

Shapleigh Planning Board

Minutes

Wednesday, March 1, 2023

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

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.

Public Hearings Began at 6:30 pm

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

Mr. Ayers was present for public hearing.

Roger A. asked Mr. Ayers to let the audience know what he intended to do. Mr. Ayers stated he was planning on opening an appointment only motorcycle inspection station. He stated it will only be open early evenings and weekends. He stated that he worked full time in Portland, so he could only have limited hours.

Roger A. asked if it was by appointment only or would they be able to just drive over? Mr. Ayers stated it would be appointment only. Roger asked if it would be 7 days a week? Mr. Ayers stated it would only be early evenings when he got home from his regular job and weekends. Barbara F. asked if it was every night during the week? Mr. Ayers stated, “If I have an appointment”. Barbara said that was fine, she just wanted him aware that he could be open 7 days a week. Mr. Ayers stated that he could, but he didn’t know if he would have appointments.

Roger A. asked if there were any questions for Mr. Ayers? There were none. **The public hearing closed at 6:32 pm.**

3-Lot Minor Subdivision – Map 11, Lot 23F (Little Poverty Pond Road) – Bhret Luscombe, Applicant & Property Owner

Mr. Luscombe and Joe Stanley of LinePro Land Surveyors in Springvale, were present for the public hearing.

Roger A. asked Mr. Luscombe to let the board know what he wanted to do. Mr. Luscombe stated that Mr. Stanley would be representing him for the subdivision. Mr. Stanley, introduced himself and stated he was before the board for a 2 lot division on Little Poverty Pond Road. He stated that recently Mr. Luscombe purchased 5 acres, a triangular piece of land, which he stated was depicted in green on the plan. He said they wanted to divide the property in half, with a 3 acre lot on one side and a 2 acre lot on

the other. He stated there was an abundance of road frontage, and Ken Gardner (licensed soil scientist) visited the site, stating there were suitable soils for septic designs on both parcels. He added that Mr. Gardner did walk the site looking for wetlands, there were none on this side of the road; the low spot in the area is on the opposite side of the road. He stated that everything on site gently pitches down toward the road, and it is sandy soil, so water gets absorbed quickly.

Mr. Stanley stated that beyond that he did not believe there was anything out of the ordinary. He said they were looking to take a 5 acre lot with an abundance of road frontage, and divide it into two pieces. He asked if anyone had any questions?

Roger A. stated that because there were no questions he was going to close the public hearing; the regular meeting will start at 7:00 pm. **The public hearing was closed at 6:35 pm.**

The Planning Board meeting started at 7:00 pm.

The minutes from Tuesday, February 14, 2023 were accepted as written.

Unfinished Business:

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 know what he would like to do for the record. Mr. Ayers stated he was going to have an appointment only motorcycle inspection station, which will be open only when he is not working in Portland. He said this would be early evenings and weekends.

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

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

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, nor is it dangerous to the health and safety of the community.*

- 105-21 – Traffic. *The Recommended Site Distance at 35 mph is 350, and the minimum is 245. Roger A. was not sure he could meet the standard, noting this would not be the sole criterion for rejecting the application. Mr. Ayers stated the existing driveway location was sanctioned by the Road Commissioner based on its safety aspect, noting that where he wanted the driveway, the Road Commissioner would not allow it. He felt he could meet the minimum site distance.*
- 105-22 – Noise. *The ordinance was reviewed in its entirety, which includes the sound pressure level limits; 60 dB(A) 7 AM to 10 PM, and 45 dB(A) from 10 PM to 7 AM. Levels may exceed this by 10 dB(A) for a single period, no longer than 15 minutes in any one day. The Code Enforcement Officer or Sheriff's Department shall be authorized to enforce these noise standards. Mr. Ayers asked at what distance a decibel reading would be done, stating it is 100 decibels at 100 feet per the State. CEO Demers stated it would be measured at the property line, 4 feet above ground level. Roger read several decibel examples as follows: 60 decibels are as an air conditioner at 100 feet or average city traffic on a shopping street, 40 decibels would be as an average day/night outdoor noise level in rural residential area.*
- 105-23 – Dust, fumes, vapors and gases. *There is no work being done on the motorcycles, so this is not an issue.*
- 105-24 – Odors. *There will be no obnoxious odors generated.*
- 105-25 – Glare. *Roger A. asked if there would be additional lighting? Mr. Ayers stated there were two outside lights at this time on the building. Madge B. noted that the building sets back from the road, so it isn't an issue..*
- 105-26 – Stormwater runoff. *The building is in existence with no changes being made to the exterior, therefore there will be no stormwater runoff issues created by the business.*
- 105-27 – Erosion control. *The building is in existence with no changes being made to the surrounding landscape, therefore erosion is not an issue with the new business.*
- 105-28 – Setbacks and screening. *The existing structure sets back off the road, no additional screening will be required.*
- 105-29 – Explosive materials. *There shall be none on site and none to be generated.*
- 105-30 – Water quality. *There are no changes to the exterior of the building and no outdoor storage of material to affect water quality.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The existing landscape will remain in place; motorcycles will be inside the structure, so no additional parking is required; there are no outside storage areas. Madge B. asked Mr. Ayers if he would have any motorcycles on the property? Mr. Ayers stated that only his motorcycles would be on site. Madge asked if he would be buying or selling motorcycles? Mr. Ayers stated that he would not be. Roger A. stated it was for inspections only. Mr. Ayers added that most inspections take anywhere from 10 to 20 minutes.*
- 105-32 – Relation of proposed building to the environment. *The building sets well off the road and fits in with the surrounding area.*
- 105-33 – Refuse disposal. *There is minimal refuse from the business, paper only, which will be taken care of by the applicant. There is no work being done on site, inspections only.*
- 105-34 – Access Control to Route 109 and 11. *N/A*
- 105-43 – Off-street parking and loading. *There is no off-street parking or loading associated with this business.*

105-46 – Sanitary provisions. *There is a State approved septic on site, but there shall be no facilities for the public on site.*

105-47 – Signs and billboards. *All signage must be permitted and approved through the Code Enforcement Office. This is not a Planning Board issue. Mr. Ayers stated that the only sign on the building will be the one the State of Maine mandates.*

Roger A. read a memo provided by Barbara F. regarding a telephone conversation that was had with an abutter. It read as follows:

I wanted to share that I had a telephone call on Thursday, February 16th, regarding the application on Map 2, Lot 13D (512 Hooper Road) from a gentleman named Robert Spriggs, who lives on 487 Hooper Road.

He stated he was not opposed to the inspection station, as he understands everyone needs to have a way to make money. His biggest concern was with respect to noise. He stated he was a combat veteran, doing several tours in Afghanistan, and he struggled with ‘noise’. He asked that the board address noise and that it is kept to a minimum.

I wanted to be sure you all knew about the call, as he seemed extremely worried.

Madge B. asked if when inspecting the motorcycle, if it could be kept inside the building? Mr. Ayers stated that it has to be kept inside the building. Madge felt this would address the issue. Mr. Ayers stated that if the pipes are too loud, the motorcycle immediately fails.

Roger A. asked if there were any additional questions for the applicant? Norman B. said he had a question regarding the noise of motorcycles, primarily Harley’s. He said that a lot of guys buy them, the first thing they do is take the muffler off and put a loud one on. He asked if this was part of the inspection? Mr. Ayers stated that it was, and any modification to an exhaust, that is not a permanent silenced exhaust, it immediately fails. He stated that they can change their pipes, but the muffler or silencer has to be permanently installed; it cannot be removed, it cannot be modified. Norman said, “So that’s part of your inspection”. Mr. Ayers stated, “Yup”. Mr. Ayers added that the way it is written to the inspectors, if the inspectors deems it to be too loud, it immediately fails. Norman said, “Let’s say you decline an inspection, can you go somewhere else?” Mr. Ayers stated, “Absolutely, you can go anywhere you want, but every time you go someplace else, you get charged again.” Norman asked how much that would be? Mr. Ayers stated it was \$12.50. Norman asked if there was any way that the next person he goes to knows that he has failed? Mr. Ayers said, “No, on cars there is a fail procedure, but with motorcycles there is not.” He added that it is up to the rider or owner to get it inspected, just as with a car. He said the difference is with a motorcycle, your inspection sticker goes on your license place, and it is small, it looks like a registration sticker. He said that most officers don’t even look at it, so a lot of guys are running around without stickers. He said that with most of those guys, the reason they don’t have a sticker, is they will not pass inspection. Norman said that obviously it is not enforced very well. Mr. Ayers agreed, stating they enforce the inspection stations quite well, but not the stickers on the plates. Norman asked if the stickers were color coded? Mr. Ayers stated that they were, and dated, like a car but a lot smaller.

Roger A. then reviewed §105-73.G ‘Standards applicable to conditional uses’ and made findings of fact.

Standards applicable to conditional uses. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application unless it makes written findings that one or more of these criteria have not been met.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. **Roger A. stated, it will not.**
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. **Roger A. stated this is not applicable.**
- 3) The use is consistent with the Comprehensive Plan. **Roger A. stated it is, the Comp Plan wants small businesses in town.**
- 4) Traffic access to the site is safe. **Roger A. stated it is, the entrance to the property was permitted by the Road Commissioner.**
- 5) The site design is in conformance with all municipal flood hazard protection regulations. **Roger A. stated it is, the project is not in the flood zone.**
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. **Roger A. stated a State approved Septic System is on site, and there is minimal solid waste associated with this business, which will be taken care of by the applicant.**
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. **Roger A. stated there is none being generated.**
- 8) A stormwater drainage system capable of handling a fifty-year storm without adverse impact on adjacent properties has been designed. **Roger A. the structure for the business is in existence and there is no stormwater issue on site.**
- 9) Adequate provisions to control soil erosion and sedimentation have been made. **Roger A. stated there are no changes being made to the property to create an erosion issue.**
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. **Mr. Ayers stated a fire extinguisher is in the building.**
- 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. **Roger A. stated there are no changes being made to the existing vegetation, and the structure sits well off the road.**
- 12) All performance standards in this chapter applicable to the proposed use will be met. **Roger A. stated they shall with one condition.**

Mr. Ayers said again that he would not be home until 5:00 pm, and would not be working after 8:00 pm. Madge B. thought that was good, because the noise allowed changes at 10:00 pm. Barbara F. asked what hours he would be working on the weekend? Mr. Ayers stated he would not be working before 8:00 am or after 8:00 pm.

Roger A. stated the condition for the permit is as follows:

- 1) **The hours of operation shall be 5 PM to 8 PM, Monday thru Friday; 8 AM to 8 PM, Saturday and Sunday.**

Madge B. moved for approval of the application for a motorcycle inspection station, hours by appointment only, on Map 2, Lot 13D per the plan provided and with one condition. Maggie M. seconded the motion. By a vote of 4 – 0, the vote to approve was unanimous.

Mr. Ayers stated that he could not go any further until he had something signed by the Code Enforcement Officer stating it was ok to open the business. Roger A. stated that he would be getting an approval letter from the Planning Board. Barbara F. stated that CEO Demers could also provide something if required. CEO Demers agreed.

Nothing more was discussed.

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**The Findings of Facts**

1. The owner(s) of Shapleigh Tax Map 2, Lot 13-D (512 Hooper Road) is Andy G. Ayers, current mailing address of 512 Hooper Road, Shapleigh, Maine 04076, per State of Maine Municipal Quit-Claim Deed - Book 16790, Page 589, dated 2/24/2014, registered at the York County Registry of Deeds.
2. The property is located in the General Purpose District, and according to the Assessor’s office, it contains 1.84 acres.
3. Provided was a copy of the Town Tax Map depicting Lot 13D, as well as the location of the ‘house’ and ‘shop’. *Distances from structure to the lot lines were not noted on the map.*
4. Provided was a copy of the Subsurface Wastewater Disposal System Application for a 3 bedroom single family home, drafted by Brian W. Howard, SE #196, dated 10/30/01.
5. The detailed description of the project is as follows: *Motorcycle Inspection Station (Appt. Only)*
6. The application as presented met the Basic Performance Standards in the Zoning Ordinance. The board noted for this application, Section 105-22 ‘Noise’ is a concern, reciting the restrictions contained in the ordinance. The applicant stated the inspections would be done inside the building, and understood the concern.
7. The application as presented met the performance standards under §105-73 ‘Conditional Use Permits’ as per the documentation provided and as presented with one condition. The proposed use shall not have an adverse effect on aquatic life or wildlife; the proposed use is not in the Shoreland District; the use is consistent with the Comprehensive Plan which encourages small businesses; traffic access to the site is safe for the intended use, the entrance was approved by the Road Commissioner; the lot is not located within the flood zone; there is an existing State approved subsurface wastewater disposal system on site, but customers will not have access to any toilet facilities; there is minimal waste associated with this business, paper for permitting only, which will be disposed of by the applicant; there is no hazardous waste being stored on site; the structure for the business is in existence and no changes are being made on site to create an erosion issue; there is no water required for the proposed use, and there shall be a fire extinguisher present in the building; there is existing vegetation and the structure sits well off the road, there shall be no lighting facing onto the road, and no fumes, dust, odors and the like. Noise shall be kept to a minimum, with all inspections being done inside the structure; all performance standards shall be met with one condition.

- 8. A notice was mailed to all abutters within 500 feet of the property on February 15, 2023. Meetings were held on Tuesday, February 14, 2023 and Wednesday March 1, 2023. A Public Hearing was held on Wednesday, March 1st.
- 9. The Planning Board unanimously agreed to approve the Conditional Use Permit for a motorcycle inspection station, by appointment only, on property known as Tax Map 2, Lot 13D, with one condition.
- 10. The condition(s) of approval is as follows:
  - 1) **The hours of operation shall be 5 PM to 8 PM, Monday thru Friday; 8 AM to 8 PM, Saturday and Sunday.**

**Decision:**

**The Conditional Use Permit for a motorcycle inspection station by appointment only, on property known as Tax Map 2, Lot 13D, with one condition was approved.**

**3-Lot Minor Subdivision (2 Lot Division with Remaining Land) – Map 11, Part of Lot 23F (Little Poverty Pond Road) – Bhret Luscombe, Applicant & Property Owner; Joe Stanley of LinePro Land Surveying, Representing**

Mr. Luscombe was present for the review of the application, along with Joe Stanley of LinePro Land Surveying, representing the applicant.

**Applicant Information:**

Name of Property

Owner & Applicant: Bhret Luscombe  
33 Triangle Street  
Acton, ME 04001  
[Bhret@yahoo.com](mailto:Bhret@yahoo.com)

Name of Property

Surveyor: LinePro Land Surveying  
Joseph Stanley, PLS #2453  
455 Main Street  
Springvale, ME 04083  
[Jstanley@lineprosurving.com](mailto:Jstanley@lineprosurving.com)

**Land Information:**

Legal Interest: Quitclaim Deed  
YCRD, Book 19103, Page 178  
Dated 8/30/2022

Property Location: Map 11, Lot 23F (part of)  
Little Poverty Pond Road & Newfield Road

Property is not within 250 of a high-water-mark of a pond or river.

Acreage being

Developed:                   Creating (1) Lot 2.00 Acres  
                                          (1) Lot 3.00 Acres  
                                          Remaining Land Belongs to Abutting Property Owner

Restrictive Covenants:       None Listed

Property is not part of a prior approved subdivision. There have been other divisions within the past 5 years. Existing use of land is a wood lot. There are no waterbodies on the property, nor is it in a special flood hazard area as identified by the Federal Emergency Management Agency.

Proposed Name of Subdivision: *Old School Farms*

The lots being developed have frontage on Little Poverty Pond Road.

There are no existing sidewalks, sewer lines, storm drainage, waterlines, or fire protection.

There is no estimated cost of infrastructure.

The water supply will be individual wells.

The sewage disposal will be individual septic tanks.

There is no proposed fire protection, a letter from the previous Fire Chief was provided for a nearby subdivision, which stated that after reviewing the subdivision plan for Gray Road Estates, dated June 5, 2017, based on the proximity of the project to the existing fire pond and hydrant located a half mile away at Pine Springs, as well as being only 1.6 miles from the Ross Corner Fire Station, the Fire Chief believed that there was ‘adequate water storage for fire-fighting purposes’ located near the project and no further ponds or hydrants were required.

There are no public streets, recreation areas, or common lands proposed.

Waivers were requested for the following:

89-29A – Underground Utilities – Proposed lots will be serviced utilizing overhead utilities.

89-30D – Stormwater Drainage Plan – No road is being constructed, and only minor site disturbance is proposed. Stormwater flow patterns, and some of the MDEP Erosion Control Best Management Practices are on the plan.

89-30C – Fire Pond / Dry Hydrants – Sufficient fire protection water is available nearby, see Letter from former Fire Chief dated 6/5/2017.

89-36 thru 37, and 39 thru 41 – also known as Article XI (Street and Storm Drainage Design & Construction Standards) – N/A, no new street or street construction is proposed.

Provided was a copy of the Soil Map – York County, Maine – Depicting the map of the area involved, along with the Map Legend & Map Unit Legend. Proposed Lot 1 consists of Ad/C soil – Adams Loamy Sand 8 – 15% slopes and Lot #2 consist of Ad/B – Adams Loamy Sand 0 – 8% slopes along with Ad/C.



Provided was a copy of the Subsurface Wastewater Disposal System Application Test Pits, drafted by Kenneth Gardner, SE #73, dated 1/30/2023, which noted both Lots #1 & #2, had suitable soils for a septic system.

Provided was a copy of a survey plan drafted by Joseph L. Stanley, MPLS #2453, dated February 13, 2023, entitled ‘Plan Showing a Proposed Minor Subdivision “Old School Farms” for Bhret Luscombe, 33 Triangle Street, Acton ME 04001 of Property Located on Little Poverty Pond Road in Shapleigh, Maine’. The plan depicts the two proposed lots shown as ‘Proposed Lot #1 - 2.00 Acres, Portion of Shapleigh Tax Map 11, Lot 23F, and Proposed Lot #2 - 3.00 Acres, Portion of Shapleigh Tax Map 11, Lot 23F’, along with the remaining land, ‘Glenn B. Cook Estate, Portion of Shapleigh Tax Map 11, Lot 23F’. The soils were noted on all proposed lots; the 2-ft LIDOR contour lines from the Maine Office of GIS website, were on the plan, along with Test Pit locations for Lot #1 & Lot #2. Iron Rod Set with Plastic Survey Cap Marked “LINEPRO PLS2453” locations were indicated for the corners of all three lots. The plan depicted 2 50’ wide Right-of-Way & Utilities Easements to Benefit the Proposed Lots Shown; and the Best Management Practices Diagram from “Maine Erosion and Sediment Control Practices” Booklet by the MDEP. Also provided on the survey plan were the following abutting properties: James & Diane Frasier, Shapleigh Tax Map 11, Lot 23L; Elizabeth A. & Paul M. Rankin, Shapleigh Tax Map 11, Lot 23-8.

Roger A. asked Mr. Stanley to speak about the 3-Lot minor subdivision for Bhret Luscombe, noting it was 3 lots because you always count the parent or mother lot. Mr. Stanley stated he understood but didn’t agree upon the terminology. He once again introduced himself, and stated he was representing Mr. Luscombe, dividing a 5 acre parcel into two properties, for a minor subdivision that will be named Old School Farms. He stated this is an existing 5 acre lot that was purchased last year, and they want to divide the 5 acres into two pieces; a 3 acre lot closer to Newfield Road, and a 2 acre triangular shaped lot. He said they had the property reviewed by Ken Gardner, Soil Scientist and wetland delineator. He said Mr. Gardner did find passing soils on the site and no wetlands on the properties, the only wetlands were on the other side of the road. He stated the lot was fairly evenly sloped, being higher in the back and sloped toward the road, with no other topographical features. He asked if there were any questions?

Roger A. asked where the last utility pole was located? Mr. Stanley pointed one out on the plan. Roger asked how Little Poverty Pond Road got plowed? Mr. Luscombe stated that the gentleman at the end of the street took care of it. Mr. Stanley asked if everyone chipped in? Mr. Luscombe stated they all had tractors and agreed to help out, noting that the gentleman currently maintains it and does it all himself. Mr. Stanley added that beyond the camp road, in purchasing the five acres, there was additional wording that they have a 50 foot right-of-way for use and maintenance through the stretch of the road that was owned by the Cooks. Roger stated that there needed to be a note added to the plan that states that the Town is not responsible for maintenance of the road. Mr. Stanley stated that he understood. Roger stated that they need a recorded road maintenance agreement between everyone for maintenance of the road. Mr. Stanley asked Roger if he was looking for a Note 11 that the Town of Shapleigh is not responsible for maintenance of the road? Roger stated that was correct. He said again that they need a maintenance agreement for the road, that will be recorded at York County Registry of Deeds. Mr. Stanley stated that they will approach the gentleman doing the road work, and hopefully it is easy to obtain, but if it is difficult, there are basically 2 parties involved, Mr. Luscombe and the Cook Estate. He said if they get an agreement between those two parties, it should be sufficient. (The Cook Estate borders both Little Poverty Pond Road with access to the Newfield Road.) Roger believed that would be fine.

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

Roger A. began review of the waivers. Mr. Stanley stated they have the standard page of waivers as follows:

- 1) Underground Utilities §89-29A – They want to come off the existing pole with overhead lines.
- 2) Stormwater Drainage Plan §89-30D– There is one five acre lot, being split, so there is only 1 additional lot being added. There are diagrams on the plan provided that relate to the MDEP Best Management Practices for sedimentation control, using silt fences, etc. They believed adding one additional lot will have minimal impact, not needing a full stormwater plan for this project.
- 3) Fire Pond / Dry Hydrant §89-30.C (§89-B(2)(c)) – Included with the information was a letter from the Fire Chief from when they did a 3-Lot subdivision 5 years ago (2017) in the same vicinity, which said there was a hydrant down the road (Pine Springs Development) and they were in close proximity to the Ross Corner Fire Station. He said in this case no additional fire protection was needed. He said there is now a different Fire Chief, but he is hoping he will get a similar opinion on this additional lot. Roger stated that if the Fire Chief does require additional protection, it is likely sprinklers will be required. Roger stated a new letter will need to be obtained from the current Fire Chief. Mr. Stanley said, ok.
- 4) Street and Storm Drainage Design & Construction Standards §89-36 thru 37, and 39 thru 41 – Requesting this waiver since no streets are being proposed.

Roger A. asked about a waiver for monuments? Mr. Stanley stated that he noticed the ordinance was modified for monuments. Roger agreed it was modified, requiring suitable monumentation prior to approval. Mr. Stanley stated that capped iron rods are already installed at all the corners, all the lines are marked. Roger said he is all set if the corners have been marked.

Roger A. stated that a private way requires 12 feet of pavement, but the board can waive that requirement. Mr. Stanley stated they are hoping they can continue to use the road as it is now, which serves this property and other properties. He said he will officially ask for a waiver of this requirement as well.

- 5) §89-36.I Design Standards According to Street Classification – Private Way

Mr. Stanley asked if the board had to vote on these or place them on the plan. Roger A. stated it should be voted on, so it will be in the minutes and findings. Roger stated that he understood why they would not want to pave that section of the road. He asked if someone wanted to make the motion to waive it? Madge B. asked if he was speaking about eliminating the pavement? Roger said, yes.

**The board voted on the following waivers:**

**§89-36.I – Design Standards According to Street Classification – Pavement Requirement**

*Madge B. moved to eliminate the pavement required for the private way. Maggie M. seconded the motion. By a vote in favor of 4 – 0, the motion passed unanimously.*

**§89-36 thru 37, and 39 thru 41 - Street and Storm Drainage Design & Construction Standards**

*There are no changes being made to the road / private way.*

*Madge B. moved to not apply the storm drainage requirements due the fact no road construction is taking place. Maggie M. seconded the motion. By a vote in favor of 4 – 0, the motion passed unanimously.*

**§89-29A - Underground Utilities**

*Madge B. moved to not apply the requirement for underground utilities, allowing overhead utilities. Maggie M. seconded the motion. By a vote in favor of 4 – 0, the motion passed unanimously.*

**§89-30D - Stormwater Drainage Plan – Stormwater Plan for Surface Water**

*Madge B. moved to not apply the requirement for surface drainage, as there is no surface water located on either of the two lots, and there are well draining soils on site. (Best Management Practices were noted on the plan provided.) Maggie M. seconded the motion. By a vote in favor of 4 – 0, the motion passed unanimously.*

Roger A. stated that §89-30.B(2)(c) Fire Pond / Dry Hydrant, a letter will be required from the Fire Chief stating this is not required, otherwise sprinklers shall be required for each lot.

Roger A. stated that §89-51 Private Roads, a notation will have to be put on the plan. The ordinance reads as follows:

Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

*“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.”*

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

**Roger A. began review for a Minor Subdivision as follows:**

Will not result in undue water or air pollution.

Will have sufficient water available for the foreseeable needs of the subdivision.

Will not cause an unreasonable burden on the existing water supply.

Will not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy conditions result.

Will not cause unreasonable traffic congestion or result in unsafe conditions on existing or proposed roads.

Will provide adequate sewage waste disposal.

Will not cause an unreasonable burden on municipal solid waste disposal.

Will not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

Will conform to local regulations, ordinances, development plan and comprehensive plan.

Will not adversely affect the quality of surface water or shoreline of ponds, rivers, or streams. - **N/A**

Will not alone or in conjunction with existing activities, adversely affect groundwater quality or quantity.

Will demonstrate adequate technical and financial capacity to meet the above – **N/A**

Will have all buildings one foot above the base flood elevations. – **N/A**

Will have freshwater wetlands identified on maps. – **None on Site**

Will have rivers, streams and brooks identified on maps. – **None on Site**

Will provide for adequate stormwater management. – **Proper drainage required around house only.**

Will not have spaghetti lots.

Will not unreasonably increase a great pond’s phosphorous concentration. – **N/A**

**Madge B. moved for approval of the 3-Lot Minor Subdivision known as Old School Farms for Bhret Luscombe, located on Map 11, Part of Lot 23F (Little Poverty Pond Road), per the plans provided, with approved waivers, and still requiring a letter from the Fire Chief for fire protection requirement, and placing the note on the plan per §89-51. Maggie M. seconded the motion. By a vote of 4 – 0 in favor of the motion, the approval was unanimous.**

Mr. Stanley asked if he had to note on the plan that pavement was not required? Roger A. stated that it did not have to be noted, as it will be written in the findings.

Nothing more was discussed.

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Specific Findings

Based on the preliminary findings set forth above, the Board makes the following specific findings in accordance with Shapleigh’s Subdivision Ordinance Appendix A, 30-A M.R.S.A. §4404 “Review Criteria”.

The Board finds that the 3-Lot Minor Subdivision to be known as ‘Old School Farms’:

1. Does not result in undue water or air pollution.
 - *The soils on site adequately support waste disposal per the Subsurface Wastewater Disposal System Application Test Pit data for Lot(s) 1 and 2, done by Kenneth Gardner, SE #73, dated 1/30/2023.*
 - *Due to the soils at this location, being Adams loamy sand, there will be no stormwater runoff issue and the lots are not located next to a stream, river or other water body.*
 - *There is no air pollution being generated.*
2. Does have sufficient water available for the foreseeable needs of the subdivision.
 - *The proposed Lot(s) 1, and 2 shall be supplied by drilled wells, no dug wells shall be allowed.*
 - *The house lots / new homes will not adversely affect the underground water supply in this location.*
3. Does not cause an unreasonable burden on the existing municipal water supply.
 - *There is no existing municipal water supply at this time.*
4. Does not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition results.
 - *There shall not be excessive soil or trees removed from the site to create a soil erosion problem.*
5. Does not cause unreasonable traffic congestion or result in unsafe conditions on existing or proposed road.
 - *The driveway locations for Lot(s) 1 and 2 shall be approved by the Road Commissioner.*
 - *There shall be a road maintenance agreement, recorded at the York County Registry of Deed, for the upkeep of Little Poverty Pond Road from the Newfield Road to the proposed to new lots.*
6. Does provide adequate sewage waste disposal.
 - *The soils on site adequately support waste disposal per the Subsurface Wastewater Disposal System Application Test Pit data for proposed Lot(s) 1 and 2, done by Kenneth Gardner, SE #73, dated 1/30/2023.*
7. Does not cause an unreasonable burden on municipal solid waste disposal.
 - *Each property owner will be responsible for handling his or her individual waste.*
 - *This subdivision is subject to the Growth Ordinance and, therefore, shall not unreasonably burden the municipal solid waste facility.*
8. Does not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas.
 - *This is not a scenic or historic site nor is it in the vicinity of one recognized by the Town of Shapleigh.*

- *The building of two additional single family homes in this location will not adversely affect the aesthetics of the area.*
 - *This site is not located in a significant wildlife habitat as identified by the MDEP.*
9. Does conform to local regulations, ordinances, development plan and comprehensive plan.
- *The final approved plan shall meet all zoning and subdivision regulations.*
 - *Any changes to the final approved plan shall have to come back before the Planning Board.*
 - *All new homes are subject to the current building code requirements.*
10. Does not adversely affect the quality of surface water or shoreline of ponds, rivers, streams or tidal areas.
- *This subdivision is not in the Shoreland District.*
 - *The property is not located near a pond, river, stream or tidal area.*
11. Does not alone or in conjunction with existing activities, adversely affect groundwater quality or quantity.
- *Two additional homes at this location will not adversely affect groundwater quantity in this area.*
 - *A State approved septic system must be installed and approved by the Code Enforcement Officer prior to the granting of an occupancy permit for any new home built on Lot(s) 1 and 2 or the lot known as Glenn B. Cooke Estate.*
12. Has demonstrated adequate technical and financial capacity to meet the above.
- *No additional infrastructure is required, therefore, no bond is required by the Town of Shapleigh.*
13. Does have all buildings one foot above the base flood elevation.
- *No portion of the property is within the 100-year flood plain per the Flood Insurance Rate Map for the Town of Shapleigh.*
14. Does have freshwater wetlands identified on maps.
- *There are no wetland areas depicted on the final plan drafted by Joseph Stanley, MPLS #2453 of LinePro Land Surveying, LLC, dated February 13, 2023.*
15. Does have rivers, streams and brooks identified on maps.
- *There are no rivers, streams and brooks located on this lot.*
16. The applicant has provided an adequate stormwater management plan.
- *Per the plan presented, stormwater drainage shall not affect Little Poverty Pond Road, based on topography and existing soils on site.*
 - *Any driveway location shall be approved by the Road Commissioner, and any required culvert will be determined at that time.*
17. Old School Farms shall have no spaghetti lots.
18. Does not unreasonably increase a great pond's phosphorous concentration.
- *This subdivision is not located in the Shoreland District.*
 - *Any home built on site shall be subject to a State approved subsurface waste disposal system.*

FINDING(S) ON THE REQUESTED WAIVER(S)

The Planning Board finds that the request to waive the requirement, Article 89-29.A, “Utilities shall be installed underground except as otherwise approved by the Board.” **shall be granted** for Lot(s) 1 and 2, entrance is onto Little Poverty Pond Road and the lots will have access to existing utility poles.

The Planning Board finds that the request to waive the requirement(s), Article 89-30.D, “Surface drainage,”; **shall be granted** where the Board feels that surface water runoff to be created by the additional two houses should be minimal and held on site due to the capacity of the existing soils to allow water to permeate. The Road Commissioner will determine if ditching or culverts are required in this location, during the driveway permitting process.

The Planning Board finds that the request to waive the requirement, Article 89-30.B(2)(c), “The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes.”; **shall not be granted** unless a letter is obtained from the Shapleigh Fire Chief, stating no fire ponds or hydrants are necessary to fire-protect this 3-Lot subdivision; otherwise, sprinklers **shall be required** in all new residential structures.

The Planning Board finds that the request to waive the requirement, Article 89-36 thru 37, and 39 thru 41 - also known as “Article XI Street and Storm Drainage Design & Construction Standards”; **shall be granted** due to the fact this subdivision will not have an internal road, and no changes are required for Little Poverty Pond Road. *This includes §89-36.I, no pavement is required.*

PLANNING BOARD ACTION

The Planning Board hereby approves the application of Bhret Luscombe, including the requested waivers as written, for the Minor 3-Lot Subdivision known as “Old School Farms”, located on Tax Map 11, part of Lot 23F, with the following conditions:

1. Pursuant to Subdivision of Land, Chapter 89, Section 30.B(2)(c) that requires the construction of a Fire Pond and Dry Hydrant, a letter shall be required from the Fire Chief stating additional fire protection is not required on Lot(s) 1 & 2, otherwise sprinklers shall be required for each residence constructed.
2. Pursuant to Subdivision of Land, Chapter 89, Section ‘89-51 Private Roads, the following notation shall be placed on the final plan, prior to Planning Board signatures: *“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.”*
3. Any subdivision not recorded at the York County Registry of Deeds **within ninety days** of the date upon which the plan is approved and signed by the Planning Board shall become null and void, unless an extension is granted by the Board in writing.
4. No changes, erasures, modification, or revisions shall be made in any final plan after approval has been given, unless the revised final plan is first submitted to the Planning Board and the Board approves any modifications.

Conditional Use Permit – Rent Former Snowmobile Club Building to a Real Estate Office – Map 7, Lot 3-2 (926 Shapleigh Corner Road) – Elias Thomas, Applicant; James Correggio, Property Owner

Elias Thomas was present for the review of the application.

Provided along with the application was a ‘Commercial Letter of Intent’ between Exit Key Real Estate / Elias Thomas and property owner James Correggio, Terms of Lease commencing on May 1, 2023.

Provided was an aerial view of the property, printed February 21, 2023, depicting the existing structures on site and parking area, along with the location of State Route 11.

Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by John E. Large, SE #7, dated 1/5/2099 for an Assembly Building, ‘No Meals or Showers’, for the Snowmobile Club.

Placed in the file by the Land Use Secretary was a copy of the existing parking plan for this location that is on file with the Planning Board.

The detailed description of the project is as follows: *Former Snowmobile Club building to be rented for use as a real estate office.*

Roger A. asked Mr. Thomas to let the board know what he wanted to do. Mr. Thomas stated they were looking to relocate the office to the former snowmobile club building on Route 11. He stated their hours would stay the same as they are now, which is by appointment if they are outside of the hours, otherwise it is 9 AM to 5 PM, 7 days a week.

Madge B. asked if there would be any changes to the outside of the building? Mr. Thomas stated that they would like to move their signage from where it is now to this location. He said they may do some landscaping, put a few nice looking bushes outside, but nothing major. Madge said the board will want to know about lighting. Mr. Thomas stated that he was not sure what was already there. He said the little circular island near the fence, next to Route 11, has electricity to it, so they will probably be lighting the sign. Roger A. noted that the lighting cannot have any glare going onto Route 11 or into driver’s eyes, it can’t leave the lot line. Mr. Thomas stated that at his age he had to be aware of that as well.

Roger A. asked if there would be any change to the building? Mr. Thomas stated they will only be changing the furniture.

Roger A. stated a public hearing will be held on Tuesday, March 14th, and a notice to abutters will be mailed as well.

Mr. Thomas stated that his daughter, Heather, would be representing them at the next meeting, as he will be out of the country. He did add that if the board needed to speak to him, they could call him to answer any questions that Heather may not be able to answer. The board did not think that would be necessary.

Mr. Thomas asked if the public hearing would be the 6:30 pm time slot. Roger A. stated that it would, then the board would go into the regular meeting at 7:00 pm.

Mr. Thomas asked if there were any other questions? There were none. Mr. Thomas stated that he was looking to occupy the building no later than the first of May. Roger A. stated that was not an issue. He stated that once approved by the board, they could open the next day.

Mr. Thomas asked if there needed to be anything addressed with respect to wiring for the computers? CEO Demers stated that nothing was required. Roger A. stated that with any new receptacles there would be an electrician doing it, and then CEO Demers could take a look.

Nothing more was discussed.

Amendment to the Subdivision Known as Pine Needles (2 New Lots being Created) – Map 10, Lot(s) 1-1 & 1-3 (Town Farm Road & State Route 11) – Dana Reed, Applicant & Property Owner; Joseph Stanley, LinePro Land Surveying, Representing

Mr. Stanley was present for the pre-application discussion.

Applicant Information:

Name of Property

Owner & Applicant: Dana & Sharon Reed
P.O. Box 371
Shapleigh, ME 04076

Name of Property

Surveyor: LinePro Land Surveying
Joseph Stanley, PLS #2453
455 Main Street
Springvale, ME 04083
Jstanley@lineprosurving.com

Land Information:

Legal Interest: YCRD, Book 7369, Page 7, dated 3/24/95 & Book 7958, Page 116, dated 8/19/95
Property Location: Map 10, Lot 1-1 & 1-3
Town Farm Road & State Rte. 11

Property is located in the General Purpose District, not within 250 of a high-water-mark of a pond or river.

Acreage being

Developed: Creating (1) Lot 1.84 Acres; (1) 2.94 Acres
(1) Lot 1.84 Acres; (1) 2.08 Acres
Total 8.59+/-

Restrictive Covenants: None Listed

Property was part of a prior 4-Lot subdivision. Existing use of land is a wood lot. There are no waterbodies on the property, nor is it in a special flood hazard area as identified by the Federal Emergency Management Agency.

Prior Name of Subdivision: Pine Needles

The lots being developed have frontage on Town Farm Road & one on State Route 11.

There are no existing sidewalks, sewer lines, storm drainage, waterlines, or fire protection.

There is no estimated cost of infrastructure.

The water supply will be individual wells.

The sewage disposal will be individual septic tanks.

Provided was a copy of the Town Tax Map depicting existing Map 10, Lots 1-1 and 1-3. Provided was a copy of both deeds for the existing properties to be divided.

Provided was a copy of the previously approved Pine Needles Subdivision of Joseph G. & Martha A. Provost, Route 11 and Town Farm Road, Shapleigh Maine, drafted by All-Around Surveying of Biddeford, Maine, dated accepted by the Town of Shapleigh on February 14, 1995, registered at the York County Registry of Deeds as Book 223, Page 2, dated February 15, 1995. The plan depicts Lots 1 thru 4 of the subdivision, with approved Lot(s) 1 & 2, having frontage on State Route 11, and approved Lot(s) 3 & 4 having road frontage on Town Farm Road. As a note, Lot 2, has road frontage on both Town Farm Road and State Route 11.

Provided was a “Proposed Conceptual Subdivision Revision for Dana Reed, P.O. Box 371, Shapleigh ME 04076, of Property Located on Town Farm Road & State Route 11 in Shapleigh Maine”, dated February 17, 2023, drafted by Joseph Stanley, of LinePro Land Surveying LLC of Springvale, Maine. The plan depicts 4 proposed lots; 2 coming from existing Lot Map 10, Lot 1-1, proposed Lot 1-1 being 1.84 acres in size, having access from Town Farm Road & proposed Lot 1-2 being 2.94 acres in size, having access from State Route 11. From Map 10, Lot 1-3, proposed Lot 3-1 being 1.84 acres in size & Lot 3-2 being 2.08 acres in size, both having access on Town Farm Road. Abutters Glenn P. Armell, Map 10, Lot 1-4; Davis Farm, LLC, Map 10, Lot 10A; and Camp Management Trust, Map 10, Lot 1-2, are also shown on the plan.

Roger A. asked Mr. Stanley to let the board know what he wanted to do. Mr. Stanley once again introduced himself and stated he was representing the Reed family, who have property on Route 11 and Town Farm Road. Mr. Stanley stated this was a pre-application discussion, and informal; they wanted to run the concept by the board and see if there were any questions or concerns, or if this was something they could do. Roger A. asked Mr. Stanley if the preliminary subdivision fee had been paid? Mr. Stanley stated no, this was a pre-application, not the preliminary or final. He pointed out Article V, and after review Roger agreed no application fee was required at this time.

Mr. Stanley stated that the rough concept he wanted to discuss was that his clients own 2 lots of a previous subdivision done in the mid 90’s, Lot 1 & 3, and he pointed it out on the plan. He stated that they had enough road frontage to divide both lots in half, which would create a total subdivision of 6 lots since 1995. He said they were proposing no new lots on Route 11, using the existing frontage around the

residence on the property, proposing dividing the lot in half, putting an additional lot on Town Farm Road. He stated there was no home on the second lot to be divided, and there is an abundance of road frontage, more than 900 feet. He said what he was wondering was whether or not an internal road would be required, going from 4 to 6 lots creating a major subdivision. He said he did see you could not have any new lots with residential access onto an arterial road, like Route 11, but he did not think there would be an issue onto Town Farm Road. He would like the board's opinion.

Roger A. asked if proposed Lot 3-1 was a 3 to 1 division? (Roger was referring to §89-28 'Lots', Section G 'Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. The ratio of lot length to width shall not be more than 3 to 1'.) Mr. Stanley stated he believed the issue was width to depth, and he felt he was far under that. He did not believe it was how it was defined, he asked CEO Demers opinion. CEO Demers asked him to repeat what he was asking? Mr. Stanley stated that you have the flag lot ordinance or spaghetti lot, where you have the width to depth ratio of 3 to 1. He said usually they are talking about lots that have a little bit of road frontage and a lot of depth. He said in this situation they have the opposite, and Roger wants to make sure this would not apply. CEO Demers stated that if you have a building envelope, and it is 200 feet wide, then he did not feel it would qualify as a spaghetti or flag lot.

Mr. Stanley said the purpose of him stopping in, was to see if the board had any major concerns with their conception; if the board has no issues, they will submit the test pits, contours, application fees, wetland review, etc. He said they did not want get into all that unless the board would consider their proposal. He said he understood that the board could not make any decisions unless they are presented with more information, but he wanted to start a discussion to get the boards first impressions and thoughts.

Roger read part of Section 89-28.G, 'The ratio of lot length to width shall not be more than 3 to 1'. Mr. Stanley said he was at 1/3, he was not close to 3 to 1. He said he did have some play to modify the lot line. CEO Demers asked what the acreage was? Mr. Stanley stated one was 2.08 and the other was the minimum of 1.84 acres. Roger said he was bringing it up to make sure it wasn't 3 to 1. Mr. Stanley stated that he believed by definition the lot length was the distance back from the road, and the width is from front to front, so he would agree there could be an issue if the terms were reversed. He said he will make sure this is correct prior to bringing in the preliminary plan, that he has a definitive reason why the lot will meet the ordinance. There was brief continued discussion, and it was noted by Roger that it will need to be put into the findings of fact. Mr. Stanley understood and would review the definitions and will make sure he has a better answer for the next review. He said he did agree with Roger's question.

Roger A. stated that in 1995 with the subdivision approval, he believed the board waived the pavement requirement (Note 10 on the original plan). Mr. Stanley agreed that the pavement requirement was waived for Town Farm Road, which is now paved. Roger thought they also waived power (Note 9, the Planning Board agreed to waive underground utilities.) Roger asked how the power would come in now? Mr. Stanley said there are poles now, noting there are houses across the street.

Madge B. said initially when the board discussed subdividing up on the plains, they ran into rare and endangered species. Roland L. agreed, noting a moth in particular. Madge was not sure how it fits into this. Roger A. said the endangered species is right on the edge of this property. Mr. Stanley said he will look at his maps, and he will see if it is on this property, noting there may be a moth and dragonfly.

Roland remembered due to the moth, lighting was a big issue. Mr. Stanley said he remembered no exterior lights on the buildings. He said he will make sure he looks at the maps before they proceed.

Roger A. did not see any other issue at this time. Mr. Stanley thanked the board for mentioning the moth and he will look into it. He added, what would have to happen if the moth is there? Roger stated that Maine Inland Fisheries & Wildlife would have to say what needed to happen. Mr. Stanley stated that if the client is still interested, he would try to get a field evaluator out there once the snow melts.

Nothing further was discussed.

Other:

Roland L. stated because he may not make the next meeting, he wanted the board to know he did visit the Buccaneers Way site. He said he wanted to make a couple of points, that he would have brought up this evening, had they been at the meeting. He stated that on the plans it states there are 5 trees to be cut, but at the site there are 6 trees flagged, so he wanted to know which one of the trees is not going to be taken down.

Roland L. wanted to know if their plan was to expand the patio, when they put the new wall in. He said the current wall is sloped toward the water. Roger A. thought they would flatten it out. Roland wanted to know if they would flatten it out, expand the area, or revegetate?

Roland L. said that also in the area, were some small pines, and he assumes they will be cut down. He wanted to know if they would be replanting those, and maybe they do not have to, due to the small size.

Roland L. said that it appeared there is an erosion problem at the top of the wall, because there was a make-shift diverter there. Madge B. agreed there was an issue, and noted it was hard to see now, with all the snow. Roland noted that he and Madge went before the snowstorm, so it was easier to see. Madge said that she has walked the road when there is no snow, and there is an erosion problem. Roland said even now it is evident from the diversion that is in place, and he could see water running down the road and spilling over. He wanted to know what the plan was to control that.

Roland L. stated the four points he wanted to address:

- 1) Trees, which trees are coming down.
- 2) Are they going to expand the patio or revegetate?
- 3) The small pines along the wall, will they replant?
- 4) The erosion problem.

Roland L. said the second point he wanted to make was regarding the application for the real estate office. He asked if this changed the conditional use the original owner has? Or is this a separate thing altogether?

Roger A. stated this was separate. He said originally there were two buildings, and the Snowmobile Club paid a dollar a year to have use of the building. He said this was the agreement for as long as they used it. He said now there is a new owner, and there was a conditional use to use the Snowmobile Club for the

furniture business that moved to Mr. Berube’s building. He said since she has moved out, it is vacant, so now it will be a new conditional use. Roland asked if this building is separate from the other building with a conditional use? Madge B. and Roger said, correct.

Roland L. said the reason he is asking, is because the flea market is expanding. He stated that it appears in the back corner there are two storage buildings with a roof between; he didn’t know if they pulled a permit for that. He said he was hoping CEO Demers would be here to answer that. He said now there is a fenced in area with boat storage going on. He said he is also storing things inside.

Roland L. stated that he did not remember it coming before the Planning Board. Barbara F. stated that preparing for this evenings meeting, she did not see a permit for any of what he was speaking about. She said she only has on file currently, the approval for the flea market and expanded flea market hours.

Roland L. stated that CEO Demers needs to revisit the use of the area, because it is expanding beyond what was permitted. He said he just wanted to be sure the Snowmobile Club was not part of that and thanked for the board for the clarification.

Madge B. stated that the board brought up whether or not CEO Demers has a conflict of interest working on the new building and acting as the Code Officer. She said that she hasn’t seen any further discussion of that. She stated that she thought about it, she said it seemed there was definitely a conflict if the Selectmen expect him to be the Code Officer on the project. She said the board will have to be clear that he cannot do both. Roger A. agreed. She said they will need a condition of approval that he cannot both run the construction of the project, and then inspect it. Roland L. asked if she was talking about him being clerk of the works and code officer. Madge said yes, they want him as clerk of the works, as she understood it. Roland said it would definitely be a conflict. Roger said this is why it will have to be a condition.

Roger A. said Ted’s has been sold and the new owner wants a bakery and breakfast. He said he asked Barbara F. to look up what was approved on site, and the only thing on file was the ice cream shop (the original clam shack is grandfathered). He stated that anything greater than 25% would have to come back before the board for an amendment to the conditional use? He wanted to know if the board thought it needed to come back before the board; it is a change in hours only, the building isn’t changing. Madge asked if they needed to come in for a change in hours? Roger said no, because there was never any established hours for Ted’s. Roger said the only reason they would have to come in is if the use changed by 25%. Maggie M. thought they would have to come in for hours? Roland L. said there were never any established hours.

§105-73.B reads in part as follows:

- (1) A conditional use which existed prior to the effective date of this chapter may not be changed to another conditional use nor substantially expanded or altered except in conformity with all regulations of this chapter pertaining to conditional uses. Substantial expansion shall be defined as:
 - (a) Floor space increase of 25%; or
 - (b) New materials or processes not previously associated with the existing use.

The board agreed that the ability to have breakfast, because it is still a restaurant and it will have the same impact; the same square footage in the building; the same amount of parking; would not require an amendment to the existing conditional use.

Growth Permits

Map 4, Part of Lot 25 (Cross Road) – New Home – J. Goodwin

GP #03-2023

Roger A. stated the property was 4 acres in size, and exceeded 200 feet of road frontage, therefore it was a buildable lot.

The Planning Board meeting ended at 8:35 p.m.

The Planning Board now meets the 2nd and 4th 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, 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