

***Shapleigh Planning Board***  
***Minutes***  
**Tuesday, September 26, 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 sat in as a regular member.

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

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

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

***Ann H. asked board members if the minutes met with their approval. There were no issues. Ann stated the minutes from Tuesday, September 12, 2023 were accepted as read.***

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- **Unfinished Business**

**Best Practical Location – Replace Structure in the SD – Map 19, Lot 22 (30 Sixth St.) – ReinCorp, Applicant; Jonathan & Lesa Mapes, Property Owners**

Mr. Rob Reinken from ReinCorp was present for the review of the application.

Provided along with the application, were preconstruction photos and an email from the property owners, dated September 5, 2023 which stated in part: *Please accept this email as our support for ReinCorp to represent both Lesa Auger Mapes & Jonathan Mapes on the project associated with our property at 30 6<sup>th</sup> St. Shapleigh.*

Provided was a copy of the Application for Private Sewage Disposal Permit, drafted by Brian Howard, LPI, dated 7/12/1977 and permitted on 11/12/1977.

Provided was a ‘Site Plan of 30 Sixth Street, Shapleigh, Maine for Jonathan & Lesa Mapes’, drafted by Steven C. Home, LLC - PLS #2389, of Sanford Maine, dated 6/26/15, revised 8/31/23. The plan depicts the existing parcel consisting of .61 acres; the building envelope that meets the ordinance requirements; the existing septic leach bed area; garage; existing gravel drive; wooden retaining wall; concrete retaining wall; and the ‘proposed renovated building 1828 sf’. The building sets 36.3 feet from the high water mark at its closest point and is greater than 10 feet from the closest lot line. There is also a deck noted on the plan that is to be removed. Located at the bottom of the plan is the existing structures dimensions, alongside the proposed structures dimensions. The ‘existing structure’ is not depicted within the lot on the plan. Plan Note 3 states: This plan was created to show existing conditions and found boundary information, this plan does not depict a boundary survey and is not the result of intense records research.

The application detailed description of the project is as follows:

*The Mapes property is located at the end of Sixth Street. This parcel currently contains a camp built in*

*1933, and a small accessory garage. The lot itself is sloped with ground vegetation and trees as well as an existing drilled well and septic system. Sixth St. ends at the rear of the property and services two rights of way to other camps.*

*The property owners have long lived on Mousam Lake and are very sensitive to environmental damage to our lakes. They are requesting that the planning board consider locating the new footprints in its current location. This would result in minimal soil, ground cover and tree disturbance.*

A site inspection was done prior to this evening's meetings by board members.

Ann H. started the review by asking Mr. Reinken to give a brief description of the project. Mr. Reinken introduced himself, and he began by stating that the camp was located on the end of Sixth Street on Lower Mousam. He said the owners, the Mapes, were requesting a best location on a rebuild of their existing camp, plus an addition on the right side of the camp. He said they are going to remove the existing deck and build a camp similar to what is there currently. He said the recommended location is based on the location of several driveways coming in on the back of the property, the location of the septic system, and the fact the camp sits in a bowl. He said if the camp was to be moved back, it will create a big hole that will leave gravel subjected to erosion.

Mr. Reinken stated they were proposing to take down 3 trees in total, and otherwise they will work with the current topography. He said in order to do the project, he is recommending some landscaping, which is on a plan he provided. He said currently there is a retaining wall system that they propose redoing to catch the rainwater better. He said there will be some mulch gardens, retaining walls bedded with stone and fabric. He said the plantings will be Hosta's, blueberry bushes, and a variety of ornamental grasses. Mr. Reinken pointed to the three trees to be removed on the plan he provided, one Hemlock and two Oaks.

Mr. Reinken stated they are suggesting a series of retaining walls, low lying with a stone bed, with gardens on top to capture the runoff, and prevent it from going to the lake; these walls are located on both sides of the new structure. He said there would also be a stone area at the side of the structure facing the lake to catch the rain as well.

Mr. Reinken stated he would be happy to answer any questions. An abutter, Mr. Sweetzer, asked about the new location of the house. Mr. Reinken pointed out that the new structure would be in basically the same location as the existing, you would enter the new structure in the same location. Mr. Sweetzer asked if the whole house was being removed? Mr. Reinken stated that it was, and a new foundation would be put in as well. Mr. Sweetzer asked Mr. Reinken to explain to his relatives (abutters) what type of home it would be. Mr. Reinken stated it would be similar to what is there now, just new. Mr. Sweetzer stated that he was worried and hoped it would not be a big mansion. Mr. Reinken stated it could not be based on its location, they were limited with height due to Shoreland Zoning rules, so it cannot be any taller than the existing. Mr. Sweetzer asked about the siding, what would it be? Mr. Reinken believed it would be some type of clapboard, the new house will be similar in design.

Ann H. asked if there was a maximum number of retaining walls allowed? She said while on the site visit the applicant stated they wanted to put in additional retaining walls that are not currently on the property. Ann said that she knows that a low retaining wall, for erosion control, 25 feet from the high-water-mark is allowed. CEO Demers said the proposed walls, as long as they are no closer to the water than the existing structure, and they are attached to the principal structure, could be seen as part of the structure. He stated there have been similar findings with patios. He said the retaining walls do not have any square footage

associated with them, so it's not a matter of lot coverage or expansion in the Shoreland Zone, but just a mechanism to control and regulate the water into whatever systems they are trying to establish on the lot. Madge B. asked where the low retaining walls are in the ordinance? Ann said it was found under §105-4.D(9) Low retaining walls in the Shoreland District less than 24 inches in height for erosion control. *Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:*

- (a) The site has been previously altered and an effective vegetated buffer does not exist;*
- (b) The wall(s) is(are) at least 25 feet horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;*
- (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;*
- (d) The total height of wall(s), in the aggregate, are no more than 24 inches;*
- (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.*
- (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and*
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:*
  - (1) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;*
  - (2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;*
  - (3) Only native species may be used to establish the buffer area;*
  - (4) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;*
  - (5) A footpath not to exceed the standards in Section 105-51.B(1)(a) may traverse the buffer.*
- (h) All approved plans may require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board.*

Ann H. said it looked like the retaining walls were not going to be on the lake side of the structure. Mr. Reinken stated this was correct. Mr. Sweetzer asked if the current wall was going to be replaced. Mr. Reinken stated that it was, replaced with another retaining wall. Mr. Sweetzer asked if it was going to be concrete? Mr. Reinken stated that it would probably be a Genest concrete block.

Ann H. asked if there were any other questions? Maggie M. asked if the wall at the water was going to be replaced? She was told that there was no wall at the water, it was all natural. Madge B., after reviewing the ordinance, believed you could have more than one new retaining wall, because it speaks about wall(s), a wall or walls. Ann said the walls have to be less than 24 inches in height and they have to be for erosion control, and that is what they are putting them in for. Madge agreed.

Ann H. stated that the board received a revegetation plan.

Madge B. stated that she had a question for Mr. Fred Sweetzer. She said they received a note from one of his relatives that suggested the boundary be surveyed. She said it looks like it has been surveyed, looking at the plan provided. Madge read part of the email, sent to the Planning Board on Monday,

September 25<sup>th</sup> from Becky Fischer, as follows: Our request is that the property lines around our property be measured and staked as soon as possible, prior to the start of the build.

Ann H. read the email as it pertained to the application, as follows: *Good morning Shapleigh Planning Board,*

*This email is in response to the letter dated Sept 13, 2023 regarding our neighbors, Jonathan and Lesa Mapes, application for a rebuild, Tax Map 19, Lot 22.*

*Our request is that the property lines around our property be measured and staked as soon as possible, prior to the start of the build. Our property, Lot 23 (Strohl, Sanzel), that abuts the Mapes, runs very close to their current driveway. In fact, some of their gravel and the movable small shed, we believe are on our property. We support their renovation, but are not in support of any encroachment onto our property.*

*Thank you,  
Becky Fischer*

Madge B. asked if the property was staked? Mr. Reinken stated it was irrelevant, because the structure is not being moved any closer to the property line. Madge agreed. Mr. Sweetzer noted that their driveway has encroached onto a neighboring property. Madge stated that Mr. Reinken's point was they are not affecting the boundary with the new structures location. Mr. Sweetzer said that it was a separate issue.

Ann H. asked the board members what they thought about moving the structure back farther from the high-water-mark? She added, "Moving it back to where the retaining walls are and the steps. It would be pushed back away from the lake. There is a lot of room from the steps going into the house to the back of the property." Norman B. said that is not what the property owner is suggesting. Ann stated that that did not matter, the board's job is to do the best practical location. Norman asked Ann if she felt it should be further away from the water? Ann said that is what she was asking the board. Madge B. read from the ordinance, §105-4.D(5)(a) as follows: *Any nonconforming structure which is removed or damaged or destroyed, regardless of the cause, .....provided that a permit is obtained within one year of the date of said damage, destruction or removal and provided that such reconstruction or replacement must be in compliance with all water body, tributary stream or wetland setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this chapter.*

Madge B. stated that she saw this as a perfect example of what Steve F. keeps telling the homeowners, it gets you more space in front of your camp. She said that Steve keeps stating that homeowners are making a mistake not moving their camps back. She said she is in favor of moving it back to what is a deck now. She stated that the deck is going to be removed. Ann agreed, and the property is going to be excavated out for a new foundation, so there will be a lot of area disturbed. She felt in this situation, there is room to move the structure back. Madge agreed.

Mr. Reinken felt the key word is practical. He did not feel it was practical, because if you do, you have created a big hole that has to be filled with a lot of fill. He said then you have to move gravel back in. He noted they cannot raise their home. He said they took this approach because it is the best practical. Madge still felt it could be moved back, when you take the material out to put in a new foundation, you use it to fill the hole in the front. She said you then end up with a front space to sit on in front of the lake. Madge agreed it was clear they do not want to move the structure. Ann asked CEO Demers if he saw a reason not to move it. CEO Demers stated that under 105-4.(7)(b) it says: *In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on*

*the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish the relocation.* He said the consideration is not just that he has the room, the considerations are topography, neighboring structures, etc. He said it is the best practical location.

Ann H. said if the structure is moved back, there isn't anything that has to be taken out, other than the deck and the walls that are coming out. She said there is no septic tank in this location. She said that she understood creating a hole, but there is gravel being taken out that can be used. CEO Demers said there is a series of wins in the Shoreland District, such as the 100 foot mark but you can't get there; there is the 75 foot and the survey shows that it cannot fit wholly beyond the 75 foot mark. He said the next benchmark is the 25 foot benchmark, he is beyond the 25 feet. He said they could push it back several feet, but where is the win.

Norman B. asked if the structure was pushed back, would it encroach on the septic system? Both Ann and Madge stated, "No." Madge said that the septic system is on the far side of the gravel driveway. She said that she and Ann were not talking about pushing the structure back to the driveway. Madge said if the structure is moved, they do not remove any vegetation, because there is none there. Ann agreed that there are no trees or vegetation. Madge said the only thing there currently is a deck.

Mr. Reinken asked if they understood that they would have to dig the driveway down to the same level, at least as far as to where they will build. Both Madge and Ann said, "Yes". Mr. Reinken said it would cut off the travel in the area. Madge said it would not affect the parking. Ann agreed, because they were not asking that they move it back that far.

Thomas C. stated that he believed the applicant wanted to put the deck back in. Mr. Reinken stated that there was not going to be a patio, but they need the area for the new structure. Madge agreed, they were not putting the patio back in, but they will use the area. Mr. Sweetzer asked if the deck between the house and driveway was coming out? Mr. Reinken stated that it was and there would be natural stone. He said if the house gets pushed back then that area has to get pushed back, and it cuts into the driveway. Maggie M. felt that because moving the house back caused more disturbance, the house should not be moved. Madge stated that they were taking out a deck and digging the area out anyway for the new foundation. Maggie did not think they had to dig that area unless the house was moved back. Madge disagreed, they had to take that whole area out for a new foundation. Ann said if the house was moved back, they would have to do some stormwater mitigation on the lake side. Mr. Reinken said the concern was putting live fill in the hole, it would be an issue in the future.

Ann H. said the ability to move the structure had to be brought up, because there is room on the lot to move the structure, but it was what the board agreed upon was best practical. Norman B. stated that the house had been in that location for a hundred years, he did not see a reason to move it. He said if they want it there, and it is allowed, why move it.

Ann H. asked for a motion on the location of the new structure.

**Thomas C. made the motion to keep the proposed structure where the existing structure currently is located at 36.3 feet from the high-water-line. Norman B. seconded the motion. Norman C., Thomas C., and Maggie M. approved the proposed location of the new structure, keeping it in the same location as the existing. Ann H, and Madge B. did not vote to approve, basing their decision on the fact that they believed the structure could be moved back based on what they observed at the site visit. By a vote of 3 – 2, the motion to approve the proposed location was upheld.**

Madge B. showed the revegetation plan to CEO Demers, to be sure he was fine with the proposed plan. She noted that the site needed a lot of vegetation. Madge B. asked what natural ground cover meant on the revegetation plan. Mr. Reinken stated mulch and what is there now, trees spills. He stated they would be putting erosion mulch in. CEO Demers stated that the plan was fine with him.

Ann H. asked if they needed anything on the lake side to keep water from going into the lake? Thomas C. hoped what is proposed on the other side would catch the water before it got to the lake.

Ann H. asked if the board members were fine with the revegetation plan? There was no one stating they did not like the plan.

Ann H. review the ordinances that pertained to the application. The ordinances reviewed were as follows:

- **§105-4.D, (1), (2), (3), (5), (7) - Nonconforming Structures**

Ann stated that the proposed structure shall not be more nonconforming than the existing; it will be greater than 25 feet from the high-water-mark; the expansion of the structure will be through the Code Office; the approved plan shall be recorded within 90 days at the Registry of Deeds; there is a revegetation plan; the proposed retaining walls will meet criteria in the ordinance; the plan shall require confirmation by a licensed surveyor that it is correct per the plan provided. *Madge B. asked if the structure isn't being moved did it still require a surveyor to place the structure? Ann H. stated that it did and CEO Demers concurred. Barbara F. showed Madge that the distance from the existing structure to the high-water-mark is on the plan and that is the figure they will use to make sure it is placed correctly. Madge noted this was under §105-D(7)(c). Madge said this would be a condition.*

Barbara F. asked if there was a date of completion? Mr. Reinken stated they requested the longest time possible, noting it should be completed sooner but wanted to have the flexibility. Ann H. set the date of completion as September 26, 2025.

- **§105-46 - Sanitary Provisions**

Ann H. noted they would be using the same septic system.

- **§105-51 - Clearing or removal of vegetation for activities other than timber harvesting.**

Ann H. stated there was a revegetation plan on file. The revegetation must be done by the expiration of the permit.

- **§105-51.3 - Revegetation requirements.**

Ann H. stated ground cover must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and effective infiltration of stormwater; 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.

- **§105-3 – Basic requirements.**

Ann H. stated that Section E, Photographic record required, requires pre and post photographs of the site to be provided. Post project photographs within 20 days to both the Planning Board and Code Officer. She stated Section F, it states an application for a nonconforming structure, required to be reviewed by the Planning Board, shall require a full survey be provided at the time of application. Retaining walls shall be exempt from a full survey. She stated the applicant provided a survey plan.

Ann H. asked where the debris from the existing structure would be taken? Mr. Reinken believed it would be taken to Simpsons in Sanford. Ann noted that it had to be taken out of Shapleigh.

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

- 1) **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.***
- 2) **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. The new structure shall be no closer than 36.3 feet from the high-water-line.**
- 3) **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).**
- 4) **The project, including the approved revegetation plan, shall be completed by September 26, 2025. If this date cannot be met, the applicants shall come back before the board prior to the expiration date to amend the approval and set a new date of completion, otherwise the application shall be null and void.**
- 5) **All debris from the existing structure shall be removed, taken out of the Town of Shapleigh, and disposed of at the proper facility.**
- 6) **The plan provided shall be recorded within 90 days of the approval date at the York County Registry of Deeds, otherwise the approval becomes null and void.**

Ann H. asked for a motion to approve with the stated conditions.

**Maggie M. made the motion to approve the best practical location, keeping the new structure in the same location as the existing per the plan provided, to be located no closer than 36.3 feet to the high water mark, on Map 19, Lot 22 (30 Sixth Street), with the stated conditions. Thomas C. seconded the motion. All members were in favor to approve the application. By a vote of 5 – 0, the motion to approve was unanimous.**

Mr. Reinken asked, with respect to the recording, what do the members sign? Members signed two copies of the plan that Mr. Reinken had provided, keeping one for the file and one for the applicant to record.

Nothing further was discussed.

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**The Findings of Facts**

1. The owner(s) of Shapleigh Tax Map 19, Lot 22 (30 Sixth Street) are Jonathan B. Mapes and Lesa A. Mapes, mailing address of 188 Oak Street, Springvale, Maine 04083, per Deed of Sale of Personal Representative (Testate), recorded at the YCRD, BK 16915, PG 308, recorded on 10/29/2014.
2. The property known as Shapleigh Tax Map 19, Lot 22 is located in the Shoreland District and according to the Assessor the property contains .62 acres.
3. The Best Practical Location application was presented to replace the existing structure with a new structure, keeping the proposed structure 36.3’ from the high-water-mark.

4. Provided were preconstruction photos of the property showing the existing structure and vegetation.
5. Provided was a copy of the Application for Private Sewage Disposal Permit, drafted by Brian Howard, LPI, dated 7/12/1977 and permitted on 11/12/1977. This meets the criteria under §105-46 Sanitary Provisions, because a working State approved sewage disposal system is on site.
6. Provided was a ‘Site Plan of 30 Sixth Street, Shapleigh, Maine for Jonathan & Lesa Mapes’, drafted by Steven C. Horne, LLC - PLS #2389, of Sanford Maine, dated 6/26/15, revised 8/31/23. The plan depicts the existing parcel consisting of .61 acres; the building envelope that meets the ordinance requirements; the existing septic leach bed area; garage; existing gravel drive; wooden retaining wall; concrete retaining wall; and the ‘proposed renovated building 1828 sf’. The building sets 36.3 feet from the high-water-mark at its closest point and is greater than 10 feet from the closest lot line. There is also a deck noted on the plan that is to be removed. Located at the bottom of the plan is the existing structures dimensions, alongside the proposed structures dimensions. The ‘existing structure’ is not depicted within the lot on the plan. Plan Note 3 states: This plan was created to show existing conditions and found boundary information, this plan does not depict a boundary survey and is not the result of intense records research.
7. The application detailed description of the project is as follows:  
*The Mapes property is located at the end of Sixth Street. This parcel currently contains a camp built in 1933, and a small accessory garage. The lot itself is sloped with ground vegetation and trees as well as an existing drilled well and septic system. Sixth St. ends at the rear of the property and services two rights of way to other camps.*  
  
*The property owners have long lived on Mousam Lake and are very sensitive to environmental damage to our lakes. They are requesting that the planning board consider locating the new footprints in its current location. This would result in minimal soil, ground cover and tree disturbance.*
8. The application required Planning Board review as a Best Practical Location under §105-4 ‘Nonconformance’. The Planning Board members agreed the application as presented, will meet all the criteria in the ordinance with conditions, as the structure shall be no closer than the existing, and the majority of the members agreed the proposed location of the new structure, placing the structure 36.3 feet from the high-water-mark is the best practical location, due to the topography. A revegetation plan was provided and approved by all members.
9. Planning Board members agreed the requirements under §105-51 - Clearing or removal of vegetation for activities other than timber harvesting, and §105-51.3 - Revegetation requirements, were met, based on the revegetation plan provided. The revegetation must be completed by the expiration of the permit.
10. Planning Board members agreed the requirements under §105-3 – Basic requirements, Section E, Photographic record required was met, as pre-construction photographs were provided, and post-construction photographs shall be provided per the conditions of permit. Section F, which requires a full survey be provided at the time of application, was met, as a full survey was provided.
11. A notice was mailed to abutters within 500 feet of the property on September 13, 2023. Meetings were held on Tuesday, September 12, 2023, and Tuesday, September 26, 2023. A site inspection was done by members prior to the meeting on September 26th.



12. The Planning Board vote was unanimous, 5-0, to approve the Best Practical Location for the replacement of the existing structure on Map 19, Lot 22 (30 Sixth Street), placing the proposed structure 36.3 feet from the high-water-mark at its closest point, with six conditions.
13. **The conditions of approval are as follows:**
  - 1) **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.***
  - 2) **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. The new structure shall be no closer than 36.3 feet from the high-water-line.**
  - 3) **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).**
  - 4) **The project, including the approved revegetation plan, shall be completed by September 26, 2025. If this date cannot be met, the applicants shall come back before the board prior to the expiration date to amend the approval and set a new date of completion, otherwise the application shall be null and void.**
  - 5) **All debris from the existing structure shall be removed, taken out of the Town of Shapleigh, and disposed of at the proper facility.**
  - 6) **The plan provided shall be recorded within 90 days of the approval date at the York County Registry of Deeds, otherwise the approval becomes null and void.**

**Vote & Decision:**

**By a unanimous vote of 5 – 0, the motion to approve the Best Possible Location, to replace the existing structure per the plan presented was accepted. In conclusion, the Best Practical Location application to replace the existing structure on Map 19 Lot 22 (30 Sixth Street), placing the new structure 36.3 feet from the high-water-mark at its closest point, per the plan provided with six conditions, was approved.**

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**Best Practical Location – Replace Structure in the SD – Map 23, Lot 9 (41 Starboard Lane) – Cass Shumsky, Applicant & Property Owner**

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

Provided along with the application were pictures of the existing structures on site.

Provided was a survey plan entitled ‘Plan Showing A Boundary Survey For Mark N. & Diane Hubert and Cass W. Shumsky, 52 Archibald Avenue, Methuen, Massachusetts 01844’, drafted by Dana A. Libby, PLS #1350, of Corner Post Land Surveying, Inc., located in Springvale, Maine, plan dated 11/30/2022. The plan showed in part that the lot was 13,907± Sq. Ft. in size; located on the lot are two homes each having a porch; patio; paved & concrete walkway; gravel parking area; and on the back side of the lot a garage. The plan also shows a right-of-way located between the garage area and the area where the two homes are located, the width of the ROW is noted as ‘No Deeded Width’. The house adjacent to the lot line of Map 23, Lot 10, owned by Roberts Family Revocable Trust of 2016, is 6.20 feet from the property

line at its closest point, and 10.78 feet from the high-water-mark at its closest point. This is the home that is being replaced. The home closest to the lot line of Map 23, Lot 8, owned by Harland H. Eastman, is 3.34' from the lot line at its closest point and 7.45' from the high water mark; this home is remaining in place.

The application detailed description of the project is as follows: *I would like to demolish the existing home and rebuild the exact style of home of the exact same size in the exact same spot using current building standards.*

Ann H. stated that the Planning Board did a site inspection prior to this evenings meeting. She asked Mr. Shumsky what he wanted to do with the structure. Mr. Shumsky stated to renovate would not be as cost efficient as to replace, therefore they want to replace. He said they want to keep the structure in the same location if possible. He said if the structure is moved back they will lose parking and green space that is already there. He said if they move it to the side they would have to make new walkways to access the lake from the other side of the house. He noted the parking was very limited and there is a right-of-way through the property. He also stated they had to be mindful of the septic location and utilities. The board was not concerned with utilities.

Ann H. asked if there was nothing being done to the septic? Mr. Shumsky said it was recently done, so he did not think it had to be replaced. He believed it was done in 2012.

Ann H. asked Mr. Shumsky if he had a revegetation plan? Mr. Shumsky said he did not, but he had an architect who would draft the plans for the new structure, so he didn't want to create a revegetation plan until he knew where the new structure was going.

Madge B. asked if they were going to take the paver walkway out? Mr. Shumsky said that is the access to the lake. She asked if it will be redone. Mr. Shumsky said that is the plan, everything but the stump will be replaced and stay where it is. Madge asked if they considered shifting the building so it is parallel with the lot line? Mr. Shumsky said there is only two car parking between the two camps, shifting the building would get them down to 1 spot for two buildings.

Ann H. stated that CEO Demers brought up the site on his computer and looking at the location of the septic system, she did not think this structure would be able to be moved. Madge B. said it would be good to be able to see where the septic is located. Mr. Shumsky stated that he had a copy of the septic plan but not with him. CEO Demers provided a copy of the septic design. Board members looked at the septic plan, and believed the septic tank is located right behind the existing structure. Madge asked what the distance from the house to the tank was? The plan did not state the distance. Madge thought knowing the distance would make the case for not moving the structure more clear. Mr. Shumsky, using the plan, showed members where he believed the tank was. Ann was concerned they would hit the tank when they come in with the excavators. Mr. Shumsky was hoping they would only hit the corner of the tank, and he wanted to see what the capacity of the tank is prior to construction.

Ann H. asked if they could make a motion to approve the best practical location this evening, and then have a revegetation plan submitted for the next meeting? Madge B. thought that would be fine, as did the other members.

Ann H. asked for a motion to approve the current location as the location for the new structure.

**Maggie M. made the motion to approve the proposed location of the new structure, leaving it where the existing structure sits, no closer than 10.78 feet from the high-water-line and no closer than 6.2 feet from the Lot line of Map 23, Lot 10 at its closest point. Thomas C. seconded the motion. All members were in favor of leaving it in its current location, because of the size of the lot and the proximity of the subsurface waste disposal system that serves both structures on the lot. By a vote of 5 – 0, the motion to leave the structure in its current location was unanimous.**

Mr. Shumsky asked if the board wants an erosion control wall? Ann H. stated that the revegetation plan needs to show how he is going to keep stormwater from going into the lake, after putting the new house in. Mr. Shumsky asked if they wanted stepped walls? Barbara F. stated he was speaking about adding new walls, but they have to be 25 feet back from the water. Madge B. did not believe walls would be allowed. Ann said he could create a collection pond. Madge said that is why the board wants a professional to create the plan. Mr. Shumsky stated he had an architect that will draw the plans and do the engineering for the CEO. Ann said the vegetation has to be on the plan. Madge said that her concern was that an architect did not necessarily understand vegetation for our local area. She said the board is encouraging people to consult with York County Soils & Water because they are experts in local vegetation and lake protection. Ann said the board needs a revegetation plan, not just from an architect. Mr. Shumsky noted there were no trees being removed. Madge stated that there will be bare soil, because a lot of the area will be disturbed. Ann added that they would be digging up the roots of the stump, which is holding back a lot of the soil currently. Mr. Shumsky stated he would probably need to use a corrugated metal pounded into the ground to keep the soil from collapsing during construction. He said you remove it after the foundation is completed.

Ann H. asked Mr. Shumsky if he wanted the board to table the application for two weeks, so he has time to get a revegetation / stormwater management plan? Mr. Shumsky stated that would be fine. Madge B. asked when he wanted to start the project? Mr. Shumsky thought the winter would be the best time to get the house down and foundation in, then they can get everything back in place. He hoped the snow and freezing would hold things back. He hoped by spring he would be finishing.

**Maggie M. made the motion to table the application for two weeks in order for the applicant to get a revegetation / stormwater mitigation plan. Madge B. seconded the motion. All members were in favor. By a vote of 5 – 0, the motion to table was unanimous.**

Barbara F. stated that the motion to table an application can go up to 90 days, so if Mr. Shumsky can't get the revegetation plan completed within 2 weeks, he will still be ok. Mr. Shumsky didn't think it would be difficult. Ann H. suggested he speak with York County Soils & Water. Norman B. stated they were in Alfred. Barbara said she would provide the contact information via email.

Mr. Shumsky asked if the survey he provided to the board was sufficient? The board reviewed the survey and stated it was adequate. Madge B. asked if he could give a rough estimate on how far the septic was from the structure? Ann thought it was about 7 or 8 feet based on the site inspection.

An abutter noted the wall at the water's edge.....there's a stone wall with a three foot ledge that goes to the water, the wall itself is falling. Ann H. said that is an entirely different thing. The abutter thought it would be a good time to fix this while doing the foundation. Madge said it was a separate permit. Ann agreed that it would be a good time to do it. The abutter asked what happens if the wall falls in? Ann said it may be an insurance issue at that time.

Nothing further was discussed.

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

Provided 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.*

Provided for this evening was the final plan drafted by Mr. Chamberlain, depicting the correct measurements from the proposed structure to Apple Road.

Barbara F. stated that at the previous meeting the board set the conditions of approval, and the only condition that had to be amended was the condition that states the distance from the new structure and Apple Road. Mr. Chamberlain stated he would update the plan, based on the measurement from the closest point of the structure not the concrete foundation, and provide it for this meeting, which he did.

Mr. Chamberlain also provided a revised detailed description of the project as follows: *Construct 5-bedroom single family dwelling with attached garage, approximately 76' from the closest sideline, approximately 29' from the front to the front border along Apple Road, and approximately 103' from the rear of the deck to the shoreline, and approximately 115' from the rear of the house to the shoreline.*

Ann H. stated the distance changed from 34 feet to 29.23 feet. Ann asked for a motion to approve the new plan.

**Madge B. made the motion to approve the conditional use permit to place the structure per the dimensions stated and per the plan provided, to be 29.23 feet from Apple Road, on Map 37, Lot 1, with the conditions as stated at the Planning Board meeting held on Tuesday, September 12, 2023. Maggie M. seconded the motion. All members were in favor. By a vote of 5 – 0, the motion to approve was unanimous.**

Board members signed the final plan. Barbara F. will mail the plan to Mr. Chamberlain along with the approval letter.

Nothing more was discussed.

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**Findings of Fact**

1. The owner(s) of Shapleigh Tax Map 37, Lot 1 (Apple Road) are William A. Chamberlain, Jr., and Monica Chamberlain of 8 Wellesley Avenue, Burlington, Massachusetts 01801, per Warranty Deed, BK 18964, PG 801, recorded on 2/28/2022 at the York County Registry of Deeds.
2. The property is located in the Shoreland District, and according to the Assessor’s office, it contains 1.66 Acres.
3. Provided 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 doorsteps.
4. 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’.
5. 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.
6. *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.*

7. *Item 6. Supplemental Information*

*Points that need clarification:*

2. *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 Wastewater 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.)*
8. 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.
9. 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.
10. 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.
11. The application detailed description of the project is as follows: *Construct 5-bedroom single family dwelling with attached garage, approximately 76’ from the closest sideline, approximately 29’ from the front to the front border along Apple Road, and approximately 103’ from the rear of the deck to the shoreline, and approximately 115’ from the rear of the house to the shoreline.*
12. The board concurred that the advantage to the Town for allowing the setback closer to the road than the minimum requirement, is that the house will be set back over 100 feet from the shoreline. The board also concluded that the setback to the road is perfectly adequate for this road and this location.
13. A notice was mailed to all abutters within 500 feet of the property on August 29, 2023. Meetings were held on Tuesday, August 22, 2023, Tuesday, September 12, 2023, and Tuesday September 26, 2023. A site inspection was done prior to the meeting on September 12<sup>th</sup>.

14. The application as presented met the performance standards under §105-73 ‘Conditional Use Permits’ as per the documentation provided and as presented with six conditions. The proposed new structure(s) will not have an adverse effect on aquatic life or wildlife, Best Management Practices (BMP) shall be used during placement of the structure as required and the structure sits beyond the 100 foot mark to the high water mark; tree removal in the Shoreland District shall meet the ordinance standards; the Comprehensive Plan does not directly address this at present but does want safe and healthy growth, the new structure(s) will meet the ordinance standards; traffic is minimal in this location, and access is safe; a State approved Septic System will be placed on site; there are no hazardous materials associated with the application; there shall be no additional stormwater going into the water or onto adjacent properties during placement of the structure or once the project is completed, and required BMP as required shall be approved by the Code Enforcement Officer; the project takes place near the lake and fire protection was not addressed for this project. The new structure(s) shall be completed by September 12, 2025; there is no glare, odors and the like produced by this project; all performance standards shall be met with six conditions.
15. The board members reviewed 105-19.D Front yards. When a lot fronts on the shore and on a road or right-of-way, both the shoreland setback of 100 feet and the front setback as defined in § 105-18 shall be met, except on nonconforming lots of record, in which case the setback may be no less than 25 feet from the property line or road. This reduction shall require a conditional use permit from the Planning Board. All conditional uses approved relating to setbacks shall require confirmation, in writing, by a licensed surveyor that the placement of the structure is correct, and the plan shall be recorded in the York County Registry of Deeds within 90 days of the date of the Planning Board approval. If the plan is not recorded within this time period, the approval of the Planning Board shall be null and void. *The application as presented met the requirements, placing the structure 29.23 feet from Apple Road.*
16. The Planning Board unanimously agreed to approve the Conditional Use Permit for the 29.23-foot setback from Apple Road to construct a 5-bedroom residential dwelling with attached garage in the Shoreland District, greater than 100 feet from the high-water mark, on Map 37, Lot 1 per the plan provided, with six conditions.
17. **The conditions of approval are as follows:**
  - 1) **The plan provided shall be recorded within 90 days of the approval day, otherwise the approval becomes null and void.**
  - 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) are correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer.**
  - 4) **The project shall be completed by September 12, 2025. If this date cannot be met, the applicants shall come back before the board prior to the expiration date to amend the approval and set a new date of completion, or the application becomes null and void.**
  - 5) **Photographs were provided 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) The new structure shall be a minimum of 29.23 feet from the property line abutting Apple Road.

**Vote & Decision:**

By a unanimous vote of 5 – 0, the motion to approve was accepted; and to conclude, the Conditional Use Permit to allow the 29.23 foot setback from Apple Road to construct a 5 bedroom single family residential dwelling with attached garage in the Shoreland District, greater than 100 feet from the high water mark, on Map 37, Lot 1 per the plan presented, with six conditions was approved.

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**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**

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)*

On September 12, 2023, the Planning Board tabled the application to allow the applicant to come in with a more detailed plan depicting the roof line, entrances, and parking area. For this evenings meeting, Mr. Cohen provided three drafted drawings via email of a proposed connection between the two buildings, which included a walkway with roof over.

Ann H. stated that the next review is for Mr. Cohen. Barbara F. stated that the board needs to decide whether or not his plans meet the criteria in the ordinance for a two-family dwelling. Madge added, “Attached two-family”.

Ann H. stated that she did not believe this proposal justified a two-family dwelling. Norman B. felt the two structures were connected. He asked others if they felt it did not meet the criteria of a duplex. Barbara F. said members should look up the definition of two-family. Barbara noted that at the last meeting Steve F. thought it looked like two single houses attached with a single walkway.

Ann H. read the definition of Dwelling, Two-family, as follows: *A single building containing two dwelling units, with a separate entrance for each. May also be referred to as a duplex.*

Ann H. thought the sketch plan provided by the applicant, appeared to be a proposal for a single family dwelling with an attached walkway to another possible apartment or single family home on the property.

Maggie B. said she didn't see separate entrances for each. Ann said that at the site visit, she saw a separate entrance for each building.

Ann H. asked if the board, because of the definitions in the ordinance, which were not as clear as they possibly could be, should the board ask the town attorney's interpretation of what the applicant submitted, and if it meets the current ordinance? She said, should we ask the attorney if what is proposed is a two-family dwelling vs two separate dwellings connected by a walkway? Madge B. asked why we care? CEO Demers stated because what the applicant is proposing is living space above the garage that is going to be a dwelling, and you cannot have two dwellings on one lot in the Shoreland Zone. Madge added, 'unless it is a duplex'. Ann said she was not a licensed contractor, but to her it did not 'look like' it was a duplex. She thought it would be best to get a legal opinion to interpret the ordinance, and see if the plans meet the requirement. Maggie brought up the separate entrances again. Ann pointed out entrance locations, as did CEO Demers. Entrances were not a factor, there was adequate entrance locations.

**Madge B. moved that the plans as proposed be sent to the town attorney to determine if the plans provided meet the ordinance definition for a two-family dwelling or duplex. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to get a legal opinion from the town attorney was unanimous.**

Nothing more discussed.  
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**Other:**

Ann H. wanted to speak about site visits. She stated that as a board, on site visits, all members need to be 'together' on site. She noted that at a recent site inspection, several members went off to another house. She said that all members have some expertise in different areas, and different opinions on what is being seen, so it is important to be together to share the information. She added that as a board, they are only supposed to speak about the property when the board is 'together', or at the meeting. She stated that all members are needed, and members need to be together on site to speak about what they are looking at and why they are there. Maggie M. agreed, and noted some members arrive early as well. She thought until everyone is there, members should not do the site inspection. Ann didn't mind members being early on site, and they can chat about other things; but once everyone is there, then discussion about why we are there and what we are seeing can begin. Ann noted she sometimes gets there early, but usually speaks about something that has nothing to do with the site visit. Madge B. thanked Ann, and stated that it is important that everyone hears the same thing and all the comments. She added that she felt it was important board members go together, because when they do not, she does not feel she learns as much about what is on site and what is taking place.

Ann H. added that when she went to the class for Planning Boards in Augusta, the attorneys teaching the class said it is best that the board meet at the same time. She noted there are times members have to go on their own, but it is not preferable.  
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Ann H. stated the board received updated photos for the revegetation behind the wall on Map 33, Lot 22 (90 Treasure Island Road), Stephen Indingaro, Property Owner and Matt Colton was the contractor. She stated that she only saw one plant and she did not think this met the revegetation plan. Barbara F. stated that she believed they put two Junipers in. Barbara pulled out the revegetation plan and the 'before' photos of the site from the file. Members looked at both and did not think the plantings met the 'before' photo of the property prior to the installation of the wall. Board members asked Barbara to tell the

applicant that they wanted to see at least six more Juniper planted behind the new wall, so there will be at least a total of 8 Juniper, to create a proper stormwater mitigation barrier behind the wall.

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Norman B. asked if any abutters contacted Barbara F. regarding the Shumsky (BPL on Map 23, Lot 9) application? Barbara F. stated no, if she receives any email or telephone calls, she provides that information to the board.

Nothing further was discussed.

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**Growth Permits**

- **Map 32, Lot 5 (7 Elm Street) – New Home – T. Matthews**  
An existing legal lot of record in the Shoreland District.

**GP #19-2023**

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**The meeting adjourned at 8:40 pm.**

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

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

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

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