

Shapleigh Planning Board

Minutes

Tuesday, March 28, 2023

Members in attendance: Roger Allaire (Chairman), Steve Foglio (Vice Chairman), Madge Baker, Maggie Moody, Roland Legere, Alternates Ann Harris and Norman Baker. Code Enforcement Officer Mike Demers was also in attendance.

Minutes are not verbatim unless in quotes “” – If the names 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 Planning Board meeting started at 7:00 pm.

The minutes from Wednesday, March 15, 2023 were accepted as written.

New Business:

Best Practical Location – Replace Existing Structure – Map 34, Lot 25 (14 Cherry Road) – Tyler Matthews, Applicant; Scott Cousens, Property Owner

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

Provided along with the application, was a copy of part of a survey plan for Lot 25, which depicted the existing house with the hand written notation ‘67’ House’, the deck with the hand written notation ‘64’ deck’, the location of a concrete pad & fire pit, steps going toward the water, shed, gravel, overhangs on both the house and shed, and the hand written notation ‘chamber system’, with a hand written sketch of the chamber system location. Additional survey notes were for the well, shared driveway serving 2 properties, wooden fence, along with several distance locations from the water and side lots lines. These notations were too small to read.

Provided was a second copy of part of a survey plan for Lot 25, which depicted in addition to what was noted above, the location of the ‘Proposed House’, showing it at 67’ from the high water mark, the notation ‘Mulch disturbed areas’, and the notation ‘Stone dripline trench’. The mulch area was indicated with a slanted scribble around the new structure, and the dripline was indicated by a circling scribble on two sides of the new structure.

Provided was a third copy of part of the survey plan for Lot 25, which depicted in addition to what was noted above, the location of 3 trees to be removed during the project.

Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by John Large, SE#7, dated 5/13/1989, for a 2 bedroom conservative - 750 gallon replacement septic system.

The application detailed description of the project is as follows: *Tear Down existing house & build new single family home.*

Roger A. asked Mr. Matthews to let the board know what he wanted to do. Mr. Matthews stated there is an existing house which sits at 64' from the water, this being the deck. He said what he wanted to do was build the new structure where the house sits now, which is at 67' from the water. He said when the board does the site walk, they will see why. He noted the septic system is right behind the existing structure, the hill drops back, and if the house were to be pushed back further, the parking would have to go over to the side, which is where the neighbors come in, and it would interfere with the neighbor's access. He felt 67' is the best practical location based on what is on site. He said there are 2 average trees and one small one on the front of the hill that will be removed. He said they didn't want to remove any other vegetation.

Roger A. asked if the footprint of the new house is the same as the existing? Mr. Matthews said that he had 30 percent to expand, but it would be relatively the same as what exists now. Roger said that there was 15 percent lot coverage now, so he did not believe it could be expanded. Mr. Matthews understood, he said the deck would be removed and perhaps that footprint might be added to the house. He said that he was hoping that he would be grandfathered at the 15% and not be asked to reduce the size. Roger said if they grab the square footage of the deck, they will not be able to add a deck, they have to keep the square footage the same as it is now.

Roger A. asked if the trees had a ribbon on them? Mr. Matthews stated they were on the lake side close to the house. Roland L. asked if he was speaking of the one that is close to the deck? Mr. Matthews said yes, he will see at the site inspection why it has to come down.

Roger A. asked if there were any other questions?

Steve F. stated he had something, but it is not specific to this application. He said he was speaking to Joe Stanley (land surveyor) the other day, regarding an application the board approved, because the applicant called him to place the structure per the approval. He said Mr. Stanley looked at the approval and said that the applicant would be back before the board. Steve asked him why, and he said because he cannot match up the numbers of the approval. Steve said Mr. Stanley said the approval was for 67 feet and, and he measures to the tenth of an inch. Steve said he didn't have a problem with this application or any other application, but because how the board asks applicants to do things, the applicant may be back if the house, deck, or front edge, isn't set exactly to what the board permits.

Mr. Matthews stated that he has Mr. Stanley pin the existing structure, so that is not an issue for him. Steve F. said it might have been because the board centered the house on the lot. He said as a note, he felt the board was doing the right thing, but in that case it will be an issue for the applicant, and she may have to come back to the board for re-approval. Barbara F. stated that she had a concern at the time, because the board did not have the distance from the water for the new location for the structure. She said the board had the existing location, and the applicant stated it would be a lateral move, but when she looked at how the water was depicted, the shoreline looked closer to the new location. Steve F. stated that Mr. Matthews said the surveyor can pin that location, the setback from the water. Barbara agreed. Steve said that the issue was the board approved putting the envelope inside of the two lot lines, and that will not work. Mr. Matthews asked if that job did not need a survey? Steve said they had a survey. (Note: The applicant did not provide a surveyed plan, only a hand drawn sketch.)

Ann H. asked if the board is to say 67 feet or 67 feet more or less? CEO Demers stated that the application they are speaking of was unique in that it was going over laterally and not backwards. He stated the application currently before the board, the board is pushing it back, so whatever that number is, is pretty cut and dry. Steve F. stated the issue would be, is if the application notes sideline setbacks, and if there is a variance. CEO Demers stated that the Planning Board is only looking at the distance to the high water line, the sideline setbacks he looks at. Steve asked if the sideline setbacks are conforming? CEO Demers stated that whatever is there currently, as long as it is legally existing, it can remain. He said the best practical is literally for the high water mark. Steve said again he was not trying to make an issue, and this was not specific to this application, he just wanted to bring it up so applicants didn't have to go through the process and then come back again.

Mr. Matthews stated this is why he has Mr. Stanley come out several different times, and pin the structure through the entire process. He said you really have to do it this way, because you cannot measure it with a tape measure; it's on grade, you have to have it surveyed.

Ann H. asked if the board is just looking at best practical to the water, we are not looking at the side lot lines? CEO Demers said the board can note the lot lines, but the final placement is through his office. He said the applicant doesn't have to come back for a side lot setback because it is different. Roger A. said if the board has the plan, they can see the distance to the water and they can move it back, for example 5 feet. He said on the final approval it will be according to the Planning Board number, so if the structure is shown as 50 feet from the water and they move it back to 45 feet, if the survey shows the new structure to be 45 feet 5 inches, they have to come back before the board. Roger stated that whatever the board approves, the new structure has to be that exact distance to the high water mark. He said that is why the surveyor places the structure, so it is where the board approved the placement. Roger added that the legislation puts the placement on the surveyor, to show that the applicant met the approved distance of the best practical location. Madge B. noted that this gives consistency, and it works as well as it can. CEO Demers added that the survey was pretty accurate, because it is the elevation of the whole lake, not necessarily the shoreline of the property. Mr. Matthews noted that if the same surveyor does the pre and post survey, you will get an accurate result. Madge agreed.

Roger A. stated the board could set a site inspection prior to the next meeting, as the daylight is longer. Members agreed the site inspection would be held at 6:30 pm, they will meet on site. A notice to abutters will be mailed as well.

Nothing further was discussed.

Other:

Steve F. asked if Jeff Kalinich was still coming for a workshop on the 13th of April? Barbara F. stated that she had a post-it note to bring it up, and yes, Mr. Kalinich was still coming, and she asked board members to jot down any shoreland zoning questions they might like answered. Barbara stated that he would be here at 1:00 pm on that Thursday. Barbara will post the workshop next week.

Roland L. said he had a follow-up to what he brought up at the last meeting, regarding the flea market and boat storage facility. He stated that at the flea market, being stored, are 10 or so boats and RV’s in the area out back. He stated that at the marina beside it, there are 32 boats being stored outside, with dozens of trailers. He said all but 3 of the boats were shrink wrapped, large pontoon boats.

Ann H. said she was not at the last meeting, so she asked if Roland was saying there are too many boats outside? Roger A. stated that at the boat storage facility, it should be trailers only outside. He added that at the flea market there is no permitted outside storage at Mr. Correggio’s lot. Madge B. thought CEO Demers was going to do something about it. Roger said it was totally up to the CEO to take care of it. Roland said he was just stating the fact, as there was a question as to how many boats or items were being stored, so he took a walk over and jotted down what he saw.

Nothing more was stated.

Growth Permits

Map 7, Lot 52-A2 (849 Shapleigh Corner Road) – New Home – J. Payeur

GP #04-2023

This is a legal lot and meets the minimum requirements for a building lot.

Map 5, Lot 6D (23rd Street Loop) – Duplex – G. Cote

GP #05-2023 & #06-2023

This lot when created will be 5.74 acres in size, it will have the required road frontage and meets the minimum requirements for a duplex.

The Planning Board meeting ended at 7:30 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.

Also visit www.Shapleigh.net, there is a calendar of events, and you will find Planning Board information there including schedules, the agenda, and minutes of the meetings.

Respectfully submitted,
Barbara Felong, Land Use Secretary
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