

Shapleigh Planning Board

Minutes

Tuesday, August 22, 2023

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

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 Planning Board meeting started at 7:00 pm.

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

Steve F. asked if there were any issues, questions or concerns with the minutes of the last meeting? There were none. Steve stated the minutes from Tuesday, August 8, 2023 were accepted as written.

- **Unfinished Business**

Best Practical Location – Replace Structure – Map 30, Lot 11 (35 Totte Road) – Tyler Matthews, Applicant; Michael & Nancy Keane, Property Owner(s)

Mr. Matthews was present for the review of the application. Mr. Keane was also present.

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

Originally provided along with the application, was part of a survey plan, which depicted Lot 11, showing the existing house and attached deck, two retaining walls adjacent to the house and deck, and one wall between the house and Totte Road. Also on the plan were stairs from the water toward the deck, and from the house toward Totte Road; the well; septic covers; and two sheds. The distance from the high water mark to the existing deck is noted as being 34.9’, and the distance from the house to Totte Road is noted as being 29.1’.

Provided was a second copy of part of a survey plan for Lot 11, which in addition to the above, showed the location of the proposed house, the fact it will be 34.9 feet from the high water mark, and 25’ from Totte Road. In addition, there is a notation that states, “All disturbed area gets stabilized with either grass or mulch”.

Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 9/3/1996 for a replacement system for a 2 bedroom home.

Provided were pre-construction pictures of the existing house, deck, retaining walls, stairs, and existing vegetation.

The application detailed description is as follows: *Tear down existing house and build a new house, no closer to the water, & a little closer to the road, 25' instead of 29'.*

Steve F. stated the application was for replacing the structure on Map 30, Lot 11. He stated that the Planning Board did a site visit, and the biggest concern for the property was the runoff. He said the setbacks were as they are, and said the applicant was not sure if he was doing a full foundation, or a deck in the front. Steve said the revised plan may help to determine what would be put into place to help with the runoff. Mr. Matthews agreed, and said a bigger and better dripline trench would be helpful. He said they want water shedding away from the house and if it is directed into a couple of drywells with rain gardens around them, it should take a lot of the water from the lower wall. Steve asked if it was on the plan? Mr. Matthews stated it was not on the plan but he could put the drywells on the plan, based on what was discussed at the site visit.

Steve F. said some questions were asked about a low retaining wall. Steve stated that under §105-4, Section D(9), the issue is any new low retaining wall has to be 25 feet back from the water. Mr. Matthews said that the area was sandy, so mulch and grass would help. Steve said if they are going to be excavating, now is the time to correct the issue. Mr. Keane asked if Steve was speaking about from the retaining wall to the water. Steve said, yes. Steve said the low retaining wall section in the ordinance probably would not help, because it looked like the front of the deck was only 35 feet from the water. Mr. Matthews agreed, noting the existing wall was probably around 25 feet from the water.

Steve F. asked CEO Demers if he had any ideas on how to mitigate stormwater from the structure to the water? Steve also asked CEO Demers if he had seen the site? CEO Demers said he was familiar with the site but he had no idea what should be done. Mr. Matthews stated the area cannot be flattened out, the only thing to do is get the water into the ground before it gets to the lake. Ann H. said there was a retaining wall, but perhaps it would be a good idea to put a retaining wall all the way across the property. Mr. Matthews said the existing wall goes almost all the way across. Ann said there was still some area without the wall, so other than having some stairs, she believed it should go all the way across to help with runoff. She thought if the basement goes to the end of the porch, they could eliminate the back wall. She asked Mr. Keane if he wanted a porch? He said he did. Steve said Mr. Matthews just did a replant plan and where Ann wanted the wall it shows a drywell. Mr. Matthews agreed that there needed to be several small drywells to keep the water from going straight down to the water. He said there should be plantings behind the wall to catch the water, and wherever the roof line is, there needs to be drip line trenches as well. He also thought a few smaller walls would be better than one large wall.

Madge B. asked if there was only one tree being removed? Mr. Keane and Mr. Matthews both stated they did not believe any trees were being removed. Steve F. said that on the plan it shows they will retain the wall on site and not replace it. He said he was referring to the wall in the front. Mr. Keane believed he would need to replace it because it is leaning. He said he would like to replace the wall at the same time he is replacing the house. Steve and Madge agreed that would be best.

Ann H. stated that if the board is looking at the best practical location, she believed the structure needed to stay exactly where it is at this time. Steve F. stated that he agreed.

Mr. Matthews thought there may be something he could get permission for at the water's edge, but it would be an in-depth permit that he would not want to tackle. Steve F. stated that now would be the time to deal with the issue that is going on, noting it was an extremely sloped lot. In addition, there was an issue with wave action. He said looking at the elevations on the plan, there is almost a 30 foot drop in elevation. Madge agreed that with the type of soil, being sandy, it would keep eroding. Mr. Matthews said their plan is that once the house is in they will do additional landscaping, so the roots will benefit the area as well. Mr. Keane noted that they tried seeding it but the sand does not hold grass. Madge stated that they need shrubs. Mr. Keane stated that the section of the retaining wall along the water's edge, part of it is missing, he would love to fill that back in. He said they do not use that area for beach access. Steve said that placing riprap along the water's edge could be done through the DEP. He added that York County Soils and Water, because they are coming to do the plan for the road, they could give ideas.

An abutter was present and stated that there was a special town warrant article to reapprove the match for the grant for the road. He said there was a Cumberland County Engineer helping York County Soils create a plan that the Road Commissioner is now trying to get bids for. He said it is for the top of the hill above the applicant's property, to reshape the road; two properties downhill from the applicants, there is going to be a culvert under their driveway, and then some fairly deep detention basins on either side of the informal launch area, to keep the launch stable. He said they are not making any improvements to the launch. He said they then are going to do some hardening of the road coming back up the other side. Mr. Keane stated they would also be adding a rubber bumper across the boat ramp. He said there would be a rubber dam that would keep runoff from going into the lake.

Steve F. asked how the board felt about the replant plan? Madge B. stated that the applicant is fine with the board asking for York County Soils & Water to create a replant plan. She said that this is what she would recommend. She said it would help them figure out what will hold up on that property. Steve agreed that this would be the ideal situation for this particular case. Mr. Matthews asked if they could get the ok for the location, then get the plan and give it to the CEO, or do they get the plan and have another meeting with the board? Steve stated that with respect to the location of the house and the setbacks, there is no moving the structure. He felt the board would say that it would be ok to move forward with the structure with the setbacks on the plan. He said the board would table the application this evening, not approve the application, until the board receives the sediment control plan.

Mr. Matthews said when he does a project like this, it is hard to see exactly where everything will go until after the foundation is in. He asked if York County Soils should come in after the foundation is in? Steve F. stated that with using the plan, they have the elevations on the plan, and we know where the house is going to be. He said he did not disagree with Mr. Matthews. Madge B. stated that with having the elevations and seeing the soils present, York County Soils will be fine with figuring out a plan. She said that is what they are good at.

Steve F. asked if there was a copy of the septic design on file? The board stated they received a copy. Steve noted the septic design was for a two bedroom home and asked Mr. Keane if the new home would be a two bedroom as well? Mr. Keane stated that it would.

Steve F. reviewed §105-51.3, and noted there was no woody vegetation being removed, so that is not the big issue. He said the issue is the stormwater, and using plantings to mitigate the water or whatever means York County Soils feels is best in this situation. He said the board will rely on them in this instance. Mr.

Matthews agreed that they were dealing more with a water issue. Steve read from section F(2) & (3) as follows: Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four-inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and, Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years.

Steve F. asked what their time frame was for the project? Mr. Keane stated that it would be no sooner than next year to start. Steve asked if there were photos of the site? Barbara F. stated that they received photos from Mr. Matthews at the last meeting.

Steve F. asked if there were any other issues besides a stormwater management plan / drainage plan / replant plan for this application? He said if there were no other issues, the board would begin the review of the structure across the street.

Mr. Matthews said he had a question for future jobs, when is it required to have York County Soils to do something? Steve F. stated the ordinance calls for someone authorized to sign off on a plan, and he believed it was written that way so there is flexibility. Mr. Matthews asked who qualifies? Steve said he could provide a plan from someone, such as York County Soils, or an engineer, or a place that sells landscaping materials, the DEP, someone who will sign stating that the plan will work.

Madge B. made the motion to table the application until the board receives the erosion control / planting plan. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to table was unanimous.

Nothing further was discussed.

Conditional Use Permit – Build Garage 25’ from Totte Road - Map 30, Lot 11A (Totte Road) Tyler Matthews, Applicant; Michael & Nancy Keane, Property Owner(s)

Mr. Matthews was present for the review of the application. Mr. Keane was also present.

A site inspection was done by Planning Board members prior to this evenings meeting.

Originally provided along with the application was a copy of a survey plan for Lot 11A. The plan depicts the lot lines as follows: 70.32 feet adjacent to Totte Road; 67.67 feet at the rear lot line; 67.31 feet on the side lot line on the left facing the lot from Totte Road, and 70 feet along the right side lot line. Sketched on the plan was a 24’ x 22’ proposed garage, 25’ from Totte Road at its closest point.

Provided was a copy of the survey plan drafted by Joseph Stanley of LinePro Land Surveying, of Springvale Maine, dated April 26, 2023, which depicts the existing conditions for Nancy Keane on Totte Road, Shapleigh Maine. The plan depicts both Lot 11 and Lot 11A. Abutting properties for Lot 11 are also depicted as Lot 10, owned by the Jacobs Family Revocable Trust, and Lot 12, owned by Muriel Brown and Gary Smith. Abutting properties for Lot 11A are depicted as, Lot 10A, owned by Gary Marlin; Lot 12 (across the street from Lot 12 which holds an existing structure) owned by Muriel Brown and Gary Smith; and Lot 67 C (behind Lot 11A), owned by Linda Stanley.

The application detailed description is as follows: *Would like to build a garage only 25' off the road.*

Madge B. asked where the 100 foot setback was to the water. Steve F. stated that the road was approximately 100 feet from the water, based on the distance of the lot lines indicated on the plan. Madge asked if the building would be greater than 100 feet from the water? Mr. Matthews said it would and added that the entire property was greater than 100 feet from the water. Madge thanked Mr. Matthews.

Steve F. stated that the applicant is before the board for a Conditional Use Permit, which allows them to build a garage no less than 25 feet from the property line or road. Steve said that in this case, besides the area where the board parked, the road and property line are very close to each other, as shown on the survey.

Steve F. stated that Conditional Use Permits are under §105-73. He said he will review the standards and then the board can go over them. Steve reviewed §105-73.G as follows:

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.
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies.
- 3) The use is consistent with the Comprehensive Plan.
- 4) Traffic access to the site is safe.
- 5) The site design is in conformance with all municipal flood hazard protection regulations.
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made.
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.
- 8) A stormwater drainage system capable of handling fifty-year storm without adverse impact on adjacent properties has been designed.
- 9) Adequate provisions to control soil erosion and sedimentation have been made.
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like.
- 12) All performance standards in this chapter applicable to the proposed use will be met.

Steve F. stated at this location there is the same issue with stormwater. Mr. Matthews asked if a qualified person should draft a plan, just as for the other site? Madge B. agreed a stormwater plan was required. Steve agreed as well, but Steve noted that a Conditional Use Permit is somewhat different, as it is asking for a stormwater drainage system. He thought the same person could do this plan, if they want to take this project into consideration. Steve stated that items 8 & 9 are the biggest issues to be met with this project.

Steve F. asked Mr. Keane if he was having any living space in the garage? Mr. Keane stated that there may be a roof that allows for an exercise bike, or something of that nature, but no, he did not plan on

having living space in the structure. Steve asked if there was going to be any water or septic tie-in? Mr. Keane stated, “No”.

Mr. Matthews asked if the board is looking for a stamped stormwater plan, was the board looking for an engineer? Barbara F. stated that York County Soils just hired a new Soil Technician that would qualify. She asked Mr. Matthews if he has contacted them? Mr. Matthews said, no. Barbara stated that Mellisa Brandt stated they just hired someone, so now they can get a plan together within 1 or 2 weeks, and often getting to the site within a week. Barbara noted they have several qualified people, but with the additional person they can do more projects. Mr. Matthews asked if the board would approve using them? Steve F. said it would work for him.

Steve F. asked CEO Demers if he had any issues with wall height with respect to the garage? Steve added that this was in the event that the back wall was over a certain height? Mr. Matthews stated that over 10 feet, he thought it should be engineered. Ann H. stated that it went into the bank. CEO Demers asked if they were speaking about a concrete wall? Mr. Matthews stated that it would be a foundation and retaining wall. CEO Demers said that he had seen it done before, they put more steel in the wall and it is a thicker wall. Steve said it wasn't for the Planning Board, he was just curious. Mr. Matthews asked CEO Demers if it was over 10 feet if it needed to be engineered? CEO Demers stated that he had never seen a foundation wall be engineered. He said that the people doing it have their tricks to do it.

Steve F. asked again if the board had any other issues besides meeting §105-73.G(8) & (9)? Madge B. agreed those two are concerns. Steve asked if the board had anything else with respect to this application? Madge B. chuckled about traffic access being safe noting the road itself, and the fact the Comprehensive Plan does not address this situation either. Steve agreed, and said again that (8) & (9) are important for adjacent property owners and the waterbody. Madge agreed and that it was also important for the applicant as well.

The abutter stated he came to the meeting because of the stormwater that flows across the road, and to point out that York County Soils was in the process, and he believed had to have it done for budget purposes by the end of the State's fiscal year which is in September. He said they will be right there on site. Ann H. said this was perfect timing. Steve F. agreed and hopefully they can tie the whole thing together.

Mr. Matthews asked if when he receives the plan if he contacts Barbara to get back on the agenda? Barbara said, yes.

CEO Demers asked if they table it for 90 days? Steve F. stated this was correct. CEO Demers stated to the applicant that if they do not get a plan within 90 days, be sure to get back to the board. Steve agreed, and the board can extend the time.

Madge B. made the motion to table the application waiting for a stormwater and erosion control plan. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to table was unanimous.

Nothing further was discussed.

New Business:

Conditional Use Permit – New Structure / Creating a 2-Family Dwelling in the SD Using Existing Foundation – Map 27, Lot 14-4 (55 Point Road) – Craig & Melissa Cohen, Applicants & Property Owners Mr. Cohen was present to review the application.

Provided along with the application, were two existing conditions pictures depicting the existing new foundation adjacent to the garage, and some of the existing vegetation.

Provided was a sketch plan of the lot depicting lot line measurements/delineations; the location of the driveway; existing garage; house; and foundation. The plan notes the garage as being 110' from the high-water-mark, the foundation as being 108' from the high-water-mark, and 76 feet from the side lot line. There is a notation that states there is 40' between the house and garage. There is a notation that states the house is 35' from the side lot line and 120' from the high-water-mark. Burlington Way is also noted on the plan, which bisects the rear of the property.

Provided was a copy of the Subsurface Wastewater Disposal System Application for a 3 bedroom single family home / duplex, drafted by Kenneth Gardner, SE #73, dated 6/30/2023.

The application detailed description of the project is as follows: *Build on top of existing garage foundation. The new structure will be approx. 1944 sq. ft. of LS. (Living Space)*

Steve F. asked Mr. Cohen to let the board know what he wanted to do. Mr. Cohen said that he added a bay onto the end of the garage. He said after speaking with CEO Demers, he told him he wanted to put in a kitchen and bathroom because they have a lot of people visit in the summer. He said CEO Demers told him it would be a good idea to go with a duplex, so he is here to see if he can get a duplex approved.

Madge B. asked when the foundation was put in? Mr. Cohen said, "June, May – June, I forget the exact date". Madge asked what it was for? Mr. Cohen said that they got a pontoon boat, so they wanted to do another bay, so they would not have to winterize it every year. CEO Demers said that currently there is a single family dwelling on the lot. He said Mr. Cohen came in for a permit for a garage, then during the permitting process the space above the garage came into the conversation, where he talked about having an overflow area for family that come to visit. He said he wanted a bedroom, bathroom, and kitchen, so he told him he was getting close to a second dwelling, that he should go before the Planning Board and apply for a 2-family home in the Shoreland Zone, which is a Conditional Use Permit through the Planning Board. He said the only caveat with that is that it has to be one structure. He said the board is here to review a 2-family home in the Shoreland Zone.

Madge B. asked how this was one structure? Mr. Cohen said it would be two structures. He said it was the main house and then the garage. CEO Demers said, "You are going to connect it, right". Mr. Cohen said he would connect it with a screen porch in between them. He said they are at approximately the same elevation, and with the deck, they are about 15 feet apart. He said that once he does the garage, noting he has to do 15 foot doors for the pontoon boat, the floor height will be the same height as the first floor. He said he would do a deck straight across. Steve F., looking at the plan, said he could not see the connecting part? Mr. Cohen said it was not on the plan. Madge said that is why she asked how this could be one structure. Mr. Cohen said he was before the board to see if he had to do a structure in between the two buildings, or if he could get away with just a deck going between both buildings. He said he really didn't

want to do a screen porch, because it would look better with just a deck connecting them. He said he really didn't want to do a giant wall.

Madge B. said that originally CEO Demers approved the foundation for a garage. CEO Demers said he approved the foundation for a garage, an accessory structure. Mr. Cohen said that it was a 16 foot addition onto the old garage which was 32 feet, so he was adding a 14 foot bay. Ann H. said that it never got built upon as a garage. Mr. Cohen said that it did not, because he didn't want to buy the wood for the structure, because CEO Demers mentioned the duplex, so he wanted to explore it. He said he just wanted to see what he can do. Madge, looking at the plan, asked if the two buildings were 40 feet apart? Mr. Cohen said there was a deck between them, which goes about 9 feet from the house. Madge noted the deck was not on the plan.

Steve F. asked how much road frontage and shore frontage there was? Mr. Cohen stated there was approximately 280 feet of shore frontage, and the entire side of his lot was on Point Road, which was at least 700 feet. He said that Burlington Way also passes through his lot. Ann H., using the plan, asked for clarification. He said his lot was shaped like a pizza slice. Mr. Cohen said it was a 2 acre lot or close to that.

Mr. Cohen stated that he had blueprints, but again said he just wanted a deck between the two if he can get away with it. He said he was trying to avoid too much of a structure in between.

Steve F. noted that under §105-17, at the end of that section, Note 3 states: ³Additional detached dwelling units in excess of one on a single lot shall require review and approval by the Planning Board. A site plan certified by a registered land surveyor, licensed in the State of Maine, showing all existing and proposed structures, and other pertinent information relating to the possible division of land, shall be submitted to the Planning Board. The Planning Board shall determine that the property and all structures can meet the current zoning and setback requirements if the property were to be divided.

CEO Demers stated that is why this has to be *attached* and not detached. Steve F. did not believe Note 3 was allowed in the Shoreland Zone. CEO Demers stated that what the note is saying is that if you want to put two dwellings on one lot, you have to show the board how you are going to divide the property with 200 feet of shore frontage, 200 feet of road frontage and 80,000 sf per dwelling. He said that this is not that.

Mr. Cohen asked how he attached the structure, what was acceptable? Barbara F. stated that it was supposed to be living quarters, she did not believe you can live on a deck. Ann H. believed it had to be insulated, heated, so the building is like one house. Madge B. agreed, it is supposed to be one structure. CEO Demers said that a duplex is commonly defined as two dwelling units with a common wall. He stated that he has seen duplexes where there are two units, and in between the units there are two garages. He said this is not living space, but they have to have a shared wall. Mr. Cohen stated he can build a foundation to connect them and build a deck off of that. Ann thought they could do a 3 season room between the two structures. Ann asked how they would get from the saltbox house to the living area in the garage? Mr. Cohen did not know if he should do stairs alongside the garage or do a tunnel underneath. CEO Demers stated that it just has to be one structure, it cannot be detached, they can each enter from the outside. Maggie M. agreed it has to be a solid attachment, but they can both enter from the outside. CEO

Demers agreed, it has to be one structure with a single roofline with space under connecting the two. Mr. Cohen believed a screened porch would work.

CEO Demers stated that the board would like a conceptual plan on what the space will look like. Mr. Cohen stated that he felt a deck would look a lot nicer. He said he wanted to see if he could get away with just a deck. Steve F. stated that he was looking at definitions but there isn't much clarity. CEO Demers stated that under §105-17, you have a single family dwelling and a two family dwelling. He said the two family dwelling is what the board is considering. He said a two family dwelling is commonly referred to as a duplex. He said you then look at the definition under two family. Steve read the definition of two family as follows: Any building that contains two dwelling units used, intended, or designed to be built or occupied for living purposes. Steve said the question is can you have a sun porch in the middle of your building. Mr. Cohen said that you don't know until you ask. Maggie M. believed the roof was required. Steve said he was looking to clear up the grey area but he was not finding what he wants. Mr. Cohen still felt like he wanted a deck only for appearance sake. Madge and Ann both agreed the structure had to look like one building. Madge felt they spoke about it enough, the board needs to do a site inspection.

Steve F. asked if the board was satisfied with the plan they received. The answer was no. Steve said they would start again at the next meeting, and hold a site visit prior to the meeting.

Steve F. stated the site visit would be at 6:20 pm.

Steve F. told Mr. Cohen if he could get the new plans to Barbara F. prior to the next meeting it would be good.

Nothing further was discussed.

Conditional Use Permit – New Structure in the SD located 34' from Apple Road – Map 37, Lot 1 (Apple Road) – Bill Chamberlain, Applicant & Property Owner

Mr. and Mrs. Chamberlain were present for the review of the application.

Provided along with the application was a plan entitled 'House Offsets'. The plan depicts the proposed location of a house and garage, showing the house to be 34.16 feet from Apple Road at its closest point, and greater than 100 feet from Square Pond. Also on the plan is the delineation for the '75' Setback from Center of Apple Road; '100' Setback from Water Line'; Concrete Tube (Typical), located between the house and Square Pond but beyond the 100' setback to the HWM; 'Property Line'; 'Centerline of Apple Road'; '503 Feet Frontage on Apple Road'; and '1.66 Acres'. There are several other distance markers depicted as well. Plan Notes are as follows: -Concrete Tubes behind house for Deck, and -Concrete Tubes in front of house for front door steps.

Provided was a plan entitled 'Subsystem Wastewater Disposal System and Proposed Well Location'. The plan depicted the location of the proposed septic system, and well. The 16' x 35' leachfield appears to be approximately 11 feet from Apple Road at its closest point. Plan Notes are as follows: - Well no less than 100 feet from SWD System'.

Provided was a plan entitled ‘Shoreline and Clearing around House’. The plan depicted 50’ x 25’ Grids between the 100 foot line and the HWM. A total of 4 grids listed, divided down the centerline by a dotted line, are depicted as 5A/5B, 4A/4B, 3A/3B, & 2A/2B which run in a vertical line between the water and the 100 foot mark to the HWL, and 1A/1B located along the shoreline of Square Pond (adjacent to 2A/2B, also on the shoreline). Plan Notes are as follows: -Dirt/gravel driveway shown straight but will bend slightly to avoid the Telephone pole; -Clear approximately 20 feet to side of garage and to rear of house and, for side yard, approximately 85 x 35 to the side of the house.

Provided was Supplement Information as follows:

Item 2. Site Plan

The details shown are based on an actual CAD file that had been provided by Joe Stanley of Line Pro Land Surveying.

Quick note, if/when anyone goes to the site. On the actual plot of Apple Road, I had placed snow markers in the ground in the approximate proposed location of the house and garage, based on the CAD file. I also placed some snow markers roughly where a septic system would go too. These were just to help my wife and I visualize roughly the layout of things.

Item 3. Official Decisions

There are no official decisions pending regarding the use of this property.

Item 4. Revegetation Plan

I only documented areas within the shoreline that we have considered making any changes to. Each section is a 50 x 25 foot rectangle and is shown divided into two halves. Each 25 x 25 square is then divided into 4 quadrants to help to show roughly where the trees are located. The points within each quadrant are summed up below the quadrant and the total of both quadrants is provided at the bottom. The Revegetation Plan shows the living trees and identifies which we would like to take down and have their stumps ground. We did document from the shoreline straight up to the house in Sections 2A/2B through 5A/5B but have no planned changes for Sections 4A/4B and 5A/5B.

Item 6. Supplemental Information

Points that need clarification:

- 1. The Septic System Design provided for the Conditional Use Permit was created at the time that I had purchased the land, February 2022. At that time I had requested a design for a 4 bedroom system, not having any concepts for a cottage in mind. This past winter I have been working on plans for the cottage. Since I have 4 children I will need a design for a 5 bedroom system. I spoke with the CEO about how I should proceed with regards to the Conditional Use Permit Application. He conveyed that since the design developed by Kenneth Gardner demonstrated that a system is feasible, then an actual State Approved Subsurface Waste Water Disposal System would not be needed for the Conditional Use Permit Application. An actual State Approved system would be required at a later date when it is time to pull a permit for the septic system. (Note that the SWD System location shown on the “SWD System and Proposed Well Location” page is proposed location for the new system that would be no less than 25 feet from the house.)*

Provided was a copy of part of the survey plan for Map 37, Lot 1, drafted by LinePro Land Surveying of Springvale Maine. In addition a picture was provided of an aerial view of the property, with the

approximate location of the house and garage noted by a yellow outline. The photo was dated April 7, 2023.

Provided was a Revegetation Plan depicting the individual 50' x 25' grids, showing the existing trees on site and those that are being removed. Also indicated are the remaining points in each grid. It is noted on the plans that there are no changes to the existing vegetation on grids 4A/4B or 5A/5B.

Provided was a copy of the Subsurface Wastewater Disposal System Application for a 4 bedroom single family dwelling, drafted by Kenneth Gardner, SE #73, dated 1/18/2022.

The application detailed description of the project is as follows: *Construct 5 bedroom single family dwelling with attached garage, approximately 75' from the closest side line, approximately 34' from the front to the front border along Apple Road, and approximately 118' from the rear of the dwelling to the shoreline.*

Steve F. began by asking the Chamberlains what they would like to do. Mr. Chamberlain stated they purchased a piece of land on Square Pond and they would like to put a dwelling on it with an attached garage. Mr. Chamberlain stated that the way the 100 foot setback is to the water that could be met, but not the 75 foot setback to the road, the building envelope is located on just a small corner of the lot, which is 1.66 acres. He said as he and his wife were looking at the property trying to imagine what it would look like if the home was shifted to the left about 40 feet, the slope and contour of the land would be more beneficial to the contour of the dwelling. He stated that they worked with CEO Demers to ask if it was possible to do what they were envisioning, and he told them that recently there was something passed in the ordinance that allows less than the 75 feet from the middle of the road. He said when he showed CEO Demers what they were thinking about, he thought it could be something that was doable. He said, therefore, they submitted the application. Steve said it looked like a straight forward plan and he did not have any questions at this time. Madge B. agreed.

Steve F. stated that the house setback looked like it would be about 34 feet from the side of the road, and it appeared there was a porch going onto the house as well, on the road side. Mr. Chamberlain said yes, just so they can get into the front of the house. Steve asked if they were looking for a setback of 34 feet? Mr. Chamberlain said, "34 feet".

Steve F. stated that the application was done well, and thanked Mr. Chamberlain for the photos.

Steve stated that they will schedule a site visit for a month from now. (Mr. Chamberlain has stated they were unavailable for the next meeting.) Steve said it would be on the 26th of September. Steve said the board will meet Mr. Chamberlain at 6:20 pm on the 26th. A notice to abutters will be mailed prior to the meeting.

Ann H. asked if it was staked out? Mrs. Chamberlain said there were stakes. Mr. Chamberlain said that Joe Stanley had given him the CAD file, so he triangulated the location from the telephone poles. Steve stated that when it comes time to build, he will need to utilize a surveyor to place the building. He said for the board, what he has done will work.

Nothing more was discussed.

Note: The applicants contacted Barbara F. to state their plans had been canceled and they would be available for September 12th. The board will do a site inspection at 5:45 pm, prior to the meeting. A notice to abutters will be mailed as well.

Other:

Steve F. stated that the board received after photos for Indingaro, Map 33, Lot 22 (90 Treasure Island). He stated that the board was looking for the revegetation. He said it appeared there were several small trees planted. Ann H. stated that that she believed they were missing something. The board reviewed the revegetation plan and the pictures. Steve said there was no vegetation behind the wall. Ann agreed. Steve stated it appeared it was not complete per the plan.

Madge B. asked if the trees were supposed to be 6 feet in height and 4 inches in diameter? The board reviewed the ordinance which stated the following in part: §105-4(7) ‘Relocation’ [1] Trees, woody vegetation and ground cover, [a] *Trees removed in order to relocate a structure must be replanted with at least one native tree, six feet in height, measured from the base of the trunk to the top of the tree, for every tree removed. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Trees shall be planted greater than five feet from the side lots lines, and shall create a well-distributed stand of trees. These replanted trees shall be flagged with fluorescent tape no less than 18 inches in length which shall not be removed except by the Code Enforcement Officer upon inspection.* The board could not tell if the trees were six feet in height. They asked CEO Demers if he had seen them and he said that he had not. Steve said he was not sure these trees met the requirements. The board also reviewed §105-51.3, which stated under D(6) there had to be a survival rate of at least 80% of planted trees or saplings for a minimum five-year period. CEO Demers stated that the trees are to be 6 feet in height and 2 inches in diameter at 4 feet off the ground. CEO Demers said that because this is on the island, he did not see the logistics of putting a 6 foot tall tree based on the size of the root ball.

Ann H. believed they only needed two trees. She asked if they had to be 6 feet tall? Madge and Steve both stated that the ordinance called for a six foot tree. Ann noted that the email from Mainely Barge stated that they could do the rest of the plantings, that the board just had to let them know. Madge said that they did not plant any Junipers. Steve looked at the replant plan and it stated that Junipers would be placed behind the new wall, and 2 trees to be removed and replaced. Steve asked if they had the Junipers and trees as stated on the plan? Madge stated that they planted the trees, but there were no Junipers.

Steve F. said the revegetation is not complete. He asked what the board wanted to do? The board asked Barbara F. to send the applicant a letter requesting the completion of the revegetation plan, which included Junipers behind the new wall, the Conditional Use Permit is not completed as approved.

CEO Demers asked if the board received a copy of the pictures for Johnson / Starbird? Barbara F. stated that she provided the pictures to the board. (476 Cedar Drive – Retaining Wall – Approved Date of Completion, 11/15/2022) The board members reviewed the pictures and stated the wall and revegetation was completed as approved.

Steve F. stated that the annual Volunteer Appreciation BBQ is September 15th at the Town Hall at 5:30 pm, he said everyone was invited.

Steve F. stated the board needs to decide on a budget for 2024, as well as plan a workshop for ordinance amendments as discussed earlier in the year.

Barbara F. gave the board several dates to choose from, **the board agreed on Thursday, September 21st at 3:00 pm to hold a workshop.**

Several suggestions were:

- Footnote 3 under 105-17, regarding a survey for more than one detached dwelling units, CEO Demers felt an ADU needs to be exempt from this survey as it is an allowed use.
- Review Campground Ordinance
- Review Application Checklist

CEO Demers asked if the Town passed the ADU ordinance? The answer was yes.

Steve F. asked members to make some notes on several things they may want to talk about.

Growth Permits

- **Map 8, Lot 69 (Ross Corner Road) – New Home – M. Stam** **GP #18-23**
Steve stated he was very familiar with this lot. There is 238 feet on the road and it contains 2 acres. Ann H. signed the permit, as Steve was the former owner of the lot.

- **Map 7, Part of Lot 34C (Jones Road) – New Home – V. Johnson** **GP #17-23**
Steve Stated there was 230 feet on Jones Road and the lot contained the minimum acreage required for a lot. CEO Demers noted this lot was approved previously, but they never came in for the building permit so it expired.

CEO Demers asked if an ADU needed a Growth Permit? Barbara F. did not believe so, as it is an allowed use regardless and is exempt from the Growth Permit process. She believed the State would not let the towns count them toward growth, unless something has changed from the original approval of the ADU’s by the State.

The meeting adjourned at 8:05 pm.

The Planning Board 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
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