

Shapleigh Planning Board
Minutes
Tuesday, October 24, 2023

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

Steve Foglio (Chairman), Thomas Clement, and Madge Baker were unable to attend.

Minutes are not verbatim unless in quotes “” – If the name of a Citizen making a comment was not requested by the Planning Board Chairman, the reference to their name will be known as ‘Citizen’ or ‘Abutter’ depending on who is speaking.

The Public Hearing began at 6:30 pm

Conditional Use Permit – Sale of Apparel Utilizing Garage – Map 4, Lot 45C (29 Walnut Hill Road) – Matthew Taggart, Applicant & Property Owner

Mr. and Mrs. Taggart were present for the public hearing.

There were no citizens in attendance for the public hearing. Ann H. asked Mr. Taggart to let the audience know what he intended to do. Mr. Taggart stated he wanted to sell apparel out of his garage.

Ann H. asked what the hours of operation would be? Mr. Taggart stated 8:00 am to 6:00 pm. Mrs. Taggart stated that to start they would only be open one day a week, but they believed they would expand on this in the future. The board understood and asked that they put in for the amount of hours they might want in the future. The hours of operation are to be listed as 8:00 am to 6:00 pm, Monday through Sunday (7 days a week).

Ann H. asked if Maggie or Norman had any issues with the application after the site inspection? Neither board member had an issue or question.

The Public Hearing ended at 6:32 p.m.

The Planning Board meeting started at 7:00 pm.

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

Ann H. asked members if there were any questions or comments regarding the minutes? There were not any. Norman B. made the motion to accept the minutes as written. Maggie M. seconded the motion. By a vote of 3 – 0, the minutes were accepted as written.

- **Unfinished Business**

Conditional Use Permit – Sale of Company Apparel Utilizing Garage – Map 4, Lot 45C (29 Walnut Hill Road) – Matthew Taggart, Applicant & Property Owner

Mr. & Mrs. Matthew Taggart were present for the review of the application.

Provided along with the application, was a copy of the town tax map showing the location of Lot 45C, along with a site plan. On the site plan, depicted is the location of the existing 4 bedroom house with attached deck, and garage; the pool; septic tank & leachfield; well; shed; 270' driveway and spaces provided to park 5 vehicles. The length of the driveway was noted as being 270' in length, the house/garage is located 222' from Walnut Hill Road, and there is 350' of road frontage. The parcel is 4.9 acres in size.

The application detailed description of the project is as follows: *Using garage space to sell company apparel. Hours of operation – Monday thru Sunday, 0800 to 1800. (8:00 am to 6:00 pm)*

Board members did a site inspection prior to this evenings meeting.

Ann H. again asked members if there were any questions regarding this application? There were none.

Ann H. began review of the Basic Performance Standards as follows:

- §105-20 – Applicability of standards; prohibited uses. *The application is not a prohibited use.*
- §105-21 – Traffic. *Ann stated that at the site inspection, the board wanted to be sure the traffic access was safe, and it is safe in both directions. She stated that it meets the site distances in the ordinance, this is a dead end road so there is limited traffic, and going into the property there is a turnaround on site, so people do not have to back out onto the road.*
- §105-22 – Noise. *Ann stated there is no excessive noise associated with this type of business. All business is conducted within the garage. The only noise will be conversation between the applicant & customers.*
- §105-23 – Dust, fumes, vapors and gases. *Ann asked if there were any dust, fumes, vapors or gases associated with the machine? The applicant stated, no.*
- §105-24 – Odors. *Ann stated there are no odors associated with this business.*
- §105-25 – Glare. *Ann stated there is existing lighting on site, the board noted it at the site inspection as it was almost dark. She said the area was lighted well, but the light does not glare onto Walnut Hill Road.*
- §105-26 – Stormwater runoff. *Ann stated there are no changes being made to the existing structures, and there is no current stormwater issue on site.*
- §105-27 – Erosion control. *Ann stated there are no changes being made to the landscape, all existing vegetation remains in place.*
- §105-28 – Setbacks and screening. *Ann stated there is adequate screening in place at this time. The garage sets back away from the road and lot lines.*
- §105-29 – Explosive materials. *Ann stated there are no explosive materials associated with this business.*
- §105-30 – Water quality. *There is no outdoor storage of fuel or chemicals associated with this business.*
- §105-31 – Preservation of landscape. *Ann stated there are no changes being made to the landscape. The parking is in existence and all activity takes place inside the existing structure.*
- §105-32 – Relation of proposed building to environment. *Ann stated the existing structure fits in well with the neighborhood, and she noted there were no changes to what exists at this time.*
- §105-33 – Refuse disposal. *The refuse, which will be minimal, shall be taken to the transfer station by the applicant as previously stated.*

- **§105-43** - Off-street parking and loading. Section F – *Ann H. stated that no one will be parking on Walnut Hill Road. She said there are two spaces required for patrons, and two spaces required for the property owners. There are five available spaces on site. The parking area is effectively screened, and there is an area to turn around on site. Ann added that there is room for additional parking spaces if they are needed. The applicant agreed there could be additional parking in front of the shed.*

Ann H. noted there was a plan provided, which was well done, which showed the lighting and parking on site.

- **§105-46** - Sanitary Provision. *There is a state approved waste disposal system on site. Ann stated there was discussion about a porta-potty, but it is not needed because there will be no access to the public for the bathroom facilities. This is not a food or beverage service.* Mrs. Taggart asked if they were to provide coffee and snacks in the future, would they have to come back before the Planning Board? CEO Demers stated that if they were not going to charge for the coffee and snacks, he did not feel it would be required. Ann agreed they would not need a permit.

Ann then began review of §105-73.G - Standards application to conditional uses, as follows:

- 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. There are no changes being made to the site location.**
- 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 encourages small family owned businesses.**
- 4) Traffic access to the site is safe. **Traffic access to the site is safe, it meets the site distance requirements in the ordinance.**
- 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. **This business does not require sanitary provisions. There is a state approved subsurface waste water disposal system on site for the applicant(s).**
- 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 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 to create an erosion issue.**
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like. **There are no dust, fumes, glare, or detrimental odors and the like associated with this business. There are existing buffers on the property.**
- 12) All performance standards in this chapter applicable to the proposed use will be met. **They shall with conditions.**

Ann H. listed the following conditions of approval:

- 1) Hours of operations are 8 am to 6 pm, Monday thru Sunday.
- 2) All patrons shall use the turn-around on site and not back out onto Walnut Hill Road.
- 3) Any signage will be approved through the Code Enforcement Office.

Ann H. asked if there was a motion to approve the Conditional Use Permit?

Maggie M. made the motion to approve the Conditional Use Permit for the sale of apparel in the existing garage, on Map 4, Lot 45C, with the stated conditions. Norman B. seconded the motion. All members were in favor of approval. By a vote of 3 – 0, the approval was unanimous.

Nothing further was discussed.

~~~~~

**The Findings of Facts**

- 1. The owner(s) of Shapleigh Tax Map 4, Lot 45C (29 Walnut Hill Road) are Megan J. Taggart and Matthew A. Taggart, whose current mailing address is 29 Walnut Hill Road, Shapleigh, Maine 04076, per Maine Statutory Short Form Warranty Deed - Book 17189, Page 351, dated 2/26/2016, registered at the York County Registry of Deeds.
- 2. The property is located in the General Purpose District, and according to the Assessor’s office, it contains 4.9 acres.
- 3. Provided was a copy of the town tax map showing the location of Lot 45C, along with a site plan. On the site plan, depicted is the location of the existing 4 bedroom house with attached deck, and garage; the pool; septic tank & leachfield; well; shed; 270’ driveway and spaces provided to park 5 vehicles. The length of the driveway was noted as being 270’ in length, the house/garage is located 222’ from Walnut Hill Road, and there is 350’ of road frontage. The parcel is 4.9 acres in size.
- 4. The application detailed description of the project is as follows: *Using garage space to sell company apparel. Hours of operation – Monday thru Sunday, 0800 to 1800. (8:00 am to 6:00 pm)*
- 5. The application as presented met the Basic Performance Standards in the Zoning Ordinance. This is an allowable use; the traffic access is safe; there is no noise produced by this business; there is no dust, fumes, vapors, gasses, or odors produced by the business; there are no lights shining onto neighboring properties or onto Walnut Hill Road; there are no changes to the property that would create stormwater or erosion; there is vegetative screening in place; there are no explosive materials used; there is no outside storage, so water quality is not affected; the existing structure is in existence and fits in well with the surrounding neighborhood; and there is minimal refuse from this business, which will be taken to the transfer station by the applicant.
- 6. The application met the requirements under §105-43, Off-street parking and loading – There are adequate parking spaces for the intended business, and the lot has effective screening in place.
- 7. The application as presented met the performance standards under §105-73 ‘Conditional Use Permits’ as per the documentation provided and as presented with three 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 small businesses; traffic access to the site is safe for the intended use, the entrance was approved by the Road Commissioner; the lot

is not located within the flood zone; there is an existing State approved subsurface wastewater disposal system on site, but customers will not have access to any toilet facilities; there is minimal waste associated with this business, which will be disposed of by the applicant; there is no hazardous waste being stored on site; the structure for the business is in existence and no changes are being made on site to create an erosion issue; there is existing vegetation and the structure sits well off the road, there shall be no lighting facing onto the road or neighboring properties, nor any fumes, dust, odors and the like.

- 8. A notice was mailed to all abutters within 500 feet of the property on October 12, 2023. Meetings were held on Tuesday, October 10, 2023 and Tuesday, October 24, 2023. A Public Hearing was held on October 24<sup>th</sup> prior to the meeting. A site inspection was also held on October 24<sup>th</sup>.
- 9. The Planning Board unanimously agreed to approve the Conditional Use Permit for the sale of apparel out of the existing garage on Map 4, Lot 45C, with three conditions.
- 10. **The condition(s) of approval are as follows:**
  - 4) **Hours of operations are 8 am to 6 pm, Monday thru Sunday.**
  - 5) **All patrons shall use the turn-around on site and not back out onto Walnut Hill Road.**
  - 6) **Any signage will be approved through the Code Enforcement Office.**

Motion:

After careful consideration and a review of all material presented to the Board, a motion was made on Tuesday, October 24, 2023, to approve the Conditional Use Permit for the sale of apparel out of the existing garage on Map 4, Lot 45C, with three conditions, per the information provided.

Vote & Decision

**By a unanimous vote of 3 – 0, the Conditional Use Permit for the sale of apparel out of the existing garage on Map 4, Lot 45C, with three conditions, per the information provided was accepted. In conclusion, the Conditional Use Permit for the sale of apparel out of the existing garage on Map 4, Lot 45C, with three conditions was approved.**

-----  
New Business:

**Conditional Use Permit – Earth Moving to Replace Retaining Wall in the SD – Map 17, Lot 44 (167 30<sup>th</sup> Street) – Carl Beal, PE, Applicant; Paul Muse, Representing; James & Diane Coughenour, Property Owner**

Paul Muse was present for the review of the application, along with Mr. Coughenour.

Provided along with the application, was a cover letter from Carl V. Beal, P.E. #5013, dated October 11, 2023, which stated in part the following: Enclosed please find a Conditional Use Permit application for replacement of an existing dilapidated retaining wall on Lower Mousam Lake in Shapleigh, Maine. Mr. Coughenour has retained Acton Excavators (Paul Muse) to install the replacement wall this fall, during the period when Mousam Lake will be lowered to winter level. Construction access to the wall will be through abutting property of Spinney, who is also replacing his retaining wall this November.

Provided were photos of the existing retaining wall along the water's edge, which depicted the deterioration of the wall. Also provided was a sketch plan, drafted by Carl Beal, of the Existing Retaining Wall, depicting it as being 4.5' in height, and 2 ½' deep.

Provided was a sketch plan of the New Retaining wall, drafted by Carl Beal, which depicts the wall as being comprised of (3) courses of 18" x 27" x 48" precast blocks, with crushed stone placed under and behind the new wall. Also on the sketch plan is a 3 foot area directly behind the new wall consisting of conservation mix mulch, and 15 "Bar Harbor" Junipers, spaced 5' on center. Photos of the blocks to be used were also provided.

Provided was a Site Plan for the Coughenour Family – Located at 167 30<sup>th</sup> Street, Shapleigh, Maine', drafted by Steven C. Horne, LLC PLS #2389, dated 10/11/2023. The plan depicts the location of the Existing Dilapidated Wall, approximately 12" wide by 4' tall. Also on the plan is the location of the existing camp, porch, patio area, two ramps, and the area to be landscaped per the plan provided. Proposed Improvements listed on the plan are as follows: 1. The old, dilapidated, poured concrete wall is to be removed and replaced with a precast, interlocking, concrete block wall, per attached specs. 2. The new wall is proposed to be placed in the same footprint as the old wall. 3. Construction access will be provided through the Spinney Property.

Provided was a copy of the Permit by Rule Notification Form, dated 10/14/2023. The Brief Project Description on the application is as follows: Replacement of an existing dilapidated concrete retaining wall along the shore of Mousam Lake, with a precast concrete block retaining wall structure. Coughenour has retained Acton Excavators to perform the work in November when the lake will be lowered to winter level.

The application detailed description of the project is as follows: *Replacing a dilapidated retaining wall along the shore of Lower Mousam Lake. Acton Excavators intend to do the work this November, when the lake is lowered.*

Mr. Muse provided additional copies of the site plan for both Map 44 and Map 43; these copies were large for members to easily review the proposals.

Ann H. stated the next application was for earth moving in the Shoreland District for Carl Beal, Paul Muse representing James and Diane Coughenour, the property owner. Ann asked if he would state what he wanted to do. Paul Muse stated he was representing both Jim Coughenour and Dave Spinney. He said they would be replacing an existing dilapidated retaining wall on 167 30<sup>th</sup> Street for Mr. Coughenour and 171 30<sup>th</sup> Street for Dave. He said the board could review the pictures, which were provided with the application, of the old wall.

Barbara F. stated that she thought it would be best if members reviewed both properties at the same time as they were side by side. She said one property was a little different, as there are trees being removed, and noted the trees were on the plan provided.

Mr. Muse said he would be replacing Mr. Spinney's wall in conjunction with Mr. Coughenour's wall. He said that he wanted the board to know that Dave Spinney needed two trees removed in order to access the retaining wall; one is dead and one is alive. He said there were other trees being removed, because they are large, dying, and the applicant is concerned for his cottage. He said on the plan the board will see the trees to be removed. Mr. Muse stated that he and CEO Demers decided it was best to provide this information to the board (meaning all the trees being removed), all at one time. Barbara F., speaking to CEO Demers, stated that the trees around the cottage being removed have nothing to do with the

Planning Board. The two being removed to access the wall, are for the board to review. CEO Demers agreed, he said he wanted the board to know they are removing other trees, so they would not be surprised if they saw them being removed.

Ann H. stated the board needs to schedule a site inspection. She asked the applicants if they would mark the trees that need to be taken down. The property owner stated that the trees are already marked with ribbons, for those that are coming down around the house. Mr. Muse stated the two trees being removed for the wall reconstruction are marked with yellow paint. He said the same tree company is taking down all the trees, but it is two different projects being done at different times.

Ann H. asked about the revegetation plan. Barbara F. stated they provided one. Mr. Muse stated that for Dave Spinney they proposed to put in low lying junipers about every five feet, or whatever the board feels is necessary. He said for James Coughenour, they thought they could do the same thing, but Jim asked if they could have lawn in the area right before the lake. Ann stated that the board is looking for rooted plants for erosion control, so there may need to be juniper there and then you can plant something behind those. She said the board had to see what was there now. Mr. Muse stated currently it is sand. Ann said it can be hard to get plants to grow, but if they want to know what might grow there, York County Soils and Water Conservation might be able to suggest what would work. Mr. Muse stated that is why they suggested the junipers. He said they would like to put in the lawn in addition to the junipers. Ann said the board was good with accepting junipers as a choice.

Barbara F. asked if the board wanted to do the site inspection on the weekend or during the week? Ann H. asked the applicants if they minded the board members doing the site inspection on their own, as time allowed for each member. She said it was better to do it as a group, but this time of the year it was difficult. Board members agreed to go on an individual basis.

**Ann H. stated board members will do the site inspection on an individual basis for both applications. Barbara F. stated a notice to abutters will be mailed as well.**

Ann H. stated the next review of the application will be on Tuesday, November 14 at 7:00 pm.

Barbara F. asked members to look over the application(s) to be sure they had everything they needed. Members stated the application was filled out; a revegetation plan was provided done by a licensed engineer; a site plan was provided, done by a licensed surveyor; the Permit by Rule was provided; pictures were provided; and a sketch of the existing wall and proposed wall, drafted by a licensed engineer were provided. Board members believed the application was complete as presented.

Nothing further was discussed.

-----

**Conditional Use Permit – Earth Moving to Replace Retaining Wall in the SD – Map 17, Lot 43 (171 30<sup>th</sup> Street) – Carl Beal, PE, Applicant; Paul Muse, Representing; David Spinney, Property Owner**

Paul Muse was present for the review of the application.

Provided along with the application, was a cover letter from Carl V. Beal, P.E. #5013, dated October 11, 2023, which stated in part the following: Enclosed please find a Conditional Use Permit application for replacement of an existing, dilapidated retaining wall on Lower Mousam Lake in Shapleigh, Maine. Mr. Spinney has retained Acton Excavators to install the replacement wall this fall, during the period when Mousam Lake will be lowered to winter level. The application also includes removal of 7 existing trees, 2 of which will provide construction access to the lake and 5 that are dangerously close to the residence.

The remaining trees should provide a point total of 24 or more and therefore not require planting of any additional trees.

Provided were photos of the existing retaining wall along the water’s edge, which depicted the deterioration of the wall, along with photos of the trees to be removed. Also provided was a sketch plan, drafted by Carl Beal, of the Existing Retaining Wall, depicting it as being 4.5’ in height, and 2 ½’ deep.

Provided was a sketch plan of the New Retaining wall, drafted by Carl Beal, which depicts the wall as being comprised of (3) courses of 18” x 27” x 48” precast blocks, with crushed stone placed under and behind the new wall. Also on the sketch plan is a 3 foot area directly behind the new wall consisting of conservation mix mulch, and 15 “Bar Harbor” Junipers, spaced 5’ on center. Photos of the blocks to be used were also provided.

Provided was a ‘Preliminary Site Plan for the Spinney Family, Located at 171 30<sup>th</sup> Street, Shapleigh, Maine’, drafted by Steven C. Horne, LLC, PLS 32389, dated 9/26/2023. The plan depicts the existing camp w/deck; Existing Dilapidated Wall approximately 2.5’ wide by 4’ tall; Existing Dilapidated Wall is “Normal High Water” line; Existing Poured Concrete Wall to remain undisturbed; existing trees on site (16) and 6 trees to be removed; and a notation stating ‘this area to be landscaped per approved specs’. Proposed Improvements notes written as follows: 1. The old, dilapidated, poured concrete wall is to be removed and replaced with a precast, interlocking, concrete block wall, per attached specs. 2. The new wall is proposed to be placed in the same footprint as the old wall. 3. The 7 trees labeled TBR, depicted hereon, have been deemed hazardous, dangerous or damaged and are proposed to be removed, all others are to remain.

Provided was a copy of the Permit by Rule Notification Form, dated 10/6/2023. The Brief Project Description on the application is as follows: Replacement of an existing dilapidated concrete retaining wall along the shore of Mousam Lake, with a precast concrete block retaining wall structure. Spinney has retained Acton Excavators to perform this work and they intend to do it in November 2023 when the lake level will be lowered by the City of Sanford.

The application detailed description of the project is as follows: *Replacing a dilapidated retaining wall along the shore of Lower Mousam Lake. Acton Excavators intend to do the work this November, when the lake is lowered.*

*See above application for the discussion.*

**Conditional Use Permit – Earth Moving to Replace Retaining Wall in SD – Map 28, Lot48 (39 Carpenters Cove Road) – Mainely Barge, Applicant; Brendan Hayes, Property Owner**

Matt Colton and Cole Arey of Mainely Barge were present for the review of the application.

Provided along with the application, was a Letter of Authorization, which stated in part that Brendon Hayes grants permission to Mainely Barge LLC to act as his agent in all aspects in order to obtain a permit for the property located at 39 Carpenters Cove Road, Map 28, Lot 48. Mainely Barge is allowed to answer any questions on his behalf, and to sign any document pertaining to this project.

Provided was a sketch which had a square that said ‘House’, and a block representing the wall, that measured to be 50’ long x 18’ in height, and 10’ long by 8’ in height, for a total of 60’ in length.



Provided was a copy of a Permit by Rule Notification Form, dated 10/5/2023. The Brief Project Description was as follows: *Replace Existing / Failing Retaining Wall at 30 Carpenters Cove Road. Wall is at lake front.*

The application detailed description is as follows: *Remove and replace sea wall from 39 Carpenters Cove Road with Pepin Precast Block's per Engineered Design.*

Ann H. began by stating that Mainely Barge has been in front of the board many times, so they should know what the board needs and it was not provided. She stated the application was not filled out completely, (mailing addresses missing, location of property address missing), there is no revegetation plan, there is no site plan. Norman B. agreed the application was not filled out. Ann showed them one that had been filled out, comparing it to what they submitted.

Matt C. stated that this was a difficult location, and he wasn't sure the board would approve it. He said there was a wall there now, but it is falling into the water. Ann H. stated that they should get an engineer to design the new wall. Matt stated that the blocks would have an engineer's stamp, which is what the board accepted in the past. Barbara F. stated that Ann was also talking about the revegetation plan. Matt asked if they need an engineer for that? Barbara stated that the ordinance calls for a professional to design the plan, the board is not qualified. Matt thought he could attach the email listing the vegetation that York County Soils recommends. Barbara stated that they need a plan *designed*.

Ann H. stated the board will look at the site prior to the next meeting. Matt C. said there are weeds growing out of the existing wall, and he can't plant weeds in the new wall. Ann agreed, and said that just because something is there, it doesn't mean it is something that should be put back. Ann asked what the goal of planting is? Matt stated to save from erosion. Ann agreed, and said the board needs an erosion mitigation plan. Matt stated they used to have an erosion plan without plantings. Ann stated that was because the previous board was not following what was in the ordinance. She said the board's job is to follow the ordinance. Matt said what he needs is an email from York County Soils saying in sandy course gravel junipers will work.

Ann H. read the ordinance section that pertained to this application and revegetation requirements as follows:

- **§105-51.3** - Revegetation requirements. When revegetation is required as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following:
  - A. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is, to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
  - B. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

- C. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
  
- D. Revegetation activities must meet the following requirements for trees and saplings:
  - (1) All trees and saplings removed must be replaced with native noninvasive species;
  - (2) Replacement vegetation must at a minimum consist of saplings;
  - (3) If more than six (6) trees or saplings are planted, then at least three (3) different species shall be used;
  - (4) No one species shall make up 50% or more of the number of trees and saplings planted;
  - (5) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
  - (6) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year period.
  
- E. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
  - (1) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
  - (2) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
  - (3) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
  - (4) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
  - (5) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.
  
- F. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
  - (1) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
  - (2) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
  - (3) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

Ann H. stated that even though in the past they were using mulch, you have to have something along with mulch, something that will grow and have roots. She said it just cannot be mulch. She said in the past a lot of people were just using mulch and it was washing away.

Cole A. stated that when the board sees the location, the hard part is they are using the large Pepin blocks that are 42 inches deep, so the sea wall comes up three or four courses, and then the wall steps back 4 feet, so there is 48 inches. He said the block is 42 inches with a 4 inch lip, and that is going to be all concrete and stone. He said you cannot grow anything on the first tier. Ann asked how far the wall area is from the house? Cole stated that was the sea wall (the wall at the water) and then it will step back and go about five courses up. He said all the vegetation the board is looking at is on the existing sea wall, because it is not concrete, it is timbers. Ann said it was obvious there would be no vegetation on the wall. Cole said that is why they want the board to look at it, because they can't put vegetation on the wall. Matt C. said he can give the board the email stating what is native to the area. Ann asked what was going to keep the stormwater from going into the lake. Cole stated, stone. He said the water would run through the stone. Ann agreed the board had to see it. Matt said they would rather the board tell them what they prefer, so then they can have it done. Ann stated the board cannot do that. She said they need to bring the board a revegetation plan, which can be amended at the meeting. Ann added that every application for a wall needs a revegetation plan, and the application needs to be filled out in its entirety.

Matt C. said they need to provide a revegetation plan, and he asked if the engineers stamp for the block will work. Ann H. stated she was concerned in this situation, and she could not make a decision until she goes on site, but if the house is going to be compromised due to the work being done, she felt a qualified professional, such as a structural engineer, should be consulted for the project. CEO Demers did not believe they needed it as long as they use an engineered product for the wall, and it is installed per manufacturer's specifications. Ann said that when they remove the existing wall, it is going to compromise the site. Matt said it was railroad ties. Ann was concerned with what was going to happen to the earth once the wall is removed. CEO Demers said their main goal was to make sure the house does not land in the lake. Matt said he was not putting a super effort into the application, because they really didn't want to do it. He said the job was pretty dangerous. Ann said, she felt at the next meeting, she was going to ask for a structural engineer's opinion, due to the proximity of the wall to the house and the steep embankment. She said she did not want anything to fall into the water. Matt asked if there was a requirement for this in the ordinance? Ann H. stated the board can request information they feel is necessary, but she did not know the exact ordinance. Matt said if they do not do the job now, if they cannot do it now until ice in, they will be pulling the boat (barge) out. Ann said the board is trying to protect the lake. Matt said they want to know everything they need so they do not get a curve ball. Ann said they need to provide a revegetation plan, but the board cannot determine this evening what is needed, they need to go to the site. She said the goal is for the project not have anything fall into the lake, and if they think it will, there is a problem. Matt said if no one does anything it likely will. Ann said that is for the homeowner to determine and do something about it. She said if nothing is done, and it falls into the lake, the issue is on the homeowner, not Mainely Barge. She said if they are coming before the board, to replace the wall, the board has to determine that it will be done correctly. Matt said this is a close wall (to the house), he said the board can't come up with a new ordinance saying there has to be an engineered plan. Barbara F. stated there isn't a new ordinance, the Planning Board can ask for what they feel is necessary to make a site safer. She said they can ask for an engineer to give an opinion, they can ask for an engineered plan if they determine it is necessary. She stated that until the board sees the site, they cannot determine what they will require. She said based on this, he cannot say 'give us everything we need'; the board cannot until they determine at the site what will be required. Matt said there was a time crunch. Barbara said they cannot do anything about that. Ann added that she was trying to give him an idea of what might be required and why. Barbara added that Ann read the revegetation requirements, so they have that information. Matt agreed. Barbara stated that until the board does a site visit, they cannot determine if the information provided is accurate or enough.

CEO Demers asked if there was a Permit by Rule in place? Matt C. stated there was. Ann H. noted Mainely Barge usually sends that in, they just did not complete the application requirements.

Ann H. stated that the board would do a site inspection and bring the application back up on November 14<sup>th</sup>. A notice to abutters will be mailed as well.

Nothing further was discussed.

-----  
**Other:**

**Post Construction Pictures for Conditional Use Permit for Retaining Wall on Map 26, Lot 43, 19 Buccaneers Way**

Pictures were provided by the contractor on the project. The pictures depicted the new wall, along with plantings below the wall to stop erosion from going from the road to the lake.

Board members agreed the revegetation done for 19 Buccaneers was completed as approved.

-----  
**CEO Demers**

CEO Demers noted that he did not review the last application, they never came to him prior to submitting it to the board to see if it was completed.

CEO Demers stated that the Shapleigh School brought him a plan to change how traffic would be moving on site. There would be one loop for bus traffic only, and one for drop off for parents. He said there was also going to be an additional parking area for overflow.

Ann H. asked if they were changing anything? CEO Demers stated they would be having one more curb cut, new parking space, and revegetating an old parking space. He felt in the new area, there should be a stormwater runoff plan. Barbara F. stated that the curb cut would be approved by the State. CEO Demers agreed. CEO Demers stated there was no issue with the line of site.

Members believed this was probably a good idea, as currently traffic backs up onto Route 11. CEO Demers did not know if this would solve the issue in its entirety, but it will help.

CEO Demers wanted to know if the Planning Board should review this or just have him do it. He said the board could review stormwater runoff, lighting, and go through all the conditions in the ordinance. Ann H. thought they would get a professional to do the stormwater plan. CEO Demers stated that if the board thinks they should get a stormwater plan, then he feels this should go before the Planning Board and he will let them know this is what the board wants to see. Norman B. asked who would come before the board? CEO Demers stated there was a firm representing RSU57. Ann said the plan stated Atlantic Resource Consultants out of Freeport.

CEO Demers stated that because it is a municipal property, there are no permit fees associated with it, but they will have to fill out an application. Ann H. asked if there were any water problems on site? CEO Demers was not aware of any. Barbara F. stated the good thing about going before the Planning Board, is there will have to be a public hearing, and that will let people know what is taking place, which is always a good thing.

CEO Demers, looking at the current plan, did not think the parking spaces were large enough, based on the 200 sf required in the ordinance. He said they would also have to let the board know if the parking area was going to be lit and if so, would vegetation be required. Barbara F. noted that vegetation is no

longer required on the road for safety reasons, but it could be required along the lot lines to keep light off the neighboring property. The board also spoke about snow removal and where that would be located.

CEO Demers decided that the project should come before the Planning Board after this evening’s discussion.

Nothing further was discussed.

\*\*\*\*\*

**Growth Permits**

**Map 1, Lot 20G (Lebanon Road) – New Home – Raymond, Applicant**

**GP #20-2023**

Meets the minimum requirements in the ordinance for lot size and has 260.66’ for frontage on Lebanon Road.

**Map 12, Part of Lot 9A-3 – New Home – Ramsdell, Applicant**

**GP #21-2023**

Lot 9A-3 contains 6.05 Acres, with 435.14’ on Gray Road, having enough acreage and road frontage to be divided. The new lot must contain a minimum of 80,000 sf, and 200 feet on the road.

\*\*\*\*\*

**The Planning Board meeting adjourned at 7:50 pm.**

The Planning Board meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 7:00 pm, unless it falls on a holiday or Election Day. Should there be a cancellation due to a storm event, holiday, or Election, the meeting will typically be held the following Wednesday, also at 7:00 p.m. Public hearings are held at 6:30 pm, just prior to the meeting.

Please contact the Land Use Secretary if there is a question in scheduling, 207-636-2839, x4.

Also visit [www.Shapleigh.net](http://www.Shapleigh.net), there is a calendar of events, and you will find Planning Board information there, including schedules, the agenda, and minutes of the meetings.

Respectfully submitted,  
Barbara Felong, Land Use Secretary  
Town of Shapleigh  
[planningboard@shapleigh.net](mailto:planningboard@shapleigh.net)