

*Shapleigh Planning Board*  
*Minutes*  
Tuesday, November 28, 2023

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

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Minutes are not verbatim unless in quotes “” – If the 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.

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

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

*Steve F. asked members if there were any questions or comments regarding the minutes. Norman B. stated that he believed in paragraph 6 on page 2, the site he was referring to was 167 30<sup>th</sup> Street and not 171, and the person being referred to was Mr. Coughenour, not Mr. Spinney. He also stated that he believed Mr. Muse was speaking as well. Barbara F. will review the recording and change the paragraph accordingly.*

*Barbara thanked Norman for his comments, and reminded members that when several people are speaking at once, it is difficult to know who is engaged in the conversation. She said often there are multiple conversations going on at once. CEO Demers stated that all comments should be directed to the Chairman, and they should ask if they can participate. Barbara agreed, saying again she only records the ‘loudest’ voice she hears, and it is not always who a member of the board is speaking to. Norman added that anyone being recognized by the Chairman to speak should also state their name. Barbara agreed, as did the other members. Steve F. stated that he will address this issue at the beginning of the meetings in the future. The minutes were accepted as amended.*

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• **Unfinished Business**

**Conditional Use Permit – Earth Moving in Stream Protection for Driveway – Map 4, Lot 1 (Back Road) – Todd Bresett, Applicant & Property Owner**

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

Provided along with the application, was an ‘Elevation Design for Crossing Stream’, drafted on 11/1/2023, by Bresett Carpentry of Sanford, Maine. The designed depicted a 5’ Diameter Plastic Culvert 20’ Long. The plan had notations stating the following: ‘Min. 18” from Top of Culvert to Top of Driveway’, ‘Top of Driveway to be 12’ Wide’, ‘3” Minus Fill 12’-16’, ‘2 to 1 Slope’, ‘Erosion Mulch Above Riprap’, ‘Culvert to be Embedded 1’ Below Existing Stream Bottom’, ‘6” – 8” Riprap Along Side of Culvert Upstream & Downstream’, and ‘Upstream and Downstream Silt Fence with Stump Grindings for Erosion Control’.

Provided was a copy of a Preliminary Plan for the Division of Land on Map 4, Parcel 1 (Back Road, Shapleigh, Maine), drafted by Kimball Survey & Design, Inc. of York, Maine, dated October 25, 2023. The plan depicts 2 lots, one named Map 4, Parcel 1, consisting of 6.12 acres, and the second lot, Lot A, consisting of 6 acres.

Provided was a Driveway Permit application for Todd Bresett, Map 4, Lot 1 (Back Road), approved by Jeff Goodwin, Southern Road Commissioner, dated 11/1/2023.

Provided was a DEP Permit by Rule Notification Form, dated accepted on August 15, 2023 for a new driveway across stream. The Brief Project Description on the application is as follows: *New Driveway to cross over small stream with 6' diameter 20' length Plastic Culvert, Drive to be 12' wide with 1' shoulder for a 15' flat top area, slopes to be 2:1. 18" of 3" minus over top of culvert. Culvert will be embedded 1' down into stream bed. Fabric on sides of culvert with 6"-8" riprap with stump grindings upstream/downstream.*

The application detailed description is as follows: *Install Driveway off of Back Road into lot over stream (DEP Permit by Rule Approved).*

Steve F. stated the first application was for Mr. Bresett for the stream crossing. Steve said the only question he could see, after reviewing the last minutes, was concerning information he provided to members this evening regarding the unscarified strip required. He said it is simpler than the board thought, it was just the woods or whatever is on site now. He said what the ordinance is looking for, and this information is also on the State of Maine Forestry website, which is a good place to go if the applicant has any questions, is what is required for anything with a 0 to 10 degree slope, needs a 25 foot wide buffer strip or undisturbed strip from the high-water-mark of the stream, back toward the ditch, of woods or whatever is there now. He said it needs to be an area that is not disturbed. Mr. Bresett stated that from the Back Road over to the stream, that is at 0 percent. He said the other side goes uphill, so it may need to be 45 feet back. Steve said that the more Mr. Bresett can do to prevent the sedimentation from going in the stream the better. Mr. Bresett agreed and said it should not be a problem.

Madge B. asked Steve F. if the board was reviewing the application because he was moving 150 cubic yards of earth? Steve said that no, this is a conditional use. Madge asked why it was a conditional use? Steve was not sure. Barbara F. thought that it was because it was a stream crossing.

Steve F. stated that upon reading the ordinance, it is taken directly from the State's code. He said the town's ordinance is almost verbatim as to what the State has for regulations for stream crossings. Madge B. asked if the ordinance says 'stream crossing' requires a conditional use? Steve stated that under §105-59.A it states, 'The following roads and/or driveways and water crossing requirements shall apply Townwide'. CEO Demers thought she might be talking about §105-17 in the Land Use chart. CEO Demers looked at that section and said he did not see it there. Steve said that under §105-17, earth removal, dredging or filling, it is a conditional use. Madge agreed, but if it is 150 cubic yards. Steve believed it was definitely over 150 yards for the entire road. Mr. Bresett said it was at least going to be 100 yards. Madge said she understands it needs a permit, she just wanted it to be sure it was for the Planning Board. Steve believed it was either the board or the CEO, it was the CEO's option.

Steve F. stated that at the last meeting the board reviewed §105-59 in its entirety, and the only question he recalled was about the buffer strip exposed between the normal high-water-mark and the soil. He wanted to be sure that it was clear on what is required. Mr. Bresett stated that it showed on the diagram that Steve provided this evening, what was required. He said because of the size of the culvert, he will be going uphill in an area. He said there would be no stormwater going over the culvert into the stream. He said he would have riprap on both sides of the culvert as well.

Steve F. asked if the stream crossing where the culvert is going was level, or is there a pitch to it? Mr. Bresett stated that it was fairly level. He said that the culvert will be down into the stream bed by a foot, so the natural habitat will be there. Steve stated this would be in the conditions of approval.

Madge B. asked if this was a driveway for a house? Steve F. stated, “Two”. Madge asked where the frontage was for the houses? Steve said, “Back Road”. Madge said she could see that one of the two lots has enough frontage, but she was not sure about the second lot, she could not read the small print. Members tried to figure out what the frontage was on the plan. CEO Demers asked if this was currently one lot? Mr. Bresett said, “Yes”. CEO Demers said the road frontage was accomplished for the existing lot. Madge asked if there was 200 feet. CEO Demers said there had to be. Mr. Bresett said he thought it was 230 feet, and to the second pin it was 170 feet. CEO Demers stated that each lot that gets created will have to be a conforming lot.

**Steve F. stated that the conditions are:**

- 1) The culvert shall be no less than 5 feet in diameter, set one foot down into the stream, with the soil compacted halfway up the culvert, as shown on the plan.**
- 2) A 25 foot buffer strip to be left on each side of the culvert, as a minimum.**

Steve asked if anyone else had anything to add? There were no comments. He said he would entertain a motion.

**Ann H. made the motion to approve the culvert over the stream crossing on Map 4, Lot 1, per the plans provided and with the stated conditions. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to approve was unanimous.**

Nothing further was discussed.

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**Findings of Fact**

- 1. The owner(s) of Shapleigh Tax Map 4, Lot 1 (Back Road) are The Bresett Family Living Trust, u/t/a dated October 30, 2018, having a mailing address of 402 Sam Allen Road, Sanford, Maine, per Warranty Deed, BK 19313, PG 396, recorded 9/15/2023 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 11 Acres. (The deed states 12.12 more or less, as does the survey provided.)
- 3. Provided was an ‘Elevation Design for Crossing Stream’, drafted on 11/1/2023, by Bresett Carpentry of Sanford, Maine. The designed depicted a 5’ Diameter Plastic Culvert 20’ Long. The plan had notations stating the following: ‘Min. 18” from Top of Culvert to Top of Driveway’, ‘Top of Driveway to be 12’ Wide’, ‘3” Minus Fill 12’-16’, ‘2 to 1 Slope’, ‘Erosion Mulch Above Riprap’, ‘Culvert to be Embedded 1’ Below Existing Stream Bottom’, ‘6” – 8” Riprap Along Side of Culvert Upstream & Downstream’, and ‘Upstream and Downstream Silt Fence with Stump Grindings for Erosion Control’.
- 4. Provided was a copy of a Preliminary Plan for the Division of Land on Map 4, Parcel 1 (Back Road, Shapleigh, Maine), drafted by Kimball Survey & Design, Inc. of York, Maine, dated October 25, 2023. The plan depicts 2 lots, one named Map 4, Parcel 1, consisting of 6.12 acres, and the second lot, Lot A, consisting of 6 acres.
- 5. Provided was a Driveway Permit application for Todd Bresett, Map 4, Lot 1 (Back Road), approved by Jeff Goodwin, Southern Road Commissioner, dated 11/1/2023.

6. Provided was a DEP Permit by Rule Notification Form, dated accepted on August 15, 2023 for a new driveway across stream. The Brief Project Description on the application is as follows: *New Driveway to cross over small stream with 6' diameter 20' length Plastic Culvert, Drive to be 12' wide with 1' shoulder for a 15' flat top area, slopes to be 2:1. 18" of 3" minus over top of culvert. Culvert will be embedded 1' down into stream bed. Fabric on sides of culvert with 6"-8" riprap with stump grindings upstream/downstream.* (Note: Actual culvert size is 5 feet.)
7. The application detailed description is as follows: *Install Driveway off of Back Road into lot over stream (DEP Permit by Rule Approved).*
8. A notice was mailed to all abutters within 500 feet of the property on November 15, 2023. Meetings were held on Tuesday, November 14, 2023, and Tuesday November 28, 2023.
9. The application as presented met the performance standards under §105-73 'Conditional Use Permits' as per the documentation provided and as presented with two conditions. The proposed culvert over stream for a new driveway will not have an adverse effect on aquatic life or wildlife; Best Management Practices (BMP) shall be used during construction and measures will be put into place to prevent driveway silt from going into the stream; the Comprehensive Plan does not directly address this at present but does want stream protection standards; there is safe access to this location, there is a driveway permit issued by the Road Commissioner for the intended location; there is no need for a septic system required for this project; there are no hazardous materials associated with the application; there shall be no additional stormwater going into the stream or onto adjacent properties during construction or after the project is completed – the applicant shall implement soil erosion measures indicated under §105-59, and required BMP shall be approved by the Code Enforcement Officer; the project does not require fire protection; the area around the culvert will be revegetated using native vegetation; and there is no glare, odors and the like produced by this project; all performance standards shall be met with two conditions.
10. The application as presented met the requirements under §105-59 'Roads, driveways and water crossings'. The area disturbed shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies per the plan provided; the slope shall not be greater 2:1 per the plan provided; drainage ditches shall be stabilized to prevent unreasonable erosion; there shall be an unscarified filter strip for a minimum of 25 feet between exposed mineral soil and the normal high-water-mark and ditching shall be constructed and maintained to empty into the unscarified filter strip as discussed and per the ordinance; and the culvert and other storm water runoff control installations shall be maintained on a regular basis to assure effective functioning.
11. The Planning Board unanimously agreed to approve the Conditional Use Permit for installation of a culvert over the existing stream for a new driveway from Back Road into Map 4, Lot 1, per the plans provided, with two conditions.
12. **The conditions of approval are as follows:**
  - 1) **The culvert shall be no less than 5 feet in diameter, set one foot down into the stream, with the soil compacted halfway up the culvert, as shown on the plan.**
  - 2) **A 25 foot buffer strip to be left on each side of the culvert, as a minimum, per the ordinance requirement.**

**Vote & Decision:**

By a unanimous vote of 5 – 0, the motion to approve the installation of the culvert over the existing stream, for the new driveway from Back Road onto Map 4, Lot 1, per the plans and information provided, with two conditions, was accepted. In conclusion, the Conditional Use Permit to install the culvert over the existing stream, for the new driveway from Back Road onto Map 4, Lot 1, per the plans and information provided, with two conditions, was approved.

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**New Business:**

**Conditional Use Permit – Host Weddings & Events – Map 8, Lot 34A (625 Ross Corner Road) & Parking Area on Lot 34B (637 Ross Corner Road) – Amanda Wheeler, Property Owner**

Ms. Wheeler was present for the review of the application, along with her husband, Clayton.

Provided along with the application was a partial GIS photo depicting vegetation on site, along with a structure.

The application detailed description of the project was as follows: *We would like to host weddings and events at our property.*

Provided this evening was a site plan for Lot 34A showing the distance from the main house, dance hall, and reception barn to the lot lines and Ross Corner Road. Also on the site plan was the location of the driveway entrance onto Lot 34B, along with the site distance from the driveway. The site distance in one direction was written as 744 ft., and the other as 560+ ft. (The minimum recommended in the ordinance under §105-21, at 35 mph is 350 ft.)

Provided was a parking plan for Lot 34B, which depicted the driveway location; the area for parking; the general location of 75 parking spaces; and the general area for automobiles to turn around on site.

Steve F. stated the next item on the agenda was for Amanda Wheeler, and he asked her to tell the board what she would like to do. Ms. Wheeler asked to be called Mandy. Mandy stated they bought the property on Ross Corner Road that Ed and Gretchen Wood originally built. She said they purchased it a year ago, and had intentions to make it into an events venue. She stated that the main house is over 10,000 square feet, it has an indoor heated pool, an elevator, a gym, and a library. She said there is also a tennis court, two outbuildings, and is on 55 acres of land. She said they lived in it for a year and now they are ready to open it up and have it be a venue for others. Primarily they will be focusing on promoting weddings; there are two outbuildings, one to host dinners and the reception, and the other outbuilding, which is fully heated, can be for the dancing. She said there is an open area of land with a little pond.

Mandy stated the main house could sleep 30 or 40 people, so the entire bridal party could sleep in the main house. She said they are also open to other events, such as corporate events; if a company wants to host an employee event, if Shapleigh wants to have a holiday party, we have many options to host in the large space for many people to gather.

Steve F. asked if they will live on site while they host events? Mandy stated there was a separate part of the house that has its own bathroom and private entrance, along with a separate driveway. She said they had a bed set up there, and they stay there with their cat. She said when they rent out the main house, they will have their own entrance and exit, so they are on site, but not occupying the whole house. She said when the guest leave, they can go into the house, clean it, and swim in the pool. She said they live at this location but also have a house in Bowdoinham, and go back and forth. She said she is a Realtor, and she

owns her own agency, and she owns 7 properties. She noted they have a place in Portland, Florida, Greenville, all of which they spend time at. She stated that with the place in Shapleigh, she will be there for the events.

Steve F. said for this evening the board can review the application, determine what they need, and do a site visit. Mandy said she had no issue with members coming to the site, adding that she has been enjoying having neighbors over. She said it is a unique property that she enjoys sharing with others. Steve asked how large the house was? Mandy stated it was over 10,000 square feet, and noted that was just the main house. She said there were also outbuildings.

Madge B. said, “So you are not proposing construction.” Mandy stated, “No, none.” She said it was already set up perfectly for this. Ann H. asked if there was a lot of outside lighting to light up the area. Mandy stated there was some lighting on the buildings, and they just bought string lights, and strung them between buildings. She said that 625 Ross Corner Road is the 50 acres with the house and two outbuildings. She said the lot to the left, 637 Ross Corner Road is 3 acres of land. She said she purchased the estate at 625 Ross Corner Road, and then six months later purchased 637, and this additional piece of land is now the parking lot. She said there is a short walkway over to the parking area from the event area. Ann asked if the area was already cleared off for the parking area? Mandy stated that it was interesting, Lot 625 is very wooded, but 637 had very few trees on it, it was mostly fields. She said they did a little earth work to flatten the area, but it was essentially ready to be used for parking. She added that this lot has its own septic system, so eventually she would like to build a bathroom on site, so when guests arrive after a long drive there would be a bathroom for them to use. She said this would be in the future. She said there used to be a structure that burnt down. She said that each lot has its own driveway, and she explained the general location.

Steve F. stated that this fell under §105-73 as a Conditional Use.

**Steve began review of the Basic Performance Standards as follows:**

- 105-20** – Applicability of standards; prohibited uses. *Standards apply to all new or expanded uses of land and buildings which are listed as permitted or conditional uses in Article IV of this chapter. This application is not a prohibited use, but it does require plans for effective control of all the requirements in the subchapters.*
- 105-21** – Traffic. *Traffic access to the site needs to be safe. Curbs cuts are already in existence and were approved by the Road Commissioner. The board received a parking plan. Steve, after looking at the plan, believed the board needed a more detailed plan. He stated each space needs to be 10 x 20, and he asked Mandy how she would line the vehicles up as far as getting them parked in an orderly fashion. She stated that they had the intention of having someone on site to guide people into the parking spot for the larger events. She noted that in the future they would love to have spaces marked, but for now someone will direct people. She said they could mark areas with logs if the board wanted them to do so. Steve said the board could probably work with what she has for a plan, but the spaces marked need to be on the plan. He said the board can give her an example, and it isn't necessarily each space but how people will get in and out of the parking space. He said using a birds eye view, looking down at the parking spots, where is the space for them to back out, turn-around, and exit. How will the traffic flow? He said that in case of an emergency, they did not want the cars on site haphazardly. He said they do not need lines and paving, but something needs to be shown a little more in detail. Mandy asked if they could suggest someone that could help her do this? Steve said the board can provide an example of a parking plan. Steve said the site distances need to be on the plan. Members noted it was on the plan, and the distances exceed the requirement at 35 mph, which is 350 feet.*

- 05-22 – Noise. *Steve said there was a time period that noise needs to be minimal. Mandy stated she put they would be open until 11 pm, but that was for people to break down their equipment and pack up. She said she knew the noise ordinance was 10 pm and she was mindful of that. She said they got married on site, and she asked her neighbor if she could hear the music playing and she said she could not. Mandy said they were not quiet, and there was no sound heard offsite. She added that she was mindful of being respectful to others.*
- 105-23 – Dust, fumes, vapors and gases. *None being generated.*
- 105-24 – Odors. *There are no offensive odors generated.*
- 105-25 – Glare. *Steve F. stated that the board needs a lighting plan. He said there needs to be effective lighting from the parking area to the house, and areas around the house, to be sure people do not need a flashlight to get to where they need to go. Mandy stated that her husband, Clayton (who was with her), put in lighting along the path to the parking lot. She said she didn't have it on a map for the board. She thought they might see it during a site visit. Steve said she could add the lighting to the parking plan, what exists now, and whatever the board recommends. Clayton stated that they do not have permanent lighting fixtures in the parking lot at this time. He said he put up something that would be helpful for their wedding, but they do plan to add something to shine light into the parking area. He said there are only string lights along the path from the parking lot to the event space. Mandy stated that at the event space there are floodlights on the building(s).*
- 105-26 – Stormwater runoff. *There won't be any new parking areas created, or new roof space, so it is not applicable.*
- 105-27 – Erosion control. *There are no changes being made to the outside of buildings or parking area, so this is not applicable.*
- 105-28 – Setbacks and screening. *This seems to be a large parcel with structures set back from the road and neighbors. The board will look at the woods that may be effectively screening the area. Steve stated the board will look at this during the site visit.*
- 105-29 – Explosive materials. *Steve asked if there was propane gas on site? Mandy stated that there is an underground tank on site, which was on site when she purchased the property, and they use Eastern Propane as their gas provider.*
- 105-30 – Water quality. *There is no outdoor storage of fuel or chemicals associated with this business.*
- 105-31 – Preservation of landscape; landscaping of parking and outdoor storage areas. *There is an existing buffer on site. The board will look at this at the site visit.*
- 105-33 – Refuse disposal. *Steve asked what they will do with the trash after an event. Mandy said she has only had their events, so they use the Shapleigh Transfer Station. She said once they start to get bookings, they will have a dumpster. She said they do not have it now, as they do not have business now.*

Steve asked Mandy if she had spoken with the State about any permits the State requires? Mandy said they need a license for lodging. She said she didn't know if she should get approved by the Town or State first, so she is trying to do it at the same time. Steve said that was fine.

Steve asked Mandy if she was going to be doing any camping on the property? Mandy said she did not think so. She felt the majority of the people would stay in the main house. She said it was possible someone could set up a tent, but she is not advertising that, as it is not the plan. Clayton asked if there was a concern about camping? Steve said no, there was a campground section in the ordinance. Madge B. noted that this was not a campground. Mandy agreed.

- 105-43 – Off-street parking and loading. *Steve stated that he believed this would be taken care of with the parking plan.*

Steve asked how many people she would be having? Mandy stated that it would vary. She said with a family gathering it could be as little as 10. She said if it was a wedding, it could be a maximum of 150 people. She felt comfortably it could host 130. She thought it would vary. Steve said he was trying to determine how many parking space would be needed. Ann H. stated that she noted 75 on the plan. Steve thought this would be sufficient. Mandy said she reviewed the ordinance and believed she met the standards. Madge B. agreed. She said she had one for every 2 guests.

**105-46** – Sanitary provisions. *Steve asked if she had a copy of her septic design? Mandy stated that she did not. She said that she had multiple septic systems on site, a large one for the main house, and one for the dance hall. She said there is a septic system in the parking area, that is not connected to anything. She asked if the Town Hall had a copy? Barbara F. believed there should be one on file. Steve said that there is a section of the ordinance that deals with sanitary provisions, and the board needs to be sure what is on site is adequate. Mandy said they will be advertising that they will be paying for a fancy outhouse, and there was also a full bathroom in the dancehall. She said she is concerned with the heavy load in the dancehall if there are 150 guests, so she will provide the portable toilet. She said she was not concerned with the main house, as the system is large for all the bedrooms. She said until they either upgrade the system for the dancehall or build a new one, which is probably 3 to 5 years away, they will be using a fancy portable toilet from a company located in Shapleigh. She said there are two toilets on a large trailer, that is decorated. She said they used it for their wedding, and so they will advertise that it will be included for the rental. Clayton stated that they spoke with the portable toilet company and asked if they could rent it for an entire season, and they were open to that idea.*

Steve F. stated that under **§105-73.G**, it speaks about the standards that are applicable to a conditional use. He began reviewing the standards as follows:

- 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.
- 9) Adequate provisions to control soil erosion and sedimentation have been made.
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like.
- 12) All performance standards in this chapter applicable to the proposed use will be met.

Steve stated that the conditions that the board can ask for are under **§105-73.H**, he read them as follows:

**H. Conditions attached to conditional uses.**

- (1) Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required in this chapter, that it finds necessary to further the purposes of this chapter. Violation of any of these conditions shall be a violation of this chapter. Such conditions may include but are not limited to:
  - (a) Specifications for type of vegetation, increased setbacks and yards.
  - (b) Specified sewage disposal and water supply facilities. *Steve noted this had just been discussed.*
  - (c) Landscaping and planting screens.
  - (d) Period of operation.
  - (e) Operational controls.
  - (f) Professional inspection and maintenance.



- (g) Sureties.
- (h) Deed restrictions.
- (i) Restrictive covenants.
- (j) Locations of piers, docks, parking and signs. *Steve asked Mandy if she would have any signs? She stated that she would like to. Steve stated that signs were through the Code Office.*
- (k) Type of construction.
- (l) Any other conditions necessary to fulfill the purposes of this chapter.

Steve F. said he would like to hear some discussion on what the board would like to hear or receive from the applicant. Ann H. asked, based on the last application for events and weddings, if a fire person should look and make sure everything was ok, that people could get out in case there was a fire? Steve said he had that on his list of things to require. Steve, speaking to Mandy, stated that the Fire Marshal may require her to do some modifications, such as to the entrance & exit doors, if there will be 150 people in the structure. He said they want to be sure in the event of an emergency people can get out. Mandy stated that that would be just for the barn, because there would not be 150 people in the house. Steve said this has come up in the past, so the board had the State Fire Marshal come in and give his recommendations, and then subsequent to that, his blessing once any required changes were completed. Mandy said that she would feel better about it as well. Ann asked if Steve F. was speaking about Steve Guillemette? Steve stated no, he was speaking about the State Fire Marshal.

Steve F. said he had the Fire Marshal on his list of requirements. He said Mandy would need a license for lodging. He said the board needs to look at the septic design and plan too, as a condition, have a porta-potty on site for events. Mandy thought this would depend on the size of the septic system, she noted she did not know what the size of the system was. Mandy said she would want a portable toilet until she could build more bathrooms, in which she would come back before the board to let them know what she was doing. Steve said, "If you are adding a bathhouse". Mandy stated she wanted to add another bathroom in what will be the dance hall, where the bathroom is, there is a space next to it that has an old 90's boiler. She said she wanted to replace that with a small wall hung heater, which will free up space; the plumbing is there, where she would want to put in another bathroom. She said this would not be happening for a while for financial reasons. Clayton stated that another bathroom would be tied into the septic system that was already there. Mandy said they may have to expand the leachfield. Norman B. asked if they had a septic inspection when they purchased the house? Mandy stated that she did not. She said she did not purchase the house from the original owner, Ed Wood, she was once removed from the person who put the system in place, so she wasn't sure exactly what was on site. Clayton stated they have some files that might contain the septic plan. Ann noted that the Town may have a copy of the plan. Norman said that it was not a big expense to have a septic inspection. Mandy stated that they will have the outhouse from the business in Shapleigh to start.

Steve F. stated that another thing he had was to verify that the screening on site was ok, the board can do this during the site inspection. He stated that the applicant also had to come up with the parking and lighting plan. Mandy asked that they send her an example of what the board was looking for. Steve and Barbara stated that they could. Clayton thought if he took a picture of the actual space it might work best. Steve said that whether it was a picture, or something drawn, there has to be something in the file that shows the board paid attention to the amount of parking, and that there is adequate ways for people to get in and out of the site. Mandy thought when the board saw the site, they would see the area is spacious. Barbara said again that she would send Mandy an example of something the board approved for a similar business. She said it may sound complicated but it is not.

Steve F. asked if anyone had anything else? Madge B. stated that she was curious about the entrance/exit for the parking. She said she had no idea how wide it had to be, but presumably it should be wide enough for two cars to pass. She asked if when Mandy gets a parking plan, does she put that on it?

Steve said the board can ask for that dimension to be on the plan. Steve asked the applicant if they understood what Madge was asking? He said if you are coming and going, how wide is the entrance, or will you be going in one way and going out the other driveway? He said if it is an in and out entrance/exit, it is the same thing the board ran into during a previous application review; the board has to make sure the entrance is wide enough to accommodate two vehicles to pass. Mandy said she was not sure if it was where the driveway meets the road, but there is plenty of space once you get into the driveway a little bit. She said if someone was coming in, the other person could go over. Clayton said another option is they could go in one way and out the other. Mandy stated she was trying to avoid that, she wanted to keep the other driveway private. Steve said in this location the entrance could be a concern. Madge said for safety reasons, you should be able to go both ways if you have 70 cars. Ann added that you do not want someone sitting on the road waiting for someone to pull out. Madge agreed. Steve said that on the parking plan, Mandy should note the current width of the entrance to the parking area, and at a few points going onto the property. He said it may have to be widened out at some point. Madge added that the board could ask the Road Commissioner. Mandy said that it drops off on either side, so it could be a bigger issue. Steve said the board would look at it.

**Steve F. stated he would like to schedule a site visit during the daylight hours. He said they should go out prior to the next meeting on December 12<sup>th</sup>. The board agreed to do the site inspection on Wednesday, December 6<sup>th</sup> at 2:00 pm. Steve said the board will plan on at least an hour. Steve said if there is a snow storm, Barbara will reach out and let Mandy know about rescheduling.**

**Steve F. stated a public hearing will be held at 6:30 pm on December 12<sup>th</sup>. A notice to abutters will be mailed as well.**

Clayton asked what the board would want to look at? Steve stated the areas of interest would be the main entrance, and the exterior areas of the event area. Mandy stated that she would be happy to show the house as well.

Nothing further was discussed

**Conditional Use Permit – Build New Structure within 25’ of 30<sup>th</sup> Street – Map 17, Lot 27 (110 30<sup>th</sup> Street) – Daryl Dunbar, Applicant; Lisa Dunbar, Property Owner**

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

Provided along with the application was a letter dated 11/20/23, written by Lisa Dunbar. It stated the following: Town of Shapleigh, regarding the permitting and construction process for Map 17, Lot 27, Daryl Dunbar has permission to act on my behalf.

Provided was a sketch plan of the property, which depicted the area for the Proposed House, and the distance from the proposed house to the lot lines. The distances were noted as follows: 10’ to the left lot line from the road; 20’ to the right lot line; 100’ from Mousam Lake, and 25’ to 30<sup>th</sup> Street. Two neighbors were on the sketch plan, Kortney Nedeau and Bob Sirois. A note on the plan stated, ‘Location of Septic and Water Supply TBD by Site Evaluator’.

Provided was a drafted plan, dated October 23, 2023, done by Joseph Stanley, PLS #2463 of LinePro Land Surveying LLC of Springvale, Maine. The plan was entitled ‘Sketch Showing Apparent Building Setbacks for Daryl Dunbar, 1939 Milton Mills Road, Acton, Maine 04001 of Property Located on 30<sup>th</sup> Street, Shapleigh, Maine’. The plan depicted the Proposed “Conditional Use” Road Setback of 25 feet,

along with the structure setbacks to the lot lines and Mousam Lake. Also on the plan were the abutting properties of Kortney & Niki Nedeau, Shapleigh Tax Map 17, Lot 26; Robert Sirois, Shapleigh Tax Map 17, Lot 28, and 104 30<sup>th</sup> Street, LLC, Shapleigh Tax Map 17, Lot 25. 30<sup>th</sup> Street, where it abuts the Dunbar property was also on the plan, along with the ‘High-Water-Mark as Located 10-17-2023’. The plan notes that it is ‘Conceptual Only, this is NOT a Boundary Survey’.

The application detailed description is as follows: *Build a house, with side lengths approx. 14’, 12’ 8’, and 16’, final size determined after survey complete (survey has been ordered).*

Steve F. said the next application was for Daryl Dunbar, who wants to build a house within 25 feet of the road. Steve asked how the survey was coming for the project? Mr. Dunbar stated that he had copies for the board.

Mr. Dunbar stated he and his wife have a piece of land on 30<sup>th</sup> Street, off of Lebanon Road. He said there is one parcel of land without a building, which was his. He said the previous owners never built on it, prior to the era of zoning restrictions, so he had an unbuildable lot due to setback requirements. He said he was before the board to request that the board consider relaxing the 50 feet to the road requirement, down to 25 feet, where he would have a small building envelope. Mr. Dunbar stated he would like to put a curve in the road to be able to build a larger structure, and he is the land owner across the road, so he would be agreeable to that. He said he asked the Code Enforcement Officer, he was told the lot across the road from Lot 27 is considered to be a non-conforming lot of record, as is the waterfront lot. He said he was told that as a nonconforming lot of record, it can’t be altered in size. He said he would add that any alteration in size would simply go to the other nonconforming lot on the other side of the road. He said CEO Demers said it was ok to ask the board but do not hold your breath. It was asked how much road frontage there was for this lot. Mr. Dunbar stated there was 41 feet of road frontage, but noted the other lot was double in width.

Steve F. reviewed §105-19, section D ‘Front yards’. Steve read the ordinance as follows: Whichever of the two methods for determining front yard setbacks (specified in the table in §105-18), yields the greater distance shall apply. When a lot fronts on the shore and on a road or right-of-way, both the shoreland setback of 100 feet and the front setback as defined in §105-18 shall be met, except on nonconforming lots of record, in which case the setback may be no less than 25 feet from the property line or road. This reduction shall require a conditional use permit from the Planning Board. All conditional uses approved relating to setbacks shall require confirmation, in writing, by a licensed surveyor that the placement of the structure is correct and the plan shall be recorded in the York County Registry of Deeds within 90 days of the date of the Planning Board approval.

Steve F. said his question was, based on the survey by LinePro, has he determined that what is on the plan is the property line or road? Mr. Dunbar stated that there was no question that this was the road, and going down to the allowable 25 feet is what creates the small buildable envelope. Steve said the only thing he could think of, to get the 6.59’ building envelope bigger, was to have the surveyor determine if the road is in the right spot and if the property line was correct. He said if he has determined that, then the board is stuck. Ann H. said there is a chance it is wrong, noting there were incorrect property lines. CEO Demers stated that what the board has is the survey. The board noted that the plan was stamped in red letters stating that it was not a boundary survey, ‘Conceptual Only, This is NOT a Boundary Survey’. Steve said he was wondering if the traveled way was the road, or was the road at the property line? Mr. Dunbar wanted the board to know that at this location on 30<sup>th</sup> Street it is a private road, it stops being a public road before it gets to his property. Steve said he thought the surveyor has more work to do. He said the plan was stamped, but it does say it is conceptual. Mr. Dunbar stated that Mr. Stanley (the surveyor) had worked for another individual in that area and found a number of pins. He said he believed this was Mr. Stanley’s opinion that this was where the road was.

Steve F. said from here §105-73.G, the conditions of permit apply. He thought this plan was going to be ok, but for the next meeting he said Mr. Dunbar needed to have Mr. Stanley remove from the plan that it was conceptual and not a boundary survey. Steve stated that the board would require a boundary survey. Steve added that Mr. Dunbar should verify with Mr. Stanley that the property line is accurate and the road is where it is, noting that a couple of feet would make a difference.

**Steve F. stated the board will notify abutters and the board members can go on their own to do a site inspection.**

Mr. Dunbar asked if it was a ‘no’ on putting a curve in the road. Steve F. stated that if he gets the Planning Board a survey that states something different, the board will look at it. He stated that the board has to follow the ordinance, which is why he read §105-19. He said the surveyor has to determine where the property line is and where the road is. He said if the plan changes, then the board will look at it.

Mr. Dunbar noted he was just assigned 110 30<sup>th</sup> Street. He said there is no sign up, but 108 and 112 are clearly marked.

Nothing further was discussed.

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**Other:**  
**Proposed Ordinance Amendments**

*Barbara F. stated that Madge B. reviewed the proposed ordinance changes, and wanted to clean up the verbiage. Barbara said there was no change to what was being proposed. The following changes were accepted by the board members to present on December 12th:*

§105-15. Definitions

Dwelling, Two-Family – ~~A single building containing two dwelling units, with a separate entrance for each. May also be referred to as a ‘duplex’.~~

**Dwelling, Two Family – A two-family dwelling for occupation by not more than two families, is one building with two units that are either stacked vertically or side-by-side, sharing a common wall with living space on each side, having a separate entrance for each unit.**

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§105-17. Land uses.

Notes:

<sup>3</sup>~~Additional~~ Detached dwelling units on a single lot shall require review and approval by the Planning Board. A site plan certified by a registered land surveyor, licensed in the State of Maine, showing all existing and proposed structures, and other pertinent information relating to the possible division of land, shall be submitted to the Planning Board. The Planning Board shall determine that the property and all structures can meet the current zoning and setback requirements if the property were to be divided. **This does not apply to accessory dwelling units (ADU’s).**

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§105-19. Notes to Table on Dimensional Requirements

A. Each lot on which is located a principal structure or use, unless in compliance with §105-40.2 or ~~105.42~~ **105-42** of this chapter, shall meet all the dimensional standards set forth in §105-18.

*Typo*

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§ 105-34. Access control on Routes 109 and 11.

A. ~~Land lying on Routes 109 and 11 may be divided into lots, but all vehicular movements to and from the highway shall be via a common driveway or entranceway serving adjacent lots or premises. All lots of record existing at the time of the ordinance amendment shall be allowed direct access to Routes 109 and 11, provided that minimum safe sight distance standards can be met.~~

B. All lots accessing Routes 109 and 11 must obtain an MDOT entrance permit. For all conditional use permits requiring access, the applicant shall provide proof of an MDOT entrance permit prior to obtaining approval.

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§105-37. Campgrounds.

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 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.~~ **For all camping sites, including RV sites, there shall be for each sex a minimum of one toilet and lavatory for every 20 sites, and one shower for every 30 sites.**

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§105-38. Individual private campsites not associated with campgrounds.

EXISTING:

A. ~~One campsite per lot existing on the effective date of this chapter, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.~~

B. ~~When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.~~

Proposed for clarity and intent:

A. **One individual private campsite is allowed on an existing legal lot of record in the General Purpose District. One campsite is allowed on an existing legal lot of record or 30,000 square feet of lot area, whichever is less, in the Shoreland District.**

B. **When an individual private campsite is proposed on a lot in the General Purpose District, that contains another principal use or structure, the lot shall contain the minimum lot dimensional requirements for the principal structure. When an individual private campsite is proposed on a lot in the Shoreland District, that contains another principal use or structure, the lot shall contain the minimum lot dimensional requirements for the principal structure or use and have an additional 30,000 square feet of lot area for the private campsite.**

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§105-51.3. Revegetation requirements.

A. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional **in shoreline stabilization**, 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.

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 **to the Planning Board for approval.** ~~with any renewal or new permit application.~~

**Upon completion of the revegetation and shoreline stabilization, York County Soils & Water Conservation District (YCS&WCD) shall inspect the site to be certain all stabilization activities are completed as presented and approved, and provide the inspection report to the Code Enforcement Office and Planning Board.**

**F. Fee. A fee of \$150 shall be collected at the time of application for the 3<sup>rd</sup> party inspection for all revegetation & shoreline stabilization plans, to be done by YCS&WCD. If subsequent inspections are required, the applicant shall pay YCS&WD a re-inspection fee at the time of inspection, at a rate to be determined by YCS&WCD, not to exceed \$150.**

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Steve F. stated he wanted to make an announcement at the beginning of the meetings regarding meeting protocol. Barbara F. did not think that would be an issue.

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**Growth Permits**

**Map 8, Part of Lot 6 (Owls Nest Road) – New Home – Breton, Applicant      GP #24-2023**

This is coming from an existing legal lot meeting the requirements in the ordinance. CEO Demers stated that the new lot will have to meet all the minimum requirements for a new lot, including road frontage.

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**The Planning Board meeting adjourned at 8:45 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)