

**Shapleigh Planning Board**

*Minutes*

**July 26, 2022**

Members in attendance: Roger Allaire (Chairman), Madge Baker, and Roland Legere. Code Enforcement Officer Mike Demers was also in attendance.

*Steve Foglio (Vice Chairman), Maggie Moody, and Ann Harris were unable to attend.*

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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.

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

**The minutes from Tuesday, July 12, 2022 were accepted as written.**

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**Conditional Use Permit – Replace Existing Retaining Wall – Map 34, Lot 40 (476 Cedar Drive) – Charles Starbird, Applicant; Dave Johnson, Property Owner**

Mr. Starbird was present for the review of the application. *A site inspection was done by the members present prior to this evening’s meeting.*

Provided along with the application was a sketch plan of the lot, which included the location of the house, stairs, and wall; a copy of a depiction of the proposed (2) 3 foot high block walls, being 1 foot apart, along with notes that stated ‘3/4” stone, 3” drainage pipe, drainpipe & leveling pad, with arrows showing where each will be placed; a sketch plan depicting Wall #1 & #2 & 4’ Stairway, existing duff & bushes, and where plantings and erosion control mix will be placed. Pictures of the existing wall were provided; a copy of the DEP Permit by Rule dated 6/15/2022; and a copy of the Subsurface Wastewater Disposal System Application, drafted by John Large SE #7, dated 4/17/1997.

Provided was a letter dated June 10, 2022, authorizing Mr. Starbird of C & D Landscaping to represent Mr. Johnson at all meetings dealing with permits for work located on his property at 476 Cedar Drive, Shapleigh.

A document entitled ‘Project Description’, read as follows:

*Replacement of a retaining wall that is falling over from not being done correctly, and retaining wall block being deteriorated, and by the contractor splitting the lip off the back of the block to make it even, made it unsafe and a faulty wall. Would like to replace the wall with similar block, earth color, and have the retaining wall terraced to make it safer on the property. There will be no machine work down by the water, everything is being done by hand.*

*The current wall is 37' long by 6 foot high and the left side wall is 11' with about two foot wide set of stairs, would like to change it to 4 foot wide set of stairs to make it safer. The right side will be 11' terraced wall back to the house.*

*Erosion control will be hay bales, silt fence, and erosion control mix. Blueberries will be planted in front of the retaining wall with erosion control mix.*

The application detailed description of the project is as follows: *A 6 foot retaining wall that is falling over done incorrectly. Move stone behind it and replace with new block, different design.*

Roger A. asked Mr. Starbird to let the board know what he wanted to do for the record. Mr. Starbird stated there was a retaining wall falling over, it has cracks, and the installer cut the lips off the back, so there is nothing to hold it up. He said the new wall would be smaller but stepped up, and also he would be replacing the set of stairs.

Roger A. stated that they did a site inspection this evening and noticed the wall was out a good 6 to 8 inches from where it should be. He said they also noticed there was no drainage behind it, which also helped to create the issue. He said the water coming off the roof of the camp is helping to push the wall, even though the owner put in sheet pile to try to help prevent it.

Madge B. said she wanted to state for the record that Roland L. noticed there were no trees being affected by the project.

Roland L. said to Mr. Starbird, "Chuck you are proposing 3 feet up, step back, then the 3 feet up, as opposed to what is currently there." Mr. Starbird concurred and said he talked to the homeowner who said she would like to get rid of the cement blocks. Roger A. added, "For the stairs."

Madge B. said that she asked Mr. Starbird, for the record, about the DEP permit, and Mr. Starbird stated he gave them all the information they require, and he hasn't heard anything from them. CEO Demers said he spoke with the DEP regarding this job, regarding the 6 foot in the aggregate vs a straight 6 foot up (the wall height), and he believed he emailed the board, that in fact it could be done.

Roger A. said that Mr. Starbird indicated they would be putting in blueberry bushes when finished. He said this project was what Mr. Starbird is going to use to get his DEP license, so it will be scrutinized very well.

Madge B. said that her drawing shows the stairs as being 4 feet in width, and she asked if that is what Mr. Starbird wanted? Mr. Starbird said, "Yes." Roger A. said he didn't know why people didn't start with 4 feet, especially when you are in between a wall, 32 inches is too tight. He said adding one extra block to make the 4 feet is not a big deal.

Roger A. began reviewing §105-4 'Nonconformance' and said this was one reason the application is before the board, they are replacing a non-conforming structure, and it requires a conditional use permit. He said another reason the application is before the board is §105-39.D 'Earth moving in the Shoreland District', because greater than 10 cubic yards of fill are being moved, which also requires a conditional use permit to ensure proper erosion and sedimentation control.

Roger said the board realizes this is a replacement structure, but the project also requires earth to be moved in order to replace the wall; earth has to come out and then be put back in.

Roger A. then read §105-39.D(1) as follows: *When an excavation contractor will perform an activity that requires or results in more than one cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices or erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.*

Roger A. read / reviewed §105-39.G as follows:

- G. Conditions of permit. The Planning Board may issue a permit, provided that the following conditions shall be met:
- (1) The smallest amount of bare ground shall be exposed for the shortest time feasible. The Planning Board shall set a specific date after which bare ground shall not be exposed.
  - (2) Temporary ground cover (such as mulch) and temporary runoff filter (such as hay bales in swales) shall be used as required to prevent stream sedimentation. The Planning Board shall set a specific date by which permanent ground cover shall be planted.
  - (3) Diversions, silting basins, terraces and other methods to trap sediment shall be used.
  - (4) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit written approval from the Department of Marine Resources or Department of Inland Fisheries and Wildlife, as applicable, prior to consideration by the Planning Board.  
*Roger said this was not applicable in this location.*
  - (5) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used. *Roger said they will be using the existing stone / fill, they will remove it and replace it as they are rebuilding the new wall(s).*
  - (6) Fill shall not restrict a floodway, channel or natural drainageway.
  - (7) The sides and bottom of cuts, fills, channels and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.

- (8) Where activities carried out under this article require the removal of existing ground cover, revegetation should be carried out.

Roger A. reviewed §105-4.D(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.*

Roger A. said that because there are steps on each side of the wall, and it has been in existence for over 10 years, he did not think the survey would be required to place the wall. He said the wall would stay between where the steps are. Madge B. did not think the wall would have been surveyed the last time it went up. Roger agreed, noting that the provision requiring a survey was not in place at that time. Madge agreed.

Roger A. asked when the start date would be and date of completion. Mr. Starbird said he was waiting for the blocks to come in to be able to start. Roger asked if a completion date of November 15<sup>th</sup> would work? Mr. Starbird said that everything should be done by then. Madge B. said that they would be planting vegetation, so wouldn't they have to plant before 11/15? Roger said they would need to plant by 10/15. Mr. Starbird said it should be done by then. Roger said the entire project should be done by 11/15.

Madge B. asked if it was in the record what would happen to the old blocks? Mr. Starbird stated that they would be hauled out. Madge asked if they would be hauled off and not dumped in town. Mr. Starbird said they would not be dumped in town. CEO Demers said they would be hauled out of Shapleigh. Mr. Starbird said, "Yes."

Roger A. noted the sheet pile will help Mr. Starbird with the project. Mr. Starbird agreed. Roger said that it would be staying in place.

Roger A. asked if there were any additional questions? Madge B. said she didn't have a question but she sat down and reviewed the ordinance and found the board should be requiring photos after the project is completed. (*§105-3.E states: Photographic record required. An application for a permit for development within the Shoreland District must provide preconstruction photographs, at the time of application, of the shoreline vegetation and development site to the reviewing authority of the permit, and post-construction photographs no later than 20 days after completion of the development. If the reviewing authority is both the Planning Board and the Code Enforcement Officer, both shall receive a copy of before-and-after picture documentation.*) Madge asked CEO Demers if he makes sure he gets photos of the finished project? CEO Demers said that he didn't always get a call for the final inspection on the walls, so often it isn't until years later that he sees them. He believed it was on the contractor to provide them to him, he wasn't going to run around and chase after them. He thought he could add it to his calendar to remind the contractor. Roger said that the ordinance does require the photographs, so under the permit CEO Demers issues, it should be a condition that the photos are required. Barbara F. said that the Planning Board was supposed to receive them as well. Barbara said it should be a condition of the permit.

Madge B. said the board knows when the project is supposed to be completed; she asked CEO Demers if it was possible for him to go to the site at that completion date. CEO Demers said it was possible to make an inspection date. He said the way inspections typically work, the contractor completes the work, the contractor calls his office to schedule an appointment. Madge said if it isn't happening, shouldn't we be more

proactive? CEO Demers said it was up to the contractor or homeowner. Madge asked about if it wasn't being done, how do we move from what the board is requiring to actually getting what is required to be done? CEO Demers didn't think the requirement was on him. Madge agreed, but if a requirement is made and there is no follow up, what good is the requirement? Madge said that Shoreland zoning requires this, so who enforces it? Roger agreed and said there was also a date of completion, and if they don't meet it, they need to come back to CEO Demers and if they don't, then it is an enforcement issue via a phone call. CEO Demers said he could add it to his calendar. Madge thought this would be great. Roger said that any condition imposed by the Planning Board are what the CEO is supposed to ensure takes place.

Roger A. stated a condition of approval would be that photos are taken of the completed job and a copy provided to the CEO and the Planning Board.

The conditions of approval are as follows:

- 1) Best management practices shall be in place until the project is completed.
- 2) The date of completion for the entire project shall be November 15, 2022; all plantings shall be in by October 15, 2022.
- 3) Photographs of the completed project shall be provided to the Code Enforcement Officer and Planning Board within 20 days of the completion of the project.

Barbara F. asked why this project did not require the survey to place the wall, when all other walls in existence require the survey? Madge B. said she was bothered by this as well, because the board always requires it. She thought the board had to require it. Roger A. said because of the location, and the fact it is a failed wall that they are replacing, it didn't require it. Barbara noted that all walls are failing walls being replaced. Mr. Colton was in the audience for several wall replacement applications, and he noted all his walls were failed walls being replaced, and he was required to have the survey. Barbara agreed. Madge thought they had to require the survey, she didn't believe they could change the requirement. Roger had no issue with requiring it. Mr. Colton added that they replace the walls in the same place, not adding beach area or land area, maybe an inch difference here and there.

Roger A. said it would be under §105-4 that stated that, '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'. Madge B. said again that it was a mandatory requirement. Barbara F. stated that if the board does not want to require this, then they change the ordinance. Madge said it was something to consider, because she realized it was hard to get a surveyor to go out.

**§105-73.G 'Standards applicable to conditional uses', findings of fact are as follows:**

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat. ***It will not, it will help to stabilize the area to protect spawning grounds, fish, and aquatic life.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***The use will help to protect shore cover, by stopping erosion. BMP shall be used until the project is completed.***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comp Plan wants to protect the Shoreland District.***
- 4) Traffic access to the site is safe. ***This does not pertain to this project. Access is available for the intended project.***

- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***The project is not in the flood zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***All debris from the existing walls and stairs shall be taken out of Shapleigh.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There will not be any generated.***
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. ***The wall will be constructed per the plans from the block company, best management practices shall be kept in place until the project is completed.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Best management practices shall be kept in place until the project is completed. Plans to be approved by the Code Enforcement Officer.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***N/A for this project.***
- 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. ***The limited amount of noise is only during construction of the wall and stairs. There is no glare, odors and the like created. Dust will be minimal and only during the construction of the wall & stairs.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They will with four conditions.***

**Roland L. moved for approval of the Conditional Use Permit for earth moving in the Shoreland District to replace the existing 6 foot retaining wall and stairs, replacing the wall with (2) three foot retaining walls, 1 foot apart, on Map 35 Lot 40, with the four conditions. Madge B. 2<sup>nd</sup> the motion. All members were in favor. By a vote of 3 – 0, the vote to approve was unanimous. The conditions of approval are as follows:**

- 1) **Best Management Practices shall be kept in place until the project is completed in its entirety; completion includes the stabilization of the area with mulch and plantings.**
- 2) **The date of completion for the entire project shall be November 15, 2022; all plantings shall be in by October 15, 2022.**
- 3) **Photographs of the completed project shall be provided to the Code Enforcement Officer and Planning Board within 20 days of the completion of the project.**
- 4) **A licensed surveyor shall confirm in writing that the placement of the new structure is correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.**

Nothing more was discussed.

**Findings of Fact & Approval**

- 1. The owner(s) of Shapleigh Tax Map 35, Lot 40 (476 Cedar Drive) are David E. Johnson & Dawn Marie Johnson of 40 Mary Ellen Drive, Lynn MA 01904, per Warranty Deed, BK 15531, PG 606, recorded 12/10/2008.

2. The property is located in the Shoreland District, and according to the Assessor's office, it contains .35 Acres.
3. Provided was a sketch plan of the lot, which included the location of the house, stairs, and wall; a copy of a depiction of the proposed (2) 3 foot high block walls, being 1 foot apart, along with notes that stated '3/4" stone, 3" drainage pipe, drainpipe & leveling pad, with arrows showing where each will be placed; a sketch plan depicting Wall #1 & #2 & 4' Stairway, existing duff & bushes, and where plantings and erosion control mix will be placed. Pictures of the existing wall were provided; a copy of the DEP Permit by Rule dated 6/15/2022; and a copy of the Subsurface Wastewater Disposal System Application, drafted by John Large SE #7, dated 4/17/1997.
4. Provided was a document entitled 'Project Description', which read as follows:  
*Replacement of a retaining wall that is falling over from not being done correctly, and retaining wall block being deteriorated, and by the contractor splitting the lip off the back of the block to make it even, made it unsafe and a faulty wall. Would like to replace the wall with similar block, earth color, and have the retaining wall terraced to make it safer on the property. There will be no machine work down by the water, everything is being done by hand.*  
  
*The current wall is 37' long by 6 foot high and the left side wall is 11' with about two foot wide set of stairs, would like to change it to 4 foot wide set of stairs to make it safer. The right side will be 11' terraced wall back to the house.*  
  
*Erosion control will be hay bales, silt fence, and erosion control mix. Blueberries will be planted in front of the retaining wall with erosion control mix.*
5. The application detailed description of the project is as follows: *A 6 foot retaining wall that is falling over, done incorrectly. Move stone behind it and replace with new block, different design.*
6. A notice was mailed to all abutters within 500 feet of the property on July 13, 2022. Meetings were held on Tuesday, July 12, 2022 and Tuesday, July 26, 2022. A site inspection was done by members prior to the meeting on July 26th.
7. The application as presented met the performance standards under §105-73 'Conditional Use Permits' as per the documentation provided and as presented with four conditions. The proposed new walls and stairs will not have an adverse effect on aquatic life or wildlife; the project will help to conserve shore cover by stopping stormwater from entering the lake; the use is consistent with the Comprehensive Plan which wants to protect the waterbodies from stormwater / erosion; traffic access to the site is safe for the intended project; the lot is not located within the flood zone; the existing block wall will be removed by the applicant & shall be taken out of Shapleigh; there is no hazardous waste associated with the proposed project; the walls will be constructed per the plans from the block company and will help prevent stormwater from entering the lake; erosion control measures shall be approved by the Code Enforcement Officer; the project takes place near the lake and fire protection is not a requirement for this project; there is limited noise and dust from the construction of the walls which shall be completed by November 15, 2022, there is no glare, odors and the like produced by this project; all performance standards shall be met with four conditions.

8. The application as presented met the conditions under §105-4 ‘Non-conforming structures’, a revegetation plan was presented, erosion control measures approved by Code Enforcement shall be put into place, and a licensed surveyor shall place the wall to be sure it does not encroach onto the lake or neighboring properties.
9. The application as presented met the conditions under §105-39 ‘Earth removal and filling for activities other than mineral exploration and extraction’. The extent and type of fill is appropriate for the scope of the project; the project shall be completed by November 15, 2022 and the exposed ground shall be covered by blueberry bushes and erosion control mulch by October 15, 2022.
10. The Planning Board unanimously agreed to approve the Conditional Use Permit for earth moving in the Shoreland District to replace the existing 6 foot retaining wall and stairs, replacing the wall with (2) three foot retaining walls, 1 foot apart, on Map 35 Lot 40 (476 Cedar Drive), per the documents provided and as presented, with four conditions.
11. **The conditions of approval are as follows:**
  - 1) **Best Management Practices shall be kept in place until the project is completed in its entirety; completion includes the stabilization of the area with mulch and plantings.**
  - 2) **The date of completion for the entire project shall be November 15, 2022; all plantings shall be in by October 15, 2022.**
  - 3) **Photographs of the completed project shall be provided to the Code Enforcement Officer and Planning Board within 20 days of the completion of the project.**
  - 4) **A licensed surveyor shall confirm in writing that the placement of the new structure is correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.**

**Decision:**

**The Conditional Use Permit to replace the existing 6 foot retaining wall and stairs, replacing the wall with (2) three foot retaining walls, 1 foot apart, on Map 35 Lot 40 (476 Cedar Drive), per the documents provided and as presented, with four conditions, was approved.**

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**Conditional Use Permit – Replace Retaining Wall/Stairs with Pepin Precast Loc-Blocks – Map 24, Lot 27A (49 14<sup>th</sup> Street) – Matt Colton, Applicant; Shawna Dos Santos, Property Owner**

Mr. Colton was present for the review of the application.

Provided along with the application was a letter of authorization, dated 6/27/2022, from Shawna Dos Santos which gave Matt Colton / Mainely Barge permission to act as her agent in all aspects in order to obtain a building permit from the Town of Shapleigh for her property. The permission extends to Mr. Colton being able to answer any and all questions on her behalf and to sign any and all documents pertaining to this project. The authorization does state that the applicant, Shawna Dos Santos, does accept full responsibility to ensure that her project meets all zoning and building code compliance.



Provided was a sketch plan which depicted the location of the house, several large pine trees, the location of the walls to be replaced, patio area, stairs, and fire pit. The walls are noted as being 32’ and 28’ in length. Provided were several pictures of the existing stairs and walls to be replaced.

Provided was a Permit by Rule Notification Form, Brief Project Description: Replace Existing Rock Wall / Retaining walls with New Precast Wall; permit dated 6/27/2022.

The application detailed description of the project is as follows: *Replace existing retaining wall/stairs with Pepin Precast Lock Block, same height, same length.*

Roger A. asked Mr. Colton to let the board know what he wanted to do for Shawna Dos Santos. Mr. Colton stated they would replace the existing wall that is not failing but it’s outdated; the property owner was being pro-active. He said they had some trees removed, and are updating the walls, fire pit and stairs. He said they had the permit to remove the trees throughout the walls and stairs, the stumps will be pulled. Roger asked how high the wall is? Mr. Colton stated there were three walls, one at the camp, one in the middle, and one he would call a sea wall. He believed the sea wall was over 4 feet in height, so he has an engineer working on designing that one with Pepin Loc-Blocks and he will have that information for the second meeting. He said the other walls are noted in the information provided to the board. He stated they have already had the walls surveyed for placement, and they wanted to start the project as soon as possible, and complete it before ice comes in.

Roland L. asked if there was a wall at the water’s edge, and was that the wall that he was referring to as a sea wall? Mr. Colton stated that it was. Mr. Colton said there were three walls, one at the water’s edge, one midway, and one closer to the house. Roland said he saw an orange band around one of the trees in the pictures. He asked if the pictures were taken before the trees were cut down? Mr. Colton said, “Correct.” Roland asked what other trees were removed beside the tree next to the set of stairs? Mr. Colton stated that would be on the tree permit, and he hadn’t been back to the site since. He said the only tree left was the large pine, and he believed they wanted to remove that one as well. He said he didn’t do their tree permit, so he was not certain. Mr. Colton stated that the applicant and the neighbor removed a bunch of trees. Mr. Colton added that the applicants pretty much only owned to the tree in the picture. He thought that they and the neighbors shared that tree, and they both had other trees removed.

Roger A. asked if the DEP Permit by Rule had been applied for? Mr. Colton stated that it had, and he mailed a copy to the board members with the other information.

**Roger A. stated there would be a site inspection prior to the next meeting being held on Tuesday, August 9<sup>th</sup>. The inspection will begin at 6:15 pm. A notice to abutters will be mailed as well.**

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**Conditional Use Permit – Replace Retaining Wall with Pepin Precast Loc-Blocks – Map 28, Lot 52 (51 Carpenters Cove) – Matt Colton, Applicant; Thomas Collins, Property Owner**

Mr. Colton was present for the review of the application.

In addition to the application, received was a sketch plan which depicted a straight line, and the notations ‘Tree’, ‘Stairs’, and 40’ x 3’. Also received was the DEP Permit by Rule, dated 7/11/22, with a Brief Project Description that stated the following: Replace Existing/Failing Retaining Wall at Water’s Edge. A picture was provided of the front of the property that showed the wall to be replaced.

The application detailed description is as follows: *Replace existing block wall with Pepin Precast LockBlock, same length/height.*

Roger A. asked Mr. Colton to let the board know what he was going to do for Mr. Collins. Mr. Colton stated they would be replacing the existing wall, and noted that it did not have to be engineered. He said the wall had already been pinned / surveyed. He stated that they looked at the wall today and it was below water level, and they want to start working on it as soon as possible. He said the finish date would be no later than ice. He did not believe there would be any vegetation disturbed with this wall, he believed they wanted to keep the tree. He said the wall would be the same height, same length as existing. He said they would be going from the stairs to the left, noting there was a docking system from the stairs to the right, and the owner hopes that section is ok. He said the owner hoped in the future, with respect to budget, that he will be able to go from the stairs to the right.

Roland L. asked if they were replacing the stairs? Mr. Colton stated they were keeping the existing stairs.

Roland L. stated he would like to comment about this job. He said he did not have the photo documentation any longer because he lost his phone, but there may be pictures on file for this location. He said he can remember the owner putting the top course or two up (on the wall), and he sent the pictures to the former CEO because he felt it was a flagrant violation. He said he felt every time he saw this property, something new was being added. He said he hoped that he was pulling permits for all the patios, rails and stairs. He said he had no proof, just recollection and observations, because he has spent a lot of time in Carpenters Cove fishing.

CEO Demers asked if the question for the board was ‘is the proposed replacement replacing a legally existing structure’? Roland said he was making an editorial comment, admitting he was just venting. CEO Demers said that Roland had to make a request, and he then can give him information on the property. Roland said that he was not questioning that there was a wall there, but he believed the top course and possibly the second one, were added. Mr. Colton stated that the sea wall is a footing and two courses of block. CEO Demers asked Roland if his question was about the height of the sea wall from high water mark, to the top of the wall? Roland said what he was saying is that he recalled the wall being added to. CEO Demers asked the board if they wanted him to investigate the height of the wall? Roland said that, he was not requesting that, he was just venting.

Mr. Colton stated that he met the client, the property was handed down to him from his father. He said he has pulled the permit and he assumes he wants to do it the right way.

Madge B. asked CEO Demers if there was a file on each property that has come before the Planning Board? CEO Demers said there is a long term file on each property in town, what information is contained therein he did not know. He said if the board wants him to look into this and give his opinion, he certainly will. Madge

asked Roland if that would be of interest to him? Roland said he did not believe it would change what these folks want to do, and he said it was in the best interest of the water body. He said he was not here to stall what they were trying to do. Madge said she was curious if the file would show when the wall was built. Roland said he always remembered a wall there, but it caught his eye when they were adding another course to the wall and it hadn't come before the board.

**Roger A. stated a site inspection would take place on Tuesday, August 9<sup>th</sup> at around 6:30 pm. A notice to abutters will be mailed as well.**

Nothing further was discussed.

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**Amendment to a Subdivision – Pump Box Brook Estates – Adjust Lot line between Lot 3-3 & Lot 3-4 – Map 6, Lot(s) 3-3 & 3-4 (Knox Road) – Joseph Stanley, LinePro Land Surveying, Representing; Erica Mrazik & Mike Wallingford, Property Owners Lot 3-3, Applicants**

Mr. Joseph Stanley was present for the review of the application.

**The subdivision application for the lot line adjustment between Lots 3-3 & 3-4 contained the following information:**

Name of Property Owner: Erica Mrazik & Mike Wallingford  
Mailing Address: 154 Knox Road, Shapleigh Maine 04076  
Name of Applicant: Erica Mrazik & Mike Wallingford  
Mailing Address: 154 Knox Road, Shapleigh Maine 04076  
Name of Authorized Agent  
& Land Surveyor: Joseph Stanley, LinePro Land Surveying, LLC  
Mailing Address: 455 Main Street, Springvale Maine 04083  
Email Address: jstanley@lineprosurveying.com

**Land Information:**

Location of Property: YCRD Book 17837, 18151 Page 298, 131  
Shapleigh Tax Map 6, Lot(s) 3-3 & 3-4  
Current Zoning: General Purpose District  
The property lies within 250 of Pump Box Brook.  
Acreage to be Developed: 3,978 sq. ft., .09 acres to be changed.  
Property is part of a prior subdivision, Pump Box Brook Estates.  
Restrictive Covenants: No mobile homes allowed; no junk cars; no further division of lots; lots limited to domestic animals; no ATV's used on Coley Trafton Road (now Knox Rd); no motor vehicles, snowmobiles, ATV's, three wheelers, dirt bikes and motorcycles permitted in, on, or through the greenbelt; no activity in the greenbelt which unduly disrupts the wildlife; owners shall have culverts approved by the Shapleigh Road Commissioner; owners will be responsible for erosion prevention when building; any earthwork within 400' of Pump Box Brook will require siltation barrier of hay bales or fabric fence.  
Other: The parcel does not include a waterbody.

The parcel is not within a special flood hazard area.

Number of Lots: (10) Ten  
Development  
has the following: Existing road access.  
Method of Water  
Supply: Individual Wells  
Method of Sewer  
Disposal: Individual Septic Systems  
Method of Fire  
Protection: Dry hydrants located on an existing fire pond or water body.

Provided along with the application was a copy of the original conditions of approval for Pump Box Brook Estates, recorded at the YCRD in BK 4552, PG 141, on 9/24/1987; a copy of the Restrictions on Pump Box Brook Estates, recorded at the YCRD in BK 4552, PG144, on 12/8/1987; and a copy of the original Standard Boundary Survey of Final Plan of Pump Box Brook Estates for Robert E. Santino of Lands Lying Within the Town of Shapleigh, County of York, State of Maine, drafted by Robert Yarumian II, RLS #1303, dated 9/15/1987, recorded at the YCRD in BK 163, PG 26 on 12/8/1987.

Provided was a letter of authorization from Jason M. Parnham, granting Joseph Stanley of LinePro Land Surveying to act as his agent in all aspects in order to obtain any and all permits necessary from the Town of Shapleigh for his property located on Map 6, Lot 3-4, as well as agreeing to the boundary line adjustment proposed on “Revision to Plan of Pump Box Brook Estates”, authorization dated 7/22/22.

Provided was a survey plan entitled ‘*Revision to Plan of Pump Box Brook Estates, Revising YCRD Plan Book 163 Page 26, Revising Shapleigh Tax Map 6 Lots 3-3 & 3-4 for Mike Wallingford of Property Located on Knox Road, in Shapleigh, Maine*’, drafted by Joseph L. Stanley, PLS #2453, plan dated July 14, 2022. The plan depicts surveyed Lot 3-4 & Lot 3-3, along with abutting Lot(s) 3-5 & 3-2, and part of Lot(s) 3-6 & 3-1. The plan lots being amended, Lots 3-4 & 3-3, contain the following information:

- Lot 3-3 depicts the location of the existing house, garage, Shelter Logic tent, and current property line.
- Lot 3-4 depicts the location of the existing house/deck, proposed property line, and existing fence owned by Lot 3-3. The area to be adjusted contains 0.09 acres to be transferred to Lot 3-3.

The plan depicts the proposed size of Lot 3-4 as being 5.25 acres after adjustment.

The plan depicts the proposed size of Lot 3-3 as being 5.39 acres after adjustment.

The application project description reads as follows: *The application contained herein is simply to revise one Boundary Line on the Subdivision Plan “Standard Boundary Survey of Final Plan of Pump Box Brook Estates”, which was approved on September 15, 1987 for Robert Santino on Knox Road and is recorded at the York County Registry of Deeds in Plan Book 163 Page 26. The purpose of this revision is to correct an occupation issue on neighboring properties. The neighboring properties are shown on Shapleigh Tax Map 6 Lots 3-3 and 3-4 and are further described in the deeds recorded at the York County Registry of Deeds in Book 17837 Page 298 & Book 18151 Page 131. No other changes are proposed, and all other conditions and waivers per the previous approval will be adhered to.*

Roger A. asked Mr. Stanley to let the board know what he wanted to do. Mr. Stanley began by introducing himself, and stated he was before the board to represent the Wallingford family on Knox Road in Shapleigh.

He stated the subdivision was called Pump Box Brook Estates, which was approved by the Planning Board 30 plus years ago. He said he was working for two different parties in the neighborhood, and noted the lots come off the road at a significant angle. He said when he started marking property lines for everyone, there were a lot of surprised people to see their property line was cutting diagonally across. He said with the Wallingford family, their family is in the fence business, and what started as a call so they could mark some lines to install more fencing, LinePro ended up marking lines through their portable Shelter Logic building and out through the middle of their backyard. He said after they got over the shock of that, they started coming up with solutions.

Mr. Stanley stated that fortunately the neighbor, Mr. Parnham, did not have a clue that any of the backyard of the Wallingford's was his property, so when they approached him with trying to propose a boundary line that went around the existing fencing and yard, he was very agreeable to it. Mr. Parnham said he didn't think it was his anyway, so if he could help them out he would. Mr. Stanley added that this was a very courteous thing for the neighbor to do.

Mr. Stanley stated that what they are proposing to do was to transfer just under 4000 sq. ft. of land from Lot 4 on the subdivision plan to Lot 3, so it will go around the existing fence and yard. He added that he gave Barbara F. a letter from Mr. Parnham, acknowledging that he looked at the plan, and that he was ok with everything being discussed this evening.

Mr. Stanley stated that both lots are well over 5 acres, and he said they would not be changing the road frontage. He said for the size of the lots, this would not be a significant change on the square footage or acreage. He stated that Mr. Parnham did indicate that in the future he may put a garage on the side of his driveway, so when they looked at the adjusted setbacks, Mr. Parnham will still have room for the garage. He said this was the only condition Mr. Parnham asked them to consider before agreeing to the lot line adjustment.

Mr. Stanley said on the plan, in light brown lines, is where the Wallingford's fence exists, so they just picked a few angle points beyond the fence to create the lot line. He added that it is good to take care of this now, in case either party in the future decides to sell their property, to avoid legal issues, because everyone will be made aware of the situation.

**Roger A. stated a notice to abutters will be mailed regarding the amendment to the subdivision. No site inspection was required.**

Roger A. stated a Mylar will be required for the next meeting. Mr. Stanley stated the Registry does not accept Mylar's anymore. He asked if the town still wanted one. Barbara F. stated the town needed 1 Mylar and she would need 3 paper copies once the plan is registered. She said that however Mr. Stanley would like to do that, bring one copy to the next meeting for everyone to sign and then return the Mylar and paper copies after, would work.

Nothing further was discussed.

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*Roland L. wanted to congratulate Roger A. on his receiving the Spirit of America award from the Selectmen. He stated it was much deserved for all the time he has spent as a volunteer on the Planning Board. Madge B. agreed it was a very nice ceremony. (Roger has been on the Planning Board since 1989, and the Planning Board Chairman since 1991.)*

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**Growth Permits**

**Map 6, Lot 26A (Nason Road) – New Home – B. Ouellette**

**GP #20-2022**

Roger A. stated the lot meets all the criteria for a lot in the ordinance.

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**The Planning Board meeting ended at 7:55 p.m.**

The Planning Board now meets the 2<sup>nd</sup> and 4<sup>th</sup> 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 [planningboard@shapleigh.net](mailto:planningboard@shapleigh.net)