

Shapleigh Planning Board

Minutes

April 12, 2022

Members in attendance: Roger Allaire (Chairman), Steve Foglio (Vice Chairman), Madge Baker, Roland Legere, Maggie Moody & Alternate Ann Harris. The Code Enforcement Officer Mike Demers was also in attendance. *The meeting was held via Zoom.*

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

The minutes from Tuesday, March 22, 2022 were accepted as written.

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

New Business

Conditional Use Permit – Replace Existing Block Retaining Walls with Landscape Timber Walls – Map 40, Lot 38 (19 Osprey Lane) – Kevin & Carol Whooley, Applicants & Property Owners

Mr. Whooley was in attendance for the review of the application.

In addition to the application provided were the following:

- Photo of the original condition of the retaining walls 1 through 3, and the stairs going down toward the beach.
- Photo of the original walls with the following notations: Wall 1 – 22’ Length x 6” wide x 39” Height; Wall 2 – 22’ Length x 6” Wide x 24” Height; Wall 3 – 22’ Length x 6” Width x 24” Height; 15 steps - 48” Width; Lower Landscape Timber Wall – Remove – Beach returned to Original Condition
- Sketch of existing property depicting the outline of the existing structures, included the retaining walls (sketch was hard to see, the only measurement that could be obtained was a notation that it was 21 feet between Retaining Wall 1 and Wall 3). There was also a notation for the location of the leach field.
- Page entitled ‘Conditional Use Permit Application Project Description’. Information written: Excavate and replace existing cinder block retaining walls with new landscape timber (6’ x 6”).
 - 1) Wall 1 22’ Length x 6” Width x 39” Height
 - 2) Wall 2 22’ Length x 6” Width x 24” Height
 - 3) Wall 3 22’ Length x 6” Width x 24” Height
 - 4) Lower Beach Area Returned to Original Condition Grass/Sod Level to Grade

The application detailed description of the project was written as follows: *Replace existing retaining walls (cinderblock) with new landscape timber retaining walls, same height/width. Return lower beach to original.*

Roger A. opened the meeting by asking Mr. Whooley what it was he wanted to do. Mr. Whooley stated there

were 3 existing cinder block walls that were falling down, so his goal was to replace the 3 of them with new landscape timbers the same height and width, and he wanted to fix the stairs as well. He asked if the Board had seen the pictures? (Members did not receive copies of material from Mr. Whooley prior to the meeting.)

Mr. Whooley stated that the stairs leading to the beach were dilapidated, the walls were falling down, and his goal was to clean it up and make the property look nice. He said he would replace the walls with new landscape timbers, 6” x 6 timbers, 12 foot lengths. Roger asked if he would be doing the project himself? Mr. Whooley stated that he had hired a contractor. Roger said, “Ok, they will have to be DEP certified to work in the Shoreland.” Mr. Whooley stated that he sent the application to the DEP several weeks ago and he hadn’t heard back from them. He said the contractor’s name was on the application, and he thought the contractor had taken the course. Roger stated that he mentioned it because when he gets the permit from the CEO, the CEO will request that the contractor have his DEP license number for the building permit. Mr. Whooley asked if this was a number from the DEP? Roger said that every contractor approved that has been through the program has a number assigned to them. He said that is the number that will go on his building permit. Ann H. stated there was a place on the DEP website where you can check to see if the contractor has been licensed. Roger agreed that there was. Mr. Whooley said that it was a new contractor who had taken the course over the winter.

Roger A. asked what the height of the walls were? Mr. Whooley stated that there were 3 different walls, the one closest to the water was the tallest at 39” high with a 22’ length and a 6” wide landscape timber, and the two back walls were smaller at 2 foot high and 22’ in length on either side of the staircase. He asked if the Board had copies of the application with the pictures he submitted? Board members stated they did not have a copy. Mr. Whooley held up a copy of the existing beach area for members to see on screen. He pointed out the 3 foot high wall behind the beach chairs in the photo, and he pointed out the other 2 walls beside the stairs that were 22 feet in length. He said they would make the stairs with landscape timbers as well. He said again that the beach would be returned to the original condition, which is grass and sod.

Mr. Whooley stated that the project was straight forward, replace the existing walls and bring the beach back to the original condition, and improve the stairs.

Roger A. stated that a site visit would be held on April 26th at 5:30 pm, members would meet on site. A notice to abutters will be mailed as well.

Ann. H. asked the location of the property. Mr. Whooley stated it was located at 19 Osprey Lane which was off Granny Kent Road on Granny Kent Pond.

Madge B. wondered if the packages got lost because several members did not have the information. Mr. Whooley stated that he dropped the application off at the town hall. Roger A. agreed there was one copy at the town hall. Roger stated that it was the applicant’s responsibility to mail copies to the members prior to the meeting. Roger said if he did not mail it out, that would be the reason they did not receive it. Madge said it would be helpful if he mailed it to members. Mr. Whooley reviewed the application and noticed it did say to mail a copy to members. He said he would mail it out tomorrow.

Nothing more was discussed.

Conditional Use Permit – Add (1) Commercial Campsite to the Property – Map 9, Lot 13 (27 Washington School Road) – Elizabeth McDonald, Applicant & Property Owner

The applicant did not attend the meeting, so the application was tabled until the next meeting.

Note: *Barbara F. tried calling the applicant but was unable to make contact.*

Growth Permits

Map 11, Lot 23J (522 Newfield Road) – New Home

GP #05-2022

The applicant provided a copy of the deed along with the survey plan of the lot. The lot met all the requirements in the ordinance for a building lot. Roger noted it was the lot where the business (Wakita Electric) was located, having 408’ on the Newfield Road.

Madge B. had a question regarding the lot, noting the Board had just approved the business and the sign was not supposed to go up until the new entrance was completed. She said she noted that the sign was up. Roger agreed the sign was up. She asked if it was supposed to be down? Roger said that was up to the CEO, the approval was that the sign cannot be up until Mr. Wakita put in the entrance and culvert approved by the DOT. Madge said the sign has been up for some time, so there is no way to enforce the CU, the boards’ decision. Ann H. said they were putting a culvert in and there were excavators on site. CEO Demers said they did move the driveway recently. He said he was more interested in getting all the permits in place and getting him in compliance, the sign did exist. He said the driveway was the next piece of that and he has done that now. Madge said that was what she was concerned about, if he didn’t comply with the driveway, what could the Board do, because he had everything he needed to do the driveway. CEO Demers said the driveway was now done. Madge thanked CEO Demers for the information.

Map 11, Part of Lot 23 (Granny Kent Pond Road) – New Home

GP #06-2022

The applicant provided a copy of the deed, along with the survey. The lot met all the requirements in the ordinance for a building lot.

Map 1, Lot 24B (Deering Ridge Road) – New Home

GP #07-2022

The applicant provided a copy of the deed and a septic design. The lot met all the requirements in the ordinance for a building lot.

Map 11, Lot 28B-2 (373 Newfield Road) – In-law Apartment

GP #08-2022

The applicant provided a copy of the deed. The lot met the minimum requirements in the ordinance for a building lot, and an in-law apartment.

Roger A. noted that the in-law apartment had to be attached. Mr. Woods, the contractor on the job, stated that it would be an attached structure. He thanked the Board for their time.

Other:

Amended Applications for Best Possible Location & Conditional Use Permit

Roger A. asked if members reviewed the applications and if so, did they have any comments? Roger stated he had no issue with the amendments. (Photographic record requirement was added to all applications taking place within the Shoreland District per the newly adopted Section 105-3.E; full survey requirement was added for all non-conforming structures at the time of application; and a re-vegetation plan is required for all areas disturbed by a project per Section 105-51.3.) In addition, a checklist was created for a CU for the applicant and the board members to review. There were no comments for changes, so Roger stated the applications were all set.

Information on a Solar Ordinance from Lee Jay Feldman of SMPDC for the Town of Lovell

Roger A. asked if the Board wanted to look further into the solar ordinance to see if Shapleigh might be interested in any of it? Madge B. said she would like to discuss it at some point, she hadn't had time to go over it thoroughly. She said it wasn't what she was interested in. She said she wanted to know if there has been any thought about when it is not a solar array, it's merely solar collectors located on the ground, it could be a business or a residence and it just serves the business or the residence. She said it appears it is not an issue, so she withdraws her request for more information. She said her biggest concern was stormwater runoff, but she assumed it was regulated with what is in place. Roger said that under Section 105-54.B 'Residential developments', at present it would be a Conditional Use and the board would be looking at individual units. Madge agreed that they could be looked at as structures. She said she was just curious if anything more had been down about them, but it appears they are treated like any other structure would be. She said she was satisfied and she thanked Barbara for looking into it.

Roger A. asked CEO Demers his thoughts. CEO Demers said he hadn't spent much time on solar the last few weeks. He said his thought was when does a solar project come to the Planning Board, and when it is just a residential rooftop single family project that doesn't warrant further consideration; he said he had drawn a conclusion that a ground mounted system with credits being collected for other properties or servicing more than one meter, then the Planning Board should take a look at it. He said that was how he was going to treat it. Madge thought it made sense, because the structure can impact the immediate surroundings, so it would be good for the board to get a chance to look at it. She said particularly if there were slopes, noting that often they are placed on a slope to maximize collection. She said it would be good to make sure there will not be erosion taking place.

Roland L. asked if the board members had a chance to read the proposed ordinance in Lovell, he felt they took a lot of time to detail the different factors to be taken into consideration, including the decommissioning, which will eventually happen to all of them. He believed the proposed ordinance would serve as a good starting point. Madge said it made sense to look at it, but knew it wouldn't be voted on until next year. Ann H. asked if there was a height restriction for roof mounted panels? CEO Demers stated that typically antennas & steeples do not count toward the height. He said he would classify it as that.

Water Quality Analysis for Saco River Corridor

Roger A. asked if anyone looked at the water quality analysis for the Saco River corridor, the information that pertained to Shapleigh? Madge B. said she looked at some of it, and she noted there is now a campground proposed in the Saco River watershed. She said it made sense to look at it, because the water quality in Shapleigh Lake Pond is deteriorating according to the research that has been done, so it got her attention.

Wholesale & Retail Plant Garden Centers from UMaine

Madge B. thought this was helpful information. Roland L. wanted to note that at a prior meeting he spoke about the sale of Springvale Nurseries and the fact they would be closing. He said since that time he learned that they will be open for this growing season.

Unfinished Business:

Planning Board Hours of Operation – Begin Time

Roger A. asked board members what they wanted for a start time for the meeting. Roger stated that Barbara had provided the length of meetings for the last two years, to help the board make a decision. Roger said he had no issue with moving the meeting start time to 7:00 pm. Roger asked if anyone else had an opinion? He asked if board members wanted to stay with 7:30 pm for the summer or move it up to 7:00 pm? He also asked if the board wanted 7:00 pm in the summer and 6:30 pm in the winter?

Maggie M. made the motion to have the meetings start at 7:00 pm. Madge B. seconded the motion.

Roger A. noted that the next meeting in April would be at 6:30 pm, this would not start until May. CEO Demers asked if there were a public hearing, would that be at 6:30 pm, Roger said that it would. Roger said the meeting would be at 7:00 pm, the hearing a half hour before and site inspections prior to that as they can be fit in.

Roger A. asked for a vote from members to the 7:00 pm start time. **All members voted to start the meeting at 7:00 pm, starting in May.**

Barbara asked if this new time would be year round, or would they go back to 6:30 pm in the winter months. She said she had to change the applications, so she wanted to know what they thought? Steve F. stated he felt it would be good to be consistent year round, noting that Congress may do away with daylight savings. He said whether they do 7:00 pm or 6:30 pm, he felt it was a step in the right direction. He said he could see an issue with 6:30 with both a public hearing and site inspections, but he said he was in favor of keeping it consistent and as early as possible. Roger noted that with the winter schedule there are no site inspections prior to the meeting.

Roger A. asked again if members wanted to stay with 7:00 pm. Madge B. said she was thinking like Steve, she would like it as early as possible. She said she wouldn't mind going to 6:30 pm. She said she would probably vote for 6:30 the entire year, but she likes consistency, so if 7:00 pm works better, then she agrees with 7:00 pm.

Roger A. stated the motion was for 7:00 pm, so it will be 7:00 pm year round.

Steve F. brought up doing workshops to have time to discuss possible zoning districts that were discussed last year, perhaps start looking at the solar ordinance together, and get a few other things started so the board isn't rushing at the end of the year. Members agreed with Steve that it might be better to do these things at a workshop instead of at the end of a meeting. Madge B. agreed with Steve that a workshop would benefit the board. She said she was just waiting to see what the legislature was going to vote on, because it may change what the board is going to do, depending on the vote.

Steve F. asked Madge what votes she was speaking about? She said one thing was to encourage towns to get more affordable housing, and that could involve pushing more villages and accessory structures. She felt it would affect the zoning. Steve agreed it would come in to play. He believed the board made a step in the right direction with in-law apartments, noting the permit for Duane Romano and the in-law apartment. He felt this was the type of scenario the zoning should afford. Madge agreed. He said he did not want to see Shapleigh becoming a Springvale suburb, or multifamily, he didn't think this was the place for it. He said he wanted to take some time to look 10, 20, 30 years into the future and cast out anything that would show at least we thought about it; that the board thought about what the future might look like in certain areas of town, so that we don't look back and say 'I wish we had'.

Roger A. said his biggest issue was sewage disposal on multiple units on a small lot. Rogers concern was putting too many units on a location where the soils are marginal for drainage. He also had a concern regarding water for multi-units. He noted one area where the water bubbles out of the ground, but in another area near him there is an issue. Roland L. said he somewhat agreed with the idea, but he did not believe this was the boards' place. He said a soil scientist is supposed to develop a system, and they should know the carrying capacity of the lot. He said he would rather not see sprawl, where everyone is at the road, and you have land behind that people can't access, this might help address it among other things.

Roger A. asked CEO Demers with an in-law apartment if he had them change the septic system or add to the existing? CEO Demers stated they would get a site evaluator to size the system appropriately. He said sometime it is easier to get someone to add another 750 gallon tank and use the same disposal field, that is an easy retrofit. He said sometimes it is a replacement system, depending on the usage they are proposing. Roger asked if he was doing this at present with an in-law apartment? CEO Demers said that yes, they at least have to have a separate tank.

Board members agreed to hold a workshop to discuss zoning issues on Friday, May 6th at 2:30 pm at the Town Hall. Barbara F. will post it on the website prior to the meeting.

Roger A. asked CEO Demers if he had anything he would like to discuss. CEO Demers said he will bring it up at the workshop. He said he has been getting inquiries on town roads that appear to have been abandoned. He said they are not abandoned unless the Selectmen and the Town take action on them. Roger and Madge agreed. He said he felt perhaps as a Planning Board we could look at these sections of road and make a recommendation to the Selectmen, as to whether they should or should not be abandoned. He felt this would be proactive. He said he has the law that he will print out for the boards' review.

CEO Demers wanted board members aware that when they go to the site inspection for 19 Osprey Lane, they will see the area is dug up and not what they will see in the photos. He stated there is a stop work order on the property and now the owner is before the board for review. He didn't want members shocked at what they see, and noted there was good photographic evidence of what was there.

The Planning Board meeting ended at 7:35 p.m.

The next Planning Board meeting scheduled will be via Zoom on Tuesday April 26, 2022 at 6:30 p.m. See the Town website, www.shapleigh.net to obtain the link details, or use the information below.

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

- **Join Zoom Meeting**

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

- **If calling in:** Find your local number: <https://us02web.zoom.us/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 and the link to the meeting will be emailed to you, or you can find that link on www.shapleigh.net under Planning Board

The Planning Board now meets the 2nd and 4th Tuesday of each month at 7:00 pm, 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 7:00 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