

Shapleigh Planning Board

Minutes

Tuesday, July 25, 2023

Members in attendance: Ann Harris (Vice Chairman), Madge Baker, Maggie Moody, Norman Baker and Alternate Thomas Clement. Code Enforcement Officer Mike Demers was also in attendance. Steve Foglio (Chairman) was unable to attend, therefore Thomas Clement was a regular member this evening.

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.

The Public Hearing began at 6:30 pm for the following:

Conditional Use Permit – Howling Hunger Food Truck – Map 7, Lot 3-2 (926 Shapleigh Corner Road) – Tiffany Riley, Applicant; James Correggio, Property Owner

Mr. Riley was in attendance for the public hearing.

Ann H. opened the public hearing by stating the first public hearing was for the Howling Hunger Food Truck. Mr. Riley stated that he was present representing Tiffany, because she was working at the food truck this evening. Ann asked him to give a brief description of what they wanted to do.

Mr. Riley stated that they wanted to operate at 926 Shapleigh Corner Road in the parking lot. He said that on the application Tiffany had written 10 am to 5 pm, but after talking about the Emery Mills location, they want to have the ability to work Sunday to Sunday, 10 am to 9 pm. He said at this time their only intention is to be open on Friday at this location, but if they want another day, they don’t want to have to come back before the board to change the days of operation.

Mr. Riley stated this location will be the same as Emery Mills, the unit is self-contained, the water will be disposed of in the approved septic system at his property; trash will be removed by them and taken to the transfer station. He said if it is raining they will not be open, so stormwater is not an issue. He stated there will be no seating area and no bathrooms, because it is take-out only. He said the unit is self-contained.

Ann H. asked if anyone in the audience would like to comment? An abutter from Kettle Pond Cabins asked if they would be located at the far end of the parking lot, near where the green sign is? Mr. Riley showed her, using a GIS picture of the property, where he would be located. The abutter had no issue where he was being located. She said that it would not be in the right-of-way for residents. He said they would not be located anywhere to prevent access. He said they would be at the rear of the parking lot, and hopefully provide some food for people that want it.

Ann H. stated there was one letter that came in to the board, it was from Peter Basiliere of 41 Lot Cabin Lane. It read as follows:

Hello,

I am president of the Kettle Pond Association’s Board of Directors. However, I am providing just my wife’s and my input as cabin owners at 41 Log Cabin Lane.

Regarding the proposed mobile food trailer (the Howling Hunger Food Truck) on the abutting property owned by Jim Correggio, over which the Association has a right of way, we support the proposal.

My wife and I respectfully ask the Planning Board to ensure:

- The truck’s location, including the area for people who are standing at the truck, eating food, and parking cars, is not allowed on the Association’s right of way.

- Litter and food waste storage location(s) are not on the right of way and are responsibly stored and managed.

Coincidentally, the Association’s owners have a critical Zoom meeting at the same time as the Planning Board’s hearing. Unfortunately, I cannot attend your Board’s hearing.

Please accept and take into account our input during your decision.

Respectfully,

Peter Basiliere
41 Log Cabin Lane

Ann H. asked if there were any questions? Elias Thomas stated he would like to speak in support of the food truck. He said his business was the closest to be affected by its location, and he said he was thrilled to be able to support a local business, and they know they can get at least one good lunch a week. He said the traffic that they have, and the people that are parking cars to go into his office (Exit Key Realty), have never been in the right-of-way going back to the Kettle Pond entrance. He said that he knew these folks would be cognizant of that right-of-way as well. He concluded by wishing them luck.

Norman B. asked Ann if the board should talk about the Kettle Pond concerns at this time or at the regular meeting? Madge B. and Ann stated, “When we vote”. Ann stated that this was just a time for other people’s opinions of the project, then the board will review everything.

Norman B. asked if he could share his opinion about the letter received? Ann H. stated that he could. Norman stated that he felt the citizen had a reasonable request, and he believed it was addressed. He said the trucks location and the parking of the truck, not blocking the right-of-way, and the litter and food waste, he believed was addressed. Madge B. agreed. Maggie M. did not believe there would be much litter, because this was food to go. Mr. Riley stated that they have had people ask them to throw things away, and he bought a 35 gallon trash can, which he empties at the end of the day. He added that he also checks the area before he leaves to be sure there is no trash.

Ann H. asked if there were any other questions? There were none.

Conditional Use Permit –In-home Day Care – Map 10, Lot 12 (64 Mann Road) – Morgan Angers, Applicant & Property Owner

Mrs. Angers was present for the public hearing.

Ann H. stated the next application was for an in-home day care, and she asked Mrs. Angers to give a brief description of what she wanted to do. Mrs. Angers stated she wanted to run a day care in her home; she would be the only employee; she wanted up to 12 children, but noted she could only have 10 children without an employee, minus her child, so 9 children in total. She stated there would be no construction, wastewater will go into the existing septic system. She said she would be putting up a fence, and wasn't sure if that was considered construction. She stated she would be open 6:30 am to 5:30 pm, Monday through Friday, excluding some holidays. She will be open all summer, except 4th of July week, and she will be closed the week of Christmas.

Ann H. asked if there were any questions? There were none.

The public hearing closed at 6:38 pm.

The Planning Board meeting started at 7:00 pm.

The minutes from Tuesday, July 11, 2023 were accepted as written.

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

• **Unfinished Business**

Best Practical Location – Replace Structure – Map 24, Lot 24 (7 Acorn Way) – Matt Colton, Applicant; Jeff Gaudette, Property Owner

Mr. Colton, Mr. Arey, and Mr. Gaudette were present for the review of the application.

Provided along with the application, in addition to the above information, was a plan drafted by Joseph L. Stanley, PLS #2453, dated June 13, 2023, entitled 'Plan Showing a Boundary Survey & Existing Conditions Made for Jeff Gaudette, 39 Sandy Pond Road, North Wakefield, NH 03872 of Property Located On Acorn Way in Shapleigh Maine'. The plan depicted the following abutters: David B. Folsom, YCRD Book 17466, Page 322, Shapleigh Tax Map 14, Lot 26; & James E. & Barbara A. Bates, YCRD Book 15471, Page 350, Shapleigh Tax Map 24, Lot 25. The plan depicts the applicants lot, registered at the YCRD Book 19248, Page 213, Shapleigh Tax Map 24, Lot 24, consisting of 24,834± sq. ft.; the location of Acorn Way (Gravel) in relation to the lot; the existing gravel driveway; the existence of 10 trees over 13 inches in diameter; a pump house; the location of the existing structure, which sets 27.8' from the high-water-mark to the foundation and 21 feet to the high-water-mark at the closest point on the deck; and 20.1 feet from the deck to the lot line of Map 24, Lot 25. Also noted on the plan is the 100 foot setback to the HWM, the 10' setback location to Map 24, Lot 25, and the 50' setback to what appears to be the centerline of Acorn Way. There are typical notes on the plan which include Deed References, Plan References, Basis of Bearings, Underground Utilities, Zoning Information, along with Road Record, and a note regarding the high-water mark to Mousam Lake, and that property ownership is to the low-water mark.

Provided were existing conditions pictures of the property, showing the house, vegetation, wood retaining wall and stones at the water's edge.

Provided was a plan entitled 'Plan Showing a Boundary Survey & Existing Conditions Made for Jeff Gaudette, 39 Sandy Pond Road, North Wakefield, NH 03872 of Property Located on Acorn Way in Shapleigh, Maine', drafted by Joseph Stanley, PLS #2453 of LinePro Land Surveying, LLC, located in Springvale, Maine. The plan depicts the location of Acorn Way, the abutting property owners, which are David B. Folsom on Map 24, Lot 26, and James E. & Barbara A. Bates, on Map 24, Lot 25; the existing house with deck; existing pump house; gravel driveway; and proposed septic location. The 100 foot setback to the high-water-mark was noted on the plan; the 50 foot distance to the centerline of Acorn Way; the distance from the existing house/deck to the high water mark is noted to be 21 feet at its closest point and it is 20.1 feet to the lot line adjacent to Lot 25. Existing trees are located in the area surrounding the proposed septic system, and other trees (but not all) are located on the remaining area of the property, along with the location of replacement trees, which will be placed along the side lot line adjacent to Acorn Way and Map 24, Lot 25. In addition, proposed Sweetfern & Hosta were located behind where the new wall will be placed along the water's edge. Various tree grids were located on the plan, and plan Note 8 speaks to the grids and is written as follows:

Tree Location:

Not all trees on the lot were located as part of this plan.

- a. Tree Area A (highlighted in light green) – Trees in this area were located and displayed following the normal DEP Guidelines for "Clearing Vegetation in the Shoreland Zone" using the point system with 25' x 50' grids.
- b. Tree Area B (highlighted in white) – **All** of the trees within Area B were located. Area B is the land in and around the proposed septic system. As part of the proposed septic plan there will be a significant amount of earth/trees removed form Area B. It is recommended that LinePro return to the site after all earth/tree removal has been completed and locate the remaining trees. After LinePro has determined how many trees have been removed as part of this process a replanting plan can be completed.

The detailed description on the application is as follows: *Replace existing camp with new foundation and septic.*

A workshop was held on Thursday, July 20th at 3:00 pm to review the revegetation plan with the applicants and Code Enforcement Officer. The workshop was open to the public.

Ann H. stated that the application was for a Best Practical Location, replacing an existing structure on Acorn Way. She stated that at the last few meetings the board went through the ordinance, so she will as well but it will be brief. She asked if there were any questions before she began the review? There were no questions.

Ann H. stated the application is reviewed under §105-4.D 'Nonconforming structures'. She stated that under (1) 'Expansions', it states that the new structure must meet the waterbody setback requirements contained in Section 105-18. The non-conforming structure can be added to if the expansion does not increase the nonconformity of the structure. She said under (2) was 'Patios, steps, decks', she asked the applicant if they were having any patios or decks? Mr. Gaudette stated there is one currently and he will have one with the new structure but it will be no closer to the water than the existing.

Ann H. stated that under §10-4.D(3) ‘Foundations’, it states that whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and the new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection D(7), Relocation. She stated that she believed the board was not moving the structure back, it was going to stay where it is currently located. Madge B. concurred that it would stay in the same location.

Ann H. stated that under §105-4.D(5) ‘Removal, reconstruction or replacement’, it talks about any nonconforming structure which is removed or damaged or destroyed, regardless of the cause, by more than 50% of its Town-assessed value. She said the structure was not removed or destroyed. Madge B. noted they were not changing the footprint. Ann stated they are not increasing the non-conformity with respect to setbacks. She read, ‘If the replaced structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to Subsection D(1) above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replaced in accordance with Subsection D(7)(b)’. She stated with respect to Section (7) Relocation, the structure is staying in the same place. Madge B. stated that was correct, and the board agreed that it should stay in the same location, because given the location of the replacement septic system, and the topography of the property makes it undesirable to move the structure. She added that based on the layout of the property, you cannot move away from the high-water-mark by moving it. Ann added that vegetation has already been removed, so keeping the structure in the same location, more vegetation will not have to be moved in the location of the structure. Madge agreed.

Ann H. stated §105-46, ‘Sanitary provisions’ was reviewed. She stated that at the last meeting, the board looked at where the replacement septic system was going to be put in. She said the new leachfield will be on the top of the hill, closer toward the road side. She said under Section A, there are no public facilities, so it will be reviewed under Section B, ‘Private sewage disposal’, where it states it shall meet all minimum requirements set forth by the current edition of the State of Maine Plumbing Code and Regulations existing at the time of the installation. She stated the board received a copy of the septic design (drafted by Michael Mariano, SE #219, dated 6/26/23 for a 3 bedroom home). She said there are no other systems to be placed on site (Section C), the setbacks (Section D) for sewage disposal facilities do not pertain to this application, it is not a facility. She stated that under Section E, ‘Wastewater systems in the Shoreland District; use of fertilizers’, they have to comply with the present Maine State Plumbing laws effective January 1, 1998 (Section (1)); Section (2) clearing or removal of woody vegetation necessary to site for a new system, and any associated fill extension, shall not extend closer than 75 feet, horizontal distance, to the normal high-water line of a water body or the upland edge of a wetland. She said that CEO Demers measured the location of the system and said it was 85 feet from the high-water-line. She said Section (3) did not apply, there is not a holding tank; and (4) the use of fertilizers shall be banned within 100 feet of the shoreline.

Ann H. stated next is Section 105-51, ‘Clearing or removal of vegetation for activities other than timber harvesting’. Ann stated that the board reviewed this section at the previous meeting, and noted that the board received a revegetation plan drafted by Joe Stanley. She asked the board if they had any questions regarding the point system for the tree cutting that was on the plan provided? Ann thought the board believed they did not have to plant as many trees along the property line as the plan showed, or

the shrubs. Madge B. stated that the board required the shrubs along the retaining wall. Ann agreed, but no trees. Madge stated they did not need trees along the wall.

Ann H. stated that §105-51.3 ‘Revegetation requirements’, under Section A, the board received a revegetation plan, which the board reviewed at the last meeting and at the workshop.

Ann H. asked if there were any questions? There were none.

Ann H. stated the conditions of the permit as follows:

- 1) **The new structure shall be no closer than 21 feet to the high water mark, which is the closest point as depicted on the plan provided.**
- 2) **Best Management Practices shall be used at all times until the project is completed, which includes the revegetation and stabilization of all areas disturbed by the project. The person doing the project shall be DEP certified in best management practices (unless the homeowner does the project in its entirety).**
- 3) **A licensed surveyor shall confirm in writing that the placement of the new structure(s) is correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.**
- 4) **The project will begin in August 2023, and shall be completed by July 25, 2025, which includes the revegetation per the plan provided. If this date cannot be met, the applicants shall come back before the Planning Board to amend the approval and set a new date of completion. *A copy of the final revegetation plan shall be provided to both the Code Enforcement office and Planning Board.***
- 5) **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. *These photos must show both the new structure and revegetation / stabilization of the area.***
- 6) **All debris from the existing structure shall be removed, taken out of the Town of Shapleigh, and disposed of properly.**

Ann H. asked if there was anything else? Madge B. did not believe so.

Mr. Colton asked if the trees on the shoreline, where the new wall is going, if the trees could be placed in another location, not directly alongside the wall. He then asked if the trees could be replaced with shrubs? Both Ann and Madge stated that was correct, they could use shrubs in place of the trees being removed along the wall.

Maggie M. made the motion to approve the application for the replacement of the existing structure, leaving it in the existing location on Map 24, Lot 24 (7 Acorn Way), per the plan received, with the stated conditions. Madge B. seconded the motion. By a vote of 5 – 0, the motion to approve was unanimous.

Nothing more was discussed.

~~~~~

**Findings of Fact**

1. The owner(s) of Shapleigh Tax Map 24, Lot 24 (7 Acorn Way) is Jeffrey A. Gaudette, mailing address of 39 Sandy Point Road North, East Wakefield NH 03830, per Warranty Deed, BK 19248, PG 213, recorded 6/1/2023.
2. The property is located in the Shoreland District, and according to the Assessor's office, it contains .5 Acres.
3. Provided was a copy of the Permit by Rule Notification Form, dated 6/2/2023, with the Brief Project Description as follows: *Replace existing / failing retaining walls along shoreline and rebuild house.*
4. Provided along with the application, in addition to the above information, was a plan drafted by Joseph L. Stanley, PLS #2453, dated June 13, 2023, entitled 'Plan Showing a Boundary Survey & Existing Conditions Made for Jeff Gaudette, 39 Sandy Pond Road, North Wakefield, NH 03872 of Property Located On Acorn Way in Shapleigh Maine'. The plan depicted the following abutters: David B. Folsom, YCRD Book 17466, Page 322, Shapleigh Tax Map 14, Lot 26; & James E. & Barbara A. Bates, YCRD Book 15471, Page 350, Shapleigh Tax Map 24, Lot 25. The plan depicts the applicants lot, registered at the YCRD Book 19248, Page 213, Shapleigh Tax Map 24, Lot 24, consisting of 24,834± sq. ft.; the location of Acorn Way (Gravel) in relation to the lot; the existing gravel driveway; the existence of 10 trees over 13 inches in diameter; a pump house; the location of the existing structure, which sets 27.8' from the high-water-mark to the foundation and 21 feet to the high-water-mark at the closest point on the deck; and 20.1 feet from the deck to the lot line of Map 24, Lot 25. Also noted on the plan is the 100 foot setback to the HWM, the 10' setback location to Map 24, Lot 25, and the 50' setback to what appears to be the centerline of Acorn Way. There are typical notes on the plan which include Deed References, Plan References, Basis of Bearings, Underground Utilities, Zoning Information, along with Road Record, and a note regarding the high-water mark to Mousam Lake, and that property ownership is to the low-water mark.
5. Provided was a plan entitled 'Plan Showing a Boundary Survey & Existing Conditions Made for Jeff Gaudette, 39 Sandy Pond Road, North Wakefield, NH 03872 of Property Located on Acorn Way in Shapleigh, Maine', drafted by Joseph Stanley, PLS #2453 of LinePro Land Surveying, LLC, located in Springvale, Maine. The plan depicts the location of Acorn Way, the abutting property owners, which are David B. Folsom on Map 24, Lot 26, and James E. & Barbara A. Bates, on Map 24, Lot 25; the existing house with deck; existing pump house; gravel driveway; and proposed septic location. The 100 foot setback to the high-water-mark was noted on the plan; the 50 foot distance to the centerline of Acorn Way; the distance from the existing house/deck to the high water mark is noted to be 21 feet at its closest point and it is 20.1 feet to the lot line adjacent to Lot 25. Existing trees are located in the area surrounding the proposed septic system, and other trees (but not all) are located on the remaining area of the property, along with the location of replacement trees, which will be placed along the side lot line adjacent to Acorn Way and Map 24, Lot 25. In addition, proposed Sweetfern & Hosta were located behind where the new wall will be placed along the water's edge. Various tree grids were located on the plan, and plan Note 8 speaks to the grids and is written as follows:

**Tree Location:**

**Not all trees on the lot were located as part of this plan.**

- c. Tree Area A (highlighted in light green) – Trees in this area were located and displayed following the normal DEP Guidelines for “Clearing Vegetation in the Shoreland Zone” using the point system with 25’ x 50’ grids.
  - d. Tree Area B (highlighted in white) – **All** of the trees within Area B were located. Area B is the land in and around the proposed septic system. As part of the proposed septic plan there will be a significant amount of earth/trees removed from Area B. It is recommended that LinePro return to the site after all earth/tree removal has been completed and locate the remaining trees. After LinePro has determined how many trees have been removed as part of this process a replanting plan can be completed.
6. Provided were existing conditions pictures of the property, showing the house, wood retaining wall, vegetation, and stones at the water’s edge.
  7. Provided was a copy of the Subsurface Wastewater Disposal System Application for a replacement septic system, for a 3 bedroom single family dwelling, done by Michael Mariano, SE #219, dated 6/26/23
  8. The detailed description on the application is as follows: *Replace existing camp with new foundation and septic.*
  9. The Planning Board reviewed §105-4 ‘Nonconformance’ and concluded leaving the new structure in the existing location was the best practical location due to the topography, location of the replacement septic system, and layout of the land with respect to distance to the high-water-mark. The new structure shall be 21 feet from the high-water-mark at its closest point. The board reviewed §105-46 ‘Sanitary provisions’, and accepted the location of the replacement system application which sets the leachfield at approximately 85 feet from the high-water-mark.
  10. The Planning Board reviewed §105-51 ‘Clearing and removal of vegetation for activities other than timber harvesting’ and §105-51.3 ‘Revegetation requirements’ and approved the revegetation plan provided by Joseph Stanley of LinePro Land Surveying, dated June 13, 2023. The plan recommended that LinePro return to the site after all earth/tree removal has been completed and locate the remaining trees, determine how many trees have been removed, then complete the replanting plan.
  11. A notice was mailed to all abutters within 500 feet of the property on June 15, 2023. Meetings were held on Wednesday, June 14, 2023, Tuesday, June 27, 2023, Tuesday, July 11, 2023 and Tuesday, July 25, 2023. A workshop was held on Thursday, July 20th to review the revegetation plan. A site inspection was done by members prior to the meeting on June 27th.
  12. The Planning Board unanimously agreed to approve the Best Practical Location of the new structure, placing it 21 feet from the high water mark at its closest point, on Map 24, Lot 24 (7 Acorn Way), per the documents provided and as presented, with six conditions.
  13. **The conditions of approval are as follows:**



- 1) The new structure shall be no closer than 21 feet to the high water mark, which is the closest point as depicted on the plan provided.
- 2) Best Management Practices shall be used at all times until the project is completed, which includes the revegetation and stabilization of all areas disturbed by the project. The person doing the project shall be DEP certified in best management practices (unless the homeowner does the project in its entirety).
- 3) A licensed surveyor shall confirm in writing that the placement of the new structure(s) is correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.
- 4) The project will begin in August 2023, and shall be completed by July 25, 2025, which includes the revegetation per the plan provided. If this date cannot be met, the applicants shall come back before the Planning Board to amend the approval and set a new date of completion. *A copy of the final revegetation plan shall be provided to both the Code Enforcement office and Planning Board.*
- 5) 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. These photos must show both the new structure and revegetation / stabilization of the area.
- 6) All debris from the existing structure shall be removed, taken out of the Town of Shapleigh, and disposed of properly.

**Decision:**

The Best Practical Location application, placing the new structure 21 feet from the high-water-line at its closest point on Map 24, Lot 24 (7 Acorn Way), per the documents provided and as presented, with six conditions, was approved.

**Conditional Use Permit – Howling Hunger Food Truck – Map 7, Lot 3-2 (926 Shapleigh Corner Road) – Tiffany Riley, Applicant; James Correggio, Property Owner**

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

Provided was a letter dated June 29, 2023, from property owner James Correggio, stating the following: *Please be advised, I give my permission for the Howling Hunger Food Truck to utilize my property at 926 Shapleigh Corner Road, Shapleigh ME.*

Provided was the GIS picture of the property, which depicted the existing structures on site, parking area, and the entrance onto State Route 11. The Land Use Secretary placed the existing parking plan in the file, which showed there is currently parking for 40 cars in the area adjacent to the Exit Key Realty Building.

Provided was a copy of the State of Maine, Dept. of Health and Human Services permit, EST ID: 30959, expiration date of 5/6/2024 for Tiffany Riley / Howling Hunger. A Certificate of Liability Insurance was provided for Commercial General Liability, Policy No. P102.025.162.1 from Hiscox Insurance Company Inc., 5 Concourse Parkway, Suite 2150 Atlanta, GA 30328.

Provided was a letter dated June 27, 2023 from Tiffany Riley, which stated the following:

*I am applying for a Conditional Use Permit that will allow me to park and serve food from my food trailer at Tax Map 7, Lot 3-2, by Exit Key Real Estate on Route 11 in Shapleigh.*

*The business owner of Exit Key Real Estate has requested my services one day per week, which will most likely be Fridays. I want to request permission to utilize Monday through Friday as potential serving days at Exit Key Real Estate, in the event the owner asks for a different day.*

*Jim Correggio, the property owner, has also agreed to allow Howling Hunger's food service at the property. He is planning to submit a written statement via email to the Land Use Secretary.*

*As noted on my CUP application and approved permit to park and serve food at 63 Emery Mills Road, the unit (food trailer) is self-contained and does not require access to electrical, plumbing, or other utilities. Food served will be take out only.*

The application detailed description of the project is as follows: *Parking and serving food from Howling Hunger Food Truck Friday afternoons, 10 – 5 pm, by Exit Key Real Estate Building.*

Ann H. stated the next review is for Howling Hunger Food Truck, which would like to operate at 925 Shapleigh Corner Road.

**Ann H. began review of the Basic Performance Standards as they pertained to the application:**

- 105-21** – Traffic. *Traffic access to the site is safe, it was approved for the previous businesses at this location and meets the minimum requirements. Ann H. noted no one will back out onto the public road, there is more than adequate area to park and turnaround.*
- 105-22** – Noise. *The only noise being generated is from the generator on the food truck, which will be at 56 dB maximum.*
- 105-23** – Dust, fumes, vapors and gases. *None being generated beyond the lot lines. Ann H. noted that they likely have an odor suppression system. Mr. Riley stated they had filters on the truck.*
- 105-24** – Odors. *The only odors may be food prep, which should be minimal as food is made to order.*
- 105-25** – Glare. *The only additional lighting to the site location is a light on the food trailer over the doorway, no other lighting shall be used. None shall go beyond the lots lines.*
- 105-26** – Stormwater runoff. *There is no stormwater associated with this application, there are no changes being made to the property, all parking is in place.*
- 105-27** – Erosion control. *There is no erosion associated with this application, there are no changes being made to the existing property.*
- 105-28** – Setbacks and screening. *There are no changes being made to what is approved and in place at this location. There is no storage on site for this application.*
- 105-29** – Explosive materials. *The applicant shall obtain a State permit for the food truck. Ann H. noted that propane will be used for cooking, and it will have to meet State guidelines. She said they will have a fire extinguisher. Mr. Riley agreed.*
- 105-30** – Water quality. *Ann H. noted the unit is self-contained, so this does not apply.*
- 105-33** – Refuse disposal. *The applicant stated they have a 35 gallon trash barrel that will be removed at the end of the day; refuse shall be taken to the transfer station by the applicant. The applicant will also be sure that no refuse is left behind from patrons.*
- 105-34** – Access control on Rte. 11 – *This has already been approved for this location.*

**105-46** – Sanitary provisions. *Because of the temporary nature, and the fact it is grab and go, and no picnic tables will be provided, sanitary provisions are not required.*

Ann H. stated they were asking for 10 am to 5 pm, and she asked if they wanted to change that. Mr. Riley stated that originally Mrs. Riley had written down 10 to 5 on Friday, but they want to have the same hours as the Emery Mills location, so they will not have to come back to amend the permit, should they want to have another day in the future. He said they want to do 7 days a week, from 10 am to 9 pm, and he noted that it is unlikely they will stay open to 9 pm, but they do let the truck set until it has cooled off before they transport it.

**Ann H. stated the conditions of the permit are as follows:**

- 1) Hours of operations are allowed 10 am to 9 pm, seven days a week.**
- 2) A receptacle for the trash shall be provided and it shall be removed at the end of day from the property.**
- 3) Any signage will be approved through the Code Enforcement Office.**
- 4) There shall be no picnic tables on site provided for customers.**
- 5) There shall be no glaring lights added to the property, the existing food trailer lights are allowed.**

Ann asked if there were any other conditions? There were no comments.

**Ann H. began review of 105-73.G ‘Conditions of permit’ as follows:**

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. This business will have no adverse impact on wildlife, and is not located near a lake, pond, or river. There are no changes being made to the site location.**
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. This is not applicable.**
- 3) The use is consistent with the Comprehensive Plan. The Comprehensive Plan encourages businesses along Route 11.**
- 4) Traffic access to the site is safe. Traffic access to the site is safe, it was previously approved for the other approved businesses on site.**
- 5) The site design is in conformance with all municipal flood hazard protection regulations. This location is not in a flood zone.**
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. This business does not require sanitary provisions. Waste water shall be disposed of at another approved location. Documentation was provided for the location.**
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. There is none generated by this activity.**
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. There are no changes to the existing landscape, and this application will have no effect on stormwater.**
- 9) Adequate provisions to control soil erosion and sedimentation have been made. There are no changes being made to the property to create an erosion issue.**

- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. **This location is near the cistern for Kettle Pond Cabins, and there is a fire extinguisher within the food truck.**
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like. **There are no dust, fumes, glare, or detrimental odors and the like associated with this business. There are existing buffers on the property.**
- 12) All performance standards in this chapter applicable to the proposed use will be met. **They shall with conditions.**

Ann H. added that she believed the questions raised by Mr. Basiliere of 41 Log Cabin Lane were answered. The right of way for Kettle Pond will not be blocked, the truck will be on the back corner of the parking area, not within the right-of-way. Madge B. stated that the board can add the condition, that the right-of-way not be blocked. Mr. Riley said that would not be a problem.

**Condition #6 – The food truck shall not block the right-of-way for Kettle Pond Association, and there shall be no litter or trash can(s) blocking the right-of-way.**

**Madge B. moved for approval of the permit for the food truck to be located at 926 Shapleigh Corner Road as requested with the listed conditions. Maggie M. seconded the motion. By a vote of 5 – 0, the vote to approve was unanimous.**

Nothing further was discussed.

~~~~~  
The Findings of Facts

- 1. The owner(s) of Shapleigh Tax Map 7, Lot 3-2 (926 Shapleigh Corner Road) is James Correggio, mailing address of 6 Chestnut Road, Shapleigh Maine 04076, per Short Form Warranty Deed - Book 15135, Page 953, dated 4/19/2007, 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 3.91 acres.
- 3. Provided was the GIS picture of the property, which depicted the existing structures on site, parking area, and the entrance onto State Route 11. The Land Use Secretary placed the existing parking plan in the file, which showed there is currently parking for 40 cars in the area adjacent to the Exit Key Realty Building.
- 4. Provided was a copy of the State of Maine, Dept. of Health and Human Services permit, EST ID: 30959, expiration date of 5/6/2024 for Tiffany Riley / Howling Hunger. A Certificate of Liability Insurance was provided for Commercial General Liability, Policy No. P102.025.162.1 from Hiscox Insurance Company Inc., 5 Concourse Parkway, Suite 2150, Atlanta GA 30328.
- 5. Provided was a letter dated June 27, 2023 from Tiffany Riley, which stated the following:
I am applying for a Conditional Use Permit that will allow me to park and serve food from my food trailer at Tax Map 7, Lot 3-2, by Exit Key Real Estate on Route 11 in Shapleigh.

The business owner of Exit Key Real Estate has requested my services one day per week, which will most likely be Fridays. I want to request permission to utilize Monday through Friday as potential serving days at Exit Key Real Estate, in the event the owner asks for a different day.

Jim Correggio, the property owner, has also agreed to allow Howling Hunger's food service at the property. He is planning to submit a written statement via email to the Land Use Secretary.

As noted on my CUP application and approved permit to park and serve food at 63 Emery Mills Road, the unit (food trailer) is self-contained and does not require access to electrical, plumbing, or other utilities. Food served will be take out only.

6. The application detailed description of the project is as follows: *Parking and serving food from Howling Hunger Food Truck Friday afternoons, 10 – 5 pm, by Exit Key Real Estate Building.*
7. The application met the Basic Performance Standards in the Zoning Ordinance. The site location was previously approved for traffic access, parking, and screening. There is no noise, dust, harmful fumes, vapors or gasses associated with this business. No sanitary provisions are required, this is take-out only and the food truck is self-contained. Wastewater shall be disposed of at the applicant's property in the existing septic system, as approved by the Code Enforcement Officer.
8. The application met the performance standards under §105-73.G 'Standards applicable to conditional use permits'. There shall be no adverse impact on spawning grounds or wildlife; the food truck is not located near any water body; the Comprehensive Plan wants small business, as well as business located along State Route 11; traffic access, site design, and stormwater design were all previously approved for this location, and access, as well as the parking lot are in place; there is existing screening; and no sanitary provisions are required, as the food truck is self-contained and the business is for food take-out only. Patrons are not allowed to gather on site. There is a cistern located adjacent to this lot for fire protection and a fire extinguisher shall be kept in the food trailer.
9. A notice was mailed to all abutters within 500 feet of the property on July 12, 2023. Meetings were held on Tuesday, July 11, 2023, and Tuesday, July 25, 2023. A Public Hearing was held on Tuesday, July 11th.
10. The Planning Board unanimously agreed to approve the Conditional Use Permit to operate a mobile food trailer on Tax Map 7, Lot 3-2 (926 Shapleigh Corner Road), with six conditions.
11. **The condition(s) of approval are as follows:**
 - 1) **Hours of operations are allowed 10 am to 9 pm, seven days a week.**
 - 2) **A receptacle for the trash shall be provided and it shall be removed at the end of day from the property.**
 - 3) **Any signage will be approved through the Code Enforcement Office.**
 - 4) **There shall be no picnic tables on site provided for customers.**
 - 5) **There shall be no glaring lights added to the property, the existing food trailer lights are allowed.**
 - 6) **The food truck shall not block the right-of-way for Kettle Pond Association, and there shall be no litter or trash can(s) blocking the right-of-way.**

Decision:

The Conditional Use Permit to allow a mobile food trailer, on property known as Shapleigh Tax Map 7, Lot 3-2 (926 Shapleigh Corner Road), per the material presented and as discussed, with six conditions, was approved.

Conditional Use Permit – In-home Day Care – Map 10, Lot 12 (64 Mann Road – Morgan Angers, Applicant & Property Owner

Mrs. Angers was present for the review of the application.

Provided along with the application was a sketch plan of the site, which depicted the lot; 28 x 44 house; driveway/parking area; septic tank/leachfield location; well location; 12 x 16’ shed; 40’ x 40’ area for goats/chickens; and 25’ x 25’ play yard for the children. The plan also noted the location of Little Ossipee River, Mann Road, and the abutting properties of 52 Mann Road and 74 Mann Road.

Provided was a copy of a water test for the property taken 6/2/2021, done by Nelson Analytical Lab, which showed the water to be safe from bacteria and lead on that date.

Provided was a copy of the Subsurface Wastewater Disposal System Application, dated 9/22/2020, done by Kenneth Gardner, SE #73 for a 3 bedroom single family home.

Provided this evening was an aerial view of the property, which depicted the existing house, shed, vegetation, and highlighted was the L-shaped parking area, showing 7 vehicles parked on site; and on the original sketch plan it was noted that the turn-around area is 10 feet in width. Also provided was a picture of the house during the evening, showing how the existing lighting illuminates the front yard and parking area.

The application detailed description of the project is as follows: *Open a licensed in-home day care. No construction involved. Operational Hours: Mon – Fri, 6:30 am to 5:30 pm, excluding some holidays. Serving ages 6 wks. – 12 yrs., 12 children max (with another staff). (10 children max by myself.)*

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

105-21 – Traffic. *Ann H. stated that at the site inspection, the board agreed there was good site distance in both directions from the entrance of the driveway. Norman B. stated the only issue he saw during the site review was backing out into the street, Mann Road. Madge B. agreed. Ann stated that there was a turn-around. Norman was not sure that it was adequate, he felt it was tempting to drive in and back out onto the road. He felt there needed to be an adequate turn-around in front of the house. He said in addition, there should be a sign indicating ‘Do not back out onto Mann Road’. He said this was his biggest concern. Mrs. Angers stated, “If I put a turn-around, where will I put my car?” Thomas C. stated, “Your cars can still go all the way in”. Mrs. Angers stated, “That is where the turn-around will be”. Thomas stated, “No, the turn-around will be right in the front”. Mrs. Angers stated that was where her well was located, although she was not sure of the exact location. Thomas asked if it was a drilled well or dug well? Mrs. Angers said she did not know. CEO Demers believed it was a drilled well. Madge, looking at the plan provided, understood Mrs. Angers concern about the well location. Madge said the other concern was plowing snow, where the snow would go; she did note that it could help, because*

then they would not back out onto the road. Madge asked if the existing turn-around could be widened without affecting the well? Madge, using the plan provided, showed Mrs. Angers what she was speaking about. Mrs. Angers did not want to do that as it would ruin her flower beds. Thomas thought she could move them closer to the house. Madge said again she was concerned with the turn-around with respect to plowing. Mrs. Angers stated she had to plow it out, as she uses it as a turn-around. Ann asked if the children leave from the front door? Mrs. Angers stated that they did. She said they usually go out the back door, as they play in the back yard, but parents can go in through the front door, or meet the children out back. Norman asked if they would be in the house during the winter? Mrs. Angers said that they would. Madge still thought if she widened the turn-around and gave up her flower beds, it would be better, since the turn-around was so close to the road. Ann said that the board measured the width when at the site visit, she asked if someone had that measurement? Madge said the area was 10' wide by 20' deep. The board continued to discuss the issue around the turn-around. CEO Demers asked how big the proposed turn-around area was. They told him 10 by 20. CEO Demers said it was 200 sf, and asked if the board felt this was too small? Madge said they did because of the location. CEO Demers asked if it was because it was on the road? Thomas stated that it was right on the edge of the road. Ann asked if the board agreed, if she used the grass area, that she could get 6 small cars in the driveway. Madge said that the board was not concerned about the parking. Ann asked if the board thought the turn-around was too sharp to work properly. Madge said that this was correct. Thomas stated one issue is the turn-around came to a 90 degree angle, where you have to back in, so people are not going to want to use that. CEO Demers said that he could back into 10 feet. Thomas said that he could, but not everyone will. Barbara F. asked the board what they feel will work? Ann said from the road, the pavement to the grass is 10 feet. Mrs. Angers asked if they were talking about the grass or the mulch? The board said the mulch. Ann asked Mrs. Angers how wide the mulch was? Mrs. Angers thought 3 feet. Norman said the existing turn-around is 10 x 20 or about the size of a car. The board members agreed. CEO Demers said it was a standard parking space. Norman said the issue is there will be multiple cars in the morning and the evening. CEO Demers said they would not be there all at once. The board showed Mrs. Angers, using the plan, what they had measured. There was continued discussion on the length and width of the turnaround and driveway. Ann reminded members this was about safety. Mrs. Angers said that if she moved the flower beds, people are still going to back out if they want to. Ann asked if the board felt there was enough room for a car to back up and pull out onto Mann Road? Thomas said he used it, and he had a van, without an issue. Ann said she used it as well. Madge said if it is not an issue, then let's leave it as it is. Madge said that she would prefer that the corner of the turn-around be rounded. Ann said, "Instead of 90 degrees". Madge said, "Correct". She said what she had to do was pull her car up and back several times in order to back in. She said if it were rounded, she would not have had to do that. Ann said the board could do a condition that Mrs. Angers add a radius on the turn-around, instead of it being a 90 degree angle, to make it safer for people to back up. Madge agreed it would be easier for people to back up. She added that you want it easy, so they will use it. Norman said that when the board was there, there were two cars, two cars, two cars. Mrs. Angers did not see that happening with the day care. Madge said there was enough parking, it was the turn-around that had an issue. Norman noted that if cars were parked side-by-side, the cars on the left would not be able to use the turn-around. Madge agreed. Mrs. Angers noted she asked members to use the turn-around and Norman did not. Norman stated that he could not,

there were cars in the way, so he backed out onto Mann Road. He said that is what is going to happen. Mrs. Angers stated that she did not believe she would have everyone on site at once. CEO Demers said his wife ran a day care and no one ever picked up at the same time. Mrs. Angers stated that she would put it in her handbook, that they need to use the turn-around, and she will also tell them.

Ann H. said the only other thing she noted while on site, was to have the house number at the front door. Mrs. Angers stated she had numbers on order. Ann thought this was important in case of an emergency.

Ann H. continued to review the Basic Performance Standards as follows:

- 105-22** – Noise. *The only noise will be from children playing and they will be in the back yard in a fenced in area.*
- 105-23** – Dust, fumes, vapors and gases. *Not applicable for the day care.*
- 105-24** – Odors. *Not applicable to the day care.*
- 105-25** – Glare. *There are motion detection lights, they face the house and yard, and they do not go beyond the property lines.*
- 105-26** – Stormwater runoff. *Not applicable to the day care.*
- 105-27** – Erosion control. *There is no erosion associated with this application, there are no changes being made to the existing property.*
- 105-28** – Setbacks and screening. *There will be a playground in the back of the property, which will have a fence around it. There is a buffer of trees along the property lines.*
- 105-29** – Explosive materials. *Not applicable to the day care.*
- 105-30** – Water quality. *This is monitored through the State of Maine Dept. of Health & Human Services.*
- 105-31** – Preservation of landscape, landscaping of parking and outdoor storage area. – *The parking area is in existence, there is existing landscaping and buffers along the property line.*
- 105-32** – Relation of proposed building to the environment. – *The house is in existence, there are no changes being made for the proposed day care.*
- 105-33** – Refuse disposal. *The applicant shall take the trash to the transfer station.*
- 105-34** – Access control on Rte. 109 and Rte. 11 – *Not applicable.*
- 105-40.1** – Child day care.
 - A. A child day-care home or center may be conducted as a conditional use. *Ann stated this is why she is before the board.*
 - B. A child day-care home shall be allowed in a single-family dwelling located on a residential lot that meets the minimum lot size requirement, providing care for up to 12 children, which charges for their care and which holds all legally required licenses and approvals by the Town of Shapleigh and the State of Maine. *Ann stated the applicant stated she could have up to 10 children, including her own child.*
 - (1) A child day-care home may also include part-time care. “Part-time” in this use shall mean four hours per day, per child. *Ann stated that the applicant stated she will not have any employees.*
 - (2) The parking area shall be large enough to accommodate the two spaces required for the dwelling unit, as well as two additional spaces minimum. *Ann stated the applicant met this provision.*
 - C. Day-care centers. (Does not apply.)

- D. Outside play areas shall be buffered from adjoining uses, including neighboring properties, and the parking area(s), by appropriate fencing or plantings. **Ann stated that there is a vegetative buffer in existence and a fence will be placed around the children's play area.**
- E. All outside play equipment shall meet the required front, side, and rear setback requirements. **Ann stated the equipment is portable and plastic, and will be monitored by the State. Madge B. said it currently meets the setback requirements.**

Ann H. began review of 105-73.G 'Conditions of permit' as follows:

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. **The use will not have an adverse impact.**
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. **This is not applicable.**
- 3) The use is consistent with the Comprehensive Plan. **The Comprehensive Plan encourages small businesses.**
- 4) Traffic access to the site is safe. **Traffic access to the site is safe, site distances can be met in both directions.**
- 5) The site design is in conformance with all municipal flood hazard protection regulations. **The use is not operating within the flood zone.**
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. **This is a new home with a State approved septic system.**
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. **There is none generated by this activity.**
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed. **There are no changes to the existing landscape, and this application will have no effect on stormwater.**
- 9) Adequate provisions to control soil erosion and sedimentation have been made. **There are no changes being made to the property to create an erosion issue.**
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. **The day care will have to meet State standards for an in-home day care. This location is within 4 miles of the cistern located at 926 Shapleigh Corner Road.**
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like. **There is existing vegetation located along the property lines.**
- 12) All performance standards in this chapter applicable to the proposed use will be met. **They shall with conditions.**

Ann H. stated the conditions of approval are as follows:

- 1) **Hours of operation will be 6:30 am through 5:30 pm, Monday thru Friday.**
- 2) **The applicant shall provide a copy of the State License for child care to both the Code Enforcement Officer and Planning Board, prior to opening.**
- 3) **A fence for the child play area shall be put in place within 60 days of Planning Board approval. If this time frame cannot be met, the applicant shall come back before the Planning Board to set a new date of completion for the fence.**
- 4) **The turn-around shall have the corner changed from a 90 degree angle to a rounded corner for easier access.**

5) The property location number shall be placed on the house in a visible location.

Norman B. asked if the board should state that the water shall be tested? The other board members did not believe this should be a condition, as it has to be done yearly in order for the applicant to keep her license for the day care. Mrs. Angers said that she not only has to do a basic test every year, but every 5 years she had to get tested for additional items. Ann H. noted she had a copy of the State requirements if Norman would like to see it. He said he did not need to, he just wanted to be sure that the water test was done. Mrs. Angers stated that she had to have it done, it is on the application to the State. Thomas C. said she needs the approval from the Planning Board before she applies to the State. Ann said she cannot open without the State license, and we have covered that.

Ann H. asked if there was a motion to approve? Norman B. wanted to be sure the board was requiring a sign that states no backing out onto the road. Madge B. agreed it should be a condition. Ann stated a condition of approval will be:

6) A sign shall be placed on site that states ‘There is No Backing Out onto Mann Road Allowed’, or something similar, for safety.

Norman B. asked Mrs. Angers if she needed liability insurance? Mrs. Angers stated that her homeowners did require her to have it. Mrs. Angers stated that with having play equipment and dogs, she needed it. Norman said that he noticed the 3 large dogs, so she best have liability insurance.

Maggie M. made the motion to approve the Conditional Use Permit for an in-home day care for up to 10 children, located at 64 Mann Road, with six conditions. Madge B. seconded the motion. By a vote of 5 – 0, the motion to approve was unanimous.

Nothing more was discussed.

~~~~~

**The Findings of Facts**

1. The applicant is Morgan Angers of 64 Mann Road, Shapleigh, Maine 04076. The owner(s) of Shapleigh Tax Map 10, Lot 12 (64 Mann Road), are Brandon D. and Morgan B. Angers per Warranty Deed recorded at York County Registry of Deeds, Book 18693, Page 631, dated 6/9/2021.
2. The property is located in the General Purpose District and per the Assessor the property contains 2.1 acres.
3. The application detailed description of the project is as follows: *Open a licensed in-home day care. No construction involved. Operational Hours: Mon – Fri, 6:30 am to 5:30 pm, excluding some holidays. Serving ages 6 wks. – 12 yrs., 12 children max (with another staff). (10 children max by myself.)*
4. Received was a sketch plan of the site, which depicted the lot; 28 x 44 house; driveway/parking area; septic tank/leachfield location; well location; 12 x 16’ shed; 40’ x 40’ area for goats/chickens; and 25’ x 25’ play yard for the children. The plan also noted the location of Little Ossipee River, Mann Road, and the abutting properties of 52 Mann Road and 74 Mann Road.

5. Received was a copy of a water test for the property taken 6/2/2021, done by Nelson Analytical Lab, which showed the water to be safe from bacteria and lead on that date.
6. Received was a copy of the Subsurface Wastewater Disposal System Application, dated 9/22/2020, done by Kenneth Gardner, SE #73, for a 3 bedroom single family home.
7. Received was an aerial view of the property, which depicted the existing house, shed, vegetation, and highlighted was the L-shaped parking area, showing 7 vehicles parked on site; and on the original sketch plan it was noted that the turn-around area is 10 feet in width. Also provided was a picture of the house during the evening, showing how the existing lighting illuminates the front yard and parking area.
8. The board reviewed the Best Performance Standards in the Zoning Ordinance, including §105-40.1 ‘Child day care’ and found the application met the criteria in all applicable standards. There is limited noise; the property is screened with vegetation along the property lines; activities shall be either within the home, or behind the fenced in play area; water quality will be monitored through the State License process yearly; there are no employees so a maximum of 10 children are allowed; the property has adequate parking for the applicant and patrons of the day care.
9. The application as presented met the performance standards under §105-73 ‘Conditional Use Permits’ as per the documentation provided and as presented. The proposed in-home day care will not have an adverse effect on aquatic life or wildlife, the day care activity is not near the water body; the use is consistent with the Comprehensive Plan which wants home based businesses; traffic access to the site is safe, site distances can be met and vehicles can turn around on the property, so they do not have to back out onto Mann Road, a sign will also state there is ‘no backing out onto Mann Road’; the day care activity is not located within the flood zone; there is a State approved septic system on site; there is no hazardous waste associated with this application; there are no changes to the existing property which would create an erosion or a storm water issue; the property is within 3.2 miles of the cistern located at 926 Shapleigh Corner Road, which can be used by the fire department and the home will have to meet the standards imposed by the State Fire Marshall’s office; there are no dust, fumes, or odors associated with this business, there is limited noise associated with the day care, all activities are either in the home or within the fenced in play area; there is no glare onto neighboring properties, existing lighting falls onto the property and not toward the road or neighboring properties; performance standards will be met with six conditions.
10. A notice was mailed to all abutters within 500 feet of the property on July 12, 2023. Meetings were held on Tuesday, July 11, 2023 and Tuesday, July 25, 2023. A site inspection was done and a public hearing was held on July 25th, prior to the meeting.
11. The Planning Board unanimously approved the Conditional Use Permit to open an in-home day care for 10 children, to be located on Map 10, Lot 12, per the plans and information provided, with six conditions.
12. **The conditions of approval are:**
  - 1) **Hours of operation will be 6:30 am through 5:30 pm, Monday thru Friday.**

- 2) The applicant shall provide a copy of the State License for child care to both the Code Enforcement Officer and Planning Board, prior to opening.
- 3) A fence for the child play area shall be put in place within 60 days of Planning Board approval. If this time frame cannot be met, the applicant shall come back before the Planning Board to set a new date of completion for the fence.
- 4) The turn-around shall have the corner changed from a 90 degree angle to a rounded corner for easier access.
- 5) The property location number shall be placed on the house in a visible location.
- 6) A sign shall be placed on site that states ‘There is No Backing Out onto Mann Road Allowed’, or something similar, for safety.

**Decision:**

**The Conditional Use Permit for an in-home day care for up to 10 children, on Shapleigh Tax Map 10, Lot 12, per the plans and information provided, with six conditions, was approved.**

\*\*\*\*\*

**Growth Permits**

**There are growth permits available.**

\*\*\*\*\*

**The meeting adjourned at 8:10 pm.**

\*\*\*\*\*

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)