

***Shapleigh Planning Board  
Minutes  
Tuesday, September 12, 2023***

Members in attendance: Steve Foglio (Chairman), Ann Harris (Vice Chairman), Madge Baker, Maggie Moody, Norman Baker and Alternate Thomas Clement. Code Enforcement Officer Mike Demers was also in attendance.

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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.

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***The Planning Board meeting started at 7:00 pm.***

***• The Planning Board Chairman began the regular meeting with The Pledge of Allegiance.***

***Steve F. asked if there were any recommended changes to the minutes of the last meeting? There were none. Steve stated the minutes from Tuesday, August 22, 2023 were accepted as written.***

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**Unfinished Business**

**Conditional Use Permit – New Structure / Creating a 2-Family Dwelling in the SD Using Existing Foundation – Map 27, Lot 14-4 (55 Point Road) – Craig & Melissa Cohen, Applicants & Property Owners** Mr. Cohen was present for the review of the application.

Provided along with the application, were two existing conditions pictures depicting the existing new foundation adjacent to the garage, and some of the existing vegetation.

Provided was a sketch plan of the lot depicting lot line measurements/delineations; the location of the driveway; existing garage; house; and foundation. The plan notes the garage as being 110’ from the high-water-mark, the foundation as being 108’ from the high-water-mark, and 76 feet from the side lot line. There is a notation that states there is 40’ between the house and garage. There is a notation that states the house is 35’ from the side lot line and 120’ from the high-water-mark. Burlington Way is also noted on the plan, which bisects the rear of the property.

Provided was a copy of the Subsurface Wastewater Disposal System Application for a 3 bedroom single family home / duplex, drafted by Kenneth Gardner, SE #73, dated 6/30/2023.

The application detailed description of the project is as follows: *Build on top of existing garage foundation. The new structure will be approx. 1944 sq. ft. of LS. (Living Space)*

Steve F. stated the board will start with unfinished business, the first item being reviewed is for Craig &

Melissa Cohen, a 2-family home in the Shoreland District, on Map 27, Lot 14-4. He stated that the Planning Board did a site visit this evening, and CEO Demers has some information from the Town Attorney, Durward Parkinson. CEO Demers stated that he spoke with Durward Parkinson today, and discussed a 2-family dwelling and where it has to be one building, what constitutes one building. He asked if it has to have a full foundation, conditioned space, or just a roof structure and Mr. Parkinson said what is consistent with other towns, is they allow a simple roof structure connecting the two structures together; this would constitute one building. CEO Demers stated that provided that the applicant can come up with a plan that shows the garage being attached to the primary dwelling with a roof system, he would be fine with issuing a permit for that. Steve F. asked Mr. Cohen if he had that design? Mr. Cohen stated that he did not, he was still working on it.

Steve F. stated that initially his thought was they need the definition of a dwelling unit, which can sometimes be difficult. He said if the Town does not have a definition, they can go to the dictionary. He said if Mr. Parkinson is comfortable with having a roof structure he has no issue with it. He asked how the rest of the board felt? There were no comments.

Steve F. stated that 2-family dwellings are under §105-18, which shows what is allowed in the Shoreland District, then you go to §105-42, ‘Multifamily dwelling units’, Section A, ‘Two-family dwelling unit. A lot with one two-family unit shall meet all the dimensional requirements of a lot with a single-family dwelling unit, providing the lot and structure dimensions conform to ordinance standards in effect at the time the two-family dwelling unit is proposed’. Steve stated that Section B referred to multifamily dwelling units, which is not what the board is looking at.

CEO Demers said if you go to dwelling, two-family, it is a single building consisting of two units designed for two families.

Ann H. thought the board needed to see what the structure will look like before they can make a decision. She said they already know a two-family is allowed with a Conditional Use, but the board needs to see that a roof will be attached, because it has to be one building.

Steve F. read the definition of two-family dwelling under 105-15, it read as follows: A single building containing two dwelling units, with a separate entrance for each. May also be referred to as a “duplex”. Ann H. noted the ordinance does not have a definition of duplex, other than in the dictionary. Ann stated that the dictionary states a duplex has to have a common wall.

Steve F. asked Mr. Cohen if he was taking this step by step, first getting the opinion from the board, then providing a plan? Mr. Cohen said that was true. Steve asked what his time frame was to provide a plan? Mr. Cohen said he already has the plan for the second living area, but he wanted to see what the board wanted before he produced a final plan. Norman B. asked Mr. Cohen when the board could expect to see a rendering of what the structure will look like? Mr. Cohen thought he might be able to get it done by the end of the week, or by the next Planning Board meeting.

Ann H. said that the definition of duplex states that it shares one common wall. CEO Demers stated that the board is considering a two-family, and in our ordinance it says that a two-family can also be known as a duplex. He said that it did not necessarily mean a two-family was a duplex that has a connecting wall.

He believed a two-family home could have many configurations. He said that what Mr. Parkinson came up with, that many towns are using, is having one roof makes it one building.

Steve F. said he was struggling with the two buildings being connected, because of the way the ordinance reads. He said if the town's attorney interprets it as one roof, then he will not go against that. Madge B. believed there had to be one roof, otherwise you have two dwelling units, and then you have to have a lot that is big enough so the two can be divided, and this lot doesn't have enough area. CEO Demers agreed there cannot be two separate structures. Madge said the reason for one roof is to make clear that the dwelling cannot be turned into two. Steve added, two separate houses. CEO Demers said, or two separate lots. Steve said his issue, in his opinion is, these are two buildings connected with a deck with a roof over it. Madge agreed, and the board is enabling someone to build two buildings, but the board needs to prohibit them from splitting the building in half. Madge said the board could think of some way to prohibit this, but the board would have to look at definitions in the future. Steve said he was not trying to prohibit what he was trying to do, there was not a lack of lot space, driveway area, and he did not see an adverse impact on the shore. He said what he is struggling with is connecting two buildings with a porch, making them one building. Madge stated that she keeps arguing the reason the board is doing this is to prevent them splitting the lot down the road. Ann H. said if they want to put a porch, there has to be a roofline, she thought it has to be lagged into both buildings. Madge agreed, otherwise they cannot do this. She said they want a full structure, so they are making choices. She thought if they were going to go with a smaller structure it might be different. CEO Demers stated that a detached accessory dwelling unit would not be allowed in the Shoreland Zone. Madge agreed it would have to be connected. She said the connection of the two structures have a purpose, so this needs to be looked at to avoid to be bothered by the connection.

Madge B. thought the board should table the application until they get a better set of plans. CEO Demers said the board can get a plan, but he wanted them to keep in mind it would be a conceptual plan, because after it gets through the Planning Board the plans may change. He said the structure would be the general flavor of the plan. Ann H. asked CEO Demers what he meant by that? CEO Demers said it might not be the exact dimensions, or the roof pitch might be different; if it has a deck under it or a patio. Madge B. said they need the roof line. Steve F. said they need the method of connection. Mr. Cohen asked if he could just connect them with a deck without a roof line? Madge stated that he would have to have a roof connecting the two structures. Ann said she didn't care what was under the roof, according to the Town attorney the roof will make it one building. Madge said the board would also like to see a separate entrance for each dwelling. She said that she would also like to see where cars were going to be parked. Mr. Cohen stated there would be no stairs going into the garage. Madge said there has to be an entrance into the second building. Mr. Cohen said that he already has two egress doors. Madge said the board needs to see that on the plan. CEO Demers said the board was approving the use, not the plan, so they would be getting only a conceptual plan. Madge said the final plan better not change so much they remove the separate entrance or roof.

**Madge B. moved that the board table the application to allow the applicant to come in with a more detailed plan depicting the roof line, entrances, and parking area. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to table was unanimous.**

Nothing more was discussed.

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**Conditional Use Permit – New Structure in the SD located 34’ from Apple Road – Map 37, Lot 1 (Apple Road) – Bill Chamberlain, Applicant & Property Owner**

Mr. and Mrs. Chamberlain were present for the review of the application.

Provided was a plan entitled ‘House Offsets’. The plan depicts the proposed location of a house and garage, showing the house to be 34.16 feet from Apple Road at its closest point, and greater than 100 feet from Square Pond. Also on the plan is the delineation for the ‘75’ Setback from Center of Apple Road; ‘100’ Setback from Water Line’; Concrete Tube (Typical), located between the house and Square Pond but beyond the 100’ setback to the HWM; ‘Property Line’; ‘Centerline of Apple Road’; ‘503 Feet Frontage on Apple Road’; and ‘1.66 Acres’. There are several other distance markers depicted as well. Plan Notes are as follows: -Concrete Tubes behind house for Deck, and –Concrete Tubes in front of house for front door steps.

Provided was a plan entitled ‘Subsystem Wastewater Disposal System and Proposed Well Location’. The plan depicted the location of the proposed septic system, and well. The 16’ x 35’ leachfield appears to be approximately 11 feet from Apple Road at its closest point. Plan Notes are as follows: - Well no less than 100 feet from SWD System’.

Provided was a plan entitled ‘Shoreline and Clearing around House’. The plan depicted 50’ x 25’ Grids between the 100 foot line and the HWM. A total of 4 grids listed, divided down the centerline by a dotted line, are depicted as 5A/5B, 4A/4B, 3A/3B, & 2A/2B which run in a vertical line between the water and the 100 foot mark to the HWL, and 1A/1B located along the shoreline of Square Pond (adjacent to 2A/2B, also on the shoreline). Plan Notes are as follows: -Dirt/gravel driveway shown straight but will bend slightly to avoid the Telephone pole; -Clear approximately 20 feet to side of garage and to rear of house and, for side yard, approximately 85 x 35 to the side of the house.

*Provided was Supplement Information as follows:*

*Item 2. Site Plan*

*The details shown are based on an actual CAD file that had been provided by Joe Stanley of Line Pro Land Surveying.*

*Quick note, if/when anyone goes to the site. On the actual plot of Apple Road, I had placed snow markers in the ground in the approximate proposed location of the house and garage, based on the CAD file. I also placed some snow markers roughly where a septic system would go too. These were just to help my wife and I visualize roughly the layout of things.*

*Item 3. Official Decisions*

*There are no official decisions pending regarding the use of this property.*

*Item 4. Revegetation Plan*

*I only documented areas within the shoreline that we have considered making any changes to. Each section is a 50 x 25 foot rectangle and is shown divided into two halves. Each 25 x 25 square is then divided into 4 quadrants to help to show roughly where the trees are located. The points within each quadrant are summed up below the quadrant and the total of both quadrants is provided at the bottom. The Revegetation Plan shows the living trees and identifies which we would like to take down and have their stumps ground. We did document from the shoreline straight up to the house in Sections 2A/2B through 5A/5B but have no planned changes for Sections 4A/4B and 5A/5B.*

*Item 6. Supplemental Information*

*Points that need clarification:*

- 1. The Septic System Design provided for the Conditional Use Permit was created at the time that I had purchased the land, February 2022. At that time I had requested a design for a 4 bedroom system, not having any concepts for a cottage in mind. This past winter I have been working on plans for the cottage. Since I have 4 children I will need a design for a 5 bedroom system. I spoke with the CEO about how I should proceed with regards to the Conditional Use Permit Application. He conveyed that since the design developed by Kenneth Gardner demonstrated that a system is feasible, then an actual State Approved Subsurface Waste Water Disposal System would not be needed for the Conditional Use Permit Application. An actual State Approved system would be required at a later date when it is time to pull a permit for the septic system. (Note that the SWD System location shown on the “SWD System and Proposed Well Location” page is proposed location for the new system that would be no less than 25 feet from the house.)*

Provided was a copy of part of the survey plan for Map 37, Lot 1, drafted by LinePro Land Surveying of Springvale Maine. In addition a picture was provided of an aerial view of the property, with the approximate location of the house and garage noted by a yellow outline. The photo was dated April 7, 2023.

Provided was a Revegetation Plan depicting the individual 50’ x 25’ grids, showing the existing trees on site and those that are being removed. Also indicated are the remaining points in each grid. It is noted on the plans that there are no changes to the existing vegetation on grids 4A/4B or 5A/5B.

Provided was a copy of the Subsurface Wastewater Disposal System Application for a 4 bedroom single family dwelling, drafted by Kenneth Gardner, SE #73, dated 1/18/2022.

The application detailed description of the project is as follows: *Construct 5 bedroom single family dwelling with attached garage, approximately 75’ from the closest side line, approximately 34’ from the front to the front border along Apple Road, and approximately 118’ from the rear of the dwelling to the shoreline.*

Steve F. stated the next application was for Mr. Chamberlain, new structure 34’ from Apple Road, Map 37, Lot 1. Steve stated that the Planning Board did a site visit this evening prior to the meeting.

Steve stated the Planning Board received an email from an abutter, which read as follows:

*This is regarding the 8/23/23 certified letter that I received about placing a new single family dwelling along Apple Road (Tax Map 37, Lot 1) at the north end of Square Pond.*

*I would like to say that it is my hope that the mature trees along the lakeshore can be preserved, and not cut down.*

*Cutting of trees along the lakeshore would change the character of this section of shoreline.*

*Trees take a long time to grow, and once they are cut cannot be easily replaced.*

*Thank you for notifying me about this proposed development and allowing me to make these comments.*

*Jay J. Johnson (property owner: 148 Apple Road)*

Steve F. stated the tree removal would be under the purview of the Code Officer during construction.

Steve F. stated the ordinance allows in the Shoreland District, the requested setback from Apple Road, as a Conditional Use Permit under §105-19. He then began the review of §105-73.G ‘Standards applicable to conditional uses’.

*It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application, unless it makes written findings that one or more of these criteria have not been met.*

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat.
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies.
- 3) The use is consistent with the Comprehensive Plan.
- 4) Traffic access to the site is safe.
- 5) The site design is in conformance with all municipal flood hazard protection regulations.
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made.
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed.
- 9) Adequate provisions to control soil erosion and sedimentation have been made.
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.
- 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.
- 12) All performance standards in this chapter applicable to the proposed use will be met.

Steve F. asked the board members, how do you find? Madge B. stated that she wanted it to show in the record that the advantage to the Town is that the house will be set back over 100 feet from the shore, and as a result it is closer to the road, but not illegally so, than we might otherwise want. She said in this case the choice is clear, that it is preferable to get the shoreline setback and the setback to the road is perfectly adequate for this road and this location. Steve stated that he agreed, it is preferable to be closer to the road than closer to the water. Madge did not believe the board had control over anything else. She said the building, the erosion control is up to the CEO, including enforcement of the plantings. Steve said typically the board would be looking at someone removing earth in the Shoreland Zone greater than 10 cubic yards, but this is not the case, everything is outside the 100 foot zone to the water. CEO Demers stated that the applicant is fully aware of the rules and regulations of the trees within the 100 foot zone to the water. Steve said the point system will be under CEO Demers purview. Madge asked if there was any proposed alteration of the shoreline? CEO Demers said that he was allowed to have a 6 foot winding pathway down to the water and a dock. Madge said, correct. CEO Demers said there would be a small area that will be utilized. Madge asked if they need stairs? Mr. Chamberlain said they did not.

**Steve F. listed the conditions of the permit as follows:**

- 1) **The plan provided shall be recorded within 90 days of the approval day, otherwise the approval becomes null and void.**

- 2) **Best Management Practices shall be used at all times until the project is completed, which includes the revegetation and stabilization of all areas disturbed by the project. The person doing the project shall be DEP certified in best management practices (unless the homeowner does the project in its entirety).**

*Steve noted that CEO Demers can help Mr. Chamberlain with this, and added that he was outside of the 100 foot mark to the shore.*

- 3) **A licensed surveyor shall confirm in writing that the placement of the new structures are correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.**

Steve F. asked Mr. Chamberlain if he had a date of completion for the project? Mr. Chamberlain said he did not. He thought they would start to take trees down this fall, along with finishing up the house plans. He said then he will start contacting contractors. Steve said that it looked like it would be a 2024 project at best. Steve asked if they set a completion date of next fall, would that work? He said if the board sets a completion date and he has not completed the project, he will have to come back to the board, and he was trying to avoid this for him. Steve said the board would like realistic numbers. Madge B. said they can have up to 2 years. Steve said the board can set them at the maximum amount of time allowed to complete, September 12, 2025. He said if this is not met, they will need to come back before the board to set a new date of completion. Ann H. asked if completion meant Certificate of Occupancy? Steve stated that CEO Demers building permit and the boards permit can run on different time frames. Steve said what the board is looking for is that all the outside work is completed. He said, the Town does not want these sites to be open, or there needing to be erosion control in for a long time; so the foundation is in, the shell completed, the outside is completed, and everything is stabilized. He said the board will go with the two years, and if it is not done, then you will need to come back before the board.

**Steve continued with the conditions of the permit:**

- 4) **The project shall be completed by September 12, 2025. If this date cannot be met, the applicants shall come back before the board prior to the expiration date to amend the approval and set a new date of completion.**
- 5) **Photographs were provided for preconstruction of the shoreline, vegetation and development site. Post construction photos shall be required within 20 days of completion of the project, to both the Planning Board and Code Enforcement office. *These photos must show both the new structure and revegetation / stabilization of the area.***
- 6) **The new structure shall be a minimum of 34 feet off Apple Road.**

Mr. Chamberlain asked if he could speak with the board about the measurement to the road. He stated that he misunderstood the distance, he thought it was the distance from the concrete to the property line. He said he was speaking with CEO Demers when at the site inspection to check with him about the measurement, and he said it was to the most forward or closest point of the structure. He said based on this, the number will be a little different, but he was not sure this evening what that number would be. He said he would need to go and measure it. He said after speaking with CEO Demers, he suggested they give a number that was just a little closer to allow some room. Barbara F. noted that a surveyor will have to place that it is correct, so it should be accurate. Mr. Chamberlain, using his plan, showed the board what he was speaking about. He said that the door has an overhang over it and a front porch, and he did not have that figure from there to the road. He said it would be within a couple of feet within what he has provided as a measurement. Steve F. asked if he could get the board the correct figure? Mr. Chamberlain

stated that he could. Steve said that once the board approves his number, that is the number, and any deviation from that you have to come back before the board. He said that he did not have a problem with him submitting a new plan to Barbara, and the board can approve the application at the next meeting. He said that they did not have to come to the meeting. He told Mr. Chamberlain that he did not want to have the board approve this plan, if the dimensions are not correct. Mr. Chamberlain said he can go do that, lay it out on the computer, noting it was within a few feet. He asked if he should just put in 28 instead of 34? Steve said that if he was confident in that number, he had no issue with him writing it in. Madge B. said the board has to approve a number, so she thought they should get it right. She agreed they did not have to come back before the board, but the board needs an accurate number.

Steve F. thought in the past there was a signature block on the plan for when he records the plan. Madge B. was not sure. Barbara F. stated she could pull up the last approval, but she believed the board signed the last plan they approved. Steve stated that it made sense, because when you pull something up in the registry, it should say approved by the Shapleigh Planning Board with the signatures. He said years from now, when there is a different CEO, and all the board members are gone, you will not have an issue title wise, nobody can take away the approval. He said this is the whole point of recording the plan.

Mr. Chamberlain asked again what they were looking for. Barbara F. stated that he creates the new plan with the accurate distance on it, provide it to the board, the members will sign the plan and give the plan back to him. She said this is the plan he will record. Steve F. added, ‘the original’. Mr. Chamberlain said, “I give you the plan then you give it back to record”. The board stated this was correct.

Steve F. asked if he could do it within a few weeks? Mr. Chamberlain stated that he could do it within a week. Madge B. noted that the board will not act on it until the next meeting in two weeks. Mr. Chamberlain asked if he should come back to the next meeting. Steve stated that he did not have to. Barbara F. stated that she could mail the signed plan back to him.

**Madge B. made the motion to table the application until the applicant can provide the revised plan. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to table was unanimous.**

Nothing further was discussed.

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**New Business:**

**Best Practical Location – Replace Structure in the SD – Map 23, Lot 9 (41 Starboard Lane) – Cass Shumsky, Applicant & Property Owner**

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

Provided along with the application were pictures of the existing structures on site.

Provided was a survey plan entitled ‘Plan Showing A Boundary Survey For Mark N. & Diane Hubert and Cass W. Shumsky, 52 Archibald Avenue, Methuen, Massachusetts 01844’, drafted by Dana A. Libby, PLS #1350, of Corner Post Land Surveying, Inc., located in Springvale, Maine, plan dated 11/30/2022. The plan showed in part that the lot was 13,907± Sq. Ft. in size; located on the lot are two homes each having a porch; patio; paved & concrete walkway; gravel parking area; and on the back side of the lot a garage. The plan also shows a right-of-way located between the garage area and the area where the two homes are



located, the width of the ROW is noted as ‘No Deeded Width’. The house adjacent to the lot line of Map 23, Lot 10, owned by Roberts Family Revocable Trust of 2016, is 6.20 feet from the property line at its closest point, and 10.78 feet from the high-water-mark at its closest point. This is the home that is being replaced. The home closest to the lot line of Map 23, Lot 8, owned by Harland H. Eastman, is 3.34’ from the lot line at its closest point and 7.45’ from the high water mark; this home is remaining in place.

The application detailed description of the project is as follows: *I would like to demolish the existing home and rebuild the exact style of home of the exact same size in the exact same spot using current building standards.*

Steve F. stated under New Business, the next application is for a Best Practical Location to replace the structure on Map 23, Lot 9, 41 Starboard Lane. He asked the applicant, Mr. Cass Shumsky, to let the board know what he wanted to do. He also noted that the board members did not receive his application. Mr. Shumsky stated that he mailed the application along with the survey. Steve asked when he mailed them? Mr. Shumsky thought it was weeks ago. What was concluded is that Mr. Shumsky did not mail the application to board members, only the CEO and Land Use Secretary. Members requested that Mr. Shumsky mail a copy of the application to all board members prior to the next meeting.

Ann H. asked Mr. Shumsky to let the board know what he wanted to do. Mr. Shumsky stated that the original house was purchased about 7 years ago, from the family that owned the house from 1890. He said the house is right on the water, about 10 feet back. He said he originally applied for a permit to do some demolition to remove cracking sheetrock. He said now that they have taken a good look at the structure, it would be more cost effective to tear down and rebuild, because nothing is square, and in one spot the structure is leaning perhaps due to a tree at one point.

Mr. Shumsky provided copies of the survey for board members to view. Ann H. asked if there were two houses on the property, after looking at the survey. Mr. Shumsky stated, yes, there was a main house, a cottage, and a garage. He believed Starboard Lane ended at the property, there is a ROW through the property, and Portside is on the other side. He said between the cottage on his property and the house on Lot 8, you could barely swing a hammer between the two of them without hitting the other house, they are so close. Steve F. asked if he wanted to tear down both structures or just one? Mr. Shumsky stated, “Just one”. He noted which one on the plan provided. Steve asked if he wanted to tear down and rebuild on the same spot? Mr. Shumsky stated, “Yes, the exact same thing that is there now, just with todays building construction”. Ann asked what type of foundation is under the structure? Mr. Shumsky said, half was concrete blocks and there are some piers. Steve asked if any trees had to be removed in relation to the project. Mr. Shumsky stated there was none. He said there was an as-built for the septic system, under part of the driveway is the leachfield, and the septic tank is behind the house. He said there were underground utilities that will be redone. He said the house will look almost identical except for windows in different spots. Ann asked if they were replacing the big house or the little house? Mr. Shumsky stated, “The big house”. Madge B. asked if both houses had been there a long time? Mr. Shumsky stated they have been there a very long time, one was from the 1890’s. Ann asked if they were replacing the foundation? Mr. Shumsky said they will do a new foundation, the current is not up to code.

Ann H. said the board will have to go out to see if it can be moved back. Mr. Shumsky said he would like to stay with the historical location, the fact it has always been there. He said there were three camps in a row the same size, shape and roofline. The board reviewed the pictures provided.

Steve F. stated a site inspection will be at 6:15 pm prior to the meeting on Tuesday, September 26<sup>th</sup>. A notice to abutters will be mailed as well.

Nothing further was discussed.

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**Best Practical Location – Replace Structure in the SD – Map 19, Lot 22 (30 Sixth St.) – ReinCorp, Applicant; Jonathan & Lesa Mapes, Property Owners**

Mr. Rob Reinken from ReinCorp was present for the review of the application.

Provided along with the application, were preconstruction photos and an email from the property owners, dated September 5, 2023 which stated in part: *Please accept this email as our support for ReinCorp to represent both Lesa Auger Mapes & Jonathan Mapes on the project associated with our property at 30 6<sup>th</sup> St. Shapleigh.*

Provided was a copy of the Application for Private Sewage Disposal Permit, drafted by Brian Howard, LPI , dated 7/12/1977 and permitted on 11/12/1977.

Provided was a ‘Site Plan of 30 Sixth Street, Shapleigh, Maine for Jonathan & Lesa Mapes’, drafted by Steven C. Horne, LLC - PLS #2389, of Sanford Maine, dated 6/26/15, revised 8/31/23. The plan depicts the existing parcel consisting of .61 acres; the building envelope that meets the ordinance requirements; the existing septic leach bed area; garage; existing gravel drive; wooden retaining wall; concrete retaining wall; and the ‘proposed renovated building 1828 sf’. The building sets 36.3 feet from the high water mark at its closest point and is greater than 10 feet from the closest lot line. There is also a deck noted on the plan that is to be removed. Located at the bottom of the plan is the existing structures dimensions, alongside the proposed structures dimensions. The ‘existing structure’ is not depicted within the lot on the plan. Plan Note 3 states: This plan was created to show existing conditions and found boundary information, this plan does not depict a boundary survey and is not the result of intense records research.

The application detailed description of the project is as follows:

*The Mapes property is located at the end of Sixth Street. This parcel currently contains a camp built in 1933, and a small accessory garage. The lot itself is sloped with ground vegetation and trees as well as an existing drilled well and septic system. Sixth St. ends at the rear of the property and services two rights of way to other camps.*

*The property owners have long lived on Mousam Lake and are very sensitive to environmental damage to our lakes. They are requesting that the planning board consider locating the new footprints in its current location. This would result in minimal soil, ground cover and tree disturbance.*

Steve F. stated the next application would be to replace a structure located on Map 19, Lot 22, ReinCorp. Applicant; Jonathan & Lesa Mapes, Property Owners.

Mr. Reinken introduced himself, that he was from ReinCorp and he was here to represent Jon and Lesa Mapes. He said the structure was currently their camp on the end of Sixth Street, on Lower Mousam. He said it is a complicated site, with topo issues, trees, driveways. He said this is why there is an extensive

plan for the board to review, and he felt the site visit would also help them understand why they do not want to move the structure. He pointed to the original structure, located at the bottom of the plan, to show the footprint. He said the new structure footprint is on the lot on the plan, and the size is based on the calculations he and the Code Officer worked on. He said there was an addition that was done at one point, so that was deducted and the building reconfigured. He said it was basically an addition on the side, and a deck on the other side.

Mr. Reinken said he provided pictures, and he believed the camp was older, 1927. He said it was a camp, a camp in disrepair and probably not worth renovating. He said they want to rebuild it, and he worked with the Mapes to figure out what the best location would be. He said he understood that was the Planning Boards job, but he had to give them some guidance. He said living on a lake himself, he is sensitive to the quality of the lake, erosion and disruption of the ground and the ground cover. He stated the concept of the camp is leaving the front of the camp where it is, and to add an addition to the side, because it would only involve removing 3 small trees, as opposed to moving the camp back further, then they would have to take down a large stand of trees. He added that because of the topography, if they moved the camp, they would leave a big crater in the yard on the lakeside, which would require a lot of fill, a lot of planting, and the possibility of erosion going forward. He said the area was wooded with a small clearing in front of the camp. Then he pointed out Sixth Street, several private ways, which created several setbacks to deal with, along with the septic system, driveways, power, etc. He said the house itself sits about 5 feet below the grade, and it is a partial daylight basement. He said if removed, again it would leave a hole. Mr. Reinken stated this was the concept, and why it didn't make sense to push it back. He said he would be happy to answer any questions, and he knew it would make more sense once members did a site inspection.

Steve F. asked if they would be putting in a new septic system when they did the camp? Mr. Reinken said it would be dependent on what the number of bedrooms would be, but he thought it was likely a new system would go in. Madge B. asked if they can put the septic system back in the same location? Steve thought putting it in the same spot was a last resort, and he thought there was adequate area to put in another system. Steve noted the plan shows the 100 foot setback to the water, and topography will play a role in where things will go.

Madge B. asked if there was a foundation there now? Mr. Reinken stated there was a variety of foundations, some block, some concrete that were probably poured in the 80's. Madge asked if a new one would go in? Mr. Reinken stated that yes, they would strip it down to footing grades and put in new. He added that they would take all the precautions for erosion control.

Steve F. stated that for the next meeting the board will be looking for markings on the plan for trees that are being cut, trees that are being replanted, and a revegetation plan. He said whatever the plan is to replant after the excavation.

Mr. Reinken asked if he needed a signature block on the plan. Members noted that the plan has to get recorded, so a signature block would be good. Ann H. asked what if the board asks him to move the structure? Members concurred that a new plan, showing the approved location would need to be provided. Norman B. stated that the footprint of the new structure is larger than the existing structure, but the plan notes that the new structure has less square feet than the existing. Mr. Reinken replied that the new structure has more square footage, but not as much as one would think, due to an addition that had been

done which had to be deducted before they added the 30%. Norman stated that on the plan it states the proposed structure has 1828 sf and the existing is 1890 sf, which is larger. Mr. Reinken thought that the existing included the deck that they had to remove. CEO Demers stated that for the proposed number you go back to 1989 for what was on the ground then, then add the 30% for what you can build now. He said that number may not be what is there now, but what existed in 1989.

Norman B. asked if the garage would stay where it is? Mr. Reinken stated that it would, they are making no changes to the garage.

Steve F. asked if the board considered Steve Horne to be an authoritative figure for a replant plan? Madge B. did not know how much replanting would be required. She thought most of what would be disturbed was several trees. Mr. Reinken said they would be taking 3 trees down. Madge had a concern about a plan when the board was dealing with walls, and the shoreline is being disturbed. She said she hoped they were not going near the shoreline. Steve asked what was there now? Mr. Reinken stated it was pine trees and pine duff. Madge said she was more concerned about the stormwater runoff from the roof, but CEO Demers always tells her that when they do the building they do the proper drainage for the roof.

Mr. Reinken stated that he believed the style of the new structure will be very similar to the style of what exists now. He noted that they have to maintain the existing roof height.

Norman B., looking at the old septic design, asked if they might improve it? Mr. Reinken stated they may improve it, because if they add bedrooms the design has to match what they do. Norman asked if they would put the new septic in the same location as the existing? Mr. Reinken stated that they would have to have a soil evaluator design the system. He hoped it could go in the same location. CEO Demers said it depends on the soils. Steve F. said there was a fair amount of property, and it is likely it would end up being a chamber system under the driveway.

Steve F. asked what their time frame on the project was? Mr. Reinken thought the applicants were ready to move forward. Steve said if the board was looking for a new septic design, then he wasn't sure 2 weeks would be enough time. Mr. Reinken did not think he needed a design for this approval. CEO Demers said they demonstrated that a septic exists that will service a structure of that size, he didn't think a system for additional bedrooms had to be considered at this time. Steve said the expansion of the system would be through the CEO. CEO Demers agreed.

Madge B. stated that going back to the plantings, the board should ask what they are going to do around the foundation; what is going to happen to what was disturbed. Steve F. agreed. He told Mr. Reinken, if he wants to move forward, he would want to add this to the plan. Madge stated that the board does not want erosion after the fact. Steve said it can be added to this plan or onto a separate plan.

**Steve F. stated a site inspection would be held at 5:45 pm prior to the meeting on Tuesday, September 26<sup>th</sup>. A notice to abutters will be mailed as well.**

Nothing further was discussed.

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**Other:**

Steve F. stated the Planning Board received photos for Map 44, Lot 16, the replacement of the patios are completed. Madge B. said the patios seem to collect water, she wondered if they want skating rinks. Steve noted there was a cap block to prevent the water from running off. The board members had no issue with the final pictures submitted for the project.

Steve F. stated the board received a copy of the email from Mr. Robert Prindeville who had questions regarding the Growth Permit given for Map 24, Lot 1A. He said it seemed everything was in order with respect to the approval. (The email was replied to by Barbara and CEO Demers, explaining why the property received approval for a Growth Permit.)

Norman B. asked the members if they received the invitation from Jensen Baird (Law Firm) for a meeting Thursday at Doubletree in South Portland. He said there was no charge and he is going. He added that it included a light supper.

Norman B. stated that SAD57 is holding a class, one night / two hours, ‘The History of Shapleigh’. He said it was \$15 and was being held October 26<sup>th</sup>. He said if anyone wanted the information he had the telephone number.

Barbara F. noted that the workshop for possible amendments to the ordinance is next week, September 21<sup>st</sup> at 3:00 pm. *Note: The time was changed to 5:00 pm.*

Nothing further was discussed.  
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**Growth Permits**

There are growth permit available.  
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**The meeting adjourned at 8:05 pm.**

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The Planning Board 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.

Also visit [www.Shapleigh.net](http://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  
Town of Shapleigh  
[planningboard@shapleigh.net](mailto:planningboard@shapleigh.net)