

***Shapleigh Planning Board***

***Minutes***

**Tuesday, January 10, 2023**

Members in attendance: Roger Allaire (Chairman), Steve Foglio (Vice Chairman), Madge Baker, Maggie Moody, Alternates Ann Harris and Norman Baker. Code Enforcement Officer Mike Demers was also in attendance. Roland Legere was unable to attend, therefore Ann Harris sat in as a regular member this evening.

*The Planning Board members are very pleased to announce the addition of a new member, Norman Baker. He will be coming onto the board as an Alternate. As always, the board is grateful for its volunteers, and we are sure Norman will be a valuable member serving on the board.*

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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 minutes from Tuesday, December 13, 2022 were accepted as written.***

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**Unfinished Business:**

**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 was in attendance for the review of the application.

Originally provided along with the application was a sketch plan entitled “#368 Simon Ricker Rd. State #1 of Proposed Campground / Cabin Rentals”. The plan depicted the general location of 4 proposed septic systems and proposed cottages. The plan was an aerial view of the property, where Rte. 109 and the Simon Ricker Road could be seen, along with the following numbers, #322, #344, and #368. Each site appeared to have existing structures on them, but it could not be determined exactly what those structures are. Most of the lot appears to be wooded.

The application detailed description of the project is 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 it’s entirety can be reviewed at the town hall, during regular office hours.)

Roger A. asked Mr. Lawrence to update the board on what he wanted to do. Mr. Lawrence began by stating that according to the attorney’s opinion it did not look like he could have any cabins unless they go through subdivision, as well as no tiny homes. He said based on this, he is going back to having a campground. Roger stated that if he is going back to a campground, the board will need a full set of plans for the campground. Mr. Lawrence stated that he thought he provided that already. Roger stated that he had given the board a plan for the cabins. Mr. Lawrence stated he would just swap them out for campground sites. Roger stated it has to be spelled out on the plan. Mr. Lawrence asked what he meant by that? The board members reviewed the plan provided. Roger, looking at the plan, stated there were locations for proposed buildings, the board would need to know the location of all the RV sites, and what type of electrical will be on site. Madge B. added that the board would need to know what type of toilet facility and where it would be located. Roger agreed, the board needed not just the proposed septic locations but the actual design for them. Mr. Lawrence stated that he had those, and he thought he had provided that. Barbara F. stated that he brought them to the previous review but did not leave a copy for the board.

Mr. Lawrence, looking at the plan, stated that he would need to change the wording on the plan from proposed building to proposed campsites. Madge B. stated that the plumbing will be different than the cabins. Ann H. said it depended on what he was going to do, whether it would be a shower house or toilet facility. Mr. Lawrence stated that if there were RV’s they would need to dump into something. Madge asked if there would be any showers? Mr. Lawrence stated there would not. Roger said Mr. Lawrence would need to do a State approved campground. Mr. Lawrence asked what that involved. Barbara F. provided him with her copy of the State’s rules, Chapter 205, and told him he could find all the information on the State’s website. She added that there was an application he would need to fill out for the State as well.

Mr. Lawrence asked how many copies the board needed of the septic design? Barbara F. stated they only needed one copy. She said that the CEO would likely need additional copies after Mr. Lawrence received his approval.

Madge B. asked how large the RV's were, and would they fit into the spaces on the plan that he was going to use for the cabins? Ann H. asked if there was going to be gravel at the RV sites? Steve F., reading from the ordinance, stated there would be 5000 sf per site (§105-37.A(1), not including roads and driveways. Mr. Lawrence did not think he needed 5000 sf per unit. Roger stated that he did, and it would need to be on the plan for each RV site. Roger added that there needed to be enough room for the RV's to turn around. Ann thought some of them might need to be bigger than 5000 sf, depending on the size of the RV unit. Steve said Mr. Lawrence could provide the person doing the plan with the Town's ordinance, it could be very helpful. Ann stated that they not only needed to look at the Town's ordinance, but they would have to review the State requirements as well to be sure it met those requirements. Barbara stated that the State has requirements for toilet facilities. (Section I of §105-37 has sanitary provisions as well.)

Roger A. stated that the Fire Chief had spoken with Mr. Lawrence with respect to the size of the roads. He said that information will need to be put on the plan. Mr. Lawrence said the Fire Chief stated he wanted them to be 16 feet in width. He asked if that had to be put on the plan? Roger stated that it did, along with how they were going to be built.

Roger A. asked if Mr. Lawrence was going to use the fire pond for fire protection? Mr. Lawrence stated that the pond got low in the summer time. Roger stated that the Fire Chief had said he wasn't going to rely on the Emery Mills hydrant, that there should be a 20,000 gallon cistern on site. Roger said the location of the cistern would need to be placed on the plan. Mr. Lawrence stated that he had to speak with the Fire Chief again, to find out how many units would require the 20,000 gallon cistern.

Roger A. stated that the board would be reviewing the total project. He said that it was ok to phase it in, the board had no issue with that, but everything that will be done has to be on the plan, before the board grants the application. Steve F. said that if the applicant builds it in phases and the board approves the entire project, would the approval sunset if he didn't complete it in a certain amount of time? Roger said if the project isn't completed in a certain amount of time, it would be a sunset. Madge B. asked what this was? Roger said if Mr. Lawrence said it would be phased in three phases, and it would take 10 years to complete; if he only completes 2 phases in 10 years, he would need to return to the board to amend the approval. Madge said that it doesn't mean he can't do it. Roger said correct, he just comes back to modify the approval.

Roger A. stated that there will need to be a section paved going in and out of the campground, to prevent dirt from going out onto the road. Steve F. read from the ordinance, Chapter 105-37, Section G., which states 'Vehicular access shall be provided onto a hard-surfaced road adequate for the volume and type of traffic likely to be generated'. He thought a decent apron would work. Roger agreed. Mr. Lawrence understood.

Roger A. stated the plan showed one well to support all of the sites. Madge B. said the State would want to test the water. Mr. Lawrence said he wouldn't know about the well until he had dug one. He said he could have adequate water with one, or if not, he would need more than one. The board agreed.

Steve F. stated there needed to be a minimum of 25 feet between vehicles and noted that it was all laid out in the ordinance. Mr. Lawrence asked if he was speaking about Shapleigh's ordinance? Steve stated, yes. Ann H. added that it was Chapter 105-37. Steve said that whatever is in the ordinance, have it on the plan,

then he won't have to come back before the board over and over again. Mr. Lawrence stated that the more details the easier it is to get approval. Steve agreed, there will be less questions. Ann added that he should also look at what the State requires.

Roger A. stated that there also needs to be a note on the plan that the Town is not responsible for any of the roads. The Town does not have to plow, sand, or do anything to the private roads.

Steve F. stated that he assumed the water system would be seasonal. Mr. Lawrence stated that because it was going to be a campground it would be open 6 months only, May to October.

Roger A. stated that the current plan before the board was not valid, because so many things need to be changed for the campground. Roger said Mr. Lawrence needed to be sure they place the Fire Department turnarounds on the plan. Mr. Lawrence said the Fire Chief said he could come out if it is done in phases. Roger said the turn arounds need to be on the plan, even if they are done in phases. He said that the CEO would not give him a certificate of occupancy to use the sites, until each section gets the ok from the Fire Chief. Mr. Lawrence understood. Mr. Lawrence said if in phase 1 he has 10 sites ready to go, the Fire Chief will come out to see that the 10 sites are safe.

Madge B. said she thought they had suggested he speak with others who had done campgrounds to see how they did it, noting she had friends that put one in. Mr. Lawrence said their rules are likely different from Shapleigh's. Madge said she understood, but she was speaking about how it works and how hard it was to do it.

Roger A. said the board can table it this evening, until Mr. Lawrence can come back with more information on the plan. Barbara F. asked if they were going to vote to table the application?

**Steve F. voted to table the application, pending further information, for 90 days. Madge B. seconded the motion. All members were in favor, therefore, the vote to table was unanimous.**

Mr. Lawrence stated that he wanted to own some of the campers. He asked if he had to register them with the Town? Barbara F. stated that was something he needed to ask the Town Clerk, the board was not privy to what had to have an excise tax.

Mr. Lawrence asked how many months he had to complete this? Barbara F. stated the application was tabled for 90 days, but if he was not ready with a plan for the next review within 90 days, he could come back before the board and let them know where he was at. She said the board can then, again, vote to table for another 90 days. Roger A. added that he had to come back within the 90 days or the application process was done and he would have to start over. Barbara stated that if that happened it would mean he would need to re-apply and pay another application fee. She said it did not mean he could not proceed with his plans. Mr. Lawrence said he was going away for 2 months. Barbara said in the third month, touch base with her, she will put him on the agenda, and he can let the board know where he is at.

Nothing more was discussed.

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**New Business:**

**Conditional Use Permit – Replace Existing Wall & Add Wall 25’ Back from HWM in SD – Map 27, Lot 12 (84 16<sup>th</sup> Street Loop) – Tyler Matthews, Applicant; Kevin Normand, Property Owner**

Mr. Matthews was present for the review of the application, along with the property owner, Mr. Normand.

Provided in addition to the application, was a sketch plan showing the location of the existing house, and the wall down by the water that was described as being 6’ in length, plus 30’6” in length, stairs, plus 9’ in length, plus 4’ in length. The stairs are noted as being 13’ in length and 4’3” in width.

Provided was a sketch depicting the existing house, a door coming out of the house, and a wall on either side of the door. One wall is 38’ in length, plus 20’ in length, plus 4’ in length and 2 feet in height. The second wall is depicted as be 16’ in length, plus 4’ in length and 2 feet in height. Both walls begin alongside the door and go to the left and right of the doorway. There is an area behind each wall shown as having proposed mulch/natural woods and low blueberry plants.

Provided was a sketch depicting the construction of a 6’ wall using blocks, crushed stone behind the wall, a drainage pipe behind the wall, and having a 12” crushed stone base. There is also a notation below the crushed stone base that states 60”.

Provided was a copy of the Town Tax Map depicting Lot 12, and sketched on the map was the existing house, walls and stairs, and in green is written ‘mulch’, with green lines showing where the mulch will be placed.

The application detailed description of the project is as follows: *Remove existing stone & stairs at water’s edge & replace it w/new stone wall – add a 2’ high wall on each side of the house 25’ back from the high-water.*

Roger A. asked Mr. Matthews to let the board know what he wanted to do. Mr. Matthews stated there was a retaining wall down by the water’s edge that is falling apart, they were going to rebuild that. He said they were going to rebuild the stairs as well, same size, and same location. He said they would have it surveyed before starting the project, and there would be pictures before and after the project was completed.

Mr. Matthews stated that for safety reasons, they wanted to do 2 two-foot walls, at least 25 feet back from the water, as depicted on the sketch he provided. He said they would be as you come out of the house, to the left and right. He said they moved there year round, laundry is in the basement, there is a serious pitch, so they want to flatten the front out.

Madge B. asked if they were replacing the 6 foot wall or just the stairs? Mr. Matthews said the wall down by the water, that is 6 feet high, is being replaced. Madge stated that the wall needs to be engineered. Mr. Matthews stated he was using engineered blocks. Steve F. stated the block company will usually submit an engineered drawing. Mr. Matthews asked if he just has to do it to the block companies specs? He asked if he needed a separate engineered stamp for the project? Steve stated that they needed a plan for this specific property. Mr. Matthews asked if they needed to know how it was going to be built? Steve said yes, how it will be built, drainage required behind it, etc.

Roger A. stated that the board needed pre and post photos of the project. Mr. Matthews stated he understood.

Ann H. asked where the 2 foot walls were going to be located? Steve F. showed her on the plan. Madge B. stated they were up by the house. Steve said they were 2 feet high and approximately 30 feet across. Steve told Ann that the board had added the 2 foot walls to the ordinance. (§105-4.D(9) ‘Low retaining walls in the SD less than 24 inches in height for erosion control’.)

**Roger A. stated a site inspection would be done on an individual basis. A notice to abutters will be mailed as well.**

Ann H. asked if there was anything in the ground to mark the new wall location? Mr. Matthews stated there wasn’t but he could put something down to depict it. Mr. Normand told members not to go down the driveway as it was very difficult, they could end up in the water. Mr. Matthews said there was a spot up top they could park and then walk down the stairs. He noted there were no railings, so again stated they need to walk carefully.

Roger A. asked where the existing wall was going? Mr. Matthews stated that it would not be staying in Shapleigh.

Nothing further was discussed.

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**Best Practical Location – Replace Structure in the SD – Map 35, Lot 14 (87 Cypress) – Tyler Matthews, Applicant; John Cole, Property Owner**

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

Provided along with the application, was a copy of the survey of the property entitled ‘Existing’, depicting the existing location of the camp as being 42.5’ from the HWM at its closest point; the existing gravel driveway is on the plan, along with a shed, artesian well, survey pin locations and a notation that the lot is 43,414± square feet in size.

Provided was a copy of the survey plan, depicting the location of the existing camp, proposed location of the new structure, and proposed location of the new septic system. Also provided was a copy of the survey plan with a notation ‘Revegetate w/mulch & shrubs’ in the location of the existing camp.

Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by Hope Hampton, SE #427, dated 12/05/22, for a 3 bedroom single family dwelling unit.

The detailed description of the project is as follows: *Tear down existing camp & build new single family house 75’ back from the water w/new proposed septic system.*

Roger A. asked Mr. Matthews to let the board know what he was going to do with this application. Mr. Matthews stated he was looking to do a tear down and rebuild. He said the structure was on a peninsula and they are looking to move it back 75 feet from the water. He said there were no other houses past this structure. He said he provided a new septic plan. He said at the 75 foot mark he pushed the structure back and still will have room for the new septic system.

Mr. Matthews said there is a plan depicting the existing house, the proposed location, and septic location. Madge B. stated she knew the property and said it had great views. Mr. Matthews stated that currently the structure is 42.5' from the water, and wanted to go 75 feet from the water.

Ann H. asked if there was any reason why he wasn't going 100 feet away from the water? Mr. Matthews said it was to get 50 feet off the road. He said he discussed this with CEO Demers. He said the survey shows the road going all the way in to the existing house, but it isn't really a road, it is a driveway to the house. He said they are keeping the 50 feet off the road, and room for the brand new septic, and you can't meet all that with more than 75 feet from the water. He stated that members will see on the site inspection, that the house will now be in the middle of the property. He noted that the neighbor has a right-of-way with the septic tucked close, so this was taken into consideration.

Roger A. asked if the road was specifically for this property only, or did anyone else have access to it? Madge B. stated that the road doesn't go anywhere, it dead ends on this property. Mr. Matthews stated that he spoke with Joe Stanley (LinePro Land Surveyors), he said there was no reason for the house not to get pushed back. Mr. Stanley stated that the road becomes a driveway at this point. Madge agreed, as there is nobody else using that portion of the road. Roger said he was asking for legal reasons, if the neighbor had access to this. Madge did not think they could. Steve F. said it is likely, reading the deeds, that the neighbors have rights from their house back to the main road, but he understood Roger was wondering about rights going forward on the road. Steve asked if they owned property next door as well? Madge said that they did.

Ann H. asked as a board if they were just looking at the best practical location for after the camp is removed? Steve F. agreed that this was the case.

**Roger A. stated this would be a site inspection on an individual basis. A notice to abutters will be mailed as well.**

Mr. Matthews stated that the location was not staked out yet. He said it was shown on the plan, but he didn't pay to have it staked out by Joe Stanley yet. He asked what the board needed to see right now. Roger A. thought the board members could figure out, based on what they had, approximately where it was going to be located. Mr. Matthews said he thought they would see it was moving way back.

Roger A. asked if there were any trees coming out? Mr. Matthews stated that where it is coming back there will need to be some removed. He thought mostly what was coming out was scrub. He said the lot was fully wooded, so they would not be clearing the lot. He said the property owners only want to cut where they are building.

Roger A. asked if there were any other questions from members? There were none.

Mr. Matthews asked if members were ok without him staking out the area? Madge B. said it was flat, so it would be obvious. The members did not ask for him to stake the area out.

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**Growth Permits**

**Map 8, Lot 10B (Ross Corner Road) – New Home – F. Carney**

**GP #01-2023**

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

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**The Planning Board meeting ended at 7:50 p.m.**

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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)