

Shapleigh Planning Board

Minutes

May 24, 2022

Members in attendance: Steve Foglio (Vice Chairman), Roland Legere, Madge Baker, and Alternate Ann Harris. *Roger Allaire (Chairman), and Maggie Moody were unable to attend. Code Enforcement Officer Mike Demers was also not able 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, May 10, 2022 were accepted as written.

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

Steve Foglio opened the meeting, stating the Election of Officers needed to be addressed.

Madge B. made the motion to keep Roger Allaire as Chairman, Steve Foglio as Vice Chairman, and Barbara Felong as Secretary. Roland L. 2nd the motion. All members voted in favor of the motion. By a vote of 4 – 0, the motion to keep the current officers and secretary in place passed unanimously.

Roger Allaire accepted the position of Chairman via email; Steve Foglio accepted the position of Vice Chairman; and Barbara Felong will remain as Planning Board Secretary.

Steve Foglio brought in large copies of several tax maps. The board will use these when discussing possible growth areas and zoning changes. Because several of the members were not present, members in attendance agreed to wait to discuss this further when there was a full board and CEO Demers was able to attend.

Steve F. did explain to Ann H., who was unable to attend the zoning workshop, that the board was trying to create areas where you can have dual uses, such as having a business in the bottom part of the structure and perhaps an apartment above. He said they were also trying to create an area where you could have smaller lots with businesses, an area to encourage people to bring their business, instead of having them spread all over town. He added that he was not against people having a home based business, but was looking for zoning that favored certain areas to create a village zone with less strict zoning requirements. Members noted an area in Springvale that not only looked pleasing but had both businesses and living quarters and it worked well.

Steve F. said that his idea is having two uses that complement each other, such as a business that closes at 8:00 pm, which would not bother the living quarters upstairs. He said he had no details worked out, he just thought it was something for the board to talk about and start planning for the future. He said it could take 50 years for things to change, but he felt the board had to start somewhere. Other members agreed.

The maps will be kept in Barbara's office until members are ready to discuss the zoning as a full board.

Members also agreed to wait to discuss CEO Demer's memo regarding Accessory Dwelling Units, until he was in attendance.

Other:

Roland L. wanted to bring up the subject of pest control in the Shoreland District, for mosquito and tick prevention. He asked members if they thought the board should consider requiring, if the property is in the Shoreland District, that they apply for a permit? He stated that this year in particular, he is seeing these services in the area at a higher volume.

Madge B. asked what the board would accomplish by requiring a permit? Roland thought it would put landowners, and those applying the products, on notice that it cannot be done within so many feet of the water. Madge thought this would be great. She asked if there was a rule that he was referring to, to apply to the permit? Roland did not believe so, but in the case of those doing it for the purpose of fertilizing or weed killing, he thought the ordinance would cover that. Roland added that he was not saying they were going close to the water, but he wanted to be sure.

Madge B. asked what the ordinance said? Ann H. thought there was something in the ordinance. Roland believed this might require an ordinance change, because he wasn't seeing anything specifically in the ordinance. He noted that people coming in from afar want all the comforts, having no mosquitos around or ticks, so they have these companies come on in and spray away. Barbara noted that it also gets rids of the bumble and honey bees. Ann and Roland noted they will not mow their lawn until after the dandelions have gone to seed.

Madge B. said she was not disagreeing with Roland's concern, she wanted to know what the board could use in zoning to regulate it. Ann H. stated that the ordinance discusses water quality protection under §105-52, which states: *No activity shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that they run off, seep, percolate or wash into surface or groundwater's, so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or are harmful to human, animal or aquatic life.*

Madge B. said there would have to be some proof it was causing harm. Ann H. asked who would monitor it? Roland L. said that perhaps there could be a notice that goes out with the tax bill letting homeowners know that they need to keep the substances away from the water. He said perhaps it could be posted on the town website, and if a permit is required it could be on the website. He added that if people felt strongly enough about this concern, a permit could be required. He felt people should be made aware somehow.

Roland L. was concerned with the fact that often the people are not on site when the company comes in to spray. He said the homeowner doesn't know what is being put down or where. They may know it is a weed killer or pesticide but they don't know that it could harm the lake. Ann H. agreed and added that a lot of people don't think about what it could do to the area. She noted that the contractors that are not DEP certified, they don't think twice about doing something around the water or the consequences. Board members noted a recent applicant, that had work going on down by the water, that had no clue of the effects it would have or that there were rules in place that would not allow what he was asking to do.

Ann H. added that she was seeing more and more people doing what they wanted, regardless of what the rules are. Madge B. agreed and stated she parked at the Treasure Island parking lot and walked around and could not believe all the trees being removed that were perfectly healthy. She noted there was no need of it other than wanting a view, there was nothing close to the house and it was detrimental to the lake. The other board members agreed that there is an unprecedented amount of trees being removed for no good reason.

Ann H. said the only way people will do what they are supposed to is if it hurts their pocket book. It was noted there didn't seem to be any fines anymore, so there is no incentive to follow rules that are in place.

Madge B. asked where the board could go to get some information to support an ordinance change. Ann H. said that the place that tests water, that came in to speak to the board, they might have information about this issue. She stated the name of it was 'Lake Stewards of Maine'. Barbara F. stated she would reach out to see if she could get some information from them on this issue.

Madge B. went back to Roland's idea regarding providing information with the tax bill on water quality, and why people should not be using pesticides near the water. Roland L. thought the board could approach both the Mousam Lake Association and Square Pond Association, if there was some good information the board could share with them, over and above picking up dog poop and preventing the kids from taking a bath in the lake. Steve F. stated that the only issue with the associations is the people who attend are not the worst offenders, they already have a passion for the lakes. The other members agreed. Roland did not disagree but thought they may be the neighbor of someone who is doing something that should not be allowed, and if they feel strongly enough they could share the information. He thought they could point out how they are messing up the water and that it is affecting everyone on the lake.

Roland L. stated that the board can't take the attitude that it will not make a difference, because if that is the case, we might as well give up and let the lakes go to ruin.

Roland L. said he believed the pesticide use is growing because of all the news reports about the ticks, creating fear. He said that does not mean spray, there are other ways. Ann H. stated she had 3 chickens and has no ticks.

Ann H. said the issue with putting in place regulations, is there has to be someone to enforce them. Steve F. agreed and talked about unfunded mandates. He spoke about how the Fire Marshall's office now makes the buyer sign a document at closing that says you will now have smoke and carbon detecting devices in your house 30 days after closing. He said that was it, there was no enforcement. Ann stated that in the insurance industry if people don't have them, they will drop their policy; then when they have to go find

insurance, their rates are four times higher. She said they then go do something about it. She said it has to hurt their wallet or they will not comply. She said there has to be a way to enforce through fines or it won't work.

Steve F. said the permit could require them to submit what they are doing. Roland L. thought that might be the case, such as when you take down trees you are supposed to submit what trees are coming down and if needed where you will replant. Roland thought this would at least increase their awareness that their actions could have this consequence. He said if it is too close to the water it could create an issue.

Nothing more was discussed.

The Planning Board meeting ended at 7:40 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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