

Shapleigh Planning Board

Minutes

May 10, 2022

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

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, April 26, 2022 were accepted as written.

The Planning Board meeting started at 7:00 p.m.

Unfinished Business

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

The property owners, Elizabeth McDonald and Cristina Brow, contacted both Roger A. and Barbara F. via telephone and email earlier in the day to tell them they were pulling their application after careful thought regarding fire prevention. The email in part stated: **At this time, we have decided to stop this process until we can diligently mitigate the fire concerns for all of us.** They both thanked the Planning Board for their time.

Nothing further was discussed.

Best Practical Location – Replace Existing Structure in the Shoreland District – Map 21, Lot 35 (83 24th Street) – Tyler Mathews, Applicant; Tiger Picard, Property Owner

Mr. Mathews was present for the review of the application. *Board members in attendance did a site inspection of the property prior to this evenings meeting.*

Provided along with the application was an existing conditions survey drafted by PLS Joseph Stanley of LinePro Land Surveying LLC, dated 2/8/2022, which depicted Map 21, Lot 35. On the survey it listed as owner Raymond Picard, Map 21, Lot 35, YCRD Book 17715, P351, and depicted the location of the existing camp / covered porch, garage, bath/deck and several retaining walls.

Provided was an enlarged copy of the existing conditions on the survey drafted by PLS Joseph Stanley, in which handwritten on the document, placed the existing camp as being 95' from the high water mark on the side of the camp closest to Map 21, Lot 34; and 25.7 feet to the lake at it closest point to the high water mark on the opposite side of the camp.

Provided was an enlarged copy of the proposed conditions on the survey drafted by PLS Joseph Stanley, in which handwritten on the document, placed the proposed camp as being 95' from the high water mark on the side of the camp closest to Map 21, Lot 34; and 26 feet to the lake at it closest point to the high water mark on the opposite side of the camp.

The detailed description of the project is as follows: *Tear down existing house & build new house. Leave both other buildings.*

Roger A. asked Mr. Mathews to let the board know what he wanted to do. Mr. Matthews stated that he was looking to tear down the existing camp, leaving the garage and the bath house building that was close to the road. He stated the existing structure at the closest point is 25.7' from the high water mark, they will be placing the new structure at 26'. He said the structure was non-conforming in all directions. Roger noted that the three board members here this evening were at the site visit, and agreed with Mr. Matthews that the structure was non-conforming all around, therefore there was no place to move it to.

Roger A. began the review of §105.4.D 'Nonconforming structures'. He stated that the structure cannot be expanded. He reviewed Section 105-4.D(c)[1] as follows: *For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.*

Roger A. asked about the foundation, would it be a crawl space? Mr. Mathews stated he did not know yet, but thought it would be at least 4 feet in height, with a crawl space. He noted that the water table would have to be taken into consideration. Roger thought he could possibly get 7 feet.

Roger A. reviewed §105-4.D(3) 'Foundations' as follows: *(a) Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and the new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection D(7), Relocation, below.* Roger stated that the board agrees there is no place else to put the structure on the property and moving it back to 26' is fine.

Roger A. reviewed §105-4.D(7) 'Relocation' as follows: *(b) In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish the relocation.* Roger A. stated it will not be relocated.

Roger A. asked Mr. Mathews what would be done to the soil that is being disturbed by the new foundation going in? Mr. Mathews stated he would stabilize the area with mulch or anything else they need to do. He stated that 2 trees may have to come out, so a tree permit will be gotten from CEO Demers and he will see what needs to be replanted.

Maggie M. asked if something should be placed on the plan showing what he was going to do to re-establish the area? Roger A. said the reason he was asking about stabilization was because the only thing on site currently was sand and pine spills. Roger said there were no plants on the whole lot.

Roger A. asked about the time frame. Mr. Mathews did not believe the owner planned on starting until fall of 2023. Barbara F. did not think the Best Practical Location permit lasted that long. (§105-4.J ‘Expiry of permits. Permits issued under this chapter shall expire after 90 days, unless a building permit is issued.) CEO Demers said that once a building permit is pulled they have a year to start the project.

Mr. Mathews was not sure exactly what the owner was going to do. CEO Demers told Mr. Mathews he could table the permit until he had further information. Mr. Mathews asked if he would have to come back before the board? Roger said he would need to come back to set the time limits. Barbara F. stated that by tabling the application for up to 90 days, it bought him more time to come up with the time frame to get started. He would have the 90 days, then another 90 days to get the building permit, once the application was approved.

Mr. Mathews agreed to have the application tabled to be able to gather more information with respect to the time frame to start and date of completion. Barbara F. told Mr. Mathews to make a note to contact her when he was ready to come back to the board within the 90 days.

Maggie M. made the motion to table the application pending further information. Roland L. 2nd the motion. All members were in favor. By a vote of 3 – 0, the motion to table was unanimous.

There was some discussion regarding the location of the new structure. It was stated that it could be no closer than 26 feet to the high water mark, and the square footage has to remain the same as existing.

Roger A. reviewed §105-4.(7)(c) as follows: *All approved plans shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board.* Mr. Mathews stated he understood this had to be done.

Roger A. stated Best Management Practices will need to be used. Mr. Mathews agreed.

Nothing further was discussed.

Conditional Use Permit – Hold Small Events & Venues, and Weddings – Amend Approval Based on Zoning Ordinance Change Approved by Voters (§105-17 ‘Lane use) – Map 1, Lot 22A (24 Deering Ridge Road) – Meagen & Brent Laviolette, Owners & Applicants

Ms. Laviolette was not required to be at the meeting for this amendment. She was notified it would be taking place in case she wanted to attend.

The original conditions of approval:

The conditions of approval are as follows:

- 1) Hours of operation are 6:00 am to 11:00 pm, allowing for setup and dispersal from the activity taking place.
- 2) There shall be 1 portable toilet provided for every 40 people on site. A total of 5 portable toilets must be present for the maximum number of people allowed for an event, which is 200.
- 3) There shall be no liquor sold on site, as Map 1, Lot 22A is in the Shoreland District.
- 4) The blinking caution sign shall be put out for events, and taken off the side of the road when no events are taking place.

Roger A. stated that there was a condition on the conditional use that no alcoholic beverages could be sold because it was in the Shoreland District. He said that now that this was changed at Town Meeting in March, you can serve alcohol in the SD. He said this does not automatically allow Mrs. Laviolette to serve alcohol because a liquor license is issued through the Selectmen. He added that they can put conditions on the liquor license.

Maggie M. said she was under the impression that you could have someone come in and serve alcohol that already had a liquor license, which would mean she would not need the license. Barbara F. stated that someone did apply to the Selectmen to be able to serve liquor at that location. Roger A. stated that Mrs. Laviolette would have to have a license. Roger gave an example that if he wanted to sell beer at that location, he would need a license. Maggie said she understood that, but she didn't know Mrs. Laviolette would also need one. Roger said that she did.

CEO Demers asked if the Planning Board had to take action to remove the condition of approval. Barbara F. stated that was correct, they have to vote to remove the condition based on the change in the ordinance. Roger A. agreed, it was an amendment to the approval. He added that someone might complain that she is selling liquor, knowing that her Conditional Use stated she could not do so, even though she was approved to sell it by the Selectmen. Roger said if the condition remains it could be an issue, so it needs to be removed. CEO Demers asked what needed to be done. Barbara stated someone had to make the motion to remove condition #3 and why.

Maggie M. made the motion to remove condition #3 from the Conditional Use Permit for Mrs. Laviolette to Hold Small Events & Venues, and Weddings for Less than 200 People. Condition #3 states: There shall be no liquor sold on site, as Map 1, Lot 22A is in the Shoreland District. This motion is based on the change to the Zoning Ordinance voted on in March 2023, allowing the sale of liquor in the Shoreland District (with a permit from the Selectmen). Roland L. 2nd the motion. All members were in favor. By a vote of 3 – 0, the motion to remove condition #3 of the original approval was unanimous.

Decision:

The amendment to the Conditional Use Permit, specifically the removal of Item #3 of the conditions of approval (as stated above), on property known as Map 1, Lot 22A (24 Deering Ridge Road), keeping all other conditions in place, was unanimously approved.

Roland L. stated he was at the Selectmen meeting a week ago and the Selectmen were discussing the approval of the liquor license for Mrs. Laviolette, where there were people in attendance at the meeting who spoke highly of her, as did he; he thought it was approved but was not certain. Nothing further was discussed.

Growth Permits

Map 4, Lot 8 (Coley Trafton Road) – New Home – S. Young

GP #11-2022

This is a legal lot of record meeting the minimum lot size requirements in the ordinance.

Map 13, Lot 14 (Emery Mills Road) – New Home – C. Fraser

GP #12-2022

This is a legal lot of record meeting the minimum lot size requirements in the ordinance.

Map 7, Part of Lot 2 (Cillie Road) – New Home – N. Legere

GP #13-2022

This is a new lot legally created meeting the minimum lot size requirements in the ordinance. A copy of the sketch plan showing the proposed conveyance from R. Legere to N. Legere, drafted by licensed surveyor Joseph Stanley of LinePro Land Surveying, LLC was provided, depicting the new lot.

Other:

Roger A. stated the Election of Officers will be held at the next meeting, since half of the members were not in attendance this evening.

CEO Demers provided a memo to board members regarding proposed ordinance changes pertaining to 30-A M.R.S.A. 4364-B Accessory Dwelling Units. The board will review the memo for discussion either at the next meeting or another workshop regarding zoning to be held likely in the month of June. He did note that he felt any buildable lot could have an accessory dwelling unit on it, even if it was a non-conforming lot. He also wanted to know if an ADU would be a CU or a permit from the CEO. He had no preference, he just wanted some clarity on this. Again, this will be discussed at a future meeting. Barbara F. will see that members not in attendance receive a copy of CEO Demer’s memo.

Nothing was discussed in depth this evening.

The Planning Board meeting ended at 7:45 p.m.

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. Public hearings are held at 6:30 pm, just prior to the meeting.

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
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