

*Shapleigh Planning Board*

*Minutes*

**Tuesday, May 9, 2023**

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

*The Planning Board members would like to welcome Thomas Clement to the board. Thomas is our newest Alternate member.*

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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 Public Hearing began at 6:30 pm**

**Conditional Use Permit – In-Home Day Care – Map 5, Lot 25C (114 Owls Nest Road) – Randalyn Shaw, Applicant & Property Owner**

Mrs. Shaw was present for the public hearing.

Steve F. asked Mrs. Shaw to let the board know for the record what her intentions are for the conditional use permit. Mrs. Shaw stated she would like to open a family home day care. Steve stated that the board received an updated parking plan, and where the lighting would be. Steve stated that the Planning Board did a site visit and saw where the fenced in play area is going to be.

Steve F. asked if there were any questions? Roland L. said to Mrs. Shaw that at the last meeting she said she would be having up to 12 children, because that is what the license will allow her to have. Mrs. Shaw stated that if they are over 5 years old, then she can have 12 children. She said if the ages are under 5 years, then there is a ratio of how many you can have. Roland asked if she was keying in on a certain age group? Mrs. Shaw said it would be a multiple of kids. Roland asked if it would be young ones up to older? Mrs. Shaw stated that it changes when some people leave and others come in. Steve asked if she had done this before? Mrs. Shaw stated that she had a day care for 4 years in West Newfield. Roland said that was his only question. He said the site visit was great.

Steve F. said if there were no further comment, he would move on to the next public hearing.

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**Proposed Ordinance for Accessory Dwelling Units (ADU’s)**

Steve F. stated the next item to review was the proposed ordinance for an Accessory Dwelling Unit.

Steve F. stated this would be placed in the Zoning Ordinance if voted in, and he read the proposed ordinance as follows:

As an accessory use to a single-family dwelling, the creation and renting of a single apartment within the dwelling, attached to the dwelling or freestanding from the main dwelling shall be permitted, provided all of the following conditions are met:

- A. An accessory dwelling unit must meet a minimum size of 190 square feet and shall be no larger than 800 square feet.
- B. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy.
- C. An accessory dwelling unit shall not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located. An accessory dwelling unit shall be exempt from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.
- D. The primary dwelling is owner-occupied. These units shall not be leased or rented as short-term rentals for any time period of less than 12 consecutive months.
- E. The building is located on a conforming lot for a single-family dwelling in the district in which it is located.
- F. All required permits are obtained for construction of the accessory dwelling including a design review approval for ADU's in all zones, and a certificate of occupancy is obtained prior to the accessory dwelling being occupied.
- G. Any accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply.
- H. Only one accessory dwelling unit shall be permitted per lot.

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**§ 105-15. Definitions**

**Adding:**

**Accessory Dwelling Unit** - An ADU, commonly referred to as an accessory apartment or secondary suite, is a smaller additional living space on the same lot as a single-family home. It has to include space for living, sleeping, cooking and bathroom(s) independent of the primary residence.  
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**§ 105-17. Land Uses**

**RESIDENTIAL**

|                                    | RP | SD | GP         | FD | SP |
|------------------------------------|----|----|------------|----|----|
| Accessory Dwelling Unit – Detached | NO | NO | <b>CEO</b> | NO | NO |

Steve F. stated the floor was open to public comment.

**Selectman Scott Cudworth** - Is this a State mandated ordinance?

**Steve F.** - Yes, this is all part of LD2003.

**Selectman Cudworth** – Is the Town allowed to tweak the ordinance or change the wording?

**Steve F.** - The Planning Board has reviewed the ordinance and tweaked it, and the board is hoping that as we roll into this, that the Town will be allowed to modify this.

Selectman Cudworth thanked the board for their due diligence.

**Selectman Shawn Cavanaugh** - What would the effect be if you have a live-in family member, a parent, in your home now that contributes to the overall income of the residence? Is this an accessory dwelling unit?

**Steve F.** - This ordinance is designed so that you can have, without having to add additional land, space for them. If they are already living with you, this does not apply.

**A Citizen** – Can this be done on less than 2 acres, with 200 feet of frontage?

**Steve F.** - The ADU ordinance allows for any lot if you can meet the setbacks.

**The Citizen replied** - “Even if it is not 2 acres”.

**Steve F.** - “Correct”. It cannot be placed in the Shoreland Zone, Resource Protection, or Stream Projection.

**The Citizen replied** - “It has to meet the boundary setback in the ordinance”.

**Steve F.** - “Yes”.

**A Citizen** - Can the Planning Board tweak this, so you have to meet 2 acres and 200 feet of frontage?

**Steve F.** - This was top down legislation, so I cannot say without the Town’s attorney, what the board can and can’t do. This was not something the Town asked for and it is a work in progress. The board did not know at this point where it is at, at the State level. They are having trouble rolling this mandate out and there are a lot of Towns and people who are not happy about it. I believe there are 13 bills in the legislature to either kill or modify LD2003.

**A Citizen** - Why couldn’t they table it until they get it right?

**Steve F.** - “Because they don’t want to”.

**Selectman Scott Cudworth** - How long before the board has a final draft ready?

**Steve F.** - At this time, this is the final draft.

**Selectman Scott Cudworth** - Does the board intend on passing this on to legal?

**Steve F.** - That might be up to Barbara F.

**Barbara F.** - It is actually up to the board members, but the board had not planned on it. The board got the ordinance language from Southern Maine Regional Planning. I reached out to Lee Jay Feldman,

because the board wanted to have something in place, so the Town didn't just have to follow the State's mandates, because they are loosely written. The State requires the ADU, but not many restrictions, so people could do what they want. This is why the board reached out to Southern Maine Regional Planning, asking that they provide us with a sample ordinance that would meet the current State guidelines (LD2003) and possibly give the Town ordinance more teeth. What the board is presenting is what they (SMRPC) gave us, with a few modifications. It is highly likely the ordinance will be amended down the road, once the Town knows where the State mandate finally lies, or the Town may pull the ordinance out. This ordinance will at least have some rules in place, because as of July, LD2003 becomes in effect, and the board does not want to not have anything in place.

**Selectman Scott Cudworth** - The Selectboard is showered with State mandates, which are not funded, which is hard on the Town.

**Steve F.** - The idea makes sense. The Town of Shapleigh was a bit in advance of this, years ago we allowed a duplex on a single lot. That was due to the housing shortage, such that people could add a unit to their home, and not have to go out and buy more land, because that was how our ordinance read, and most often this was not feasible or possible.

**Selectman Scott Cudworth** – Is the State going to get to the point of mandating smaller lot sizes?

**Steve F.** - They have not reached that far yet.

**Selectman Scott Cudworth** – I am happy to hear that.

**Steve F.** - This is pretty specific to the size of the structure, it has to be between 190 square feet and 800 square feet in size.

**Selectman Scott Cudworth** – Thank you Chairman for this information.

**Roland L.** – Can I address the board?

**Steve F.** – Yes, go ahead.

**Roland L.** - At the last meeting, when the board was talking about ADU's, the conversation turned toward the impact the ADU might have on additional children coming in and how that might impact the taxpayers. When I read from the minutes it says that Steve F. had a conversation with a School Board member recently, and our numbers are so far down that we need kids. One other Planning Board member agreed with that statement. What just came in the mail, from RSU 57, right on the front page of the document it goes on to say 'This school year we have seen a rise in our district enrollment, and as of October 2023 enrollment rose back to our anticipated projections, which has a positive impact on our state funding. As of this writing, the overall enrollment is a gain of 72 children'. I wanted this included, not to contradict what Steve said, but it accurately reflects what really is going on right now.

**Steve F.** - Our area is struggling from a housing shortage, which is what sparked LD2003. Kids or not, there are no apartments to rent, there are no houses to buy, and we have been in this crunch for years and they are calling it a housing crisis. This is what prompted this law, so people could use what they had existing, and create housing.

**Selectman Scott Cudworth** - Right now the Town of Shapleigh pays RSU 57 over 4 million dollars a year, and we are looking at another \$200,000 increase.

**Steve F.** – Yes, there are budget talks currently.

**Selectman Michael Cote** - The cost typically rose about \$100,000 a year, and now that has doubled.

**Roland L.** agreed with Selectman Cote.

**Selectman Scott Cudworth** - They want more money, but there is less enrollment, it's hard to justify.

**Roland L.** agreed with that statement as well.

**A Citizen** – I do not think an 800 square foot house, or less, would house very many families with children. I believe it would be more for older people.

**Steve F.** - It might be for younger people starting out.

**Selectman Shawn Cavanaugh** - A lot of kids are moving back home because of the cost of starter homes.

**The Citizen** - When they do that it frees up an apartment for somebody else.

**Steve F.** - At the end of the day, I hope it works and it works fluidly, but we do not know what the repercussions are going to be. There was some nervousness from myself and several board members, when the board enacted the duplex on a single lot. The CEO was asked about permits received since the change was enacted, and there have been less than a handful, so it didn't have much of an impact at least in the short term at this point.

**A Citizen** – Does a duplex have to be on 4 acres?

**Steve F.** - It did previously, before the zoning change. It didn't make sense, because if you had a home and you wanted your son to be able to come home and live with you to take care of you, you couldn't just go to your neighbor and buy 2 acres and 200 feet on the road. Now you can have the duplex (on 2 acres).

Steve F. recognized Road Commissioner Darren Rogers.

**RC Rogers** – Did you just read that you could not rent the ADU?

**Steve F.** - The board struggled a bit with that one, but it doesn't allow for short term rentals. He read, 'These units shall not be leased or rented as short-term rentals for any time period of less than 12 consecutive months.' I struggled with this, because the Town is not going to enforce it. I do not believe there was any way to enforce it.

**RC Rogers** – I agree that the policing on long term or short term renting is not going to happen.

**Steve F.** - There was more to that section that the board struck from the ordinance, because it did not make any sense at all. At the end of the day if someone builds a 600 square foot apartment and rents it out for 6 months at a time, there is nothing the Town is going to do about it.

Steve F. asked if there were any other questions, comments or concerns? There were no further comments.

The public hearing concluded at 6:49 pm.

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

***The minutes from Tuesday, April 25, 2023 were accepted as written.***

***Due to the absence of Madge B. and Ann H., the Chairman, Steve F., stated Norman B. and Thomas C. will be sitting in as regular members this evening.***

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- **The Board began the regular meeting with The Pledge of Allegiance.**

• **Unfinished Business**

**Conditional Use Permit – In-Home Day Care – Map 5, Lot 25C (114 Owls Nest Road) – Randalyn Shaw, Applicant & Property Owner**

Mrs. Shaw was present for the review of the application.

Provided along with the application was a sketch depicting the property, showing the existing house, leach field, and play area which was shown as being fenced in. Also noted on the sketch was abutting property notations as follows: Ruth Revocable Lot 24, Woods Lot 25A, Shirley J. Moulton Lot 25B, along with the location of Owls Nest Road.

The application detailed description of the project is as follows: *I would like to open a licensed home daycare in my home. Home daycares are up to 12 children.*

For this evening’s meeting, Mrs. Shaw provided a sketch plan which depicted the existing parking, lights on home and garage, and a wood fence around the play area. Also provided was a copy of an email from

Daryen J. Granata, Public Safety Inspector II, SFI-II, CFPE, Maine State Fire Marshal’s Office, which stated the following: Your House has passed the fire inspection for you to have 12 kids under your group day care license.

Steve F. opened the application review by stating it was for an in-home day care and stated the Planning Board did a site walk this evening and found no issues with the location. He stated that the board received an updated parking plan.

Steve F. began the review of the Zoning Ordinance as follows:

- 105-21** – Traffic. *Steve F. stated that it was observed at the site visit that access to the site is safe. He noted the board had an updated parking plan, and it shows that people will be able to go on site and turn around, therefore, no one will be backing out onto Owls Nest Road. He said there is good site distance in both directions.*
- 105-22** – Noise. *Steve stated that any excessive noise will have to be kept to a minimum at the property line. He stated there is a measuring device, so if there are any complaints from the abutting property owners, the Code Officer will have to field the complaints. The decibels at the lot line from 7 am to 10 pm is 60.*
- 105-23** – Dust, fumes, vapors and gases. *Steve stated this was not applicable for this application.*
- 105-24** – Odors. *Steve stated there are no odors.*
- 105-25** – Glare. *Steve stated the board received a lighting plan for the home.*
- 105-26** – Stormwater runoff. *There is no stormwater associated with this application, there are no changes being made to the existing structure or property other than adding a fence.*
- 105-27** – Erosion control. *There is no erosion associated with this application, there are no changes being made to the existing property.*
- 105-28** – Setbacks and screening. *Steve said this is not applicable, there is no outside storage associated with this application that needs to be screened.*
- 105-29** – Explosive materials. *Steve said this is not applicable, there are no explosive materials.*

**105-33** – Refuse Disposal. *Steve stated that trash associated with the business will be minimal and will be taken to the transfer station by the applicant.*

**105-40** – Home occupations. *Steve asked Mrs. Shaw if she would have any employees, and she stated she would not. He stated that signage would be through the Code Officer.*

**105-40.1** – Child day care.

A. A child day-care home or center may be conducted as a conditional use.

B. A child day-care home shall be allowed in a single-family dwelling located on a residential lot that meets the minimum lot size requirement, providing care for up to 12 children, which charges for their care and which holds all legally required licenses and approvals by the Town of Shapleigh and the State of Maine.

*Steve asked Mrs. Shaw where she was at with State licensing? Mrs. Shaw stated that she had to get permission from the Town, then add a few things to her handbook. She said the Fire Marshal has already been on site, and she had her CPR certificate.*

(1) A child day-care home may also include part-time care. “Part-time” in this use shall mean four hours per day, per child.

(2) The parking area shall be large enough to accommodate the two spaces required for the dwelling unit, as well as two additional spaces minimum.

C. Day-care centers. *This section is not applicable.*

D. Outside play areas shall be buffered from adjoining uses, including neighboring properties, and the parking area(s), by appropriate fencing or plantings. *There will be a fence around the play area.*

E. All outside play equipment shall meet the required front, side, and rear setback requirements.

**105-46** – Sanitary provisions. *Steve stated there is a State approved septic system on site.*

**Steve F. then reviewed §105-73.G ‘Standards applicable to conditional uses’:**

*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. **This business will have no adverse impact on wildlife, and is not located near a lake, pond, or river.**

2) The use will conserve shore cover and visual, as well as actual, access to water bodies. **This is not applicable.**

3) The use is consistent with the Comprehensive Plan. **The Comprehensive Plan wants small home based businesses in town.**

4) Traffic access to the site is safe. **Traffic access to the site is safe as seen at the site inspection.**

5) The site design is in conformance with all municipal flood hazard protection regulations. **This location is not in a flood zone.**

6) Adequate provision for the disposal of all wastewater and solid waste has been made. **There is a new State approved septic system on site.**

- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. **There is none generated by this activity.**
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. **There are no changes to the existing structure or landscape, and this application will have no effect on stormwater.**
- 9) Adequate provisions to control soil erosion and sedimentation have been made. **There are no changes being made to the property or exterior of the existing structure to create an erosion issue.**
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. **The property is within 3 miles of the Shapleigh Fire Station and water quality will be tested by the State to be sure it meets the needs of the day care.**
- 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. **There are no dust, fumes or odors associated with this business. The noise ordinance will be followed, there is no glare onto neighboring properties.**
- 12) All performance standards in this chapter applicable to the proposed use will be met. **They shall with conditions.**

Steve stated the conditions would be as follows:

- 1) **Hours of operation will be 6:30 am through 6:30 pm, Monday thru Friday.**
- 2) **The applicant shall provide a copy of the State License for child care to both the Code Enforcement Officer and Planning Board, prior to opening.**
- 3) **A fence for the child play area shall be put in place within 60 days of Planning Board approval. If this time frame cannot be met, the applicant shall come back before the board to set a new date of completion for the fence.**

Maggie M. made the motion to approve the Conditional Use Permit for child day care for up to 12 children on Map 5, Lot 25C, with the three stated conditions. Roland L. seconded the motion. By a vote of 5 – 0, the vote to approve was unanimous.

Nothing further was discussed.

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**The Findings of Facts**

- 1. The applicant is Randalyn Shaw of 144 Owls Nest Road, Shapleigh, Maine 04076. The owner(s) of Shapleigh Tax Map 5, Lot 25C (144 Owls Nest Road), are Daniel and Randalyn R. Shaw, per Warranty Deed recorded at York County Registry of Deeds, Book 19072, Page 507, dated 7/18/2022.
- 2. The property is located in the General Purpose District and per Warranty Deed, the property contains 4.66 acres.
- 3. The detailed description of the project is as follows: *I would like to open a licensed home daycare in my home. Home daycares are up to 12 children.*



4. Received was a sketch depicting the property, showing the existing house, leach field, and play area which was shown as being fenced in. Also noted on the sketch was abutting property notations as follows: Ruth Revocable Lot 24, Woods Lot 25A, Shirley J. Moulton Lot 25B, along with the location of Owls Nest Road.
5. Received was a sketch plan which depicted the existing parking, lights on home and garage, and a wood fence around the play area. Also provided was a copy of an email from Daryen J. Granata, Public Safety Inspector II, SFI-II, CFPE, Maine State Fire Marshal's Office, which stated the following: *Your House has passed the fire inspection for you to have 12 kids under your group day care license.*
6. The board reviewed the Best Performance Standards in the Zoning Ordinance and found the application met the criteria in all applicable standards.
7. The board reviewed Zoning Ordinance §105-40, 'Home occupations' and found the application met the standards imposed, and the applicant stated she would have no employees.
8. The board reviewed Zoning Ordinance §105-40.1, 'Child day care' and found the application met all the specific standards imposed. In addition, the board concurred that State licensing shall be in place prior to the day care opening. The location has been approved by the Fire Marshal, and the approval was provided to the board.
9. The application as presented met the performance standards under §105-73 'Conditional Use Permits' as per the documentation provided and as presented. The proposed in-home day care will not have an adverse effect on aquatic life or wildlife, the day care is not near a water body; the use is consistent with the Comprehensive Plan which wants home based businesses; traffic access to the site is safe, site distances can be met and vehicles can turn around on the property, so they do not have to back out onto Owls Nest Road; the lot is not located within the flood zone; there is a State approved septic system on site; there is no hazardous waste associated with this application; there are no changes to the existing property which would create an erosion or a storm water issue; the property is within 3 miles of the Shapleigh Fire Department; there are no dust, fumes, or odors associated with this business, the noise ordinance will be followed, there is no glare onto neighboring properties; performance standards will be met with three conditions.
10. A notice was mailed to all abutters within 500 feet of the property on April 26, 2023. Meetings were held on April 25, 2023 and May 9, 2023. A site inspection was done and a public hearing was held on May 9, 2023, prior to the meeting.
11. The Planning Board unanimously approved the Conditional Use Permit to open an in-home day care for up to 12 children, to be located on Map 5, Lot 25C, per the plans and information provided, with three conditions.
12. **The conditions of approval are:**
  - 1) **Hours of operation will be 6:30 am through 6:30 pm, Monday thru Friday.**
  - 2) **The applicant shall provide a copy of the State License for child care to both the Code Enforcement Officer and Planning Board, prior to opening.**

- 3) **A fence for the child play area shall be put in place within 60 days of Planning Board approval. If this time frame cannot be met, the applicant shall come back before the board to set a new date of completion for the fence.**

**Decision:**

**The Conditional Use Permit for an in-home day care for up to 12 children, on Shapleigh Tax Map 5, Lot 25C, per the plans and information provided, with three conditions, was approved.**

**Conditional Use Permit – Campground / Rental Cabins & RV’s – Map 1, Lot 41 (368 Simon Ricker Road) – Mark & Linda Lawrence, Applicants & Property Owners**

Mr. Mark Lawrence at this evening’s review of the application.

The original application detailed description of the project was as follows: *3 Season Rentals. Cabins varying in size between 200 sf & 600 sf w/ a total of 40. Would like to do in phases of 10 – 12 per year. In 1<sup>st</sup> phase would like to build 4 – 6 four season rentals for hunters and snowmobilers. Rentals would be for 3 nights to 2 weeks.*

On November 9, 2022, presented was a sketch plan dated 11/6/2022, drafted by Jeramiah Raitt, PLS #2376 of Little River Land Surveying, Inc., P.O. Box 332, Lisbon Falls, Maine 04252 – 207.841.0056. The sketch depicted abutting property owners as follows: Map 1, Lot 32B – J. Webber; Map 1, Lot 41B – D & C Kelley; Map 1, Lot 42 & 42C – J. Mavrakos; Map 1, Lot 32 – D. Rand; Map 1, Lot 41A – L & M Lawrence (Applicants); and Map 1, Lot 41B – J & K Lawrence (family members). The property housing the campground, Map 1, Lot 41, is depicted as consisting of 57 acres±. Also on plan are the proposed septic site locations – 5 total; the location of 45 buildings; the proposed private road; existing pond, cemetery, well and barn; existing gravel road; and contour elevations of the property are noted for the area where the proposed structures, septic systems, and existing barn are located.

On November 9, 2022, the Planning Board made the decision to obtain a legal opinion as to whether or not the proposed rental cabins could be reviewed as a campground, or did they fall under subdivision review. This was due to the fact that the cabins were a permanent structure with a kitchen, bathroom, etc. and not on wheels; they were a permanent structure, attached to the ground.

The legal opinion, provided by Benjamin T. McCall from Jensen Baird Attorneys at Law in Portland Maine, concluded that ‘the use of permanent cottages in the Applicants’ current proposal would require subdivision approval from the Planning Board. Alternatively, the use of tiny homes in their place is not permitted by the Code, as tiny homes do not qualify as the type of temporary living quarters allowed within an approved campground’. (The legal opinion in its entirety can be reviewed at the Town Hall, during regular office hours.)

Based on the legal opinion obtained by the Planning Board, the current plan provided by the applicant is for a RV Park and it depicted information as follows:

Plan entitled ‘Proposed RV Park Site Overview’ drafted by Jeramiah Raitt, PLS No. 2376 from Little River Land Surveying, Inc., Lisbon Falls, Maine, dated April 11, 2023. Sheet 1 of 3 depicted Map 1, Lot 41, along with several abutting properties, as well as Simon Ricker Road, and State Route 109. On

Lot 41 depicted was the proposed layout of the RV Sites; interior road for the campground, along with Existing Gravel Road which enters and exits onto Simon Ricker Road; Proposed Facilities Building & Pool; 5 Proposed Septic Sites; Pond; Cemetery; Proposed Office; Barn and Approximate Subsurface Wastewater Disposal System & Dug Well; and the Soup Shack located on Route 109. One adjoining lot depicts the location of a House; Dug Well; Garage & Approximate Subsurface Wastewater Disposal System. Another adjoining lot depicts a House; Drilled Well; Existing 50' Wide Easement & Approximate Subsurface Wastewater Disposal System. And part of an adjoining lot depicts a House; Meeting House, and Septic. The sheet notes Municipal Zoning; Campground Area Calculations; General Notes; Plan References and a Legend.

Sheet 2 of 3 of the plan entitled 'Proposed RV Park Site Overview' depicts the proposed campground layout, the site elevations for Map 1, Lot 41; the Typical Site Detail of the Parking Spaces for 2 vehicles; the Proposed In Place RV Trailer location; Trash Receptacle; Fire Pit; Picnic Table and Privacy Fencing. Also shown was the Typical Cross-Section of the 18' road; Grass Lined Ditch & Stone Lined Ditch. Also depicted was a 250 sq. ft. Gravel Pad for Dumpster(s); Proposed Office Building; 25' x 25' Facilities Bldg.; Proposed Facilities Bldg. & Pool; Proposed Septic Site; Dug Well and Pond; and Proposed 18' Wide Road.

Sheet 3 of 3 of the Plan Entitled 'Proposed RV Park Site Overview' depicts the Erosion and Sedimentation Control Notes, showing Riprap Inlet Protection; Stone Check Dam; Silt Fence Filter Barrier; Section Silt Fence; Hay Bale Filter Barrier; and Stabilized Construction Entrance Details, along with detailed notes for each.

Steve F. began the application review for an RV campground, by starting with §105-37 'Campgrounds'. He stated that he wanted to be sure everything was on the plan before the board moves forward with the public hearing.

Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

- A. Recreational vehicle and tenting areas shall contain approved water-carried sewage facilities and shall meet the following criteria:
  - (1) Each recreation vehicle, tent or shelter site shall contain a minimum of 5,000 square feet, not including roads and driveways.
  - (2) A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent or shelter site.

**Steve stated that he believed the criteria in (1) and (2) were met.**

(3) Each recreational vehicle, tent or shelter site shall be provided with a picnic table and trash receptacle. **Steve reviewed the plan, and the plan details show just one trash receptacle, picnic table, and fire pit for two units. He asked Mr. Lawrence if the plans were not actually how the sites would be? Mr. Lawrence looked at his updated plan, and it only showed one of each on his plan as well, for two sites. Steve provided Mr. Lawrence with a piece of paper so he could make notes. Mr. Lawrence asked if he needed to show one trash receptacle, table, and fire pit for each one? Steve said, yes, and he told Mr. Lawrence where in the ordinance he could find this provision.**

- B. Wilderness recreational areas without water-carried facilities shall contain a minimum of 20,000 square feet, not including roads and driveways, for each recreational vehicle, tent or shelter site.  
**Steve asked Mr. Lawrence if each site would have water? Mr. Lawrence stated that it would.**
- C. The area intended for placement of the recreational vehicle, tent or shelter and utility and service building shall be set back a minimum of 15 feet from the exterior lot lines of the camping area and 100 feet from the normal high-water line of a great pond and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland.  
**Steve stated everything is 15 feet from the exterior lot lines, and there is nothing within 100 feet of a great pond, or 75 feet of a water body, stream or wetland, so this is met.**
- D. No manufactured housing unit shall be allowed to be installed within a campground, except as may be owned and used by the campground operator as his residence or office. **Steve stated this is met.**
- E. A campground may not be established on less than five acres of land. **Steve stated there is more than five acres.**
- F. Minimum frontage along the shoreline shall be 100 feet, horizontal distance, for any campsite. **Steve stated this does not apply.**
- G. Vehicular access shall be provided onto a hard surfaced road adequate for the volume and type of traffic likely to be generated.  
**Steve stated this is met.**
- H. A soil erosion and sedimentation control plan meeting the standards of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be submitted. Unpaved parking areas shall not exceed 5% grade, in order to avoid undue erosion.  
**Steve stated this was spoken about at the last review, that a soil erosion and sedimentation control plan was required. He said that if all the water is going to be directed to the pond, this needs to be shown on the plan. This will show how the water moves to the pond. He said the plan did show construction standards for erosion control, but the plan does not show an erosion plan for stormwater for the entire site. Mr. Lawrence asked if the plan had to show stormwater? Steve stated it would be an erosion and sedimentation control plan, and he told Mr. Lawrence where in the ordinance he could find this provision. (Note: Stormwater is also addressed under 105-26, and Erosion under 105-27, in the Basic Performance Standards, and both under 105-73.G.)**
- I. A campground shall provide water and sewerage systems, sanitary stations and convenience facilities in accordance with the regulations of the State Plumbing Code and the State of Maine Department of Human Services. In no case shall less than one toilet, lavatory and shower be provided for each sex for every 10 camping and tent sites.  
**Steve stated that the board would need a sketch of what the inside of the building was going to look like, showing the facilities. Steve pointed to the building noted on the plan, and again asked for what the inside of the building would look like. He said the board did not need a formal set of plans from an architect, the board just needs to know it will meet the ordinance. Mr. Lawrence stated that this refers to camping and this really isn't going to be camping, it is going to be an RV park. He said that every RV is going to have its own toilet**

and sink in it. Steve stated that his application still falls under a campground. He asked Mr. Lawrence what his plan was for the building? Mr. Lawrence stated that he needs a place for his electrical, and his water. Steve asked if it was going to be a utility building? Mr. Lawrence said, “Yes”. Steve asked the other board members their opinion. Roland L. stated that he believed the State Plumbing Code and DHHS have specific requirements that apply to campgrounds, and it goes so far as to say ‘In no case shall less than one toilet, lavatory and shower be provided for each sex for every 10 camping and tent sites.’ He said they do not differentiate between RV and tents. He said Mr. Lawrence may have to consult the State. Maggie M. stated that a lot of people don’t use the RV toilet if they are not in a place where they can drain their unit. Mr. Lawrence stated that if someone had a tent they would need a place as they are suggesting, but because these are contained units that have facilities in them, and we have septic designs and everything is going into the septic; no one is going to be walking out of a tent at night for a facility. Steve said he did not disagree. CEO Demers said it sounds like there is one toilet, shower and sink for every site. Mr. Lawrence agreed. CEO Demers said, that is greater than the minimum of 1 for every 10 sites. Steve stated that it says, ‘the campground shall provide’.

Mr. Lawrence said he didn’t want camping. Steve said the board is approving a campground. Steve did not believe the board had a choice but to follow the ordinance. Maggie noted that even though there are toilets in RV’s, not everyone chooses to use the toilet. Norman B. stated that the board had spoken about this before, that there are people who have an RV that prefer not to use their RV, but would rather use the facility on site. Mr. Lawrence said they prefer to use the facility, because they prefer not to empty their own, but these are tied directly into a septic system. He said the toilet goes down into the septic system provided. He added that he is looking for people who want to do this seasonally, he is not looking for transients that want to come in. Steve stated that based on the ordinance, the board is going to have to have a bathroom building. He said Mr. Lawrence had spoken about doing this in stages, it doesn’t have to be set up for the entire campground at one time, so you don’t need enough for 45 sites, but the board needs to require a bathroom facility. Mr. Lawrence stated that he needed 1 toilet for every 10 sites, so he needs at least 4 toilets. Maggie M. stated you also need 1 for the 5 units. Steve read from the ordinance again, *‘In no case shall less than one toilet, lavatory and shower be provided for each sex for every 10 camping and tent sites.’* Mr. Lawrence asked if he wanted to make this a 10 year project, could he start off with 1 for the first 10? Steve thought it could be made a condition of approval. He said you do not need 10 toilets if you only have 10 sites. Norman B. noted that the key word here was one toilet, lavatory and shower shall be provided for each sex. He said that doubles what is required. Maggie stated that 2 would be required for the first 10 sites. Steve agreed, and he noted where in the ordinance Mr. Lawrence could find this provision.

- J. Recreational vehicles shall be parked in spaces so that:
- (1) There shall be a minimum of 25 feet between vehicles. **Steve stated this was shown on the plan.**
  - (2) There shall be a minimum of 45 feet between all recreational vehicles and tents, and all public rights-of-way located inside the boundaries of the trailer park or campground.
- Steve stated this was shown on the plan.**

- (3) No camping unit or structure shall be located less than 200 feet from any residence (except residences belonging to the campground owners).

**Steve asked Mr. Lawrence if the residence shown on the plan belonged to his son? Mr. Lawrence stated that it did and it is beyond 200 feet.**

- K. No camping unit shall be stored or exhibited for sale for commercial purposes within the park.
- L. Each campsite shall be provided with an area for refuse storage. Within a maximum of 150 feet from each campsite, there shall be a container capable of storing the amount of refuse that the camping area for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once a week.  
**Steve reviewed the plan, and it appeared this provision is met. Steve noted that the trash needed to be removed at least once a week.**
- M. Fire extinguishers capable of dealing with both electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. Twenty-four hour emergency communication service (e.g., telephones) shall be provided.  
**Steve stated that this should be shown on the plan, that the building would house a fire extinguisher. Mr. Lawrence stated, ok. He also said that he would be having Wi-Fi brought in.**
- N. The management of campgrounds shall be responsible for operating their premises in accordance with all Town codes and ordinances and all state laws and regulations. The maintenance of all open space areas, roads and utilities in a park shall be the responsibility of park management. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:
- (1) The major type of vegetation should be identified and described as to age, height, openness or density and pattern, either natural or reforested.
  - (2) New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions and to blend compatibly with existing natural vegetation.
  - (3) All vegetative clearing should avoid creating straight-line edges between open land and surviving stands.
  - (4) Areas of activity and/or traffic should be sited to avoid wildlife areas, such as thickets for birds and small mammals, or deer yards and trails.
- O. Facilities shall be planned in accordance with the basic principles outlined below and shall be shown on the proposed plan which is submitted for review and approval:
- (1) A logical sequence of entry and circulation should be created: entrance, administration and storage, parking, campsites, toilets and laundry and playing fields or shoreline.
  - (2) Campsites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of campsite clusters. The purpose is to minimize road length, increase accessibility and preserve open space.
  - (3) Footpaths and roads should follow “desire lines” of pedestrian and vehicular movements between campsites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.

P. Campsites shall be laid out or screened in such a manner that none shall be within view from public roads, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms or solid fencing may be used to achieve this screening standard, when campsites would otherwise be visible from the location described above.

**Steve stated this was important and was what he was eluding to this evening at the site inspection. Mr. Lawrence asked if he should show arborvitaes on the plan? Steve said he believed there was good screening on site, the board needs to show that this piece of the ordinance is being met. He said when the sites are created, this has to be met. Roland said that as he preps every site, he needs to be cognizant of this, so not too much vegetation is cut back. He said the site may have to be in further. He said the vegetation is just coming in now. Roland asked, because this is going to be done incrementally, which 10 sites are going to be done first? Mr. Lawrence stated that when they walked the site, he noted the landing pad on the plan, the sites on the right hand side would be done first, and then work his way left. He said he wanted to start on the high side, then the arborvitaes can be put in. Steve said he had no problem with phasing this in, he believed the board would need to set some parameters for the Code Officer to be able to follow, such that he has something to fall back on prior to occupancy of the units. Steve said this could be in the conditions.**

Roland asked if the roadway would be accessible even if the whole site isn't developed, the first ten sites would be accessible without obstruction? Mr. Lawrence said, "Yes". He said he needed to be able to get the trailers in, if you can't get around with a trailer, you can't get around with a fire truck.

Steve F. said there would be onsite water at each location? Mr. Lawrence stated, "Yes". Mr. Lawrence said that when he filled out the State permit, it was more detailed than the town ordinance for tents, campgrounds – wilderness, and it had a specific one for RV's. He said this is the one he checked off, this will only be an RV. Steve asked if he was speaking about this only being a seasonal site? Mr. Lawrence stated that it would be seasonal in every sense. Steve stated that the Zoning Ordinance does not differentiate, so this is what the board has to follow. He added that Shapleigh does not see this very often. Mr. Lawrence thought it was reasonable to be able to put in a toilet for every 10 sites, get it inspected and signed off.

Mr. Lawrence asked what he had to show for Section P? Steve F. stated that you cannot see anything in the campground from the road, so you have to show the screening. Roland L. thought that under N(1) it gave specifics, it talks about identifying the vegetation, age, height, density, etc. Steve stated that under N(1) it wants the applicant to show what the major vegetation is. Steve said that there is a privacy screening noted on the plan at this time. He thought he was all set with that section of the ordinance. Steve thought it was P that had to be addressed, 'campsites shall be laid out or screened in such a manner that none shall be within view from public roads, existing residences'. He said he felt better about this after the site inspection, the fact it is tucked into the woods. He believed there was a natural buffer in place. Steve said it would be a condition of approval, the CEO would have to see this is met. Mr. Lawrence asked if more needed to be on the plan for this? Steve thought the plan showed enough for Section P, it just has to be put into practice, before the sites will be able to be used.

Steve F. stated with respect to §105-51 'Clearing or removal of vegetation for activities other than timber harvesting', he believed buffer strips had been discussed, so nothing further in this section needs to be discussed.

Steve F. stated that §105-52 ‘Water quality protection’, this will be addressed by the stormwater plan. He said the soil erosion and sedimentation control plan, will show how this will be met. Mr. Lawrence said, “Ok”.

Steve F. read §105-58 ‘Recreational vehicles’ as follows: Recreational vehicles, as defined in Article III, shall not be occupied as a dwelling in excess of 90 consecutive days or in excess of 120 days in any calendar year.

Steve F. then read §105-73.G, ‘Standards applicable to conditional uses’.

- 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 a fifty-year storm without adverse impact on adjacent properties has been designed. *Steve stated this will be on the plan.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *Steve stated this will also be addressed on the plan.*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.

**Steve stated that they had spoken about a fire pond. Fire Chief Steve Guillemette was present, and said that they met on site yesterday. He said there is a retaining pond, and he spoke with the applicant about setting up a dry hydrant. He said on the original plan there was going to be structures, so they needed a certain amount of water for which the pond would not have been adequate. He said he was happy with utilizing the pond for what is proposed at this time, and they also spoke about the runoff being channeled into the pond during the summer months. He thought that was a good plan. He said they spoke about putting a gravel area, next to the pond, to gain access. Steve F. asked Mr. Lawrence to show the gravel access to the pond on the plan. FC Guillemette stated that they would not need a lot of space, just enough so they can pull in and tag in, whatever the distance is. He also noted that the elevation is not that bad, so he thought it was a perfect water source.**

**Roland L. asked FC Guillemette who was responsible for the dry hydrants? FC Guillemette said he will work with the applicant. He wasn’t sure if the town needed an easement or not. He said they would probably come in and back flush the hydrants in the spring. He said he wasn’t worried about access, because the road plan was not presented initially, he wanted it to be one way for easy access. He said the current road layout, and the width of the road, he is not concerned about traffic direction. Steve F. said, “Ok”.**



Roland L. asked if the board should ask Road Commissioner Jeff Goodwin if he had any input or questions? RC Goodwin stated that he thought the road looked good to him. He said his only concern was about the entrance, where it would be, but he believed it is where the entrance is now. Steve stated that was correct, and noted there would be another entrance further up Simon Ricker Road. He said there will be 2 ways in and 2 ways out. He said the intention of the applicant is that these be mostly seasonal sites, such that Friday and Sunday in and out traffic will be minimal. He said he didn't feel the board would restrict that, but he said it did not sound like there would be a lot of traffic generated.

Maggie M. asked about the 90 day limit? She said if they are going to be seasonal, then they may be staying more than 3 months. She asked if they would have to leave temporarily? Steve did not disagree with Maggie that this was an issue, but he didn't see a way to enforce it. He said there was a 29 day rule in Wells, and he didn't know how they enforce it. He said this will be up to the Code Officer.

FC Guillemette stated that one of the things he felt was important is that the lots are well marked, so if they get a call and have to go to a certain lot, they will be able to find it. Steve F. said along with that, perhaps a map could be provided to the Fire Department, so it would be on file. FC Guillemette asked for a sign pole showing where lots 1 thru 10 would be, etc.

Steve F. said one other question he had, which isn't in the ordinance, but it's with respect to fire protection. He said he assumed Mr. Lawrence will have a hose bib at each site for the campers to hook on to. He asked if it would be excessive to ask to have a charged garden hose at each site? Mr. Lawrence did not feel it would be an issue, he would just have to have a split. Steve said the reason he is requesting it, is in case someone wakes up during the night and their fire has gotten into the pine needles. He said instead of them not having anything handy, if there were readily available hoses at each site for safety; he felt this was an easy request.

FC Guillemette asked if the applicant was going to have a fire ring to contain the fire? Mr. Lawrence thought he would have one that is self-contained.

- 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.

Steve F. stated at this point he would ask for a motion to table, so Mr. Lawrence can add the items to the plan. He said if Mr. Lawrence could let Barbara F. know when he was ready to come back before the board.

Barbara F. asked Steve to reiterate what Mr. Lawrence had to place the on plan.

**Steve listed the following:**

- 1) 105-37.H – Soil Erosion & Sedimentation Control Plan needs to be presented.**
- 2) 105-37.I – Plan for the inside the building depicting where the toilets will be located; 5 for each sex, for a total of 10.**

- 3) 105-37.M – Show the location of the fire extinguishers in the utility building.
- 4) 105-59 – Show the gravel road to the pond for the Fire Department access.
- 5) Show the 911 numbers, a detail of how the lot numbers will be addressed.
- 6) 105-73.G(11) – Give the ground cover detail showing that the campers will be hidden from the road.  
*Mr. Lawrence asked if the board needed more on the plan than what is currently depicted? Steve F. stated that because he is utilizing existing conditions, the plan needs to show that the sites will be screened and it will be part of the conditions for the CEO to follow up on.*
- 7) 105-37.A(3) – Depiction that each site will have its own picnic table, trash receptacle, and fire pit.
- 8) Provide a hose bib with a charged hose for fire protection at each site, note it on the plan.

**Roland L. made the motion to table the application to update the plan with the noted items. Maggie M. seconded the motion. By a vote of 5 – 0, all members were in favor to table.**

Nothing further was discussed.

**Conditional Use Permit – Shapleigh Corner Store / Remodel – Map 45, Lot 15 (3 Back Road) – Angela & Donald Allen, Applicants & Property Owners**

Mr. & Mrs. Allen were present for the review of the application.

Provided along with the application, was a sketch plan with notations for the following: House, Parking, Septic (2), Well, Dining / Bar Area, Kitchen, Storage, ‘Old Part’, Doors and Deck. The location of Back Road, Owl’s Nest Road and Pump Box Brook were also on the plan, along with what appears to be 3 picnic tables.

Provided was a document entitled ‘Shapleigh Grille’. The document listed the following:

- Update Interior Building
- Add Restroom/Replace
- Replace Windows
- Replace/Repair Deck
- Support As Needed
- Add Heating/Cooling Update
- Kitchen Equipment Will be Vented as per State Requirements

Provided was a copy of the Subsurface Wastewater Disposal System application, drafted by John E. Large, SE #7, dated 8/12/1988, for a ‘Conventional Restaurant’, for 55 Seats plus 6 Workers & Takeout.

Provided was a copy of the Warranty Deed from the previous owner(s), Duane and Bonnie Romano, to Cinnamon Spice, LLC (the applicants), Book 18973, Page 750, dated March 10, 2022.

Provided was a copy of the Town Tax Map 5, depicting Lot 15 and the surrounding properties.

The detailed description of the project is as follows: *Remodel the Shapleigh Corner Store / Restaurant*

Provided this evening from the applicant was a copy of the parking plan which depicted the House; Shapleigh Grille; Grass; Pavement 62 feet long, along the front of the Shapleigh Grill Building by 32 feet deep; a 32 foot entrance; and a parking area that was 110 feet by 82 feet in size. The applicant listed that each parking area was 10' x 20' and the area would hold a total of 33 vehicles.

At the previous review the question was asked how the parking was addressed at previous approvals. The Board did not know the answer, so Barbara F. pulled several of the previous approvals and provided the following to members with respect to the parking area / entrance:

May 9, 1991 Conditions of Approval:

- 1) The area from the southerly sideline of Route 11 for a distance of 20 feet across the front of the store be filled with a retaining wall constructed in such a manner that parking will be prohibited.
- 2) Parking lot shall be landscaped with shrubs along all lot lines except for street entrance.

June 17, 1991 Conditions of Approval:

- 1) The buffers around parking lot for soil erosion control must be installed by April 30, 1992.
- 2) The granite post to deter no parking around the corner must meet road setback measurements.

May 12, 1993 Conditions of Approval:

- 1) If there is a persistent problem with parking you will be requested to consult with the Planning Board to remedy this problem.

Steve F. asked Mrs. Allen if she had the parking plan? Mrs. Allen gave the board several copies and stated that the opening to the parking area was 32 feet between the pole and where the pavement starts in front of the commercial building. Mrs. Allen stated that she read in the ordinance that the board could approve it up to 32 feet. (§105-43.A states in part, *'The Planning Board has the option upon clear showing of necessity by the applicant, to increase the maximum width, not to exceed 32 feet.'*)

Steve F. stated that Barbara F. had pulled the previous approvals and there was always an issue with the parking out front. Mrs. Allen stated there was more room from the building to where the road starts than she thought, noting there was 32 feet and it was 62 feet across. Steve asked what the plan was for parking? Mrs. Allen stated that there was 110 feet for parking on each side and 82 feet along the side, which allows for 11 vehicles, and you could do three rows. She believed it would accommodate 33 vehicles.

Steve F. asked what she had for a plan to stop people from parking along Back Road in front of the building? Mrs. Allen thought they could put 'No Parking' signs. She also asked if she could have this space for handicap vehicles? She thought they could pull in parallel to Back Road. She said another idea was motorcycle parking. Mrs. Allen stated that people park in that area now, and the business is not open. Norman B. stated that it was always used for parking and wondered why there was an issue now. He asked if the concern was backing onto the road? Steve agreed it was backing onto the road. Mrs. Allen thought you could back up without backing onto the road, there was enough space. Norman stated that people use the area now. Steve stated that the board has to determine that traffic access to the site is safe. Mrs. Allen understood.

Steve F. stated that at the last meeting the board went thru the Basic Performance Standards and §105-73.G Conditions of the Conditional Use Permit.

Steve F. asked if there was a problem with the entrance being 32 feet in width, specifically asking Roland L.? He also asked Roland how he felt about the parking plan? Roland stated, “It looks great on paper”. Norman B. stated that nothing has changed with respect to the footprint of the building. Steve agreed, he said it was up to the board how they want to handle the front parking. Roland stated that personally, he likes the idea of having a designated handicap parking area, and even motorcycle parking, which is much smaller. He said because of the length of the motorcycles, if they parked in front of the restaurant it would be less likely that they would back onto Back Road. He didn’t know if it would be reasonable to ask that it be designated for that purpose, but it was a thought. Steve asked if the spaces should be parallel to Back Road, to prevent backing out into the street? Roland agreed. Roland asked if the entrance was to the far right? Mrs. Allen stated that on the plan it is where it says ‘pole’. Roland stated that he was referring to the entrance to the restaurant. Mrs. Allen stated that there were two entrances, one on the right and one closer to the grass area. She said there may have been a take-out ice cream window at one time. Maggie M. asked if there was an entrance to what used to be the store? Mrs. Allen stated that there was, there is a small porch and an entrance further down.

Steve F. stated that at 62 feet across the front, you could get two parking spots, plus another spot for a motorcycle if that is what she wants to do. He said this area is close to the entrance, so he didn’t have a problem with having handicap parking in that area. He asked the board members their opinion, and they all agreed it would be the best location for handicap parking. Norman B. asked if there was a formula as to how many handicap spots there needs to be if there are 33 parking spots? Mrs. Allen believed she needed 2 spots if there are over 25 spaces. She said one had to be for a van, and one for a car. Steve stated that as a condition of approval, the board can state that that area be designated as an area for handicap parking.

Steve F. reviewed once again §105-73.G as follows:

*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. ***No changes are being made to the outside of the structure to affect wildlife and the business is not near a water body.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***This is not applicable.***
- 3) The use is consistent with the Comprehensive Plan. ***The Comprehensive Plan wants small businesses in Shapleigh.***
- 4) Traffic access to the site is safe. ***It is with only allowing handicap parking in front of the building, with the parking spots running parallel to Back Road, so not vehicles will back out onto the street. There is also room for one motorcycle parking space, should the applicant wish to do so.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***This project is not in a flood hazard zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A State approved Septic Design was provided.***

- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There are no hazardous materials associated with the application.***
- 8) A stormwater drainage system capable of handling a fifty-year storm without adverse impact on adjacent properties has been designed. ***There are no changes being made to affect stormwater on site. Should the applicant pave the parking area, they will have to come back before the Planning Board with a stormwater plan to address runoff.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There are no changes being made to the existing area that will create an erosion issue. Should the applicant pave the parking area, they will have to come back before the Planning Board with an erosion control plan.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***The property is within 3 miles of the Shapleigh Fire Department.***
- 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 existing vegetation around the parking area shall remain in place as a buffer from the neighboring properties.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall with conditions.***

Steve F. stated the conditions of approval are as follows:

- 1) **There shall be 2 handicap spaces in front of Shapleigh Grille, delineated with lines and proper signage, such that vehicles shall not pull in perpendicular to the Back Road.**
- 2) **Hours of operation will be 5 am to 11 pm, 7 days a week.**
- 3) **The parking area lighting shall not be aimed at the street, or neighboring properties, so as to cause glare.**
- 4) **If the parking area is expanded or paved, the applicant shall have to come back before the Planning Board with a stormwater management plan.**

Steve F. asked if there were any other questions or comments? There were none.

Steve F. stated that he would take a motion on the application.

**Maggie M. made the motion to approve the Conditional Use Permit for a 55 seat restaurant on Map 45, Lot 15 per the plans provided and as discussed, with the stated four stated conditions. Norman B. seconded the motion. By a vote of 5 – 0, the vote to approve was unanimous.**

Steve F. stated that now they can go to Code Enforcement for signage and to show that they meet the conditions.

Nothing further was discussed.

**The Findings of Facts**

- 1. The owner(s) of Shapleigh Tax Map 45, Lot 15 (3 Back Road) is Cinnamon Spice, LLC, current mailing address of P.O. Box 235, Shapleigh, Maine 04076, per Warranty Deed - Book 18973, Page 750, dated 3/10/2022, registered at the York County Registry of Deeds.

2. The property is located in both the General Purpose District and Shoreland District, and according to the Assessor's office, it contains 1.52 acres.
3. Provided along with the application was a sketch plan with notations for the following: House, Parking, Septic (2), Well, Dining / Bar Area, Kitchen, Storage, 'Old Part', Doors and Deck. The location of Back Road, Owl's Nest Road and Pump Box Brook were also on the plan, along with what appears to be 3 picnic tables.
4. Provided was a document entitled 'Shapleigh Grille'. The document listed the following:
  - Update Interior Building
  - Add Restroom/Replace
  - Replace Windows
  - Replace/Repair Deck
  - Support As Needed
  - Add Heating/Cooling Update
  - Kitchen Equipment Will be Vented as per State Requirements
5. Provided was a copy of the Subsurface Wastewater Disposal System application, drafted by John E. Large, SE #7, dated 8/12/1988, for a 'Conventional Restaurant', for 55 Seats plus 6 Workers & Takeout.
6. Provided was a copy of the Warranty Deed from the previous owner(s), Duane and Bonnie Romano, to Cinnamon Spice, LLC (the applicants), Book 18973, Page 750, dated March 10, 2022.
7. Provided was a copy of the Town Tax Map 5, depicting Lot 15 and the surrounding properties.
8. Provided was a copy of the parking plan which depicted the House; Shapleigh Grille; Grass; Pavement 62 feet long, along the front of the Shapleigh Grill Building by 32 feet deep; a 32 foot entrance; and a parking area that was 110 feet by 82 feet in size. The applicant listed that each parking area was 10' x 20' and the area would hold a total of 33 vehicles.
9. The detailed description of the project is as follows: *Remodel the Shapleigh Corner Store / Restaurant*
10. The application as presented met the Basic Performance Standards in the Zoning Ordinance. The board noted for this application, Section 105-21 'Traffic' could be an issue if customers back out onto Back Road, so there shall be no parking spaces perpendicular to the street; Section 105-26 'Stormwater runoff' and 105-27 'Erosion control', could be an issue only if the applicants pave the parking area, which would require Planning Board review; and Section 105-43 'Off-street parking and loading' will be satisfied with keeping the entrance 32' or under, and not allowing parking perpendicular to Back Road.
11. 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 use shall not have an adverse effect on aquatic life or wildlife; the proposed use is not in the Shoreland District; the use is consistent with the Comprehensive Plan which encourages businesses along State Route 11; traffic access to the site is safe for the intended use, there shall be no vehicles allowed to back out onto Back Road; the lot is not located within the flood zone; there is an existing State approved subsurface

wastewater disposal system for up to 55 patrons and 6 staff; solid waste will be disposed of by the applicant as per State regulations; there is no hazardous waste being stored on site; the structure for the business is in existence, any changes or paving to the parking area shall require an approved stormwater and erosion control plan by the Planning Board, and no changes are being made to the surrounding vegetation on site; the business is within 2 miles of the Shapleigh Fire Station and the business shall meet the State Fire Code; there is existing vegetation and there shall be no lighting facing onto the road or neighboring properties, and there are no fumes, dust, odors and the like beyond the lot lines; there is no noise associated with this business, patrons shall be inside the building. All performance standards shall be met with four conditions.

12. A notice was mailed to all abutters within 500 feet of the property on April 12, 2023. Meetings were held on Tuesday, April 11, 2023, Tuesday, April 25, 2023, and Tuesday, May 9, 2023. A Public Hearing was held on Tuesday, April 25th.

13. The Planning Board unanimously agreed to approve the Conditional Use Permit to open / remodel what was the Shapleigh Corner Store and Restaurant, now to be known as the Shapleigh Grille on property known as Tax Map 45, Lot 15 (3 Back Road), with four conditions.

14. The condition(s) of approval are as follows:

- 1) **There shall be 2 handicap spaces in front of Shapleigh Grille, delineated with lines and proper signage, such that vehicles shall not pull in perpendicular to the Back Road.**
- 2) **Hours of operation will be 5 am to 11 pm, 7 days a week.**
- 3) **The parking area lighting shall not be aimed at the street, or neighboring properties, so as to cause glare.**
- 4) **If the parking area is expanded or paved, the applicant shall have to come back before the Planning Board with a stormwater management plan.**

**Decision:**

**The Conditional Use Permit to open / remodel what was formerly the Shapleigh Corner Store and Restaurant, now to be known as the Shapleigh Grille, for up to 55 patrons, on property known as Tax Map 45, Lot 15 (3 Back Road), per the information provided, with four conditions was approved.**

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**• New Business**

**Conditional Use Permit – Mobile Food Trailer – Map 19, Lot 13 (63 Emery Mills Road) – Tiffany Riley, Applicant; Roger Berube, Property Owner**

Mrs. Riley, and her husband David were present for the review of the application.

Provided along with the application was a GIS photo of Map 13, from which could be seen the lot lines, existing vegetation, structures and parking area, abutting properties, and Emery Mills Road.

Provided was a copy of the Town Tax Map 19, depicting Lot 13, and sketched on the lot was the existing structure, parking area, entrance and the proposed location of the food trailer. Notations on the sketch gave the distance from the food trailer to the water to be 350 feet and the distance from the food trailer to the road to be 130 feet.

Provided was a copy of the Onsite Wastewater Disposal System – Local Review and Verification Form, for Howling Hunger Food Truck, physical address of 44 Stone Post Road, Shapleigh, Maine, signed by Code Officer and Plumbing Inspector Mike Demers on 4/27/2023; indicating the site is to be used to park a mobile food trailer and dump grey water in approved septic system / not previously licensed. Also provided was a copy of the Subsurface Wastewater Disposal System Application for Stone Post Road, Shapleigh Maine, drafted by Kenneth Gardner, SE #73, dated 4/6/2023.

The application detailed description is as follows: *Looking to park a mobile food trailer in the parking lot at 63 Emery Mills Road on Mondays from 11:00 am to 7:00 pm for take-out food service with no seating or bathroom facilities.*

Steve F. asked Mrs. Riley to give the board a brief overview of what she was proposing to do. Mrs. Riley introduced herself and her husband David. She stated she lived in Shapleigh and she recently purchased an 18 foot food trailer and they are currently going to be at Pine Ridge Campground on weekends in Acton, but they are looking to expand and offer the service to the Town of Shapleigh. She stated Roger Berube, who owns Lot 13, approved them to be able to park the trailer on site one day per week. She said they wanted to do it on Mondays, and operate from the hours of 11 am to 7 pm. She said they selected Mondays because there is a permitted business on site, Mainely Rustic, which are closed on Monday, so it will not disrupt traffic, and parking will be available. She said with respect to the mobile unit, it is self-contained and there is a generator and propane on board, so they will not need to use any utilities on site.

Mrs. Riley stated that it will be take-out only, so there is no need for tables, there is no sit-down, and no need for facilities. She said they submitted the application, Mr. Berube (property owner) is not here, but he signed the application. She said if he is required to come to the public meeting, she will let him know. She stated she provided a site map showing the entrance and the location where she plans to park. Steve F. noted that Barbara pulled the parking plan for the site from a previous application, so it is on file.

**Steve F. stated that from here a notice to abutters is required, and a public hearing in 2 weeks.** He said he did not need to do a site inspection but if other members wanted to go they could. All members were aware of the location. He said he had no further questions and asked the other board members if they had any? There were no questions other than Roland L. asked what the date of the public hearing would be? **Steve stated the next meeting will be held on May 23<sup>rd</sup>, and the public hearing will be at 6:30 pm.**

*Mrs. Riley asked if Mr. Berube had to be present for the public hearing? Steve F. stated that he did not.*

Nothing further was discussed.

**Conditional Use Permit – Replace Retaining Wall – Map 30, Lot 9 (23 Totte Road) – Tyler Matthews, Applicant; Ken Kordana, Property Owner**

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

Provided along with the application, was a sketch plan depicting a 45” tall wall from ground level, with a crushed stone base. Also on the sketch was a depiction of the wall being 52 feet in length, with a 4 foot set of stairs located within the 52 feet.



Provided was a sketch that depicted the Totte Road, and located within lot lines was the house, wall & stairs at the water's edge / Goose Pond, the location of the 52 foot wall & stairs - highlighted in pink, there is a notation stating 'Loam & Seed & Hay, After Wall is Built', and the area for this is highlighted in green.

Provided was a copy of the Town Tax Map 30, depicting Lot 9, and on the lot sketched in is the location of the wall and stairs at the water's edge.

The application detailed description is as follows: *Rebuilding new retaining wall at waters edge.*

Provided at the meeting was a copy of photos of existing conditions on the property. The deteriorating wall can be clearly seen, with blocks falling away from the embankment and into the water.

Steve F. asked Mr. Matthews to let the board know what he intended to do. Mr. Matthews stated there is an existing retaining wall on the shoreline, along with stairs. He said he wasn't sure if the wall was installed wrong, but part of it has fallen over, so the property owners want to replace it, the same size and in the same location. Steve asked how old the wall was? Mr. Matthews was not sure, but he did not believe it was old. Roland L. knew of the wall, and said it was the first generation of wall blocks that manufacturers came out with, and there are a few on Mousam and this one on Goose Pond. He said that , every wall he has seen, the blocks are in the water, the walls just broke down, as in this location. He said the upper section is fine, but the bottom crumbled and the wall fell over this winter. Mr. Matthews stated that it looked like it didn't have lips and it did not look like it was pinned, but he also agreed this was early generation.

Steve F. asked Mr. Matthews for photos, which he provided. Roland L. asked if the photos were taken after the water came back up? Mr. Matthews stated he took them 3 weeks ago. Roland noted the whole area is now under water.

Steve F. said it looks like the wall is close to needing engineering. Mr. Matthews stated it was 46 inches. Steve noted that there was another block below the wall, so it looked to be higher than 46 inches. Mr. Matthews stated that it was going to be an engineered block wall, so he can provide the information for the blocks.

Steve F. asked members if they wanted to do a site inspection? Roland L. stated he could see it from his house. Steve said the photos were adequate for him. Maggie M. asked Roland if he could see it from his house, Roland said yes. Maggie asked if that part of Totte Road was drivable. Roland stated that it was.

Roland L. cautioned Mr. Matthews that he would run into a considerable amount of silt, no matter the water level. He said he would be dealing with a lot of mud.

Steve F. asked if there would be any trees cut? Mr. Matthews said, "No". Steve asked if it was all grass now? Mr. Matthews said that it was. Steve asked how the board felt about a revegetation plan? Mr. Matthews stated that he provided a bad vegetation plan, but it will just be loam, seed & hay after the wall is built, behind it. He said that is what is there now.

Roland L. said he had an issue with grass that close to the water. Steve F. stated that they will look at the ordinance at the next meeting and decide.

**Steve F. stated that members will do a site visit on their own. A notice to abutters will be mailed as well. The next meeting will be Tuesday, May 23<sup>rd</sup>.**

Nothing further was discussed.

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**Conditional Use Permit – 3 Year Renewal of Gravel Extraction – Map 5, Lot 44A (Goose Pond Road) – Gloria & Frank Clark, Applicants & Property Owners**

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

Provided along with the application was a copy of the previous Planning Board approval letter for the mineral extraction, dated June 30, 2020. The existing conditions of the permit are as follows:

1. The hours of operation for gravel extraction and processing shall be 7:00 a.m. through 5:00 p.m., Monday thru Friday, 7:00 a.m. thru 12:30 p.m. on Saturday. There shall be no processing of gravel on Saturday. There may be activity on site at 6:00 a.m. Monday thru Friday that does not create noise above 60dB.
2. There shall be no trucks traveling over the Goose Pond Road culvert; all gravel pit traffic shall exit left onto Goose Pond Road and travel to State Route 109.
3. Gravel extraction shall be per the plans provided, no excavation shall be within the 50-foot buffer strip as depicted on the plan provided by Albert Frick and Associates, plan dated 1/27/2015; the depth of excavation shall be no lower than 530 feet to eventually make the property near level.
4. It is the applicant’s responsibility to make certain the entrance onto Goose Pond Road is clear of all sand and stone dust to prevent a hazardous situation. A stone apron shall be constructed to remove gravel and dust from the tires of the equipment used for hauling gravel.
5. Dust shall be maintained thru the use of a water truck, watering the area as needed to prevent dust from going onto neighboring properties.
6. Per the plans provided, no more than 5 acres can be excavated at one time or 10 acres cleared of trees. When the first 5 acres have been excavated and proof is provided to the Planning Board Chairman and Code Enforcement Officer that the area has been reclaimed, then the next five acres can be excavated.
7. The applicant / property owner must abide by the noise levels in the Town of Shapleigh Zoning Ordinance §105-22 ‘Noise’.
8. A surety bond or escrow account shall be established and maintained, payable to the Town of Shapleigh in the amount of \$20,000. This bond or escrow account shall remain in effect until the mineral extraction operation is completed and the area has been reclaimed per the plans provided. The bond or escrow account shall be signed and accepted by the Board of Selectmen. The bond must be established within 60 days of the date on the approval letter.

Provided was a copy of the existing Escrow Agreement with the Town of Shapleigh in the amount of \$20,000, in order for the Town to reclaim 5 acres if the applicant does not meet the conditions of permit. The escrow is in the form of cash, deposited with Partner Bank. The escrow is not to be dispersed until the applicant has reclaimed the permitted area, or the applicant delivers to the Town a substitute bond.

Provided was a cost to reclaim the 5 acres from Mick Construction Corp. of Rollinsford, NH, dated June 22, 2020, which estimated the cost to be \$20,000. Also provided was a Closure Plan, dated March 2020, which gave the details of closure.

Provided was a copy of the Laboratory Test Results of the Test Pit Samples sent to Thomas Harmon, P.E. of Civil Consultants, Inc., letter dated July 16, 2013, done by the firm R.W. Gillespie & Associates, Inc., Geotechnical Engineering – Geohydrology – Materials Testing Services, as well as the Summary of Laboratory Testing Program – Test Pits results & Particle Size Distribution Report. These results showed the amount of topsoil, depth and size of course rocky gravel, the fact that no water was seen on site, along with the type of sand and gravel.

Provided was a copy a copy of a letter was received, dated March 20, 2015, from the Dept. of Inland Fisheries & Wildlife, stating in part, ‘Our information indicates no locations of Endangered, Threatened, or Special Concern species within this project area. Additionally, our Department has not mapped any Essential Habitats or Fisheries Habitats that would be directly affected by your project’. Also received was a copy of a map provided by MDIF&W showing the location of the proposed mineral extraction site, the map entitled Environmental Review of Fish and Wildlife Observations and Priority Habitats, noted no indication of Essential Habitats.

Provided was a copy of A Notice of Intent to Comply – Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt (For Use with 38 MRSA Section 490-C) was applied for to the Maine Dept. of Environmental Protection, Division of Land Use Regulation. Approval was received on August 6, 2015, Permit Number L-860. An email confirmation from Michael Clark, Mining Coordinator, Bureau of Land Resources, Land Division MDEP, dated June 22, 2020, confirmed that the proposed gravel pit is still licensed by the department.

On file for this location is the site plan drafted by Albert Frick Associates, Inc., Environmental Consultants, Gorham, Maine, dated 1/27/15; entitled Proposed Mineral Extraction Site Plan prepared for Frank Clark, Goose Pond Road (Map 5, Lot 44), Shapleigh, Maine.

The application detailed description of the project is as follows: *Materials on-site to be excavated to elevation 530 and trucked off-site. This is to occur in 5 acre increments, so that no more than 5 acres are active.*

Steve F. asked Mr. Clark to let the board know how it has been going. Mr. Clark stated it had been going good, but slow. Steve asked where he was at with respect to acreage? Mr. Clark stated that they were at about 4 acres. He said they are at the elevation called for, but they haven’t gotten to 5 acres yet. He said the owner of the equipment doing the excavating has a pacemaker, he isn’t healthy, so his son is trying to do it all, along with one driver. He said because of this, they are not pulling out gravel quickly, but he noted that he wants to keep moving forward.

Roland L. stated that after 5 acres has been mined, that this area has to be revegetated. He asked if this was correct? Steve F. stated, “Correct”. Roland asked Mr. Clark if this was his plan, when the remaining acre is mined? Mr. Clark stated that at that point he will come back before the Planning Board. He said they have a plan on putting a business in there, so he will come before the board with that, with some questions, advice, and to get a permit.

Roland L. said that based on what Mr. Clark has stated, did Mr. Clark have an idea of how long before the area is completed? Mr. Clark said he believed he will be at 5 acres by summer, if they keep going at the same pace. He said he would rather it be sooner rather than later, and if it was ok with the Town, if he gets permission to do what he wants in that location, he will reclaim all the slopes and leave the area for the business as is, if it is possible. He said he doesn’t want to revegetate the flat area, then have to pull it all

up to do what he wants to do. He said the Town will have notice of his plans. He added that initially he wanted this done quickly, but the person pulling the gravel is not going as fast as he would have liked.

Steve F. asked CEO Demers if he had had any issues or complaints regarding the gravel extraction? CEO Demers stated that he has had no issues or complaints regarding the lot.

Steve F. stated members can do a site inspection, and he asked Mr. Clark to meet members on site, so he could show them around. Mr. Clark stated he would.

**Steve F. stated the site visit would be at 6:00 pm on Tuesday, May 23<sup>rd</sup>. members will meet at the pit. A public hearing will be held at 6:30 pm, prior to the meeting. A notice to abutters will be mailed as well.**

Steve F. asked if there were any questions? Norman B. stated that it said the material is to be excavated to an elevation of 530. He asked if this was 530 feet above sea level? Steve stated that it was, and it shows it on the plan.

Mr. Clark wanted the board aware that because the excavator pulled out for the winter months, he pulled the porta-potties. He stated that now he is back, they will be placed back on site. He said if the board does not see it on site, it is on its way, and noted it should be there by the site inspection.

Nothing further was discussed.

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**Other:**

Barbara F. had provided board members with a copy of the revised Planning Board By-laws. Steve F. noted the only change to the by-laws was the addition of the Pledge of Allegiance.

**4.2 Agendas**

**4.2.1** Regular meeting agendas shall follow the following format:

1. Recite the Pledge of Allegiance
2. Call to order and determine the presence of a quorum.
3. Public Hearing (if any is scheduled)
4. Minutes of the previous meeting and correspondence.
5. Old Business
6. New Business
7. Other
8. Adjournment

Roland L. noted it was nice to reread the by-laws to be reminded of the content.

Steve F. asked for a motion to amend the by-laws to add the Pledge of Allegiance.

**Maggie M. made the motion to amend the by-laws to add the Pledge of Allegiance. Norman B. seconded the motion. All members were in favor. By a vote of 5 – 0, the vote to amend was unanimous.**

**Growth Permits**

**Map 21, Lot 42 (17 Hollon Way) – Seasonal Conversion – K. LaPierre GP #10-2023**  
Steve F. asked CEO Demers if the septic system was in order. CEO Demers stated it was in compliance.

**Map 8, Lot 67 (Ross Corner Road) – New Home – J. Singleton GP #11-2023**  
This lot was larger than the minimum required, and has more than 200 feet on the road.

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**Maggie M. moved to adjourn the meeting at 8:25 pm. Roland L. seconded the motion. All members were in favor. By a vote of 4 – 0, the motion was unanimous.** (Norman B. had left the meeting.)

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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.

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)