‘Looking to extend the shoreland zone an additional 50’ from the high-water mark’.

*Prior to this evening’s meeting the Board members did a site inspection.*

***Shapleigh Planning Board Minutes – May 11, 2021 Page 9 of 28***

Roger A. asked Mr. Matthews to let the Board know what they intended to do. Mr. Matthews stated that they were asking to extend the shoreland zone setback, which is 250 feet from the high-water mark, moving it 50 additional feet, moving it to 300 feet, allowing a 10-foot setback to the side lot line instead of 25 feet. He said the 10-foot minimum but a cumulative of 30 feet combined.

Roger A. asked if there were any questions for Mr. Matthews? Madge B. said she did not have questions for Mr. Matthews but said she had questions about what the ordinance stated. Madge said she was looking at §105-13 which states in part, ‘regulations applicable to the less-restricted portion of the lot may be extended, except when the more-restricted portion lies in the Shoreland District’. She said she did not have trouble with what Mr. Matthews was proposing, she was not sure the ordinance allowed it. CEO Demers stated that what the ordinance was stating was that the Shoreland can be extended into the General Purpose, and in this instance the setbacks for the Shoreland are less restrictive than the General Purpose. He said so in this case you can extend the less restrictive Shoreland setbacks into the General Purpose, and then it goes on to say if you want to do it the other way around, the General Purpose into the Shoreland, you can only do it by 50 feet. He said in this instance the Shoreland could actually be extended for the entire lot. Madge said, “Because they are less restrictive”. CEO Demers said, “The General Purpose is more restrictive in this instance and the Shoreland is less restrictive with those dimensional setbacks. The sideline setbacks”. Madge said that she understood.

Steve F. said that even though he did not write the ordinance, it seems this was written to create some kind of continuity throughout the districts. He said he liked the idea, such as Sanford that has a fill zone, which they look at the surrounding properties and then try to fill it in. He said this fits with the character with what is in that area, and it appears to be allowed by the ordinance, so he had no issue with it. Madge B. said she did not have an issue either, she just didn’t read it the way CEO Demers suggested, but now she is fine with it.

- Roger A. stated that the Board needs to refer back to §105-73.G ‘Standards applicable to conditional uses’.
- 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 a back lot, therefore, not applicable. Roger noted there is still access to the water body because the same people who own this lot own the one on the waterfront.**
  - 3) The use is consistent with the Comprehensive Plan.
  - 4) Traffic access to the site is safe. **Roger A. stated it is as safe as it can be on this road.**
  - 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 there will be a State approved septic system on site.**
  - 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. **Roger A. stated none will be generated by this activity.**
  - 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. **Roger A. stated any runoff will go to the owner of the lots camp, so it will have to be mitigated during construction so not to create an issue for the property owner.**
  - 9) Adequate provisions to control soil erosion and sedimentation have been made. **Roger A. stated soil erosion measures shall be taken during construction.**
  - 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 near a large water body that can be accessed, so there is.**
- Shapleigh Planning Board Minutes – May 11, 2021 Page 10 of 28**
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors, and the like. **Roger A. stated there is.**
  - 12) All performance standards in this chapter applicable to the proposed use will be met. **Roger A. stated they shall.**

Roger A. did not believe there were any conditions to be imposed for this use. He stated the applicant was before the Board because of §105-13, allowing the applicant to extend the Shoreland District setback requirements, to be able to place the structure within 10 feet of the side lot line.

Roger A. asked if there were any concerns, and if there are none, will someone make a motion to approve? There were no concerns or questions.

**Madge B. made the motion to approve allowing the use of the Shoreland District side lot line requirements in the General Purpose District for the construction of the building per the plans provided on Map 37, Lot 37. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to approve the application was unanimous.**

Mr. Matthews noted he would apply for a Growth Permit.

Nothing further was discussed.

### The Findings of Facts

1. The owner of Shapleigh Tax Map 37, Lot 37 (Indian Village Road) is Gary Bracy, mailing address of 17 Cal Vista Drive, Dayton, Maine 04005.
2. The property known as Map 37, Lot 37 is located in the Shoreland District and according to the Assessor the property contains .48 acres.
3. The Conditional Use Permit application was presented to construct a garage with apartment in the General Purpose District, using the Shoreland District Dimensional requirements. The application description reads as follows: *Looking to build a garage w/apartment overhead. Looking to extend the Shoreland Zone of 250’ to 300’ from water. To allow smaller sideline setbacks.*
4. Provided was a sketch plan which depicted a structure entitled ‘Proposed Garage’, showing a structure 10’ from one side lot line with a dripline on two sides of the structure.
5. Provided was a sketch plan which depicted a ‘Garage’; notations that the lot was 100’ in width, 200’ in depth; the new structure would be 300’ from the high-water mark; a line depicting the ‘road setback’ and a sentence



stating, 'Looking to extend the shoreland zone an additional 50' from the high-water mark'.

6. During the site inspection Board members did not find any reason why the applicants request to use the Shoreland District dimensions requirements could not be granted.

***Shapleigh Planning Board Minutes – May 11, 2021 Page 11 of 28***

7. The application as presented met the performance standards under §105-73 'Conditional Use Permits', there were no conditions required.
8. A notice was mailed to all abutters within 500 feet of the property on April 28, 2021. Meetings were held on Tuesday, April 27, 2021, and Tuesday, May 11, 2021 via Zoom due to Covid-19. A site inspection was done by members prior to the meeting on April 27.
9. The Planning Board unanimously agreed to approve the Conditional Use Permit to allow the applicant to build a garage with apartment over, using the dimensional requirements imposed on the Shoreland District in the General Purpose District citing §105-13, on property known as Tax Map 37, Lot 37, with no conditions required.

**Decision:**

**The Conditional Use Permit to build a garage with apartment over, using the dimensional requirements of the Shoreland District in the General Purpose District in accordance with §105-13, on Shapleigh Tax Map 37, Lot 37, per the plans provided was approved.**

**4 Lot Minor Subdivision ~ Grammar Ridge II – Preliminary Review - Map 11, Lot 10 (Newfield & Grey Road) – David Dubois & Linda Chadbourne, Property Owner(s); Corner Post Land Surveying, Inc., Authorized Agent**

Davis Bartlett of Corner Post Land Surveying was representing the applicants this evening via Zoom.

**The sketch plan application for the 4-lot subdivision contained the following information:**

Name of Property Owner: David P. and Linda B. Chadbourne  
 Mailing Address: 80 Sand Pond Road, Sanford, Maine 04073  
 Name of Applicant: David P. Dubois and Linda B. Dubois c/o Michael Dubois  
 Mailing Address: 1204 Main Street, Sanford, Maine 04073  
 Name of Authorized Agent: Davis Bartlett of Corner Post Land Surveying, Inc.  
 Mailing Address: 600 Main Street, Springvale, Maine 04083  
 Name of Land Surveyor: Dana Libby of Corner Post Land Surveying, Inc.; PLS #1350  
 Email Address: [dana@mainesurveyors.com](mailto:dana@mainesurveyors.com)

**Land Information:**

Location of Property: YCRD Book 7632, Page 212  
 Shapleigh Tax Map 11, Lot 10  
 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: 55.46± Acres – *Changed to 34.48 Acres April 2021*  
 Property is not part of a prior subdivision.  
 There have been other divisions within 5 years.  
 Restrictive  
 Covenants: No dug wells will be allowed.

Existing Use: Wood Lot

The parcel does include a waterbody.

The parcel is not within a special flood hazard area.

***Shapleigh Planning Board Minutes – May 11, 2021 Page 12 of 28***

Proposed Name of

Development: Grammar Ridge II

Number of Lots: (4) Four

Date of Construction: Spring / Summer 2021

Date of Completion: Unknown

Infrastructure

Required: No

The property currently has possible road access on Grey & Newfield Road.

Method of Water

Supply: Individual Wells

Method of Sewer

Disposal: Individual Septic Systems

Method of Fire

Protection: Sprinklers in individual homes.

There are no Proposed: Streets

Recreation Areas

Common Land

Requested Waiver(s): §89-29 – Utilities *Added April 2021*

§89-30.A – Request waiver to set concrete monuments instead of stone.

§89-30.B.2(c) – Request waiver to install individual sprinkler systems instead of a fire pond.

§89-30.D.3 & 4 – Stormwater Drainage Plan *Added April 2021*

Provided with the application was a copy of the Town's Tax Map 11, depicting the location of Lot 10; a copy of the Warranty Deed between Santo A. and Mary T. Sullo, property owners, to Grammar Ridge, Inc, Book 6913, Page 074, dated received at YCRD on January 21, 1994; and a copy of a document entitled 'Significant Sand and Gravel Aquifers' and it appears this parcel does not lie over a significant aquifer.

Provided was a copy of the soils map for Lot 10, which depicts AdB adjacent to Grey and Newfield Road which refers to Adams loamy sand, 0 to 8 percent slopes (11.7% of area), as well as HmC along Newfield Road and in a large area in the center of the lot, which refers to Hermon sandy loam, 8 to 15 percent slopes (33.4% of area). Along the upland wetland interface and toward the center and then back of the property lies Na, which refers to Naumburg sand (8.2% of area) and SrC, which refers to Skerry fine sandy loam, 8 to 15 percent slopes, very stony (23% of area). To a lesser extent and along the boundaries of the property depicted is also AdB (see above); CrB, which refers to Croghan loamy fine sand, 0 to 8 percent slopes (1.6% of area); CoB, which refers to Croghan loamy fine sand, 0 to 8 percent slopes, wooded (2.9% of area); BsB, which refers to Brayton and Westbury very stony fine sandy loams, 0 to 8 percent slopes (2.6% of area); HmB, which refers to Hermon sandy loam, 0 to 8% percent slopes, very stony (.4% of the area); LyC, which refers to Lyman-Rock outcrop complex, 8 to 15 percent slopes (1.1% of area); HmC (see above); HnE, which refers to Hermon sandy loam, 15 to 60 percent slopes, extremely stony (3.1% of the area); and LyE, which refers to Lyman-Rock outcrop complex, 15 to 80 percent slopes (12% of the area).

Provided was wetland information from Chris Coppi CWS, LSE, Independent Wetland Scientist from Albert Frick Associates, Inc. The letter was entitled 'Wetland Delineation, Newfield Road, Shapleigh'. The letter read as follows:

*On October 12, 2020, I completed a wetland delineation at the above-mentioned property. The investigation area contains a DEP stream that traverses west to east and a forested wetland. Wetlands (blue flagging), the DEP stream (pink*

**Shapleigh Planning Board Minutes – May 11, 2021 Page 13 of 28**

*flagging) and drainage (pink flagging) were labeled alphanumerically and were located by Corner Post Land Surveying, Inc. The water course, shown as a Blue-Line stream according to the USGS map, was inspected in its entirety. As shown on my attached sketch, a portion of this blue-line stream in the area between the wetland and Newfield road, did not*

*exhibit a scoured mineral. As such, I flagged these areas in pink and labeled them “Drainage”. No vernal pools were observed within the investigation area.*

*The DEP stream starts west of the investigation area and then proceeds easterly across the investigation area. The stream exhibited a scoured mineral between a defined bank and contained aquatic vegetation (aquatic mosses). Shortly after the existing pedestrian crossing and forested wetland, the stream appears to dissipate, and becomes a seasonal drainage all the way to the Newfield Road culvert. At that point, the drainage did not exhibit a scoured mineral and channel. It is my opinion that the stream becomes more of a sheet flow-type drainage after depositing sediment in the forested wetland. Afterwards, the blue-line stream is essentially intermittent flow and is not persistent enough to scour a channel consistent with the DEP stream definition under the Natural Resources Protection Act. As such, the drainage section of the blue-line stream does not meet the DEP stream definition because it does not have a scoured mineral.*

*Per your survey, you have showed the entire water course as a stream. If development is affected by this resource designation as a stream all the way to Newfield Road, then perhaps this warrants a reclassification of the drainage portion of the blue-line stream as a possible non-jurisdictional water course for DEP purposes. The blue-line stream designation also has ramifications for subsurface wastewater disposal as the state plumbing code requires a 100 foot*

*setback from a blue-line stream to a disposal field. A reclassification of this water course in the drainage areas discussed above may require state concurrence of these findings with both DEP and if necessary, DHHS (Subsurface Wastewater Group).*

*Wetland impacts on the property will require a DEP and Army Corps wetland permit in accordance with the Natural Resources Protection Act (NRPA) and Maine General Permit (Maine GP) respectively. Wetland impacts located within 25 feet of a DEP stream, do not qualify for the normal Tier review process and therefore, would require an Individual NRPA permit; Individual permits are not a guaranteed approval. However, if the wetland impact occurs only within 25’ of the stream and is associated with a stream crossing (e.g., driveway or utility crossing), then the activity would qualify for a Permit by Rule (PBR) under that process. The PBR program is a 14-day review process.*

*A DEP-regulated stream requires a 75-foot setback to an activity, such as clearing of vegetation, filling, or soil disturbance. A DEP permit is necessary if that activity encroaches into the 75-foot setback. However, the activity may be eligible for the Permit by Rule process provided the activity maintains at least a 25’ setback to the DEP stream and is justified within the 75’ foot setback.*

*According to Shapleigh WEB GIS, the property does not contain a shoreland zone.*

*Provided for the initial review was a ‘Boundary Survey for David P. Dubois & Linda B. Chadbourne for Property Located on Newfield Road & Grey Road in Shapleigh, Maine’, drafted by Dana Libby, PLS 1350, dated November 30, 2020, labeled Sheet 1. This survey contained the location of the proposed lots, abutting properties, location of Grey and Newfield Road, overhead utility lines and poles, existing stonewalls on the*

property, building setback lines for each property, approximate upland/wetland interface; soils boundary and type; contour lines (both 2' and 10' intervals), and survey markers found.

Provided for the initial review was a sketch plan showing 'Grammar Ridge II, a 4 Lot Subdivision by David P. Dubois & Linda B. Chadbourne of 80 Sand Pond Road, Sanford, Maine 04073 of Property Located on Newfield Road, Grey Road & Abbott Mountain Road in Shapleigh, Maine', drafted by Dana Libby, PLS 1350, dated November 30, 2020, labeled Sheet 2. This sketch plan depicted the entire parcel consisting of 55.46 acres. Proposed lot areas are depicted as follows: Lot #1 = 2.40 acres with 318' of road frontage on Grey and

***Shapleigh Planning Board Minutes – May 11, 2021 Page 14 of 28***

Newfield Road; Lot #2 = 49.38 acres; Lot #3 is 1.84 acres; and Lot #4 is 1.84 acres in size. Also depicted on the plan were contour intervals, stream delineation, wetland area, building envelope, soils, and abutting properties.

Provided April 13, 2021 was a new plan entitled 'Plan Showing a Boundary Survey for David P. Dubois & Linda B. Chadbourne, 80 Sand Pond Road, Sanford, Maine 04073 – Property Located on Newfield Road and Grey Road in Shapleigh, Maine' drafted by Dana A. Libby PLS #1350, dated 4-6-2021, labeled Sheet 1. The plan depicted the area to be developed as 34.48 Acres Total with 21 Acres as an Exempt Lot, as a proposed gift to Abutter (State of Maine). The plan also depicted the 1<sup>st</sup> lot sold from the property as an Exempt Lot and it depicted the previous lots sold from the parent lot. The plan listed the proposed waivers requested as noted above. Also shown are the survey markers; abutters lines; soil information taken from the "Soil Survey of York County Maine" Prepared by the US Dept. of Agriculture, Soil Conservation Service; the wetland/upland interface mapped by Albert Frick Associates and it was noted that 'No wetlands depicted shall be disturbed or filled.'. The plan also noted the following: The minimum lot size requirements for the Town of Shapleigh will be met; on site sewerage disposal and water supply to be utilized; no part of the premises are in the Flood Hazard Zone; no dug wells shall be allowed; no further division of Lot 2 without Planning Board approval; Lot 1 to be accessed from Grey Road; all houses will have individual fire suppression sprinkler systems; and soil

test pits to be performed by Chris Coppi of Albert Frick Associates before submission of Final Plan. The traffic trip calculation stated that 4 single-family residential lots will generate 40 trips per weekday, 4 trips in the peak AM hour and 5 trips in the peak PM hour.

Provided April 13, 2021 was a new plan entitled 'Preliminary Plan Showing Grammar Ridge II – A 4 Lot Subdivision by David P. Dubois & Linda B. Chadbourne, 80 Sand Pond Road, Sanford, Maine 04073 of Property Located on Newfield Road, Grey Road & Abbott Mountain Road in Shapleigh, Maine', dated 4-6-2021, labeled Sheet 2. The plan depicts 4 lots for development, (1) 2.40 Acres; (1) 28.41 Acres; and (2) 1.84 Acres in size. The plan shows the contour intervals, soils, and wetland delineation showing the 75-foot setback and it also includes a 30' foot drainage easement, most of the easement on Lot 10-1, with a small portion on Lot 10-2. There is a note on Lot 10-1 that states of the 2.40 acres, 2.32 acres are outside of the wetland. Site distance for the proposed lots are as follows: Lot 10-1, 253' / 180' on the Grey Road; Lot 10-2, 750' / 684' on the Newfield Road; Lot 10-3, 989' / 650' on the Newfield Road; and Lot 10-4, 790' / 713' on the Newfield Road. Speed Limit on the Newfield Road is listed as 35 mph. The waivers are also listed on this plan for §89-30.A, §89-30.B.2.c, §89-D.3 & 4, and §89-89-29. A note for typical erosion control measures for a building site is indicated on the plan.

Provided April 13, 2021 was additional information regarding Article X, General Standards, where the applicated referenced how each Section's requirements either are not required or how they can be met noting where on the information can be found on the plans provided.

Provided April 13, 2021 was a letter dated February 8, 2021 written by Becca Settele, Wildlife Biologist from the State of Maine Dept. of Inland Fisheries & Wildlife. The letters stated that the department did not map any Essential Habitats that would be directly affected by the project. Listed are two endangered, threatened, or special concern species, those being bat species and the Blandings turtles. The agency did not believe there would be significant impact to the bats or turtles because of this project. A mapped Significant Vernal Pool occurs within the project review, and it was suggested if formal surveys were not conducted by a qualified wetland scientist, they should be conducted prior to final project design and these surveys submitted to IF&W

***Shapleigh Planning Board Minutes – May 11, 2021 Page 15 of 28***

for review. Direction was given in the letter for any streams or stream crossings, including the time frame for any instream work.

Provided April 13, 2021 was a letter dated January 15, 2021 written by Kristen Puryear, Ecologist for the Maine Natural Areas Program, State of Maine Dept. of Agriculture, Conservation & Forestry. The letter is in reference

to the presence of rare or unique botanical features documented in the project area. The letter states that currently in their Biological and Conservation Data System files, there are no rare botanical features documented, but this may be due to minimal survey efforts rather than confirmation of the absence of rare

botanical features. MNAP recommends that the site be surveyed by a qualified biologist to ensure that no undocumented rare features are inadvertently harmed. MNAP recommends that the survey be conducted for the Small Whorled Pogonia and Autumn Coral-root during the growing season of June 15 through September 30. Both species are in close proximity to the project site. The letter states MNAP is available to conduct this survey and it gives contact information. The letter includes information on both species of plant noted. Also

provided was a list of Rare and Exemplary Botanical Features within 4 miles of the project, which includes the State status, State rank, Global rank, Date Last Observed, Occurrence Number and Habitat.

Provided April 13, 2021 was a site plan which showed well data in the area. Gallons per minutes and depth of well was noted. Gallons per minute ranged from .5 to 25 gallons per minute, averaging 9+ gallons per minute.

Provided this evening was a Preliminary Septic Evaluation – Newfield and Grey Roads, Shapleigh Maine, dated April 12, 2021 done by Chris Coppi CSW, Independent Wetland Scientist and Licensed Site Evaluator, of Albert Frick Associates, Inc. The information provided stated the soils were suitable in the vicinity Test Pits 1 – 4 in accordance with Maine’s Subsurface Wastewater Disposal Rules, CMR 241. The sandy-textured soils constitute 5C soil conditions in accordance with the Rules. The soil profile requires a medium size rating for the disposal field and a 24” separation. It was also noted that a portion of both Lots 3 & 4 (*should be 1 & 2*) are contained within 100’ of a blue-line stream; The Rules requires a 100’ setback from a blue-line stream to a disposal field. During an inspection on 4/12/2021 during what is normally a normal high water flow condition, Mr. Coppi did not observe any flowing water nor an observable channel within 100 feet of both Test Pits. Mr. Coppi stated as illustrated on the attached site plan, a 100 setback should not be applied for septic purposes in the area designated as a drainage for the reasons discussed. If a proposed system is to be located within 100’ of the mapped blue-line per USGA Topographical Maps, consultation with both the CEO and DHHS may be necessary to address this to avoid delay with permits.

Provided this evening was a copy of the Site Plan Prepared for David Dubois, Newfield and Grey Roads, Shapleigh Maine, dated 4/14/2021, drafted by Albert Frick Associates, Inc. The site plan depicted approximate potential subsurface wastewater disposal area locations for each of the four lots. The actual Test Pit results for each of the four lots was also provided, done by Christopher Coppi, SE/CSS #403, dated 4/12/2021.

Provided this evening was a copy of an email dated April 26, 2021 from Davis Bartlett to Rebecca Settele, Wildlife Biologist with the Maine Dept. of Inland Fisheries & Wildlife, Wildlife Division in Bangor, Maine. Mr. Davis sent Ms. Settele the wetland report that was received from Chris Coppi regarding the property, as well as the latest set of plans, as requested by the Shapleigh Planning Board. Ms. Settele stated she would add it to their records.

Provided this evening was a final set of plans dated 5/4/2021, drafted by Dana Libby, PLS #1350, of Corner Post Land Surveying, Inc.

***Shapleigh Planning Board Minutes – May 11, 2021 Page 16 of 28***

The first plan was entitled Sheet 1 ‘Plan Showing a Boundary Survey for David P. Dubois & Linda B. Chadbourne, 80 Sand Pond Road, Sanford, Maine 04073 – Property Located on Newfield Road & Grey Road in Shapleigh, Maine. Sheet 1 depicts the 4 subdivision lots, as well as the 21-acre lot to be gifted to the State of Maine. The plan also depicted the 1<sup>st</sup> lot sold from the property as an Exempt Lot and it depicted the previous lots sold from the parent lot. Sheet 1 also contains the following: Note 1- Deed Reference; Note 2 -

Plan Reference; Note 3 - Basis of Bearings; Note 4 - Road Record; Note 5 - Certification; Note 6 - Underground Utilities (no attempt was made to show data concerning existence or location of any underground utility); Note 7 - Abutter Lines; Note 8 - Owner of Record; Note 9 - Grammar Ridge II - Map 11, Lot 10 – Total Area 34.48 Acres; Note 10 - Soil Information (Taken from “Soil Survey of York County Maine”; Note 11 - Wetlands (wetland/upland interface line was mapped by Albert Frick Associates); Note 12 - Topographic Information (2’ intervals); Note 13 - Zoning Information; Note 14 – On site sewerage disposal and water supply to be utilized; Note 15 – Premises not within a defined Flood Hazard Zone per Flood Hazard Map; Note 16 – No dug wells allowed; Note 17 - Traffic Trip Calculation; Note 18 – Lot 2 shall not be further subdivided without Planning Board approval; Note 19 – Lot 1 shall be accessed from Grey Road only; Note 20 - Fire Protection (Installation of Sprinkler Systems in One and Two Family Dwellings and Manufacture Homes); Note 21 - Site Distance; Note 22 - Driveways; Note 23 - Topsoil; *Note 24 - Soil Test Pits performed by Chris Coppi of Albert Frick Associates; Note 25 – Should the driveway for any lot cross the drainage easement shown herein, culvert(s) shall be placed and sized appropriately so as to not impede the flow of surface waters. No buildings shall be erected within the limits of said drainage easement.*

The second plan entitled Sheet 2 ‘Plan Showing a Boundary Survey for David P. Dubois & Linda B. Chadbourne, 80 Sand Pond Road, Sanford, Maine 04073 – Property Located on Newfield Road & Grey Road in Shapleigh, Maine. Sheet 2 of the plan shows the contour intervals, soils, and wetland delineation showing the 75-foot setback and it also includes a 30’ foot drainage easement, most of the easement on Lot 10-1, with a small portion on Lot 10-2. There is a note on Lot 10-1 that states of the 2.40 acres, 2.32 acres are outside of the wetland. Site distance for the proposed lots are as follows: Lot 10-1, 253’ / 180’ on the Grey Road; Lot 10-2, 750’ / 684’ on the Newfield Road; Lot 10-3, 989’ / 650’ on the Newfield Road; and Lot 10-4, 790’ / 713’ on the Newfield Road. Speed Limit on the Newfield Road is listed as 35 mph. The waivers are also listed on this plan for §89-30.A, §89-30.B(2)(C), §89-D(3) & (4), and §89-29. A note for typical erosion control measures for a building site is indicated on the plan. *Tests pits were added to this plan on each lot.*

Provided this evening was an email dated 5/10/2021 from Fire Chief Steven Guillemette which stated the following: Good afternoon, I have given Grammar Ridge developers the ok to install residential sprinklers in their 4-lot subdivision on Gray Road.

Received 5/11/2021, was an email from Richard and Doris Boisvert, which stated the following: We are unable to participate in the Zoom Meeting tonight. We just want to make sure the developers are aware of the location of the well (not a dug well) on our property abutting the proposed lot on the Gray Road. Facing the camp from the Gray Road, the well is close to the road on the left side of entry to the property. The pipe for the well is above ground. Thank you for your consideration and good luck with the project.

Received 5/12/2021, was an email from Davis Bartlett to Richard and Doris Boisvert, which stated the following: I spoke to the well driller I know, and after taking a quick look at the project he is of the opinion that the 4 new residential wells should not have an impact on your existing well. Well companies have moved away from issuing any formal statements on these projects, so this was an informal conversation. That being said he

### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 17 of 28***

did not see any cause for concern. I hope this helps to address your concerns and I appreciate you coming forward to add your input to the project.

Roger A. stated that the Board has to address the waivers, whether or not they are going to grant them. The first waiver being requested is for §89-29 ‘Utilities’, is the Board going to require underground power, or is the Board going to allow overhead, using utility poles. Roger stated that his preference was to use underground, but the Board needs to decide what they want.

**Madge B. moved to approve the use of overhead access for electricity, waiving the requirement for underground utilities. Maggie M. 2<sup>nd</sup> the motion. Steve F., Roland L., Madge and Maggie voted to approve. Roger A. voted against, citing the fact there was no advantage to going overhead in this location. By a vote of 4 – 1, the motion to approve was upheld.**

Roger A. stated the next waiver was for §89-30 ‘Stone monuments’, the applicant is requesting the use of iron rods with plastic caps at all corners instead of stone monuments. Mr. Bartlett stated that the iron rods have already been set.

**Madge B. moved for approval of the use of iron rods on all corners. Steve F. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the motion to waive the requirement for stone monuments was unanimous.**

Roger A. stated that there was an email from the Fire Chief that stated he approved the use of sprinklers on all four lots. Roger stated that the waiver was requested for §89-30.B(2)(c) in order to use in-home sprinklers instead of a fire pond and dry hydrant.

**Steve F. moved for approval of the waiver for a fire pond, allowing in-home sprinkler systems on all lots. Madge B. 2<sup>nd</sup> the motion. All members were in favor based on the information from the Fire Chief. By a vote of 5 – 0, the motion to allow in-home sprinklers was unanimous.**

Roger A. stated the applicant was requesting a waiver for §89-30.D(3) & (4), a stormwater plan designed by a licensed engineer that the subdivision will not create erosion or runoff problems in the subdivision or adjoining properties, and a storm drainage plan that meets the criteria for a 25-year storm. Roger stated that he felt it should be required based on the site inspection. Madge B. asked if she was correct that they did not want to do a stormwater report? Roger said, "Right". Madge said she was concerned about stormwater because the Board was told that section of road can flood and cause dangerous conditions in the winter. She said if there were a stormwater management plan it would be addressed. Roger agreed and said that when they met on site, they talked about the amount of runoff and an engineer would calculate how much stormwater was coming through there and make sure a culvert would be put in that would be capable of handling it. The driveway going in may have to be redesigned based on the stormwater report. Roland L. stated that one of the Planning Board members that lives in the area did comment about flooding and icing in that area, so he shared everyone's concern. He said the Board did not want to create a condition or situation that is going to be aggravated by having excessive runoff ending up in the road, possibly causing accidents or poor driving conditions. He said he would like to see a stormwater plan as a requirement.

Steve F. stated that he would like to make a comment for the record. He said he did not disagree with wanting to see that; however we have waived it in the past, and there are no interior roads built on this property. He said

***Shapleigh Planning Board Minutes – May 11, 2021 Page 18 of 28***

there are just driveways going onto existing roads. He said if this subdivision was going in on Lot 2, a 50-foot-wide paved road up the hill, with collectors and that sort of thing, he would be in favor of this. He noted he was only 1 vote, but he said his vote would be to waive the requirement.

Roland L. stated that whoever was in charge of coming up with the stormwater runoff plan, wouldn't they come to the same conclusion as what Steve F. stated, and if so, wouldn't the report be a minimal thing. Steve F. stated the issue he had with this, if the Board is going to ask someone to come up with a stormwater management plan, then you have to envision what the lot owners of these lots are going to do. He said the developer has not proposed building sizes or streets that could be figured into a calculation, there are just raw lots. He said you don't know if the person that buys the lot is going to be an 8' x 13' camper or put a 50' x 100' building on it. Roland asked at what point is the stormwater plan required? Is it the individual builder's responsibility or as in this case, is it the developer's responsibility? Steve said if someone went in and bought the lot and decided to build a 100' x 200' building, they go right to the CEO and get a permit. He said it would have nothing to do with the Board. He said it would not be a conditional use, it would be a private use. Roland said he understood that, but it did not address his question. Steve said if the Board asks the applicant to do it now, what will they base their data on? Roger A. stated that he believed they would look at the existing hill, how much water is being generated off that hill now that the trees have been removed. He said they would look at where the water is going to go, how it is going to flow. Steve said it will continue as it has since it's been cut. Roger agreed but the engineer would look at the 25-year storm and design a plan to mitigate the existing flow by adding a culvert or whatever was needed to keep the water on site. Roger said that with a subdivision, the Board cannot see all the houses or what size they are, or even where they are, but it is a condition of the subdivision. Roger said that a plan will show how the water will flow, taking into consideration the lay of the land, and create a plan to divert it. Steve said he understood, but said they are dealing with impervious surface and at this point the Board does not know any of the criteria to develop this plan. He said are these people going to have a 200-foot paved driveway, straight up the hill to a 50' x 80'

ranch or will they have a four-foot walking path. He said that if the Board wanted to have the plan done, they could do it, he just did not see what the engineer would use for data.

Roland L. said he was still having a hard time making a decision, because he still hasn't heard at what point the stormwater plan is required. Is it the individual property owner that buys one of these lots, is it their responsibility, or would it be the developer? Steve F. said the ordinance did not require an individual property owner to provide a stormwater management plan for a lot. Roger A. agreed, he said it was up to the developer to provide it for the subdivision.

Mr. Bartlett stated that stormwater management is a subdivision requirement; it is part of this process, we are asking for a waiver simply because by putting four houses on a 35 acres lot, we are not creating a significant increase. He said that is how they are looking at it, but noted it was up to the Board to decide. He said if they were putting a road in, then absolutely they would do a stormwater plan, but because they are just putting in four driveways for a residential development, they are requesting the waiver. Roland L. said he was happy the Board had this conversation, because it helped him to decide how to vote. He said he didn't understand how it fit in in this particular application. Mr. Bartlett said when an engineer does a design, he would take an average size house, build a buffer in to it, and he could do it without all the data. He said they would prefer to know what was going in, but they would take an average of a standard house that goes in and use that data for the calculations.

### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 19 of 28***

Roger A. asked if someone wanted to make a motion as to whether or not to waive the stormwater requirement for the subdivision?

**Roland L. made the motion that the stormwater management requirement be waived. Steve F. 2<sup>nd</sup> the motion. Madge B., Maggie M., Roland and Steve voted to approve. Roger A. voted against, citing his concern with the water that comes off the hill and possibly onto the Newfield Road. By a vote of 4 – 1, the motion to approve was upheld.**

Roger A. reviewed the subdivision criteria in the subdivision checklist as follows:

Final plan and documents:

Roger stated 2 Mylar's and 3 paper copies would be required. Mr. Bartlett noted that the Registry of Deeds no longer uses mylars. Roger stated in that case they would only need to have one for the Town Hall, along with the paper copies, and if they would like signature copies for the applicant they would need to provide above and beyond the 3 required. Mr. Bartlett stated they would likely bring 5 sets, plus the mylars.

Roger stated on the plan required are the following:

The subdivision name; municipality; Tax Map and lot numbers; *it is on the plan.*

Perimeter survey; monumentation; bearings and distances; surveyor's or engineer's seal; *it is on the plan.*

Scale; written and graphic; date; North point; *it is on the plan.*

Owner and applicants' names and addresses; abutters; *it is on the plan.*

Lot lines; numbers and sizes; building setback lines; *it is on the plan.*

Contour elevations; soil test pit locations; *it is on the plan.*

Base flood elevation; *it is on the plan.*

Supporting documentation:

Copy of the deed from which the survey is based – *copy received*; deed restrictions – *there are none*; easements or other encumbrances – *30' drainage easement on Lots 1 & 2 only.*

Soils report from licensed site evaluator on test pits or statement from local sewer district; *soils report were received, done by Chris Coppi of Albert Frick Associates.*

Statement of water supply suitability from local water district – *N/A; private wells only.*



Copy of County Soil Survey; *soils noted on the plan and description provided.*

Verification of ownership or legal interest; *Warranty Deed provided.*

Application fee(s): *Preliminary fee paid, Final Plan fee to be provided prior to filing plan.*

Planning Board review:

Dated receipt issued to applicant; *receipt for preliminary plan fee provided, final plan fee receipt when received.*

Determination whether submission complete; *determined complete on May 11, 2021.*

Notification to applicant of completeness of submission; *pending this evening's review.*

Public hearing scheduled within 30 days of complete submission; *public hearing held May 11, 2021.*

Written notice to applicant of Board's decision and findings that the development meets or fails to meet the following applicable guidelines:

1. Will not result in undue water or air pollution.
2. Will have sufficient water available.
3. Will not cause an unreasonable burden on an existing water supply.

***Shapleigh Planning Board Minutes – May 11, 2021 Page 20 of 28***

4. Will not cause unreasonable soil erosion.
5. Will not cause unreasonably unsafe traffic conditions.
6. Will provide adequate sewage disposal.
7. Will not unreasonably burden the town's ability to dispose of solid waste or sewage.
8. Will not adversely affect natural beauty, aesthetics, historic sites, rare natural areas.
9. Will conform to subdivision regulations, comprehensive plan, zoning ordinance.
10. Will not adversely affect water quality or a shoreline.
11. Will not adversely affect groundwater quality or quantity.
12. Will demonstrate adequate technical and financial capacity to meet the above.
13. Will have all structures located at least one foot above the one-hundred-year flood elevation.
14. Will have freshwater wetlands and streams identified on maps.
15. Will not have spaghetti lots.

Roger A. asked for a motion to approve the 4-lot subdivision on Map 11, Lot 10.

**Madge B. made the motion to approve the 4-lot subdivision on Map 11, Lot 10, to be known as Grammar Ridge II, based on the findings and plans provided. Maggie M. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 5 – 0, the decision to approve the 4-lot subdivision per the plans provided was unanimous.**

Roger stated this will be fully approved once the final fee is provided, and the signatures are completed on the plans.

Roger stated the applicant has 90 days, after it has been signed to get it recorded and copies returned to the Planning Board, otherwise the plan will become null and void.

Nothing further was discussed.

~~~~~

## **FINDINGS OF FACT AND APPROVAL FOR Grammar Ridge II**

### **A Four-Lot Minor Subdivision**

Location: **Map 11 Lot 10 – Newfield & Grey Road**

## Shapleigh Subdivision #93

### Applicant &

& Property Owner(s): David P. and Linda B. Dubois (Chadbourne)  
80 Sand Pond Road

Sanford, Maine 04076

Authorized Agent: Davis Bartlett

Corner Post Land Surveying, Inc.

600 Main Street, Sanford ME 04083

### **BACKGROUND INFORMATION**

David P. Dubois and Linda B. Chadbourne, have demonstrated a legal interest in the property by referencing the chain of title from Santo A. & Mary T. Sullo to Grammar Ridge, Inc., dated 1/14/1994, recorded at the York County Registry of Deeds in book 6913, page 74; Grammar Ridge, Inc. to David P. Dubois & Linda B. Chadbourne, dated 3/1/1995, recorded at the YCRD in book 7632, page 212.

#### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 21 of 28***

The applicant proposes to create a 4-lot subdivision on Map 11, Lot 10. The area summary is as follows: Total Area = 55.48 Acres±; Proposed Lot 1 = 2.40 Acres; Proposed Lot 2 = 28.41 Acres; Proposed Lot 3 = 1.84 Acres; Proposed Lot 4 = 1.84 Acres; and the remaining land to be gifted to an abutter, that being the State of Maine = 21 Acres (Exempt Lot). The minimum lot size, street frontage and setbacks are in compliance with Shapleigh Zoning Ordinance 105-18 “Dimensional Requirements”. The property is located in the General Purpose District. No part of the property lies within 250 feet of the high-water mark of a pond or river. A wetland was delineated on the plan, which is depicted on proposed

Lots 1 and 2, along with an accompanying letter written by Chris Coppi, CWS, LSE, Independent Wetland Scientist explaining the wetland delineation, along with a Blue-Line stream and ways to mitigate impacting the area. There is a 75’ setback to the wetland and a 30’ drainage easement on Lots 1 & 2 for the area impacted by the wetland. No buildings shall be erected within the limits of said drainage easement or wetland setback. There are no deed restrictions imposed.

Driveways for Lots 2, 3 & 4 shall be onto the Newfield Road. The driveway for Lot 1 shall have access from the Grey Road. Should the driveway for any lot cross the 30’ drainage easement depicted on the plan, culvert(s) shall be placed and sized appropriately so as to not impede the flow of surface waters. Driveways as shown on the plan meet the site distance requirements in the Zoning Ordinance. Should the location of the driveways shown be relocated, the landowner will need to have sight distance measurements of the new locations verified that they will conform (per the plan provided).

Water is to be supplied by individual private wells. Sewage is to be disposed of by individual subsurface disposal systems. Site evaluations for each lot, meeting the requirement of the Maine Plumbing Rules were completed by Chris Coppi SE/CSS #403, and a letter was presented dated April 19, 2021 written by Mr. Coppi stating the soils were suitable in the vicinity of TP’s on Lots 1

thru 4. Fire protection shall be the installation of sprinkler systems in one and two family dwellings and manufacture homes.

A letter dated February 8, 2021 was provided by Becca Settele, Wildlife Biologist from the State of Maine Dept. of Inland Fisheries & Wildlife, which stated the department did not map any Essential Habitats that would be directly affected by the project. A letter dated January 14, 2021 was provided by Kristen Puryear, Ecologist of the Maine Natural Areas Program, which stated that currently in their Biological and Conservation Data System files, there are no rare botanical features documented.

The review of this application took place on December 22, 2020, February 9, 2021, April 13, 2021, and May 11, 2021. The preliminary plan was accepted on April 13, 2021. The Planning Board determined the application was completed and the final plan was accepted on May 11, 2021. A site inspection was held on Tuesday, April 27, 2021, and a Public Hearing was held on Tuesday, May 11, 2021. Notification was sent to the Road Commissioner's and Fire Chief.

The application for a 4 lot minor subdivision was approved on Tuesday, May 11, 2021.

### **WAIVERS REQUESTED**

The Applicant has requested that the Board waive the requirement for **Article 89-29**, Utilities; **Article 89-30.A**, Stone monuments; **Article 89-30.B(2)(c)**, "The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes."; and **Article 89-30.D(3) & (4)** 'Stormwater Drainage Plan'.

### **Preliminary Findings**

As a preliminary finding of fact, the Board finds that the proposed Subdivision falls under the provision of the Shapleigh Subdivision Code, which relates to Minor Subdivision, this being "Subdivision of Land, Chapter 89, Town of Shapleigh".

### **Specific Findings**

Based on the preliminary findings set forth above, the Board makes the following specific findings in accordance with Shapleigh Subdivision Ordinance 4404 "Review Criteria".

#### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 22 of 28***

The Board finds that Grammar Ridge II Subdivision:

1. Does not result in undue water or air pollution.
  - ***The soils on site adequately support waste disposal per the Preliminary Septic Evaluation drafted by Chris Coppi CWS, Independent Wetland Scientist and Licensed Site Evaluator.***
  - ***Test Pit Logs were provided by Christopher Coppi, SE/CSS #403, dated 4/12/2021 showing the soils on site will adequately support a subsurface waste disposal system per the 4 test pit locations, one on each proposed lot.***
  - ***There are setbacks delineated for the wetland area and stream depicted on Lots 1 & 2.***
  - ***There is no air pollution being generated.***
2. Does have sufficient water available for the foreseeable needs of the subdivision.
  - ***Four house lots / new homes will not adversely affect the underground water supply. The new homes will have a drilled well, no dug wells are allowed.***

3. Does not cause an unreasonable burden on the existing water supply.
    - ***There is no existing municipal water supply at this time.***
  4. Does not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition results.
    - ***Soil erosion measures during construction per the information provided on Sheet 2 of the subdivision plan will mitigate unreasonable soil erosion during construction of any new home.***
  5. Does not cause unreasonable traffic congestion or result in unsafe conditions on existing or proposed road.
    - ***The proposed driveway locations on plan Sheet 2 meet the site distance requirements in the Zoning Ordinance.***
    - ***Lot 1 shall enter onto the Grey Road. Lots 2 thru 4 shall enter onto the Newfield Road.***
    - ***All driveways shall be permitted by the proper authority prior to construction.***
  6. Does provide adequate sewage waste disposal.
    - ***The soils on site adequately support waste disposal per the letter dated April 19, 2021, written by Chris Coppi CWS, Independent Wetland Scientist and Licensed Site Evaluator.***
    - ***The soils on site adequately support waste disposal per the 4 test pit locations, one on each proposed lot, done by Christopher Coppi, SE/CSS #403, dated 4/12/2021.***
  7. Does not cause an unreasonable burden on municipal solid waste disposal.
    - ***Each property owner will be responsible for handling his or her individual waste.***
      - ***This subdivision is subject to the Growth Ordinance and therefore shall not unreasonably burden the municipal solid waste facility.***
  8. Does not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas.
    - ***This is not a scenic or historic site nor is it in the vicinity of one recognized by the Town of Shapleigh.***
    - ***The building of four additional single family homes in this location will not adversely affect the aesthetics of the area.***
    - ***Becca Settele, Wildlife Biologist from the State of Maine Dept. of Inland Fisheries & Wildlife did not believe there would be a significant impact to two endangered species, threatened, or species of special concern; those being the Blandings turtle and bat species in the area.***
- Shapleigh Planning Board Minutes – May 11, 2021 Page 23 of 28*
9. Does conform to local regulations, ordinances, development plan and comprehensive plan.
    - ***The final approved plan shall meet all zoning and subdivision regulations.***
    - ***Any changes to the final approved plan shall have to come back before the Planning Board and/or Code Enforcement Officer regarding all zoning or subdivision issues.***
  10. Does not adversely affect the quality of surface water or shoreline of ponds, rivers, streams or tidal areas.
    - ***This subdivision is not in the Shoreland District.***

- ***The wetland / stream area is delineated on the plan. There is a 75' setback requirement to the wetland, and a 30' drainage easement was created on Lots 1 & 2 to help mitigate any adverse effect.***
  - ***There shall be no building or waste disposal system set within the 75' setback to the wetland / stream depicted on the plan.***
11. Does not alone or in conjunction with existing activities, adversely affect groundwater quality or quantity.
- ***Four additional homes at this location will not adversely affect groundwater quantity in this area.***
  - ***Test Pit Logs indicated soils are adequate to support a State approved septic system.***
  - ***A State approved septic system must be installed and approved by the Code Enforcement Officer prior to the granting of an occupancy permit.***
12. Has demonstrated adequate technical and financial capacity to meet the above.
- ***There is no infrastructure being created that requires a performance guaranty.***
13. Does have all buildings one foot above the base flood elevation.
- ***No portion of the property is within the 100-year flood plain per the Flood Insurance Rate Map for the Town of Shapleigh.***
14. Does have freshwater wetlands identified on maps.
- ***Freshwater wetlands have been mapped on both Sheet 1 and Sheet 2 of the plans provided, done by Albert Frick Associates and located by Corner Post Land Surveying, Inc. No wetlands shall be disturbed or filled per the plan.***
15. Does have rivers, streams and brooks identified on maps.
- ***All waterbodies have been clearly identified on the final plan, which includes a wetland and stream.***
16. The applicant has provided an adequate stormwater management plan.
- ***A stormwater management plan was not required by the Planning Board.***
  - ***Any required stormwater mitigation will be dictated by the Code Enforcement Officer during the permitting process.***
17. ***Grammar Ridge II*** shall have no spaghetti lots.
18. Does not unreasonably increase a great pond's phosphorous concentration.
- ***This subdivision is not located in the Shoreland District / near a great pond.***

#### **FINDING ON THE REQUESTED WAIVER(S)**

The Planning Board finds that the request to waive the requirement, Article 89-29, "Utilities shall be installed underground except as otherwise approved by the Board."; ***shall be granted*** for Lots 1 thru 4, there are existing utility poles within site of the parcel.

#### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 24 of 28***

The Planning Board finds that the request to waive the requirement, Article 89-30.A, "stone monuments shall be set at all street intersections and at all corner and angle points"; ***shall be granted***. The iron rods and caps have all been set for the proposed subdivision.

The Planning Board finds that the request to waive the requirement, Article 89-30.B(2)(c), "The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire-

fighting purposes, etc.”, ***shall be granted***. The applicant’s proposed use of in-home sprinkler systems was approved by the Shapleigh Fire Chief.

The Planning Board finds the request to waive the requirement, Article 89-30.D.(3) & (4), “The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties”, “A stormwater drainage plan, showing ditching, culverts, storm drains, easement and other proposed improvements, meeting the standards of 89-38 ‘Stormwater management design standards’, shall be submitted”, ***shall be granted***. The Planning Board concluded adding 4 new structures to a 34 acre lot did not cause a significant impact to the area regarding stormwater flow.

### **PLANNING BOARD ACTION**

The Planning Board hereby approves the application of David P. and Linda B. Dubois, including the requested waivers, for Grammar Ridge II a Minor 4-Lot Subdivision, located on Tax Map 11, Lot 10, with the following conditions:

1. The Applicant shall get all required permits from the Code Enforcement Officer prior to beginning any construction.
2. Any subdivision not recorded at the York County Registry of Deeds ***within ninety days*** of the date upon which the plan is approved and signed by the Planning Board shall become null and void, unless an extension is granted by the Board in writing.
3. No changes, erasures, modification, or revisions shall be made in any final plan after approval has been given, unless the revised final plan is first submitted to the Planning Board and the Board approves any modifications.

-----

### **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. A plan showing the location of the home, driveway to be used and parking area. A copy of her cosmetology license was also provided.

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

Roger A. asked Ms. Greenhalgh to let the Board know what she intended to do. Mrs. Greenhalgh stated she was asking to open an in-home hair salon, in her home. She said she would be the only employee.

### ***Shapleigh Planning Board Minutes – May 11, 2021 Page 25 of 28***

Roger A. stated this would be reviewed as a home business. Mrs. Greenhalgh agreed. She stated that she was a licensed cosmetologist with the State of Maine. She said she just needed the approval from the Town and then

she can submit the Town’s approval to the State, and then the State does their own inspection. She said that she submitted a plan, noting it was not detailed. She said there was a separate driveway that has its own parking space, there is room for people to turn around, so they do not have to back out into the road. She believed there was roughly 300 feet in either direction for people to see if traffic is coming when pulling out or coming in.

**Roger A. stated there would be a site inspection on May 25<sup>th</sup> at 6:15 pm. A public hearing will be held at 7:00 pm. A notice to abutters will be mailed as well.**

Mrs. Greenhalgh stated she would like to have hours of operation 8:00 am to 8:00 pm, 7 days a week.

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

Mrs. Greenhalgh thanked the Board for their time.

-----  
**Election of Officers**

**Madge B. made the motion that the officers stay the same as they are currently. Maggie M. 2<sup>nd</sup> the motion.**

**Roland L., Maggie M. Madge B. and Steve F. voted to approve Roger Allaire as Chairman; Roger A. abstained. The motion to approve Roger Allaire as Chairman passed, 4 in favor, 1 abstain.**

**Roland L. Maggie M. Madge B. and Roger A. voted to approve Steve Foglio as Vice Chairman; Steve F. abstained. The motion to approve Steve Foglio as Vice Chairman passed, 4 in favor, 1 abstain.**

Roger Allaire accepted the position of Chairman.

Steve Foglio accepted the position of Vice Chairman.

Barbara Felong will remain as Planning Board Secretary.

-----  
**OTHER:**

Discussion on in-person Planning Board meetings.

Roland L. opened by asking if in-person meetings were a mandate? Roger A. stated it was not a mandate yet, a consensus by the Board was being asked for the month of June.

Roland L. stated that his observation and feeling was, that although there have been minor glitches, he felt there was an increase in participation among people who might otherwise not have attended. He felt Zoom was an

***Shapleigh Planning Board Minutes – May 11, 2021 Page 26 of 28***

advantage. Roland said that sometimes people cannot see the hard copies of plans, although the applicants mail them to members, so the Board has them. He felt there are advantages to doing it electronically that allows folks from afar that may be reluctant to travel or be seen to meet with the Board. He said at present he was not anxious to resume in-person meetings.

Roger A. stated that he agreed but did wonder if when discussing a project in person, if it would make a difference. He said he had no issue with meeting via Zoom. He noted that State law states that it is illegal to have Zoom, he was speaking about the legislature. He said at present the legislature is looking at using Zoom and may change the mandate and allow Zoom for meetings. He said under an emergency condition they allowed

The use of Zoom. He said whether or not the State would do anything about it, it was unlikely. Madge B. agreed. Roger said again the legislature was looking at it and considering making a law allowing it.

Roland L. asked Barbara F. and other members if anyone had received a complaint about Zoom meetings? Barbara F. stated no, she had no one complain about using Zoom.

Steve F. said that even if the Board went back to in-person meetings, he felt for a lot of the out-of-state applicants, especially for the first meeting, having them be able to call in or participate via Zoom, it would make a lot of sense. The other members agreed. Roger A. said that the first meeting often they are only here for 5 minutes, so if they could do it via Zoom it would be easier for them..

Maggie M. asked if when the Board meets in person, is there was a way a person could attend the meeting via laptop to avoid coming in when coming from a long distance, just for the first review. Steve F. did not think there was anything in the ordinance that requires the applicant to be present at the first meeting. Roger A. stated that if the Board needed to ask questions prior to the final review, that would be the reason to have

them attend, such as needing more information. He said other than that, he did not see why they would have to attend. Maggie said that was why she thought they could show up via Zoom, answer a few questions, then show up in person at the last meeting. Roger believed the Board could amend the by-laws. Madge B. agreed. Steve thought it was something to consider.

Madge B. said she was in favor of continuing with Zoom. She said Barbara F. stated that if they met in person, someone would have to go down and get the applicants and clean the area between applicants. She said she was willing to do the cleaning, and perhaps another member could get the applicant vs hiring someone to do this. Roland L. said he would be willing to do the cleaning and suggested the Board do something similar that they are doing for vaccinations, get a person's cell number and call them when the Board is ready for them.

Members concluded they wanted to continue with Zoom at least for the month of June. Maggie M. thought because people are coming in from other areas, and Covid is still active, there is still risk, so Zoom is best.

Nothing further was discussed.

-----

A Mr. Riley was online and had a question for the Board regarding an existing Growth Permit on a property he was about to purchase on Stone Post Road. He said he lived in Vermont and was purchasing the property on Stone Post Road, and the Growth Permit expired on June 8<sup>th</sup>, but the closing wasn't until June 23<sup>rd</sup>. He asked if it was possible to extend the Growth Permit or did he have to re-apply for it?

***Shapleigh Planning Board Minutes – May 11, 2021 Page 27 of 28***

Roger A. stated CEO Demers had the authority to extend the Growth Permit but only for a short period of time for a valid reason. (Under 'Expiry of Permits', The time period may be extended by the Code Enforcement Officer if issuance of a building permit is delayed due to a technical problem.) Roger felt Mr. Riley would have to reapply. CEO Demers felt purchasing the property qualified Mr. Riley for the Growth Permit, and waiting for the closing date, he felt he could extend the deadline for the Growth Permit. Roland L. agreed with CEO Demers. Steve F. said he would have no issue with extending the date. He asked Mr. Riley how much time he needed. Mr. Riley stated they were actually in the process of getting all the paperwork together to obtain the building permit, even before the closing date on the property. He said they wanted to be ready. Steve asked if Mr. Riley got the building permit would that suffice? CEO Demers and Roger both said the applicant had to

have standing before applying for the building permit. CEO Demers said he wouldn't have standing until closing. Mr. Riley said they were hoping to move the closing date up. CEO Demers asked what the time frame was between the closing date and the expiration of the Growth Permit? He said it was from June 8<sup>th</sup> to the 23<sup>rd</sup> (the GP permit expiration is actually June 9<sup>th</sup>).

Steve F. asked if it was permissible, he wanted to make the motion to extend the Growth Permit for 30 days? Roland L. 2<sup>nd</sup> the motion if it is permissible. Roger A. stated that CEO Demers can extend the expiration date for a few weeks, but if it is going to be longer, he will need to get a new permit. Roger noted he does not have standing until the closing, so holding the permit much longer than the expiration date is not valid. Roger said if it goes beyond the 2 weeks, he felt Mr. Riley would have to obtain a new permit. Steve asked if CEO Demers could extend the permit for 2 weeks but not 4 weeks? Roger said at present Mr. Riley has no standing, he does not own the lot. CEO Demers said he could have the owner extend it for 30 days. Roger said Mr. Riley cannot ask for anything at present, he does not own the property. Roger felt Mr. Riley has to put in a new application because the current owner's application expires on June 8<sup>th</sup> (9<sup>th</sup>).

Nothing more was discussed.

\*\*\*\*\*

**Growth Permits**

**Map 28, Lot 11 (Ridge Road – Pine Springs) GP #15-2021**

A purchase and sale agreement was provided, and it is a lot of record.



**Map 3, Lot 24 (Hooper Road) GP #16-2021**

The deed was provided, and the lot exceeds the minimum standards required in the ordinance.

\*\*\*\*\*

**The Planning Board meeting ended at 8:50 p.m.**

**The next Planning Board meeting scheduled will be via Zoom on Tuesday May 25, 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>

*Shapleigh Planning Board Minutes – May 11, 2021 Page 28 of 28*

• **If calling in:** Find your local number: <https://us02web.zoom.us/j/88005967573?pwd=OWxLdWM5eTZ5V28yL05VdWdVSmFjQT09>

**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)