

***Shapleigh Planning Board  
Minutes  
Tuesday, February 14, 2023***

Members in attendance: Roger Allaire (Chairman), Steve Foglio (Vice Chairman), Madge Baker, Roland Legere, Maggie Moody, Alternates Ann Harris and Norman Baker. Code Enforcement Officer Mike Demers was also in attendance.

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

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**Public Hearings Began at 6:30 pm**

**Proposed Amendment to the Zoning Ordinance Chapter 105-18 & 19 ‘Front Yard Setback’ and an Update to the Growth Ordinance**

Roger A. opened the public hearing by reviewing the proposed changes to Chapter 18 & 19. He stated these changes were to remove the 75 feet from the centerline of the road, and keeping the 50 feet from the front property line. He reviewed the ordinance amendments as follows:

§ 105-18 Dimensional requirements.

Land Uses	Resource Protection District	Shoreland District	General Purpose District	Floodplain District	Stream Protection District
Front setback from <del>right-of-way</del> front property line (feet)	N/A	50(D, F)	50(D, F)	2	50(D, F)
Front setback from road center line (feet)	N/A	75(D, F)	75(D, F)	2	75(D, F)

Front setback from road center line (feet)

§ 105-19 Notes to Table on Dimensional Requirements.

- D. Front yards. ~~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. If the plan is not recorded within this time period, the approval of the Planning Board shall be null and void.

- E. N/C
- F. Corner lot setbacks and visibility. Corner lot yards abutting roads shall have a minimum depth of 50 feet from each right-of-way or ~~75 feet from each center line whichever distance is greater~~ as outlined in 105-19 D. above. All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

Roger asked if there were any questions? There were none.

Roger then reviewed the updates to the Growth Ordinance to be voted on, noting the number of housing units did not change from what was approved last year, that being 34 units with 2 for Habitat for Humanity. The updates are as follows:

1.2 Legal Authority

This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution, **Title 30-A M.R.S.A. §2101 et seq., and Title 30-A, M.R.S.A. §4360.**

1.4 Purpose

- (a) To maintain the predominately rural character of the town.
  - (b) To provide for the local housing needs of Shapleigh’s existing residents, while accommodating Shapleigh’s “fair share” of population growth in York County and in the immediate sub-region.
  - (c) To ensure fairness in the allocation of Growth Permits.
  - (d) To ensure that the Growth Permit issuance system does not unduly increase construction costs by preventing builders from erecting a moderate number of houses at the same time.
  - (e) To ensure that the Growth Permit issuance system is not abused by individuals who would obtain Growth Permits when they are otherwise (perhaps financially) not able to commence construction within several months.
  - (f) To allow growth of the residential population of the town at a rate which would not impose an undue burden upon the provision of community services (including education, fire protection, road maintenance, waste disposal, health services and welfare) and which would be compatible with the orderly and gradual expansion of said services.
- (1)** During the most current review of the tax base for **2022**, the Education system accounts for **57.69%** of the cost to taxpayers. **Shapleigh represents 10.1% of the total district enrollment, and the portion of the budget for year 2021-2022 was 15.10% of the local tax assessment.** Although the number of children enrolled in the school system is not expected to rise dramatically in the next several years, the cost to Shapleigh taxpayers continues to have a slight increase each year. **The most recent figures of cost increase to taxpayers for the school year 2021-2022 is 2.09%, which is a cost per child of \$15,326.** With this figure it is apparent that any household with even one child would be an impact since there are not enough property taxes derived from the average house to generate enough money to pay for one child’s education. Therefore, the Growth Ordinance system must calculate growth in such a way as to assure the town can fund education at the current levels and those of the future.

- (g) To guide Shapleigh’s expansion so that the annual increase in population and dwelling units shall not exceed the average rate of population and housing growth which occurred within the sub-region. **During this time period, 2010 thru 2020, the census data shows an annual increase in population of .80% which is below the State average of 2.6%. According to the census data, the number of housing units reported increased in the past 10 years by 205. Additionally, the number of Growth Permits given out since the last review has steadily increased from 16 permits in 2018 to 30 permits in 2022. Based on the moderate annual increase in school cost and the fact there is an increase in the number of permitted dwelling units, the current number of Growth Permits of 34 dwelling units should remain unchanged.**
- (h) To guide Shapleigh’s expansion so that the increases in education costs are predictable and manageable.

1.6 Exemption

**Accessory Dwelling Units are exempt from the Growth Permit requirement, per Title 30-A M.R.S.A. 4364-B ‘Accessory Dwelling Units’.**

1.8 Administration

The procedure for applicants shall be as follows:

- (a) The Planning Board shall administer the “Growth Permit Selection System” as described in paragraph 1.8 below in the case of all Growth Permit applications.
- (b) The Code Enforcement Officer shall ensure that all of the endorsements on the Growth Permit application form have been completed before issuing any Building Permit.
- (c) ~~Every Growth Permit shall be displayed with the Building Permit in a conspicuous place on the premises under construction~~

1.16 Review Procedure

The ordinance shall be reviewed every three (3) years by a committee comprised of the Board of Selectmen, the Planning Board and the Code Enforcement Officer, **to ensure that the annual maximum growth rate has not become inconsistent with the Town’s capital improvement capability to establish or enlarge needed public facilities and services, and to be in compliance with Title 30-A M.R.S.A. §4360.**

Roger stated these will be going to Town Meeting for a vote in March. There were no questions.

**Conditional Use Permit – Municipal Multi-use Building 3,200 sf Metal Structure – Map 5, Lot 28A (Back Road) – Town of Shapleigh Applicant**

The three Selectmen were present for the public hearing, William Mageary, Michael Cote, and Scott Cudworth.

Roger A. asked the Chairman, Selectmen William ‘Bill’ Mageary to give the board an update and clarify to the audience what they wanted to do. Mr. Mageary began by introducing the other two Selectmen and stating that the Selectmen were here this evening to answer any questions the citizens might have regarding the application. He stated that the Town was proposing a community center, a multipurpose building at the end of the gravel parking lot next to the Town Hall. He stated it was land the Town owns, it is 17.4 acre parcel of land. He stated the structure was a steel building, measuring 40 x 80 feet. He said it will have a kitchenette and a large meeting room.

Mr. Mageary stated that one of the main driving forces to move forward with this, is the room we are meeting in this evening. He stated it is not ADA compliant (Americans with Disability Act of 1990) and there have been several issues with people trying to get upstairs. He said the Town is fortunate that it hasn't had litigation on this, so this is something the Town needs to do.

Mr. Mageary stated the Town has been presented with an opportunity with the American Rescue Plan Funding. He stated the project still has to go out to bid, but they did get an estimate of \$519,000 for the structure. He said in addition to that, also needed would be a septic system and a well, and the board would also like to have a standby generator, so the structure can be used as an emergency shelter.

Mr. Mageary stated that a question had come up about whether or not the building would be sprinkled (for fire protection); at this time it is not. He said that according to the State Fire Marshall, it does not need to be. He said there would be a kitchen allowed, as long as there is no stove. He said the board has reached out to get an estimate for sprinklers, but that quote has not come back yet.

Mr. Mageary stated they were here this evening to get approval from the Planning Board for approval to be able to put the structure up, so they can get moving. He stated the American Rescue Funds, \$261,203, without that money, the Town would not be able to afford to do the project. He stated the rest of the funding will come from funds the Town already has in Capital Improvement. He asked if there were any questions?

Citizen – As a concerned citizen of Shapleigh, there are a lot of people in Shapleigh with concerns about the building. What is the building designed for?

Mr. Mageary – It would be for voting, town meetings, any community group could use it. There's a lot of unknowns. We would probably establish some kind of committee to do the scheduling. We may open it up to the public if they had a function they wanted to hold.

Citizen – We have a Grange Hall in town, that we could donate money to. Instead of building a building like this, because it will be more than \$700,000 or whatever is in the proposal, with all the work it will be over a million. Somebody has to maintain the building and it has to be heated. What will happen with this building (Town Hall)?

Mr. Mageary – This building stays, we are going to use this.

Citizen – We will have to heat and maintain this building and that building, 365 days a year. We need an employee to maintain the buildings. I don't believe this Town should be spending money we don't have yet. We have to look at the future.

Citizen – We have a Town handy man.

Mr. Mageary – This is why we are doing this, we are looking at the future.

Citizen – When is this going to be put up?

Mr. Mageary – If we get the ok with the Planning Board then it goes to Town Meeting, then we would like to start in the spring. We have had a site evaluator come out and do test pits, and have located for a septic and well. We could get moving right away. We are under a deadline for the American Rescue Funds, the funds have to be designated by the end of this year, otherwise we lose them.

Citizen – I think there are enough buildings in Shapleigh already.

Roger A. asked if there were any other questions?

Citizen – I have a question about the American Rescue Fund. If we don't use this money for this community building, can it be put back into the community for other things, such as infrastructure?

Mr. Mageary – It can be used for other things. Part of the funding, the Town is taking \$30,000 and giving it out to people that worked for the Town during the pandemic. He said all the current employees, fire and rescue, depending on hours work, they will get a share of that.

Citizen – If at Town Meeting the community building does not get approved by the townspeople, are there other possible plans for this money, so it doesn't get lost? Are there other things it can be used for?

Mr. Mageary – I believe there is always something we could find to use it for.

Citizen – Thank you.

Citizen – Could we use it for the Shapleigh School to add on?

Roger A. – That building does not belong to the Town, it belongs to SAD 57.

Citizen – What about adding another building onto this one, another 50 feet onto this building?

Mr. Mageary – I don't know if that could be done to meet code.

Roger A. – What the Town is trying to do is keep this building as historical as we can, and not connect more onto it. He said another issue is, this room is not ADA accessible.

Citizen – What about the Grange Hall across the street? Could we get some of the money and go there to vote, it is all one floor.

Mr. Mageary – The Town doesn't own it, it is private. The Historical Society is involved with that.

Citizen – They used to always go to the school and vote.

Roger A. - That is with SAD 57 saying it was a good thing to do for the community. It still can be used, but it would be much easier, personally speaking, to have our own building that is ADA accessible and to have more parking. I think it is the way for the Town to grow, and I spoke with a former budget committee member who was all for it and he said it was spoken about years ago to have a new building to eliminate people from having to come onto the second floor of the Town Hall. Even the lift on the back stairs does not work well, and I'm not sure it meets the ADA requirement. Because of the extra money that came to the Town due to Covid, we can spend it for a community project. This is a wonderful way to get half the cost of the building donated to us, because the money is to be used for the community. We have to earmark it and spend it, or we lose it. It has to have a community project base, for us to use it. This building meets the requirements. I presume if the building was up, the Planning Board would be meeting over there. In part because it would be ADA accessible. There is a good chance there will be items on the Selectmen's agenda, where they will be there as well. There is currently voting up here with several booths downstairs, but with the new building, all the voting will be in the new building. I think due to the access, the building will be a great enhancement.

Citizen – The look of the building, I don't want to see a steel building. If it's got to be built, it has to look more historical. They do that with steel buildings all the time.

Citizen – It's look like a hangar at the airport.

Citizen – The pitch is a 1 in 12, which will need maintenance, we will be shoveling the roof.

Citizen – When did the American Disabilities Act go into effect?

Roger A. – That is a good question. I am not sure.

Citizen – How has the Town managed to get away with it this long, if we are as mentioned, non-compliant?

Mr. Mageary – Our Town Clerk has been very creative.

Roger A. – What they did for ADA compliance is they installed that back lift, hoping that would save them.

Citizen – Did it?

Roger A. – No.

Citizen – How does it function?

Roger A. – They use it and to date no one has come along to slap their hands.

Citizen – What if they build a new one on the outside of the building? I know we want to keep it a historical building but everyone wants to keep it as a nice neighborhood also. The codes officer must be able to answer that question. Can we put a lift on the outside or elevator?

CEO Demers – I don't see where we would put it. There is the well outback here, there is the addition that was put on in the 80's on the back, and one in the early 2000's on the side in the back. There are property lines and parking on this lot. Without expanding the lot or rerouting the property lines, I don't see where an addition could be put onto this structure.

Citizen – But you own the abutting land.

CEO Demers – Correct. Again, without redrawing the property lines.

Citizen – What is to prevent you from doing that?

CEO Demers – I am just saying it's not the way it is currently.

Citizen – But it could be done.

CEO Demers – Yes, it could be done.

Citizen – Redraft the property line to whatever your liking was.

Citizen – We have buildings in Sanford, the Memorial Gym, it is empty, they are looking to rent it out. The old high school, I said let's go up, they said you can't go up. I said don't tell me that, they are building skyscrapers in New York and they are pounding steel down into the ground to support the building, so anything can be done. It's a matter for the future taxpayers of Shapleigh. And what is going to be the next building? We are talking about a fire station and this is all going to be coming into play. We don't even have the help to support all these buildings. A lot of people don't even know about this building, the only reason I know is because I read the letter (abutters notice).

Barbara F. noted it was in the Waterboro Reporter, posted at all the local stores, including Boonies, and the Post Office. Roger A. stated that it was also posted on the Town's website.

Citizen – There are a lot of people against this and hopefully they will come out and vote.

CEO Demers – Roger, the plan for the Community Center has been something that has been on the agenda for the Selectmen, and it has been talked about in a public meeting for quite a while now. And the merits of whether it should or should not be done, has been debated in those public sessions. What the Planning Board is considering tonight, it's whether the proposed project adheres to the performance standards in the ordinance. We really are not debating whether it is a good idea or not. We are taking a look at the ordinance to see if the proposed structure meets the criteria set out in the ordinance.

Roger A. – Whether or not the townspeople are willing to vote for this or not, that comes up in March.

Citizen – So at this time we can assume it meets the merits of the code, as far as the building code is concerned. That's been established?

Board members – That's tonight.

Citizen – We are debating that tonight?

Roger A. – We will be looking at that later in the regular meeting.

Citizen – We are not here to discuss the merits or feasibility of the structure.

Roger A. – We will talk about whether or not it meets the criteria of the ordinance.

Citizen – Which is altogether different as to whether or not the Town feels there are merits to justify spending 6 or 7 figures on this.

Roger A. – Right.

Ann H. – That will happen at the Town Meeting in March.

Citizen – That’s not far away folks. And to this gentleman’s point, I dare say there are a lot of people in this Town that are not even aware of this. While I still have your attention, you mentioned due to the good graces of SAD 57, now called RSU 57, how many years have they been allowing us the use of Shapleigh Memorial School for whatever needs the Town has deemed necessary?

Roger A. – I can’t answer that. I’ve been here 33 years, and we have used it every year. Or we have had the capability to use it.

Citizen – Is there an indication that this is no longer going to be a viable option or use for the townspeople?

Roger A. – No, we have not been told from the Superintendent that we could not use it.

Citizen – So as long as we stay in their good graces and pay our bill we can use it.

Roger agreed.

Citizen – What would be the hours of this building?

Steve F. – That actually gets established with the conditional use.

Citizen – Will it be 10 or 11 o’clock at night?

Citizen – No one knows what the use of the building is going to be.

Citizen – Does the Town have a sound ordinance?

Ann H. – Yes.

Citizen – Does it cost us anything to make use of the Shapleigh Memorial School?

Someone answered, ‘No’. Roger A. agreed.

Mr. Mageary – We pay \$360,000 a month to the school district.

Citizen – The Town pays the school district \$360,000 a month to support the school. So it’s the least they could do, allow us the use of the building.

Selectman Mike Cote – We were approached by the Town Clerk about a year ago about this problem (ADA Compliance). We were told the school isn’t particularly thrilled about us using the building. This is not a good option (the Town Hall); this is an accident waiting for a place to happen. We have no place in Shapleigh for our Fire and Rescue to have any benefit dinners or anything like that. We were the only town around a few weeks ago, that did not have a place for people to go in the cold weather if they needed to go. We thought when this came up, we started thinking about what we could do with this building, and the more we add, the more people don’t want and that is the sad part.

Citizen – The sad thing is if the weather is really that bad, they won’t be able to get here to go to a warming shelter. Most people in this Town have a second hand backup or a generator to provide heat or wood stove. They are not going to want to come over here.

Mr. Cote – We may not need it for that, but it could be available for those things. It seemed to be the best way to do it without borrowing money. We don’t borrow money in Shapleigh. We figured if we have

Capital Improvement money, and the American Rescue Plan money, why not use it for a building that we could use for many things if we need to. This is the way I look at it. We came up with this, the three Selectmen, and said this is what we think will make this work. If everyone goes to Town Meeting and votes it down, I'm not going to be upset about that. But I feel it's the best way out of our situation. Yes, there will be more maintenance involved, but we don't have anything else. We don't have a big enough Fire Station, this Town Hall is very old, and there may be some things that prohibit us from cutting this place up. It seemed like we had the land, we had help financially with the American Rescue Fund, so we thought it was a good idea. But if you folks do not think it is, then vote no, and then we will figure out what we will do next. That is the way I look at it. As Selectmen we are trying to come up with solutions. Citizen – I'm just looking for answers.

Mr. Cote – I'm not upset by the opposition of it. We need to make it clear that we were faced with the Town Clerk coming in in desperation saying, 'I have paperwork I have to fill out, I have to satisfy the State stating this building is set for voting. And I am running out of reasons and things I can get around to meet that.' I think a community building would give access to the Rec Committee, they could have the kids over there. People are always looking for a building. Again, I am going to make my case clear. If the people in this Town don't think that this is right, and they do not think this is a good idea, then we don't do it, and we wait for a lawsuit to happen. Then we will deal with that. I think we are covering ourselves here, by saying that we think this is a good idea. If Mr. Perkins doesn't want to vote for it, then he doesn't vote for it.

Citizen – I think the next time we come up with such a big item like this, everyone should get a letter in the mailbox. Instead of trying to pretend we put it in a newspaper that no one receives, and I will pay for the stamps.

Mr. Cote – I'm not saying that shouldn't have been done.

Citizen – A lot of people don't know about this building.

Selectman Scott Cudworth – This project is not affecting the mil rate either (tax rate). This money has already been budgeted and set aside.

Citizen – Who is going to pay for the future maintenance of this?

Mr. Cudworth – We will have to figure that out.

Citizen – It will have to be plowed and heated.

Mr. Cudworth – We already have that side plowed.

Citizen – The building could produce revenue through rentals. I was recently involved in the rental of a building in South Paris.

Mr. Cudworth – You have to remember, every time you use the school for voting, none of those students can go to school that day. All those parents have to find baby sitters, day care, that is why the school is not crazy about us using it.

Citizen – We vote on Saturday?

Mr. Cudworth – No, that is Town Meeting, we vote on Friday.

Citizen – Let's just put our votes in the mail.

Roger A. asked if there were any other questions pertaining to the application?

Citizen – What time does the sound ordinance end on nights or on weekends?

Ann H. – We are going to go over that during the meeting.



Roger A. – I don't know if we are going to be able to answer that. One reason is if the Selectmen are using it for one of their meetings, some may run to 10 o'clock. If the Planning Board is over there running a meeting, I can guarantee, there will be nights on a Tuesday night we will be here until 10:30 or 11:00.

Citizen – It's not the meetings we are concerned about, it's if you have events there and there is music. Because it echoes down the brook like crazy, we hear everything.

Citizen – If there is a party on the Knox Road, people on the lake, we hear everything. I walk down into my woods thinking someone is having a party in there, because the sound travels.

Citizen – Our concern is late at night, on weekends, events involving music and lots of people. Not meetings.

Roger A. – Those type of events, involving music, will have to be approved by the Selectmen. What type of organization they will allow to use the building. If there are complaints, they will have to say it can't be done.

Citizen – Then the building will be empty.

Roger A. – No, it will still get used for Town events.

Citizen – All that money we are building the building for, let's say for dances or get togethers.

Roger A. – We are not looking at the building for revenue. We are looking at it for expansion for the needs of the Town.

Citizen – I meant supplementing the operating costs.

Citizen – But yet one of the gentleman indicated by way of justifying the expenditure of the building is that it could be a revenue generator.

Citizen – Maybe my communication is not good.

Citizen – I'm getting a feeling I'm watching the movie 'Field of Dreams', build it and they will come. How did you come to the conclusion that you needed 3,200 square feet of building to satisfy your needs, when I can't determine the need for this size has been established? What if we have events? What if we have this, what if we have that? What if we do generate some revenue by the fact that we have the building? This is the worst business platform that I have ever witnessed. There are so many ifs in justifying the expenditure to put up this million dollar...

Citizen – What if this whole thing becomes unusable?

Citizen – I think there may be other opportunities or options, other than to saddle the Town with a building. I don't know, 800, 900 a million dollars' worth of building. And you are putting it up presuming it is going to be used. In my world I would like to see a demand for something before I make an expenditure.

Mr. Mageary – Mr. Chairman if I may. The main purpose of this building is not to generate revenue. If revenue comes in, that is a secondary benefit. The Town needs a facility so they can vote.

Citizen – Of 3,200 square feet.

Mr. Mageary – If you are going to build it.

Citizen – Build it big, why not 5,000 square feet.

Mr. Cote – We have a very small fire station, on that I think everyone will agree. To do a new one would be about 4 million dollars. So we are not going to talk about that tonight. We are having a hard time with a 500 and something thousand dollar building. Fire and rescue could train in this building. There are other things that could and should be done in the building. We do not have a facility.

Citizen – Where do they train now?

Mr. Cote – Sometimes they train out of Town. Sometimes they have training at the station. We thought, what if we make this building 30 x 40, we would probably kick ourselves a few years down the road. This was the idea behind the size. Then we thought, if something happens and people have to go somewhere because of an ice storm, then we could have a generator system in it. We don't have anything like this.

Citizen – These are all nice things but I haven't had anybody convince me that there is a demand or a need for all of this.

Mr. Cote – Maybe you cannot be convinced.

Citizen – I am trying to be open minded but I have yet to hear anybody tell me this is why we need it.

Mr. Cote – I believe we have articulated it well. If you do not agree, that is fine Mr. Perkins. Then you vote the way you want to vote. Everyone can exercise their right to vote.

Roger A. – The building is set up for up to 285 people, based on the size of the septic system. This is the limitation for the building. Unless we have questions regarding the actual building, the rest is not for the Planning Board.

Madge B. – This will be taken up during the regular meeting. This is the first item on the agenda.

Roger A. asked if there were any other questions. Madge B. thought the board should start the regular meeting.

Citizen – The plan shows it being two stories with what looked like offices upstairs and downstairs. With what you are talking about, you only need a building for 250 people or half that size. I understand building it this big because of the money, but steel buildings are built to be added onto, it's why they are designed this way.

Mr. Cote – A lot of people have asked me if later on we want to do something such as add a fire department onto it, could we do that. Yes, that is something we could do. I'm thinking if you did that, you wouldn't have to make the fire department as large, because you would already have training rooms. You could spend more money for things such as trucks and equipment. That is my thoughts on it.

Madge B. – It seems to me Roger, that the Selectmen should hold another public meeting on this, because we cannot answer these questions. I would like us to do our business. Do the Selectmen think they will hold another public discussion?

Citizen – She is asking if the Selectmen will hold another discussion before it goes out to a vote.

Mr. Mageary – We have been talking about this at I don't know how many Selectmen's meetings, and I know we will be talking about it at Town Meeting as well.

Citizen – What she is asking is will there be another question and answer before Town Meeting?

Mr. Mageary – We do not have anything scheduled.

Madge B. – I understand, but I am trying to go ahead and get the Planning Board to go ahead and do our job. We will talk about the building, within the context of whether or not it meets the ordinance, so you are welcome to stay. I am here to work as a Planning Board member, I think it's time to do that.

**Roger A. stated he was going to close the public hearing and start the regular meeting. The public hearing closed at 7:19 pm.**

Madge B. stated the first item on the regular meeting is for the building.

*The Planning Board meeting started at 7:20 pm.*

*The minutes from Tuesday, January 24, 2023 were accepted as written.*

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**Unfinished Business:**

**Conditional Use Permit – Municipal Multi-use Building 3,200 sf Metal Structure – Map 5, Lot 28A (Back Road) – Town of Shapleigh, Applicant**

Selectman William ‘Bill’ Mageary was present for the review of the application, along with Selectman Michael Cote and Selectman Scott Cudworth.

Originally provided along with the application, was a GIS depiction of part of Map 5, Lot 28A, along with the adjacent lot, Map 45, Lot 10 (the lot where the Town Hall is located). Also on the GIS map, for the subject project, was the proposed location of the 40 x 80 structure, and the proposed location of the Chamber Septic System. *No distance calculations to lot lines were noted on the map.*

Originally provided was a copy of the Subsurface Waste Water Disposal System Application, drafted by Kenneth Gardner, SE #72, dated 12/9/22. The system is designed for a community center, and the system is designed for 130 people @ 2 gallons per person.

Originally provided was a copy of the Budget Pricing Summary from PATCO Construction, dated November 30, 2022. This documentation included the General Conditions (Building Location, Building Type, Building Size, Temporary Facilities, Insurance, Engineering, Guarantee); Site work; Concrete (Foundations - Walls, Footings, Piers, Anchor Bolts, Frost Protection, Bearing, Engineering, Concrete, Floor Slabs - Size, Base, Concrete, Reinforcement, Finish, Joints, Sealer); Masonry – N/A; Metals (Metal Building System - Manufacturer, Size, Loading, Framing - Main Frames, Secondary Framing, Roof System – Standing Seam, Roof Panels Roof Fasteners, Wall System - Wall Panels, Fasteners, Finish, Building Accessories - Trim); Wood - Wood Blocking; Mezzanine (Framing, Decking, Stairs, Railing); Insulation (Roof, Walls, Vapor Barrier), Finished Areas (Exterior Walls, Interior Walls); Doors and Windows, Exterior Pass Doors - Door & Hardware, Exterior Windows (Windows, Glass, Frames, Accessories), Interior Doors - Birch; Finishes - Finishes (General, Walls, Wall Covering, Painting, Ceiling, Flooring, Vinyl Base); Specialties (Bathroom Accessories, Kitchen Cabinets/Counters, Fire Extinguishers); Plumbing (General, Fixtures, Piping, HVAC); Electrical (Service, Lighting, Power, Fire Alarm); Terms.

Originally provided was a copy of the Floor Plan, Elevations, and building specs.

The application detailed description is as follows: *Municipal multi-use building 3,200 sf metal structure. Function hall, storm shelter, recreation gymnasium, other town business.*

**Roger A. reviewed the Basic Performance Standards with findings as follows:**

**105-17 – Land uses. *This building requires a conditional use permit.***

- 105-18 - Dimensional requirements. *The proposed location of the structure will meet the requirements. The building height will not exceed 35 feet.*
- 105-20 – Applicability of standards; prohibited uses. *Roger read this section in its entirety, noting Section B did not apply as there will be no obnoxious injurious odors, dust, smoke, refuse matter, fumes, noise, vibration or waste material or be dangerous to the health and safety of the community.*
- 105-21 – Traffic. *The access to the site was safe, this location was previously approved on the original CUP for the gravel parking area. Site distances can be met in both directions. There is no change to the existing entrance or exit for this new building from what was approved.*
- 105-22 – Noise. *There will be no excessive noise generated from the activity. CEO Demers did state that he does have a sound-level meter. Roger stated that if CEO Demers is not available the Sheriff's office can be contacted, because they have one as well.*
- 105-23 – Dust, fumes, vapors and gases. *There is no dust, fumes, vapors or gases, generated by this activity.*
- 105-24 – Odors. *There will be no obnoxious odors generated.*
- 105-25 – Glare. *Madge B. asked what the lighting will be? Roger A. stated it will be on the exterior of the building for the walkways. He asked if there would be lighting in the parking lot? Mr. Mageary stated there will be lighting on the pole in the parking lot, shooting toward the parking lot, away from the road.*
- 105-26 – Stormwater runoff. *Roger A. stated at present there is no water coming from the parking area going onto the road. A citizen asked for the location of the new building. Mr. Mageary stated it would be at the end of the existing gravel parking lot. A citizen asked where the extended parking area will be located? Mr. Mageary stated they can use both existing parking lots. An abutter stated there is runoff from the lot, which runs down his property line, in front of his house, and into a culvert. He said there was a little pond and there is runoff from it. Roger did not believe the building would be as far back as the pond. The abutter stated the runoff would go along the side of the building. Madge B. asked if the board was requiring them to have a stormwater plan? Roger stated they were asked to have a plan at the last meeting. Madge said this would be a big roof, which would shed a lot of water onto the surrounding area. Steve F. agreed it was discussed at the last meeting. Madge asked what the board was going to require. Ann H. stated they would need a plan for stormwater. Roger agreed. Madge said if it was a condition of approval, what is the condition? Roger stated they would have to show they have a stormwater runoff plan. Madge asked if they needed an engineered stormwater plan? Steve F. agreed. Madge said it needs to be in the record and they need to hear it. Mr. Mageary stated there would be drainage around the building. Ann said an engineer needs to determine what needs to happen before they can start the project.*
- 105-27 – Erosion control. *Roger A. stated the stormwater engineer will have the erosion control criteria on the plan. Madge B. asked when you put in a slab, do you take off the loam? Roger stated that they did. Madge asked what happens to the topsoil? Roger said it gets redistributed. Madge asked if it stays on site? Roger said that you cannot sell it, typically it gets used for stabilization after the building is up. Madge said that the loam will stay on the property. Roger stated, "Most likely".*

- 105-28** – Setbacks and screening. *Madge B. asked if they would leave the trees and bushes where the building is not located? Roger A. agreed. Madge stated, "Then they are leaving a natural screen." Steve F. stated that the board did not have a site plan yet. He said that he had 8 things he has written down, many of which will need to be addressed on a site plan. Madge asked if now was the time to make the list. Steve stated that when Roger is done going through the standards, he will present the list.*
- 105-29** – Explosive materials. *There shall be none on site and none to be generated.*
- 105-30** – Water quality. *There is no waste or hazardous material generated by this activity and no outdoor storage of fuel or chemicals to affect water quality. There will be a new well on site. A citizen asked how it would be heated. The answer was heat pumps. The citizen asked if the solar panels in existence would support it. Mr. Mageary stated that the solar panels have dedicated meters, you are only allowed so many meters and each is being utilized at this time. Mr. Mageary stated there may be a possibility of taking an existing meter that is being used and dedicating it to this building, removing it from another location. Ann H. stated this question was raised at the last meeting as well. A citizen asked about the generator, would it be propane or diesel? Mr. Mageary stated that they were trying to get one donated from the County, so they do not know at this time. The citizen thought it should be part of these plans, whether it was going to be propane or diesel. Roger read the ordinance in its entirety which stated in part that the storage facility for fuel.... shall be completely enclosed by impervious pavement and an impervious dike which shall be high enough to contain the total volume of liquid kept inside the storage area, plus the rain falling into the storage area from a fifty year storm (Roger noted a 50 year storm in this area was 6 inches)... Storage tanks for home heating oil and vehicle fuel, not exceeding two five-hundred-fifty-gallon vessels, may be exempted from this requirement, in situations where neither a high seasonal water table (within 15 inches of the surface), nor rapidly permeable sandy soils are involved. Roger said the fuel could be exempted. Ann H. asked if they are using heat pumps, do they need supplemental heat? CEO Demers stated that it depends on the heat pumps, a lot of the new heat pumps have not only the heat exchange, but a heat element within them as well. Madge stated that you would need a generator to run them, should the power fail. CEO Demers stated that the generator wasn't part of the plan at this time. Mr. Mageary agreed. Madge asked what would happen when there is no power? She was concerned if everything would freeze. Ann said that is why she asked the question. CEO Demers stated the heat system has to be adequately designed for the size of the building. He stated they don't account for no electricity, they are not going to hook up a wood stove in the building. He said if the pipes freeze they freeze, or if they know its coming they could drain the pipes. He stated the only requirement was the proposed heat system has to be designed for the size of the building. The citizen stated that the building was designed to accommodate people if we have an ice storm. He said without the generator to make sure there was heat in the building, why come to the building. He said it should be addressed now, because without the heat, again why come to the building? CEO Demers said it wasn't being addressed now because it is not part of the plan. The citizen thought this was one of the reasons to have the building, so people could come and stay warm. Roger stated that if it is not brought forward now on the conditional use, if they want to add the generator later, they will have to come back before the board for an amendment to their conditional use. The citizen thought they should plan on doing it*

while building the building, so it will be ready, because they know they will be getting a generator. He thought it should be approved all at once. Ann stated the heat source just has to be sized to adequately heat the building. The citizen stated that he understood, but the generator should be included. Ann stated it wasn't being proposed to the board, so the Planning Board cannot act on that. Roger said the board cannot tell them what to do, but once approved they cannot add anything new, without coming back to the board. The citizen said he understood, so bring it up now, because even if it is donated, it will cost money to have it installed, so bring it up now. Mr. Mageary stated the proposal has a cost factor figured in in case they don't get a generator from the County. The citizen asked if it was proposed to the board? Mr. Mageary stated no, it was a budget issue. Mr. Cote stated they haven't determined what they are going to get for a generator yet.

- 105-31** – Preservation of landscape; landscaping of parking and storage areas. *It is to be what is existing at this time. The parking area is going to be expanded but surrounding vegetation will remain in place.*
- 105-32** - Relation of proposed building to the environment. *Roger A. read the ordinance, no conclusion was cited.*
- 105-33** – Refuse disposal. *The Town takes care of refuse with the Town Hall, this will be the same.*
- 105-34** – Access Control to Route 109 and 11. *N/A*
- 105-43** – Off-street parking and loading. *Section B.(1) Off-street parking spaces shall be provided as under (f) One space for each 150 square feet or fraction thereof of floor area of any retail, wholesale or service establishment or office or professional building; (g) One space for each three seats, permanent or otherwise, for patron use for restaurants and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly; and (h) One space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses. In addition, (2) Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open-air retail businesses and amusements and other permitted uses not specifically enumerated. §105-43.F Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and, where feasible, to retain all runoff on-site. Roger A. stated that Section F will have to be included into the engineers designed for erosion control. Roger stated for the number of spaces he believed there would need to be 140 spaces to accommodate the requirements. He asked CEO Demers what he has for parking spaces? CEO Demers stated he had an email conversation with Carl Beal (engineer); the existing gravel area measures 100' x 150', that is a maximum of 75 parking spaces, realistically 60 when you figure in the traffic pattern. He said the existing paved area for the Town Hall. Roger said that cannot be added, it is for the Town Hall. CEO Demers stated the paved area is 22 spaces. He said that currently there is 60 to 75 parking spaces available for the proposed new structure. CEO Demers asked what the maximum people limit for the new building was? Roger stated it was 285 people. CEO Demers stated that if you divide that by the 3 people per assembly, that would be 95 spaces. CEO Demers stated that based on the numbers, the parking lot needs to be expanded.*

*A Citizen asked if the Town loses power during an ice storm and people want to come and spend the night, like they do in some places, will this not be allowed because it is not part of the application? Roger said at present, for what they are proposing, they would not be able to. The citizen thought the application should be changed now before we lose power. He said if people lose power, they would rather come and be warm at the building at night when it is going to be extra cold. Mr. Mageary asked what should be changed? The citizen stated as it is now, you cannot go to the building to spend the night if we lose power for four or five days. It should be changed so they can come and go to bed in a cot like you would at a warming center. It should be in the article we are going to vote on, so that people can come to the building if we lose power. He said the generator has to be part of this now. Mr. Mageary stated the game plan was to have a generator, we just don't know what kind we are putting in.*

**105-46** – Sanitary provisions. ***There will be a new State approved septic system to accommodate the new building.*** *Provided was a Subsurface Waste Water Disposal System Application, drafted by Kenneth Gardner, SE #72, dated 12/9/22. The system is designed for a community center, and the system is designed for 130 people @ 2 gallons per person. Roger noted that the building will be allowed to hold up to 285 people. CEO Demers stated he would ask Ken Gardner about the number to be sure the system is adequate. Steve F. noted that he did not believe the system was designed for 285 a day, it is based on the maximum capacity of the building. He said the septic system does not have to be designed to have 285 people in the building a day. He said you would need a football field sized system if this were the case.*

**105-47** – Signs and billboards. ***All signage must be permitted and approved through the Code Enforcement Office. This is not a Planning Board issue.***

Roger A. stated the next section to review was §105-73 once all the necessary information is provided to the board.

**Steve F. stated after going through the standards he had a list of items that would be required on the site plan. He listed the items as follows:**

- 1) How to manage dust control for the parking lot, and what there will be for lighting.**
- 2) Stormwater management plan for building and expanded parking area.**
- 3) The parking lot design and entrance design.**
- 4) Fire lane or whatever is required around the building for fire protection to be shown on the plan.**
- 5) Erosion control measures for the lot and protection from the stream if required.**
- 6) Screening for the neighbors for the building and lights of the parking lot. (Setbacks and screening)**
- 7) A proposed generator location, so this can be dealt with now.**
- 8) The parking lot design itself, as laid out in §105-43.**

Madge B. asked about the disturbed areas, how will they be stabilized? She thought this might be addressed by what Steve was addressing. Steve F. said the only other issue, which will not be on the site plan, is the 10 pm noise limit, which can be dealt with as a traditional requirement of approval. Madge agreed, as it is a standard requirement, and the board usually gets into hours of operation as a condition.

She thought in this case the hours should be flexible. Steve agreed for any Town business, but if it is being used by the public, he thought the board should set a hard number.

Roger A. stated at this time, he proposed tabling the application until the board receives the information Steve listed for the site plan.

**Steve F. moved to table the application for the municipal building, pending further information. Madge B. seconded the motion. All members were in favor, by a vote of 5 – 0, therefore the vote to table was unanimous.**

Mr. Mageary asked Barbara F. to send this to Michelle (Town Administrator).

Nothing further was discussed.

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**Best Practical Location – Move Existing Structure in SD to Place New Foundation Under – Map 43, Lot 11 (107 North Shore Road) – Joyce Kearn, Applicant & Property Owner**

Ms. Kearn was present for the review of the application.

Provided along with the application, was a Plan Proposal for Joyce E. Kearn. It read in part as follows: *In order to pour a necessary cement foundation due to compromised pilings and move the hot water tank to an acceptable place, (it is currently under the stairs in the camp with nowhere to drain), it has been recommended by Dennis Morin Building Movers to move the camp over 16 feet, so it isn't as close to the current property line (approximately 5 feet) and making it possible to dig down for a foundation without disrupting the property at 111 North Shore Road. This move and foundation will not affect the current height of the camp, nor will it affect the newly approved septic design.*

Provided was a copy of the description of work and estimated cost from Dennis Morin Building Mover's. The proposal is as follows:

- Move building 16 feet away from edge of property and place new foundation under building
- Foundation eight foot with three rows rebar
- Footing 8 x 16 with two rows rebar
- Floor 4 inch poured concrete
- Tar foundation and install drainage
- Excavate and backfill
- Remove all excess fill 150 yards
- Price \$46,000

Provided was a Plot Plan Addendum for 107/101 North Shore Road - .61 Acres

Map 43, Lot 11, Book 15430, Page 96

Map 43, Lot 12, Book 15438, Page 93

Description as follows:

The camp is currently approximately 5 feet from the property line of Lot 009 owned by Milton Raymond and 48.5 feet from the property line of Lot 013 owned by Roland Staples. The proposed distances will be 21 feet from the property line of Lot 009 owned by Milton Raymond and 32.5 feet from the property line



of Lot 013 owned by Roland Staples. Nothing else will change on the existing property. The camp will be no closer to the water or easement (North Shore Road).

Provided was a sketch of the Existing Conditions and Proposed placement of the existing structure. The sketch included the location of the easement for North Shore Road, distance to high-water-mark of the proposed structure location, that being 110 feet at its closest point. The location of the septic system, leach field were also located on the plan. The well location was also noted on the sketch plan.

Provided was a copy of the Town Tax Map depicting Lots 11 and 12.

Provided was a copy of the Subsurface Wastewater Disposal System Variance Request, dated 10/12/2022, along with a copy of the Subsurface Wasterwater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 9/27/2022 with Permit #3417 issued by the Town of Shapleigh on 10/12/2022.

Provided was a copy of the Subsurface Wastewater Disposal System Variance Request, dated 12/12/2022, along with a copy of the Subsurface Wastewater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 12/12/2022, which is the proposed system if the camp is moved to the new location.

Provided was a statement as follows: The purpose of moving the camp is to ensure all trees along the property line would NOT be removed or affected. Any trees that may have to be removed will be replaced within the property. Landscaping will be done upon completion of the move.

Provided were pictures of existing conditions which included the existing camp, pictures showing the camp location which is approximately 5 feet from the property line of 111 North Shore Road, pictures of the existing pilings under camp and exposed plumbing.

Provided was a description of the photos provided as follows: I have attached as an exhibit some photos of the current state of the pilings holding up the camp, along with a portion of the home inspection report recommending the addition of a foundation, in part because of the plumbing, but mostly because there is minimal and failing support of the structure. I have also attached as an exhibit photos of where the camp is located...just under five feet from the property line of Lot #009 owned by Milton Staples. In contacting Dennis Moring Building Movers about a foundation, he indicated the camp should be moved over 16 feet to enable digging a foundation without disturbing the abutting property or affecting the current height of the camp. The 16 foot recommendation was to adhere to the septic system design already approved. That new septic system was approved on 10/12/2022 (Shapleigh Permit #2417), but I contacted Ken Gardner who drew up a new design in case this move is approved. The placement of the system will remain the same, but he has provided a new site location plan per the new location of the camp.

Provided was a copy of the home inspection done by Keith Lefebvre of Atlantic Home Inspection Company LLC of Lyman, Maine, dated 9/8/2022. Highlighted was the following sentence(s): The home is set on concrete footings and concrete blocks. There are some concrete blocks that could be moved so they were not adding any support to the structure. There were single 2 x 6-8 boards that were acting as support beams. Recommend to re-evaluate the support structure of the home and make the repairs needed to properly support the home. The well tank and main water shut off is located under the home and is partially buried and not insulated. Recommend to install onto a concrete pad and insulate as needed.

Roger A. asked Ms. Kearn for the record to briefly state why she was before the board. Ms. Kearn stated she was proposing to move the camp over 16 feet, where right now it is currently 5 feet from the property line. She stated there was a whole line of trees, and Dennis Morin the excavator and foundation man, said it would be easier to move the camp over 16 feet; it will be more centered on the property, we won't destroy the tree line, or the property close to hers. She said the new location will not be any closer to the water, it is a lateral move and the septic system has been approved by the Town where it is designed. She said it will still be in the same place as designed, but she had Ken Gardner draw up a new plan so the measurements to the proposed camp location are correct. She said she believed members were going to do a site visit, and a letter went out to abutters, but she did not know if they responded.

Barbara F. stated the only response she received was an email received today at 4:12 pm. Roger A. read the email as follows:

To the Members of the Town of Shapleigh Planning Board

Question presented:

Will this include a full 8' or more foundation? The board and Ms. Kearn answered 'Yes'.

Will this foundation create a greater living space? Or addition of a garage, barn or boat house? The board and Ms. Kearn answered 'No'.

By moving the structure to its proposed new location, will this create an opportunity to expand the footprint of the cottage for future additions towards Lot #9? The board and Ms. Kearn answered 'No'.

These are my questions and concerns to be addressed to the Shapleigh Planning Board.

Respectfully submitted,  
Milton A. Raymond,  
Abutter

Will this proposed move open the possibility of a multi-family dwelling? The board and Ms. Kearn answered 'No'.

Barbara F. will provide Mr. Raymond with these answers tomorrow. She stated that she did send him additional information that Ms. Kearn had provided, that she believed would answer his questions as well.

Roger A. reviewed §105-4.D 'Nonconforming structures', as applicable, including (7) 'Relocation' as follows:

(7) Relocation.

- (a) A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. *The board received the State of Maine Subsurface Wastewater Application drafted by Kenneth Gardner, SE #73, dated 12/12/2022, which included the proposed camp location, as well as the original application*

*dated, 9/27/222 and approved by the Town of Shapleigh on 10/12/2022. Ms. Kearn noted the septic location was not being moved, just the measurements from the camp will have changed.*

- (b) In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish the relocation. ***Roger A. stated the board has the sketch plan of the new proposed location, and after the site inspection, based on the proximity to the lot line, and septic design location, the new location is best possible, so as not to disturb the neighboring property and to save the existing trees on site.*** When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation §105.51.3. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:
- [1] Trees, woody vegetation and ground cover.
- [a] Trees removed in order to relocate a structure must be replanted with at least one native tree, six feet in height, measured from the base of the trunk to the top of the tree, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Trees shall be planted greater than five feet from the side lots lines, and shall create a well-distributed stand of trees. These replanted trees shall be flagged with fluorescent tape no less than 18 inches in length which shall not be removed except by the Code Enforcement Officer upon inspection. ***Roger A. noted that there were no trees being removed per the plan provided.***
- [b] Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be established within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
- [2] Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
- (c) All approved plans shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board.

Steve F. asked the board to look at page 3 of the Septic Design provided, where it appeared Kenneth Gardner was asking to have a wall constructed, so the total amount of fill can be provided for the system. He said it looked like the wall would be 75 feet back from the high water line. He wanted to be sure the board addresses the wall this evening, such that it is permitted. He said it looks like he needs the fill line extended but not toward the lake, so a small retaining wall will be constructed. He wanted this noted, so the applicant does not have to come back for the retaining wall. CEO Demers stated that where it is at the

75 foot mark it does not fall under the jurisdiction of Permit by Rule, it is necessary for the essential service, so it can be allowed. Steve asked if the board had to approve a low retaining wall? CEO Demers said, no. Steve said he just wanted to provide language that the board looked at it, noting he was not going to supersede the site designer. Roger A. agreed, it is noted that the board looked at it. Ann H. asked if the board should note how high and how long it will be? CEO Demers said that it could be stated ‘to the extent required by the septic plan’. Madge B. agreed. Steve added, ‘Not to exceed 4 feet.’ Roger said that it would not be based on the septic design.

Roger A. asked if there was a restabilization plan for the area where the existing camp is located now? Ms. Kearn was not sure what they were asking for. Steve F. asked what would be used for ground cover for where the camp is now, once it is removed? Ms. Kearn stated that currently there is moss, and she is hoping to cover that area with moss as well, along with some bushes. She said where the new location is, that area will be landscaped as well, with moss and plantings. The board asked Ms. Kearn to put something on her plan to indicate plantings. Madge B. noted it did not appear to be an easy place to revegetate. Roger A. thought she might need to add erosion control mulch as well, it might be hard to plant moss. Ms. Kearn stated she was hoping the moss would fill in after the camp was moved.

**Roger A. stated the conditions of approval would be as follows:**

- 1) Best Management Practices shall be used until the project is completed, which includes the revegetation and stabilization of all areas disturbed by the project. The contractor must be licensed by the State of Maine to work in the Shoreland District.**
- 2) Photographs were received for preconstruction of the shoreline, vegetation and development site. Post construction photos shall be required within 20 days of completion of the project, to both the Planning Board and Code Enforcement office.**
- 3) A licensed surveyor shall confirm in writing that the placement of the new structure is correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.**
- 4) The area where the existing structure is located, will be stabilized with plants and erosion control mulch.**
- 5) The project, including revegetation, shall be completed by September 30, 2023.**

**Steve F. made the motion to approve the best practical location on Map 43, Lot 11 (107 North Shore Road), moving the structure 16’ from the existing location toward Map 43, Lot 13 going no closer to the high-water-line, per the plans provided and as discussed, with the noted conditions. Madge B seconded the motion. All members were in favor. By of a vote of 5 – 0, the approval was unanimous.**

Nothing more was discussed.

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**The Findings of Facts**

1. The owner(s) of Shapleigh Tax Map 43, Lot(s) 11 & 12 (107 & 101 North Shore Road) is Joyce E. Kearn, Trustee of the Joyce E. Kearn Revocable Trust of 2011 with a current mailing address of 19 Dumas Avenue, Unit #5, Hampton, NH 03842, per Warranty Deed, recorded at the YCRD BK 19120 PG 716, recorded on 9/27/2022.

2. The property known as Map 43, Lot 11 is located in the Shoreland District and according to the Assessor the property contains .23 acres. The property known as Map 43, Lot 13 is located in the Shoreland District and according to the Assessor the property contains .39 acres.
3. Provided along with the application, was a Plan Proposal for Joyce E. Kearn. It read in part as follows: *In order to pour a necessary cement foundation due to compromised pilings and move the hot water tank to an acceptable place, (it is currently under the stairs in the camp with nowhere to drain), it has been recommended by Dennis Morin Building Movers to move the camp over 16 feet, so it isn't as close to the current property line (approximately 5 feet) and making it possible to dig down for a foundation without disrupting the property at 111 North Shore Road. This move and foundation will not affect the current height of the camp, nor will it affect the newly approved septic design.*
4. Provided was a copy of the description of work and estimated cost from Dennis Morin Building Mover's. The proposal is as follows:
  - Move building 16 feet away from edge of property and place new foundation under building
  - Foundation eight foot with three rows rebar
  - Footing 8 x 16 with two rows rebar
  - Floor 4 inch poured concrete
  - Tar foundation and install drainage
  - Excavate and backfill
  - Remove all excess fill 150 yards
  - Price \$46,000
5. Provided was a Plot Plan Addendum for 107/101 North Shore Road - .61 Acres  
Description as follows: The camp is currently approximately 5 feet from the property line of Lot 009 owned by Milton Raymond and 48.5 feet from the property line of Lot 013 owned by Roland Staples. The proposed distances will be 21 feet from the property line of Lot 009 owned by Milton Raymond and 32.5 feet from the property line of Lot 013 owned by Roland Staples. Nothing else will change on the existing property. The camp will be no closer to the water or easement (North Shore Road).
6. Provided was a sketch of the Existing Conditions and Proposed placement of the existing structure. The sketch included the location of the easement for North Shore Road, distance to high-water-mark of the proposed structure location, that being 110 feet at its closest point. The location of the septic system, leach field were also located on the plan. The well location was also noted on the sketch plan.
7. Provided was a copy of the Subsurface Wastewater Disposal System Variance Request, dated 10/12/2022, along with a copy of the Subsurface Wasterwater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 9/27/2022 with Permit #3417 issued by the Town of Shapleigh on 10/12/2022.
8. Provided was a copy of the Subsurface Wastewater Disposal System Variance Request, dated 12/12/2022, along with a copy of the Subsurface Wastewater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 12/12/2022, which is the proposed system if the camp is moved to the new location.
9. Provided was a statement as follows: The purpose of moving the camp is to ensure all trees along the property line would NOT be removed or affected. Any trees that may have to be removed will be replaced within the
10. Provided were pictures of existing conditions which included the existing camp, pictures showing the camp location which is approximately 5 feet from the property line of 111 North Shore Road, pictures of the existing pilings under camp and exposed plumbing.

11. Provided was a description of the photos provided as follows: I have attached as an exhibit some photos of the current state of the pilings holding up the camp, along with a portion of the home inspection report recommending the addition of a foundation, in part because of the plumbing, but mostly because there is minimal and failing support of the structure. I have also attached as an exhibit photos of where the camp is located...just under five feet from the property line of Lot #009 owned by Milton Staples. In contacting Dennis Moring Building Movers about a foundation, he indicated the camp should be moved over 16 feet to enable digging a foundation without disturbing the abutting property or affecting the current height of the camp. The 16 foot recommendation was to adhere to the septic system design already approved. That new septic system was approved on 10/12/2022 (Shapleigh Permit #2417), but I contacted Ken Gardner who drew up a new design in case this move is approved. The placement of the system will remain the same, but he has provided a new site location plan per the new location of the camp. *Post construction photographs are required within 20 days of completion of the project per §105-3.E.*
12. Provided was a copy of the home inspection done by Keith Lefebvre of Atlantic Home Inspection Company LLC of Lyman, Maine, dated 9/8/2022. Highlighted was the following sentence(s): The home is set on concrete footings and concrete blocks. There are some concrete blocks that could be moved so they were not adding any support to the structure. There were single 2 x 6-8 boards that were acting as support beams. Recommend to re-evaluate the support structure of the home and make the repairs needed to properly support the home. The well tank and main water shut off is located under the home and is partially buried and not insulated. Recommend to install onto a concrete pad and insulate as needed.
13. The application required Planning Board review as a Best Practical Location under §105-4 ‘Nonconformance’. The Planning Board members agreed the application as presented, will meet all the criteria in the ordinance with conditions, and the proposed location of the new structure, moving the structure 16 feet, placing it 21 feet from the lot line of Map 43, Lot 9, and 32.5 feet from the property line of Map 43, Lot 13 per the plans provided, is the best practical due to the proximity to the neighboring lot lines, existing trees, and septic system location.
14. The board while reviewing §105-4.D(7) asked the applicant to amend her plan to add vegetation where the existing structure is located. The applicant stated there would be shrubs, and moss. The board also requested erosion control mulch as needed.
15. A notice was mailed to all abutters within 500 feet of the property on January 25, 2023. Meetings were held on Tuesday, January 24, 2023, and Tuesday, February 14, 2023. A site inspection was done by members on an individual basis prior to the meeting.
16. The Planning Board unanimously agreed to approve the best practical location on Map 43, Lot(s) 11 & 12, moving the structure 16 feet per the plans provided, placing it 21 feet from the lot line of Map 43, Lot 9, and 32.5 feet from the property line of Map 43, Lot 13, no closer to the high-water-line with five conditions.
17. **The conditions of approval are as follows:**
  - 1) **Best Management Practices shall be used until the project is completed, which includes the revegetation and stabilization of all areas disturbed by the project. The contractor must be licensed by the State of Maine to work in the Shoreland District.**
  - 2) **Photographs were received for preconstruction of the shoreline, vegetation and development site. Post construction photos shall be required within 20 days of completion of the project, to both the Planning Board and Code Enforcement office.**

- 3) A licensed surveyor shall confirm in writing that the placement of the new structure is correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.
- 4) The area where the existing structure is located, will be stabilized with plants and erosion control mulch.
- 5) The project, including revegetation, shall be completed by September 30, 2023.

**Decision:**

The Best Practical Location application to relocate the existing structure on Map 43, Lot 11 (107 N. Shore Road), moving the structure 16 feet, placing it 21 feet from the lot line of Map 43, Lot 9, and 32.5 feet from the property line of Map 43, Lot 13, and no closer to the high-water-line, per the plans presented with five conditions, was approved.

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**Conditional Use Permit – Motorcycle Inspection Station – Map 2, Lot 13D (512 Hooper Road) – Andy Ayers, Applicant & Property Owner**

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

Provided along with the application is a copy of the Town Tax Map depicting Lot 13D, as well as the existing location of the ‘House’ and ‘Shop’. *Distances from the existing structures to the road and lot lines were not noted.*

Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by Bruce Howard, SE #196, dated 10/30/2001, permit issued by the Town of Shapleigh on 2/14/2002, for a 3 bedroom single family dwelling unit.

The detailed description of the project is as follows: *Motorcycle Insp. Station (Appt. Only)*

Roger A. asked Mr. Ayers to let the board what he would like to do. Mr. Ayers stated he worked on cars for a living in Portland, he wanted to be able to do motorcycle inspections at his house by appointment only. He said because he works full time, he cannot do it on a regular basis. He added that the only inspection you are allowed to do ‘by appointment only’ are motorcycles, unless you are open 16 hours a week minimum. He added that currently he did not do motorcycle inspections in Portland.

Roger A. asked if he would be working on the motorcycles? Mr. Ayers stated no, then said if anything, it would be minimal. Roger asked what happened if they failed inspection. Mr. Ayers stated they would go elsewhere. CEO Demers asked if there would be an instance where he would replace a blinker or brake cable? Mr. Ayers stated that yes, minor stuff, but he was not going to disassemble or work on transmissions. He added that he did not work on his own motorcycle, and he wouldn’t be doing it on someone else’s.

Madge B. asked if he was building a new structure? Mr. Ayers stated the structure was already built. He said it was a 28’ x 40’ building.

Ann H. asked him how many he thought he would do a day? Mr. Ayers stated he got home at 5 pm, so he did not think too many. He believed he would be doing more on Saturday and Sunday’s.

Roland L. asked if there would be a motorcyclist area to hang out? Mr. Ayers stated it was not a hangout. Roland asked if they would drive there, leave their bike, go home and get a ride back? Mr. Ayers stated a complete motorcycle inspection takes from 10 to 12 minutes, so he didn't see a reason for them to drop it off. Roland asked about a place in case of inclement weather, such as rain, where would they be? Mr. Ayers stated they could be in the building, it is large enough.

Madge B. asked if he needed a public hearing because it is a business? Barbara F. stated, yes.

CEO Demers stated the only sign he said he wants to put up is the Inspection Placard. Mr. Ayers stated that yes, he is required to place the placard on the building. CEO Demers stated it could be handled by him. Mr. Ayers stated again that it had to be on the building.

**Roger A. stated there would be a public hearing on Tuesday, February 28<sup>th</sup> at 6:30 pm, and a notice to abutters will be mailed. A site inspection will be done on an individual basis.**

Ann H. asked Mr. Ayers if it was ok for members to go on his property. Mr. Ayers said yes, but wear boots, it is mud season.

Nothing more was discussed.

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**Other:**

Barbara F. asked if the board could see the Conditional Use Permit to replace the retaining wall at 19 Buccaneer's Way, Steele Nickel Inc. the applicant, at the next meeting if the applicant is ready? She said the board put the application off until March due to the snow, and wondered if they had gone out to see it. Several members had been to the site, noting there is an erosion problem. Members agreed that if the applicant is ready, they will hear them at the next meeting. Barbara will contact them.

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Barbara F. provided the board with an example of an ordinance from Lee Jay Feldman of SMRPC which would meet the Accessory Dwelling Unit criteria in LD2003 that goes into effect in July. She asked the board to review it, so as to be able to talk about it at the next meeting. She said there was a possibility to get it to vote in June at the same time as people vote on the school budget. She realized that typically the board does not like to have a special vote, but because the legislation goes into effect in July of this year, and there wasn't time to get it to Town Meeting, they may want to consider this.

Steve F. asked if the ordinance needed all the public sewer and septic language. Madge B. did not think so. Steve felt if we could strike a lot of that, it would clean it up. Madge said it also references a Section 2, was it from our ordinance or someone else's? Barbara stated someone else's, so that will get removed. Madge thought so, and believed it was probably the definition of non-conformity. Barbara agreed it needed some revisions, and ask the board to do just that for the next meeting. She said she just received it today and didn't have time to look it over carefully.

Roger A. stated that the Town does allow duplexes, so originally when we spoke about meeting LD2003, I felt that the Town did. He noted with a duplex there is no size restriction on a 2 acre lot. Steve F. stated that that was attached, this is talking about a separate structure as well. Madge B. said correct.



CEO Demers stated that for example a 700 sf ADU attached, could be seen as a duplex but also could be seen as an ADU and fall under ‘no growth permit’ but if it is over 700 sf attached it would be a growth permit and considered a duplex. He said based on the ordinance if it is over 700 sf it would have to be attached.

Steve F. said the only other issue he saw was where it talked about rentals not being allowed. He said there was no way to enforce it. He felt the board should talk about the language. He didn’t want weekly rentals, but didn’t see putting something in the ordinance they can’t regulate. CEO Demers said it could stay because when someone comes in for an application, if they state they are building an ADU for rental purposes I could deny it. He felt at the time of application it had some teeth.

Roger A. noted that ADU’s are not allowed in the Shoreland District. CEO Demers agreed and stated it would need to be placed into the land use chart, and they are not allowed on a non-conforming lot.

Maggie M. thought with respect to a long term rental, it was discouraging people from turning it into an Airbnb. She said if someone was doing that, it would be advertised and someone would figure it out eventually. Steve F. didn’t think it was the intent of LD2003 to create a rental property. Others agreed so it should be discouraged. He said again he didn’t want to put something in if there was no teeth to it. Roland L. said he supported CEO Demers comment that it could discourage someone from the get-go, if they come in with the intended use and say it’s a short-term rental. He said he would prefer the rational of discouraging from a get-go. CEO Demers noted that someone could come in for an attached structure and live on one side and rent out the other. Members agreed. Madge B. thought the accessory structure was different. CEO Demers said again the restriction has a use. Barbara F. noted that much of the ordinance could be circumvented if people want to, the ordinance keeps the honest people honest. She said that once a structure is permitted legally, the CEO can’t keep track of what will happen next, but you have to start somewhere. Steve said that he supposed if there was a complaint and someone asked the CEO to enforce the ordinance, it could be done.

The board agreed to look the ordinance over for future discussion. Nothing further was discussed.

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**Growth Permits**

**Map 27, Lot 12 (84 16<sup>th</sup> Street Loop) – Seasonal Conversion – K. Normand GP #02-2023**

Roger noted that this application was just before the board at the last meeting. The applicant wanted to be able to be there year round. There was no issue with approving the seasonal conversion.

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**The Planning Board meeting ended at 8:50 p.m.**

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

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

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

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