

*Shapleigh Planning Board*

*Minutes*

**Tuesday, January 24, 2023**

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

\*\*\*\*\*

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 minutes from Tuesday, January 10, 2023 were accepted as written.*

\*\*\*\*\*

**Unfinished Business:**

**Conditional Use Permit – Replace Existing Wall & Add Wall 25’ Back from HWM in SD – Map 27, Lot 12 (84 16<sup>th</sup> Street Loop) – Tyler Matthews, Applicant; Kevin Normand, Property Owner**

Mr. Matthews was present for the review of the application, along with the property owner, Mr. Normand.

Provided in addition to the application, was a sketch plan showing the location of the existing house, and the wall down by the water that was described as being 6’ in length, plus 30’6” in length, stairs, plus 9’ in length, plus 4’ in length. The stairs are noted as being 13’ in length and 4’3” in width.

Provided was a sketch depicting the existing house, a door to exit the house, and a wall on either side of the door. One wall is 38’ in length, plus 20’ in length, plus 4’ in length and 2 feet in height. The second wall is depicted as be 16’ in length, plus 4’ in length and 2 feet in height. Both walls begin alongside the door and go to the left and right of the doorway. There is an area behind each wall shown as having proposed mulch/natural woods and low blueberry plants.

Provided was a sketch depicting the construction of a 6’ wall using blocks, crushed stone behind the wall, a drainage pipe behind the wall, and having a 12” crushed stone base. There is also a notation below the crushed stone base that states 60”.

Provided was a copy of the Town Tax Map depicting Lot 12, and sketched on the map was the existing house, walls and stairs, and in green is written ‘mulch’, with green lines showing where the mulch will be placed.

The application detailed description of the project is as follows: *Remove existing stone & stairs at water’s edge & replace it w/new stone wall – add a 2’ high wall on each side of the house 25’ back from the high-water.*

Roger A. asked Mr. Matthews to let the board know what he wanted to do. Roger also added that Mr. Mathews must have pictures of the site for the board this evening. Mr. Matthews stated that he did. He said they were replacing the existing wall and stairs that are down by the waterfront, the same size and same location. He stated they would be adding two 2 foot high retaining walls up by the house; one on each side to help with the hill. He said the applicant's laundry is in the basement, so they are trying to make it a safer access. He said he would be revegetating in front of both the walls.

Roger A. asked if he had an engineer's depiction of the wall, because it is greater than 4 feet in height. Mr. Matthews stated he had the specs for this type of block, and the engineering for it. He provided the information for the file. Roger asked for the pictures of the property as well. Mr. Mathews provided them and said he didn't know if they were for the CEO or the board. Roger stated that both needed a copy of pre-construction photos and post construction. Mr. Mathews stated that was not an issue, since he needed pictures for the DEP permit as well, so he had them.

Barbara F. stated the board received an email regarding this application. Roger A. read the email to members and the applicant, it read as follows:

*I received my notice today and wanted to provide comments.*

*I am very familiar with that property and I think this conditional use permit should be granted. The retaining walls are starting to fail and/or have failed. The stairs are not safe as everything is pitching towards the water. More importantly there is quite a bit of erosion that would be corrected if the owners were allowed to replace/add these retaining walls.*

*I wish more owners around the lake would do what is necessary to control erosion and repair failing walls/stairs whatever that is causing erosion into the lake.*

*If you have any questions feel free to contact me.*

*Jane and Brian Carmichael*

*66 Point Rd*

Roger A. asked about the number of trees being removed for the replacement of the wall? Mr. Matthews stated there were none. Roger asked if it was because they were already taken down? Mr. Matthews stated that the owner removed trees previously, but he had nothing to do with that. Roger asked if they had a permit to remove the trees? The applicant stated he did. Madge asked if they meant all that were coming down, are already down? Roger asked if there would be any replanting for the trees? CEO Demers stated they would be maintaining the DEP point system, and he said he had a grid of the property prior to the cutting, and the number of points that were there. He said the number of points that are left are at least the DEP minimum of required points, based on the Shapleigh Town Ordinance and the guidelines of the Maine DEP Chapter 1000.

Roland L. asked the Chairman if he could make a comment? Roger stated that he could. Roland asked Mr. Normand if he was the property owner at the time the trees were removed? Mr. Normand stated that he was. Roland introduced himself as a Planning Board member and said he had to be honest with the property owner that he was greatly disappointed and saddened to see the number of trees removed. He said as a lakeside property owner, we all have a responsibility to be stewards of the lake, and the number

of trees that were removed, in his opinion, no amount of mulch, no number of blueberry bushes, can in any way make up for the environmental impact that will take place as a result of all the trees coming down. He said when he walked the property for the site inspection, he hoped he was going to find red heart rot in all the trees, to be able to justify why they had to come down. He said he took pictures of 15 of them, and there was only 1 with a tiny spot of rot. He said the remaining ones were healthy trees. He said the trees helped to slow the water down the hill and washing stuff into the lake. He said the walls that are being replaced will do nothing to control the water, that is what the trees were doing. Roland stated it would not impact his vote, because it is already done. He said he felt a responsibility to share his great disappointment, and he hoped, contrary to what Ms. Carmichael stated in the email, he hopes more landowners don't take this position and remove trees, for what reason, he did not know, and alter the landscape to the long term detriment of the lake.

Roger A. stated he had to ask CEO Demers if all the trees replanted will be a minimum of 6 feet in height and 2 inches in diameter. CEO Demers stated that he will maintain the DEP point system. Roger stated that was not what he asked. Roger stated that in §105-51, the Town can be more stringent than the DEP. CEO Demers agreed. Roger said again they have to be 6 feet in height and 2 inches in diameter. Roger asked if they had a licensed forester or arborist that deemed them as being hazard trees? CEO Demers stated that he did not. Roger thought that needed to be done. CEO Demers asked what this was based on? Roger stated, §105-51. He said that was where CEO Demers was getting his point system. Roger stated that the ordinance needed to be followed. Roger stated the Town can't just allow people to cut the trees down and not care. Roger stated he was also referring to §105-51.1 'Hazard trees, storm-damaged trees, and dead tree removal', Section A(4). Roger stated trees were supposed to be put back in, in as close a proximity as to where they were, 6 feet high and 2 inches in diameter. Mr. Normand stated, "If the point system isn't maintained". Roger stated that the point system was outside the Shoreland buffer, and he asked if these were outside the Shoreland Zone? Mr. Normand asked what he said? Roger asked again if the trees removed were outside the Shoreland buffer? CEO Demers asked if he was asking if they were past 100 feet? He stated they were within 100 feet of the water. Mr. Normand agreed. Roger stated they also opened an area greater than 250 square feet of canopy. Roger asked CEO Demers if this was true? CEO Demers said it was yet to be seen, because of all the small trees that are still there, down by the water front. Roger said again that the canopy was not opened greater than 250 square feet. CEO Demers did not believe so, because of the small trees that exist. Madge B. stated that small trees do not provide canopy. Roger agreed. Madge added that small trees have nothing to do with a canopy.

Steve F. stated he had issue with the direction the board was going, because there was an application before the board with no trees being removed. Roger A. agreed. Steve believed the board should be acting on the application. Steve stated if there is a violation, it needs to be dealt with, but not this evening at the meeting for the application. Roger believed if the trees were removed for the wall, then there should be a condition attached to replant. Steve stated at this time there are zero trees being removed for this application. Steve added that he did not disagree with what Roger was stating, but he was disagreeing with the board taking this up at this time. Madge B. asked about the trees taken down. Steve stated the trees were taken down with a permit from the Code Officer separately from this application. Madge said, "Ok". Steve said again he had an issue taking this up during this meeting for the application. He felt if there were board members that felt the tree permit was given out incorrectly, this is not the time to deal with it. Madge agreed, but asked why the trees were removed? Steve said he had no idea. Madge asked CEO Demers why the trees were removed? Madge said she agreed with what Steve was saying, but she

wanted to know what happened? CEO Demers stated the applicant made an application, we went over the point system and the standards in the ordinance and the DEP, the minimum point system on the application was being maintained, so the permit was approved. CEO Demers did not state why the trees were removed. Roland agreed with Steve, that this wasn't the time to discuss this. Roland noted that he had brought this issue up at a meeting in December when he was made aware of what had taken place, and he brought photos in for board members to look at. He said he could not believe what he had seen, but it was too late at that point, the trees were down. He stated that his original intention was to bring it up as a conversation piece when the application was presented, but he wasn't at the last meeting. He said he just had to make a comment, as he did in December, noting that CEO Demers was not at that meeting and he wished that he had been. He stated that based on what he witnessed, if permission to cut that number of trees was granted based on the ordinance, then he felt the ordinance was flawed, because he could not imagine this number of trees being cut down. Steve stated he was not saying he disagreed. Roland said he just wanted everyone to know where he was coming from, but agreed the board should proceed with the application as it is. He said he felt strongly with what happened at this site, and he didn't want it repeated at other places. He said this area is a major thoroughfare, everyone on Mousam drives by this location. He believed others now will think they can remove a large number of trees if they want to. Steve agreed the board may need to look at the ordinance to tighten it up; he said again now is not the time to deal with it. Roland agreed.

Roland L. stated that as part of the application, what will happen with all the stumps? He asked if they will be pulled up, or ground down? He asked what will be done now to stabilize that bank, since the trees were removed that have been there forever? Steve thought that perhaps they can take that up with this permit. Maggie M. asked how the board could not discuss this, if we are asking for the trees to be replaced? Steve said the trees were already cut, they are not part of this application. He said if the board wants to look at revegetation for the walls, or what happens with the stumps, that is potentially there for the board to look at. Maggie asked if the board just pretends the trees were not there? Steve did not believe the board had the option to discuss the trees. Ann H. stated that according to the ordinance, they cannot remove the stumps (§105-51.1.B(b) 'Stumps from the storm-damaged trees may not be removed'). Roger A. stated that pictures show where the trees were, which is why he wanted trees put back where the trees were, because we know they have been cut. Roger said that when CEO Demers gave him the permit to remove the trees under §105-51.1, A(4) it says a licensed forester or arborist needs to evaluate the trees before any hazard tree can be removed. Roger said under A(2) it speaks about outside of the Shoreland buffer, measuring 4 ½ feet high, then 40% of the trees can be removed and they don't have to be replaced if there is tree growth present. Roger stated there are several errors created by not following the ordinance. Roger added that it seemed to be beside the point, because the trees are cut. Steve noted that the ordinance stated the Code Enforcement Officer 'may' require the property owner to submit an evaluation from a licensed forester.

Roger A. asked Mr. Matthews if any stumps would be removed in order to do the wall? Mr. Matthews stated that none needed to be.

Roger A. reviewed §105-4.D(9) as follows:

- (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; **Roger A. asked Mr. Matthews if a vegetative buffer exists at this time? Mr. Matthews stated he was under the impression, that according to DEP, if a wall is 2 feet or under, and sits 25 feet back from the water, one can be added, as long as it is vegetated in front of the wall, after-the-fact. Roland L. stated that it also states that you are not to be building it to maintain a sitting area, or that kind of thing. Mr. Matthews did not think there could be a sitting area, because it has to be all vegetated. Roland stated that he was speaking about the area behind it. Mr. Matthews stated he was not sure about that, he said he wasn't sure about the 'behind the wall' part of it.**
- (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. **Roger A. stated it was not on a river, stream or coastal wetland, it is near a lake.**
- (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; **Roger A. stated that the plan provided showed 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 shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board.
  - [1] Side setbacks for structures shall not apply to low retaining walls.

Roger A. asked what was going to be placed in back of the wall? Mr. Matthews stated it would be mulch. Roger stated that it was not depicted on the plan. Mr. Matthews added the depiction of mulch to the plan.

Roger A. asked if the old wall would be taken out of town? Mr. Matthews stated, "Yes".

Roger A. reviewed §105-39.D 'Earthmoving in the Shoreland District', as follows:

- D. Earthmoving in Shoreland District. Any filling, dredging or excavation of land above or below the normal high watermark, except earthmoving of less than 10 cubic yards which shall require a permit from the CEO (except as provided above) to ensure proper erosion and sedimentation, shall require a conditional use permit from the Planning Board.

- (1) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measure have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices or erosion and sedimentation control are used; and municipal, state and federal employees engaged in project associated with that employment.

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

- 1) **Best Management Practices shall be used until the project is completed, which includes the revegetation and stabilization of all areas disturbed by the project.**
- 2) **Photographs were received for preconstruction of the shoreline, vegetation and development site. Post construction photos shall be required within 20 days of completion of the project, to both the Planning Board and Code Enforcement office.**
- 3) **A licensed surveyor shall confirm in writing that the placement of the new structures are correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer. The height of the existing wall and new walls shall also be indicated by the surveyor.**
- 4) **The project, including revegetation, shall be completed by July 1, 2023.**
- 5) **All existing material from the existing retaining wall and stairs being removed, shall be taken out of Shapleigh.**
- 6) **Trees shall be taken care of by the Code Enforcement Officer due to the violation of the ordinance.**

Roger A. stated that he would entertain a motion.

**Maggie M. made the motion to approve the Conditional Use Permit to replace the existing retaining wall & stairs, and add two walls, 2 feet in height, 25 feet back from the high-water-mark, on Map 27, Lot 12, per the information provided and with the stated conditions. Madge B. seconded the motion. The vote to approve was 5 – 0, therefore it was unanimous.**

Nothing further was discussed.

~~~~~

**Findings of Fact**

- 1. The owner(s) of Shapleigh Tax Map 27, Lot 12 (84 16<sup>th</sup> Street Loop) are Kevin P. Normand and Robin L. Normand, address of P.O. Box 1558, Sanford, ME 04073, per Warranty Deed, BK 19126, PG 773, recorded 10/4/2022.
- 2. The property is located in the Shoreland District, and according to the Assessor’s office, it contains 2.61 acres.

3. Provided was a sketch depicting the existing house, a door to exit the house, and a wall on either side of the door. One wall is 38' in length, plus 20' in length, plus 4' in length and 2 feet in height. The second wall is depicted as be 16' in length, plus 4' in length and 2 feet in height. Both walls begin alongside the door and go to the left and right of the doorway. There is an area behind each wall shown as having proposed mulch/natural woods and low blueberry plants. *The Planning Board noted that both sides of the new walls must be revegetated per §105-4.D(9).*
4. Provided was a sketch depicting the construction of a 6' wall using blocks, crushed stone behind the wall, a drainage pipe behind the wall, and having a 12" crushed stone base. There is also a notation below the crushed stone base that states 60". Also provided was a sketch of the length of this wall located near the water, along with stairs. The length of the wall was written as follows: Starting at the left hand side, wall 6 feet in length, plus 30'6", stairs 4'3" x 13' high; wall 9 feet in length, plus 4 feet.
5. Provided was a copy of the Town Tax Map depicting Lot 12, and sketched on the map was the existing house, walls and stairs, and in green is written 'mulch', with green lines showing where the mulch will be placed.
6. Provided was a set of pre-construction pictures of the site, and a copy of 'Big Block Engineering & Installation Guide' provided by LondonBoulder.
7. The application detailed description of the project is as follows: *Remove existing stone & stairs at water's edge & replace it w/new stone wall – add a 2' high wall on each side of the house 25' back from the high-water.*
8. A notice was mailed to all abutters within 500 feet of the property on January 11, 2023. Meetings were held on Tuesday, January 10, 2023 and Tuesday, January 24, 2023. A site inspection was done by members on an individual basis due to light constraints prior to the meeting.
9. 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 wall will not have an adverse effect on aquatic life or wildlife; the project will help to conserve shore cover by stopping stormwater from entering the lake, along with additional vegetation and mulch being placed along all proposed walls; the use is consistent with the Comprehensive Plan which wants to protect the waterbodies from stormwater / erosion; traffic access to the site is safe for the intended project; the lot is not located within the flood zone; the existing block wall will be removed by the applicant & shall be taken out of Shapleigh; there is no hazardous waste associated with the proposed project; the walls will be constructed per the engineered plans from LondonBoulder.net and will help prevent stormwater from entering the lake; erosion control measures shall be approved by the Code Enforcement Officer; the project takes place near the lake and fire protection is not a requirement for this project; there is limited noise and dust from the construction of the wall, which shall be completed by July 1, 2023, there is no glare, odors and the like produced by this project; all performance standards shall be met with six conditions.
10. The application as presented met the conditions under §105-4 'Non-conforming structures', erosion control measures approved by Code Enforcement shall be put into place and the Code Officer shall

make sure that revegetation meets the conditions in the ordinance; a licensed surveyor shall place the wall to be sure it does not encroach onto the lake or neighboring properties, and that the two new walls are at least 25 feet from the high-water-mark.

- 11. The application as presented met the conditions under §105-39 ‘Earth removal and filling for activities other than mineral exploration and extraction’. The extent and type of fill is appropriate for the scope of the project; the wall shall be built per the plans provided, entitled ‘Big Block Engineering & Installation Guide’ by LondonBoulder.net; the project shall be completed by July 1, 2023.
- 12. The Planning Board unanimously agreed to approve the Conditional Use Permit for earth moving in the Shoreland District to replace the existing wall and stairs near the water, as well as add two 2-foot high retaining walls 25’ back from the high-water-mark, located near the existing structure, located on Map 27 Lot 12 (84 16<sup>th</sup> Street Loop), per the documents provided and as presented, with six conditions.
- 13. **The conditions of approval are as follows:**
  - 1) **Best Management Practices shall be used until the project is completed, which includes the revegetation and stabilization of all areas disturbed by the project.**
  - 2) **Photographs were received for preconstruction of the shoreline, vegetation and development site. Post construction photos shall be required within 20 days of completion of the project, to both the Planning Board and Code Enforcement office.**
  - 3) **A licensed surveyor shall confirm in writing that the placement of the new structures are correct per the specifications approved by the Planning Board, and provide this information to the Code Enforcement Officer. The height of the existing wall and new walls shall also be indicated by the surveyor.**
  - 4) **The project, including revegetation, shall be completed by July 1, 2023.**
  - 5) **All material from the existing retaining wall and stairs being removed, shall be taken out of Shapleigh.**
  - 6) **Trees shall be taken care of by the Code Enforcement Officer due to the violation of the ordinance.**

**Decision:**

**The conditional use permit for earth moving in the Shoreland District to replace the existing retaining wall and stairs at the water’s edge, and add two 2-foot high retaining walls 25’ feet back from the high-water-mark, to be located near the existing structure with precast Loc-blocks on Map 27, Lot 12 per the plans provided, and as discussed, with six conditions, was approved. By a vote of 5 – 0, the vote to approve was unanimous.**

-----

**Best Practical Location – Replace Structure in the SD – Map 35, Lot 14 (87 Cypress) – Tyler Matthews, Applicant; John Cole, Property Owner**

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

Provided along with the application, was a copy of the survey of the property entitled ‘Existing’, depicting the existing location of the camp as being 42.5’ from the HWM at its closest point; the existing gravel driveway is on the plan, along with a shed, artesian well, survey pin locations and a notation that the lot is 43,414± square feet in size.

Provided was a copy of the survey plan, depicting the location of the existing camp, proposed location of the new structure, and proposed location of the new septic system. Also provided was a copy of the survey plan with a notation ‘Revegetate w/mulch & shrubs’ in the location of the existing camp.

Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by Hope Hampton, SE #427, dated 12/05/22, for a 3 bedroom single family dwelling unit.

Provided this evening were preconstruction photographs of the existing structure and surrounding area.

The detailed description of the project is as follows: *Tear down existing camp & build new single family house 75’ back from the water w/new proposed septic system.*

Roger A. asked Mr. Matthews to let the board know what he was going to do with this application. Mr. Matthews provided the board with pictures of the site, and stated this was a best practical location. They were looking to tear down the existing cottage, which sits at 44 feet from the high-water-mark, moving it back to 75 from the high-water-mark at its closest point. He stated they were proposing a new septic system as well. He said it was a flat lot, and moving the structure back, was making it more conforming.

Roger A. asked if there were any questions for Mr. Matthews? Roger stated he did a site visit and did not see an issue with the proposed location. Madge B. stated she was on site as well, and asked about the reference to a neighbor’s right-of-way. Roger stated that at the last meeting, the board asked Mr. Matthews about the right-of-way, with the new structure being set in the middle of the road / right-of-way. Madge asked if the driveway was the right-of-way? Mr. Matthews stated that it was, but he spoke with surveyor Joe Stanley, who said that it is the last house on the right-of-way and so it becomes a driveway at that point. Madge thanked him, she just wanted to be sure she understood correctly. Madge said she had no issues with the proposed location.

Steve F. asked if the board had the option to ‘not’ make the new structure as conforming as possible? He believed it was possible to make it completely conforming (100 feet from the high-water-mark), so why place it at the 75 foot mark. Steve stated he had no issue with the location but did not want to set a precedence, because it isn’t often the board sees a property where they can make a structure completely conforming. Maggie M. thought the reason it could not go further back was because of the placement of the septic system. Madge agreed.

Mr. Matthews believed the board had the option of putting the new structure in the best location, but in speaking with CEO Demers and Joe Stanley, keeping the structure 50 feet off the back of the lot, which is the end of the road, and then having room for the new septic system, it was hard to keep the setbacks. Steve stated that the setback from the house to the septic is 20 feet, the septic is 16 feet and from the septic to the property line is 10 feet. He stated this adds up to 46 feet on the septic design. He stated the dimension from the back line to the proposed structure is not shown on the plan. Madge agreed. Mr. Matthews stated that he figured going from 44 to 75 feet from the water, setting the structure in the

middle of the property, keeping room for the septic, was reasonable and the best practical location on the lot.

Roger A. stated the board needs the dimensions from the high-water-mark to the proposed structure. Mr. Matthews stated that was 75 feet. Ann H. stated that he was saying that he can't push the structure to 100 feet because of the septic. Mr. Matthews stated, correct. Steve F. thought the survey was missing some dimensions. He stated that where the board sets the house is where it has to go.

Roger A. read §105-4.D(5) 'Removal, reconstruction or replacement' in its entirety, along with §105-4.D(7) 'Relocation', and §105-51.3 'Revegetation requirements'. Roger noted that there were no trees or saplings being removed. Mr. Matthews agreed.

Roger A. asked for a date of completion for the project. Mr. Matthews stated, July 1, 2024. The board discussed the proposed location and whether or not they could get the entire existing footprint beyond the 100 foot mark to the water, looking at the plan provided. Madge B. noted that they were told there was an issue with the septic location, but the plan does not provide that information.

Ann. H. asked Mr. Matthews if it could go back to the 100 foot mark? Mr. Matthews stated that what he was saying was it was at 44 feet now, and was going back 75 feet on a perfectly flat lot, where there is no erosion problems, and it does not disturb anyone else, and it leaves room for the septic and parking. He believed it was the best practical location for this house on the lot. He said his argument wasn't whether or not it could meet the 100 foot mark, but that it was the best practical location. CEO Demers stated that the radius on the plan for the septic location, was 50 feet from the road. He did not believe you could violate the road setback to satisfy the Shoreland setback.

Steve F. was still concerned that the board only had one number to use as a setback to the high-water-mark, because the structure had water on both sides. CEO Demers stated that they only needed a minimum setback to the high-water-mark, the structure would have to meet that number from the water. Mr. Matthews stated he could see the boards concern with it being a peninsula, but the surveyor would make certain the structure met the 75 foot setback to the water on all sides. Roger said again, he had no issue with the proposed location of the structure.

Roger A. stated there would be revegetation for where the existing camp sits now. Madge B. stated that it was on the plan. Roger noted it was mulch and shrubs.

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

- 1) Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales. There must be a contractor on site certified by the DEP in erosion control methods to work in the Shoreland District on site any time work is being done.**
- 2) A licensed surveyor shall confirm in writing to the Code Enforcement Officer that the location of the new structure is 75 feet from the high-water-mark at its closest point.**
- 3) The project shall be completed by July 1, 2024, including revegetation.**
- 4) All demolition debris shall be taken out of Shapleigh and disposed of at the proper facility.**

Madge B. asked what the setback was, was it the nearest point? Barbara F. stated that yes, it cannot be any closer than 75 feet to the water. Roger A. noted that the green line on the plan was depicting the 75 feet. Madge said, right.

Roger stated he would entertain a motion.

**Madge B. made the motion to approve the Best Practical Location application to replace the existing structure on Map 35, Lot 14 (87 Cypress Road), moving the structure 75 feet from the high-water-mark at its closest point, per the plans presented with four conditions. Maggie M. seconded the motion. Roger A., Madge B., Maggie, M., Roland L., voted to approve; Steve F. voted against the proposed location. By a majority vote of 4 – 1, the motion to approve was upheld.**

Nothing more was discussed.

~~~~~

**The Findings of Facts**

1. The owner(s) of Shapleigh Tax Map 35, Lot 14 (87 Cypress Road) is John H. Cole, Trustee of John H. Cole Revocable Trust, mailing address of 2715 12<sup>th</sup> Street, Astoria, NY 11102, per Warranty Deed, recorded at the YCRD BK 17026 PG 888, recorded on 6/1/2015.
2. The property known as Map 35, Lot 14 is located in the Shoreland District and according to the Assessor the property contains .96 acres.
3. The Best Practical Location application was presented to replace the existing structure with a new structure, moving it 75’ from the high-water-mark, and adding a new septic system.
4. The detailed description of the project is as follows: *Tear down existing camp & build new single family house 75’ back from the water w/new proposed septic system.*
5. Provided along with the application, was a copy of the survey of the property entitled ‘Existing’, depicting the existing location of the camp as being 42.5’ from the HWM at its closest point; the existing gravel driveway is on the plan, along with a shed, artesian well, survey pin locations and a notation that the lot is 43,414± square feet in size.
6. Provided was a copy of the survey plan, depicting the location of the existing camp, proposed location of the new structure, and proposed location of the new septic system. Also provided was a copy of the survey plan with a notation ‘Revegetate w/mulch & shrubs’ in the location of the existing camp.
7. Provided was a copy of the Subsurface Wastewater Disposal System Application, drafted by Hope Hampton, SE #427, dated 12/05/22, for a 3 bedroom single family dwelling unit.
8. Provided were preconstruction photographs of the property. *Post construction photographs are required within 20 days of completion of the project per §105-3.E.*

9. The application required Planning Board review as a Best Practical Location under §105-4 ‘Nonconformance’. The Planning Board members agreed the application as presented, will meet all the criteria in the ordinance with conditions, and the proposed location of the new structure, moving the structure 75 feet from the high-water-mark is the best practical location, due to the location of the road, and proposed location of the new septic system.
10. The board reviewed §105-51.3 ‘Revegetation requirements’. On the plan provided, the applicant placed proposed revegetation of the area where the existing structure is located, it consisted of mulch and shrubs. The board members had no issue with the proposal.
11. A notice was mailed to all abutters within 500 feet of the property on January 11, 2023. Meetings were held on Tuesday, January 10, 2023, and Tuesday, January 24, 2023. A site inspection was done by members on an individual basis prior to the meeting.
12. The Planning Board, by majority vote of 4 - 1, approved the Best Practical Location for the replacement of the existing structure on Map 35, Lot 14 (87 Cypress Road), moving the existing structure 75 feet from the high-water-mark at it closest point, with four conditions.
13. **The conditions of approval are as follows:**
  - 1) **Best Management Practices shall be kept in place until the project is completed and the area is stabilized, which includes the use of silt fencing or hay bales. There must be a contractor on site certified by the DEP in erosion control methods to work in the Shoreland District on site any time work is being done.**
  - 2) **A licensed surveyor shall confirm in writing to the Code Enforcement Officer that the location of the new structure is 75 feet from the high-water-mark at its closest point.**
  - 3) **The project shall be completed by July 1, 2024, including revegetation.**
  - 4) **All demolition debris shall be taken out of Shapleigh and disposed of at the proper facility.**

**Decision:**

**The Best Practical Location application to replace the existing structure on Map 35, Lot 14 (87 Cypress Road), moving the structure 75 feet from the high-water-mark at its closest point, per the plans presented with four conditions, was approved.**

*Note: Per Shapleigh Zoning Ordinance §105-4.J, ‘Expiry of Permits’, permits issued shall expire after 90 days, unless a building permit is issued. This time period may be extended by the Code Enforcement Officer if issuance of a building permit is delayed due to a technical problem.*

*Per Shapleigh Zoning Ordinance §105-3.E, ‘Photographic record required’, An application for a permit for development within the Shoreland District must provide preconstruction photographs, at the time of application, of the shoreline vegetation and development site to the reviewing authority of the permit, and post-construction photographs no later than 20 days after completion of the development. If the reviewing authority is both the Planning Board and the Code Enforcement officer, both shall receive a copy of the before-and-after picture documentation.*

-----

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

Selectman William ‘Bill’ Mageary was present for the review of the application.

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

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

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

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

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

Roger A. asked Mr. Mageary to let the board know what the Town wanted to do. Mr. Mageary stated he was present representing the Board of Selectmen to answer any questions the board may have regarding the proposed multi-purpose community center, that the Selectmen would like to construct at the end of the gravel parking lot next door to the Town Hall. Roger asked if there would be a full foundation? Mr. Mageary stated that it would be on a slab. Roger asked if the whole building would be on a slab? CEO Demers stated that it was a four foot frost wall, and a slab. Mr. Mageary stated that the dimensions are 40 feet by 80 feet.

Steve F. asked if this proposal would go to the voters? Mr. Mageary stated that it will. He stated what will go to them, will be an article asking the voters if they will approve spending around \$246,000 from the American Rescue Plan. He said the balance will come from the Capital Improvement account. He said the Selectmen looked at this as a golden opportunity, because it isn’t often someone gives the Town funds in that significant amount. Steve asked if there was a time frame, meaning did the Town have to spend the money by a certain date? Mr. Mageary said, “Yes, but I don’t have those dates with me.”

Mr. Mageary stated they had a Site Evaluator come out, laying out where the new septic will go, where the well would go, and he noted CEO Demers had those drawings. He said one of the things that brought this about, was the room we are in for this meeting. He said he was approached several month ago by the Town Clerk, regarding her concerns about the American Disabilities Act. He said if you come upstairs enough, you are aware of the difficult access. He pointed out that last year during a Planning Board meeting, there was a woman who was saddled to a wheelchair, she could not get up the stairs. He said the family pretty much had to carry her up, because she wanted to participate. He said this cannot happen, something has to be done to accommodate people with disabilities.

Mr. Mageary stated that the new building will be ground level, so it will be ADA compliant, as well as serving many different purposes. He said it can be used for voting, town meeting, as the capacity according to the State Fire Marshall will be somewhere around 285 people that could be placed in the main section of the structure. Mr. Mageary asked if Michelle (Town Administrator) provided them with a copy of the plans? Barbara F. stated that she asked Michelle for them and did receive a copy. Barbara said that she provided members with some of the information Michelle provided, the rest is in the file. Ann H. asked how many people came to Town Meeting? Mr. Mageary said if they were lucky, 75 people. Ann asked what would happen to the Town Hall? Mr. Mageary stated that nothing was going to change with the Town Hall. He said the new building may be used by the Recreation Department, or the Planning Board could meet there, it is a location that will better serve the community.

Mr. Mageary stated that he did not see another opportunity for the Town to jump on something like this in the near future (speaking of the funding). Roger A. stated that he believed it was a great project. He asked if it would be rentable to anyone from the community? Mr. Mageary stated he could not answer that. He said it would be open to any group in the community that wanted to use it.

Roger A. stated the only issue he could think of was would there be enough parking, based on the size of the building. (Roger was referring to §105-43 ‘Off-street parking and loading’.) Mr. Mageary stated the building sits on 17.4 acres, so he felt there was enough area if they had to add more parking to what existed now. Roger said the additional parking would need to be placed on the plan, if it is required.

Roger A. asked who was overseeing the project? Mr. Mageary stated, “Mike” (CEO Demers). Roger stated this was a conflict of interest. Mr. Mageary asked in which way that was true? Roger stated that he is a paid employee of the Town, overseeing the construction of the building. Steve F. asked if they had a General Contractor? Mr. Mageary stated the project has to go out to bid, but currently they have an estimate from PATCO Construction. Roger said that was not who was overseeing the construction of the building to be sure it meets code. Roger added that the State Fire Marshall would oversee the construction at the end for occupancy. Mr. Mageary agreed. Mr. Mageary asked Roger where a conflict could occur using CEO Demers? Roger stated that an employee of the Town would be overseeing the construction of the Town’s project. Roger believed a Deputy CEO would need to oversee the project. Roland L. believed it should be an independent individual, not someone being paid by the Town. Roger agreed. Roger stated that ethically it is not to the Town’s advantage to have a Town employee oversee the project. Roger said he could see a legal issue as well. He added that this was just his opinion. Mr. Mageary stated he respected Roger’s opinion. Roger stated this could be dealt with at another time. Mr. Mageary agreed, right now they need to get Planning Board approval and then Town Meeting. Roger agreed.

Steve F. stated that they were reviewing this because it is a Town project. He asked what sections they would be looking at? Roger A. stated it was a Conditional Use Permit, so all the ordinances related to a CU would be reviewed. Steve said, “Strait up”. Roger said, “Strait up”. Steve said, “Even though it meets setbacks”. Roger stated that it had to meet setbacks. Ann H. asked why it needed a Conditional Use Permit if it was Town property? Barbara F. stated that the Town is not exempt from permitting. She stated that if someone else was putting the building in for public use, or what is being proposed here, they would need a Conditional Use Permit. She said again the Town was not exempt from the rules, and this is a public building; the board is reviewing it under health and safety for anyone that is going to be using it. Roger agreed. Madge B. stated that if you look in the Ordinance under Land Uses (§105-17), there is a section ‘Public, Semipublic, Institutional’, Municipal Offices require a CU, Town garage, and fire station require a CU, Utility buildings require a CU. Ann said she wondered because it is already Town property. Madge said it is the ‘use’ of the property that triggers the CU, not the property itself. She said that all public buildings are going to be CU’s.

CEO Demers asked if the regular performance standards apply? Madge B. said, “Correct”. Roger A. said what he could see needed further detailing is the parking. Madge asked what it would be based on? CEO Demers stated that the ordinance states 150 square feet or fraction thereof of floor area, and we know the square footage of the building. CEO Demers asked if it was up to the applicant to put the number of vehicles, or is the board asking for a number of vehicles. He asked where the number will come from? Madge said it has to come from the application. Barbara F. thought the number would be based on the ordinance. Madge agreed, along with how many people they think will be in the building. Ann H. stated that the Fire Marshall stated that 285 people can be there at any one given time, not that there would be that many. She asked if you take that number, plus the number of people at the Town Hall. A citizen in the ordinance stated that ADA parking would be an issue as well, spaces for vans and handicap parking. Ann stated that those spaces will have to be bigger, and it is also per square footage of the building. She said when she did her commercial building it was based on square footage. The board looked at §105-43, Sections (1)(f) and (2).

Steve F. thought the board should be looking at an amendment to the Conditional Use for the Town Hall. CEO Demers stated that the new structure is going to be on a separate lot. Steve said since that is the case, the board doesn’t have to look at the Town Hall, just the new structure. He said this is a new Conditional Use. Roger said that the new parking lot is also used for the existing Town Hall. He asked if the lots were merged?

CEO Demers stated that the square footage of the proposed building is 22 parking spots, plus employees would be 8 vehicles. Roger A. stated that it would also have to add adequate for the 285, probably splitting it in half. CEO Demers said 140, plus 30. Steve F. stated they just need to see that they have the square footage for that number and if they have to, they will need to expand the parking lot. He said it was simple math.

**Roger A. stated a public hearing would be held on February 14<sup>th</sup> at 6:30 pm. A notice to abutters will be mailed as well.**

CEO Demers asked if the board needed anything additional besides a parking plan? Madge B. stated the board would want to know about lighting on the building. Madge asked about stormwater runoff? Roger A. stated that it should be detained on site. Ann H. asked if they needed to get all this information before

Town Meeting in March. Madge asked if the board needed to know how the stormwater was going to be controlled, referring to §105-26? Madge asked if it was addressed in the plan? Ann H. stated that it was not addressed, but she believed the board could ask for it. Roger believed with the placement of the building, there would be no issues, basing his opinion on the existing parking area. Madge stated that the board usually requires them to say how they are controlling the stormwater around the base of the structure. Roger agreed.

CEO Demers asked Mr. Mageary if from the parking lot there would be walking paths to the building? Mr. Mageary stated that the current idea is that the parking lot goes up to the building. CEO Demers asked if they were extending the parking lot or building the building next to the parking lot. Mr. Mageary stated they would build the building next to the parking lot. Mr. Mageary stated there was a questions as to whether they would go horizontal or vertical to the parking area; it depends on the information from the Site Evaluator. CEO Demers stated that the four foot frost wall will have proper drainage around it, so any water coming off the structure is going to be absorbed by the ground and taken away, wherever they put a positive drain out. Madge B. stated that there was water on site. CEO Demers agreed, and it was a concern of the Site Evaluator, so the new septic is going to be closer to the Town Hall than they wanted. He added that outside of the water issue, most of the area is ledgey, so it appeared the best site for the building was at the back of the existing parking area.

Roger A. stated there would be no dust, fumes, vapors or gases, or odors. He said there should be no glare. He said there shouldn't be any stormwater runoff, or need for erosion control. Madge B. asked about refuse disposal. Roger said it would likely be as it is now, taken to the transfer station. Madge asked if there was any proposed planting? Or are they not going to clear a whole lot of area? Roger believed they would only clear what they needed for the construction of the building. Mr. Mageary agreed. He said there was frontage on Owls Nest Road.

Steve F. asked if there were any test pits done to check for ledge? Mr. Mageary stated that there was. He said that thankfully they did not find ledge where they dug, they were fortunate.

Madge B. asked if there would be solar panels on the roof? CEO Demers did not believe it was pointed in the right direction. Roger A. asked if the existing solar farm would help this building? Mr. Mageary stated it would not, because the Town can only have 9 meters hooked up to the existing solar array. He said he didn't know if there was a way to take a meter than didn't use as much, and use this meter for the new building. Roger asked if the Town generated enough to assist the new building? Mr. Mageary stated that currently the Town does not own the array. He said there are funds in a reserve account to purchase it outright, but now may not be the time. He said that the cost of replacing inverters has risen. He said the panels should last 20 plus years, but the inverters only last 10 or 15 years and the array is 7 years old now. He said in another 3 years they may have to start replacing inverters.

Ann H. asked if there would be plug-ins for EV vehicles? Mr. Mageary thought it would be a good idea. Roger A. thought they might be able to get a grant from the State.

Steve F. believed the applicants could do a letter from an engineer regarding stormwater. He didn't think they had to require a complete plan, provided we don't run into a large parking lot. He said if there was a large expansion to the parking lot, then it would be a different story. He said with respect to the building

itself, if an engineer states the site can handle the water coming off the roof of the building, and it will be held on site, that has been sufficient in the past.

Roger A. didn't believe there was anything else required. He said again that the public hearing would be held on Tuesday the 14<sup>th</sup>. Mr. Mageary stated, "At 6:30". Roger agreed.

Nothing further was discussed.

-----

**Conditional Use Permit- Replace the Existing Retaining Wall in SD – Map 26, Lot 43 (19 Buccaneer's Way) – Steele Nickel Inc., Applicant: Chris and Donna Kent, Property Owners**

Nate Poissant of Steele Nickel Earthworks was present for the review of the application.

Provided along with the application, was a letter dated August 8, 2022, written by the property owners, which read as follows: This letter will serve as a notice to have Steel Nickel Inc., Nate Poissant and Brad Nickel represent and act on our behalf, Donna & Chris Kent of 19 Buccaneers Way, Shapleigh Maine regarding a proposed plan for work to be done at the above referenced address.

Provided was a copy of the Town Tax Map, depicting Lot 43. In addition, existing conditions pictures were provided that showed the condition of the retaining wall.

Provided were two copies of a sketch drafted by Brad R. Lodge, PLS #2057, dated 10/24/2022, entitled 'Sketch Showing The Location of an Existing Retaining Wall Located at 19 Buccaneers Way, Shapleigh, Maine'. The first copy of the sketch depicts the Gravel Parking Area; Cottage; Foundation Corner; Chimney Corner; Concrete Cinder Block Retaining Wall; Patio & Steps both to the cottage and the beach area. Also depicted is the Rock Covered Slope; ¾" Iron Pipe with a fitting; Beach Area, and a hand written notation that states in part 'erosion/sediment control, 8" straw at beach, & silt fence'. The Apparent High Water Line was also on the sketch, but the distance from the existing structures to the HWL were not noted.

Provided on the second copy of the sketch, in addition to the existing structures was the hand written notation that stated 'Landscape, Buffering, Revegetation Plan'. Also depicted on the sketch were the proposed trees to be removed, and the proposed replanting of native vegetation (blueberries, viburnum) at the base of the new retaining wall.

Provided was a copy of the 'Specification for Redi-Rock 28" Series Wall System', from the 2011 Design Resource Manual for Redi-Rock.

The application detailed description of the project is as follows: *This project is to build a new retaining wall in the footprint of the existing retaining wall.*

Provided was an additional project description as follows: *The current cinderblock and rubble wall is failing at the residence. This is namely due to age, erosion, and root infiltration. We are requesting a conditional use permit so that we can replace the existing wall with a safer, modern wall, in the same footprint. The proposed wall will help to stop the continued erosion of the road surface and bank into the*

*lake. As part of the project, we will need to remove 5 trees that have contributed to the wall's failure. We plan to plant native vegetation and shrubs at the foot of the new wall, to replace these trees. Thank you for your consideration.*

Roger A. asked the applicant to let the board know what he wanted to do. Mr. Poissant stated they were looking to replace a family retaining wall at 19 Buccaneer's Way. He said that he understood the board was sensitive to tree removal, and in this case there were five trees that have to be removed as part of the replacement. He stated that it was an extremely tight lot, where there is little setback off of Buccaneer's Way to the house. He said the only way not to impact the trees, would be to decrease the setback from the high-water-mark, you would have to move the retaining wall closer to the water. He did not see a good solution to avoiding the trees. He stated it was an old cinder block and rock wall that has failed, partially because of the tree root growth that has infiltrated the wall. He said he was looking for some guidance.

Madge B. stated that in this case, the applicant has shown the trees are right at the wall. Mr. Poissant agreed. Madge stated that this is very different from the situation the board was discussing earlier. Mr. Poissant stated that one tree was dead, which the board will see at the site visit. He said the others are right at the wall. He said they are nice trees, but he didn't know of a way to preserve them. Madge said she understood. Mr. Poissant said another issue is that there is a septic tank that sits at the base of the current wall. He said in light of this there is no way to move the wall back toward the road, which is a right-of-way and it can't be moved forward toward the water. Mr. Poissant added that there was another complication, as to where to plant new trees. He could not see any room to do it. He said this is where he wanted some guidance from the board.

Ann H. asked how far the wall was from the water? Mr. Poissant believed that at its closest point it was approximately 55 feet from the high-water-mark. He said with the plan he provided, he wanted to make an amendment to it, because he also wants to replace the stairs as well. He stated that the stairs were depicted on the plan. Ann asked if it was the stairs where the patio is located? Mr. Poissant stated that no, the stairs on the right-hand side of the retaining wall. He believed the best option was to have the current wall dead-end into the foundation, that would help deal with the erosion that comes off the hill on the backside. Ann asked how high the wall was? Mr. Poissant believed it was 8 feet currently. Roger A. stated that it needed to be engineered. Mr. Poissant believed he submitted to Barbara a set of pictures showing the existing wall, along with the engineered spec sheet from Redi-Block, which is a concrete cement product. He said it shows the geogrid fabric, crushed stone base, perforated drain; it will all be part of the construction. He added that they were big blocks that are set with an excavator. He said there were manufacturer's specifications they have to adhere to.

Roland L. asked if this was a seasonal cottage? Mr. Poissant stated that it was. Roland asked if he went to the site tomorrow, would the road be plowed? He wanted to know if he would be able to see what he needed to see? Mr. Poissant stated that he did not know. He said he believed he could see the proximity of the road, and the bank where the wall is, but he wasn't sure he would see the cinderblock wall itself. He said he could get the scale, which he thought was very important. He said the plan doesn't show the scale, because where it says 'gravel parking area', that literally is the road, which is a right-of-way, servicing several houses.

Roland L. asked if there would be a contractor doing the work, or was Mr. Poissant doing the work? Mr. Poissant stated that they were going to be doing it for the client. Roland asked if he was the contractor?

Mr. Poissant said, “Correct”. Roland asked if he was DEP certified in erosion? Mr. Poissant stated, “Correct”. Mr. Poissant stated that they have not removed the trees yet, so the board can see everything. Madge B. thanked him, and said the board appreciated that.

Mr. Poissant said he knew the board typically did a site walk, but he was not sure how that would work now that snow has arrived. He said if the board needs to table the application, he had no issue with that.

Steve F. asked what happened to the grade and the slope at the end of the wall, it is 8 feet, does it just dead-end and then wrap around? Mr. Poissant stated that if your back is to the water, with the house on the right hand side; the idea was to have the 8 feet stepped down, and there is a significant slope there now. He said another issue that exists is a low spot in the road, which catches a lot of water runoff, once it reaches capacity, then it roars down the hill. He said that area needs some erosion mulch, and this is the only access to the lower part of the wall, on that side of the house, minus the stairs. Ann H. asked if they need a rain garden for the stormwater runoff. Mr. Poissant said they need to deal with the stormwater and sediment runoff as best possible, but without trying to direct it. He said if you put a catch basin in the road, then it will direct the water to erode the sandy beach below. He said part of the issue in the past is not handling the stormwater runoff coming off the hill adequately. He stated that they need to try to slow the water down, so it will absorb into the ground, and not run down to the body of water.

Roland L. asked if York County Soils and Water Conservation have been involved in activities in this location? Mr. Poissant stated he was not aware of that. Roland said he was asking, because he had attended some meetings and it seemed like there was some discussion about that being a huge contributor to runoff into the lake. He thought YCS&W had some plans for that area. Mr. Poissant said he knew Dave Burns (Acton-Shapleigh Youth Conservation Corp.) was at the helm of a lot of this, and he connected the client with them to handle the issue. Roland said this must mean the Youth Conservation Corp. is involved, but they haven’t been able to hire anyone yet. He said this must have been in the context between YCS&W and the ASYCC.

Roger A. asked if the cinderblock wall would be taken out of Shapleigh, and not to the transfer station. Mr. Poissant stated that it would, and he said he would amend the plan to show mulch at the base of the wall and the top of the wall. Roger stated that it currently shows a rock covered slope at the bottom of the wall. Mr. Poissant stated that is what it is currently, and it will be moved off site. He said they will revise the plan.

Steve F. stated that the revegetation required behind the wall is for a 2 foot retaining wall that the board was discussing earlier. Mr. Poissant stated that in this case, the clients use this area to park to allow for safe passage for the others using the right-of-way, so it is tight in that area. He said that this new wall should help to hold the soil in place while making it more safe for them as well. Roland L. gave Mr. Poissant the number for York County Soils and Water in case he wanted to contact them.

Ann H. asked if the board was going to go look at it? Madge B. wondered if the board should postpone it for hopes of better access and to be able to see something. She did not believe the board would see anything right now. Steve F. asked what the time frame was for the project? Mr. Poissant thought they wanted to do it in the spring, before the other residents arrive. He said the traffic will be an issue; how do you allow egress during construction. He said if it doesn’t work out, it will be fall of 2023.

**Madge B. made the motion to table the application until the first meeting in March. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to table was unanimous.**

Mr. Poissant asked if the board needed any additional information? Roger A. stated that he was going to amend the sketch to remove the rock covered slope. Mr. Poissant believed at some point, because the cinderblock wall failed, they tried to reinforce it with rocks. He said the new wall will be strait vertically without the jogs. Roger asked if the jogs were for support? Mr. Poissant thought they went around a tree at some point. Roger did see a tree in that location. Roger asked if the jog would be put back in. Mr. Poissant stated it would be relatively strait across to conform with the road surface. He said it would not be any more non-conforming, noting that as you move from the house, the setback to the high water line increases. He added that it would go from the stairs to the foundation.

**Roger A. stated that the application will return on Tuesday, March 14<sup>th</sup>. He said board members will need to go to the site prior to the 14<sup>th</sup>. A notice to abutters will be mailed as well.**

Nothing more was discussed.

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

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

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

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

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

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

Map 43, Lot 11, Book 15430, Page 96

Map 43, Lot 12, Book 15438, Page 93

Description as follows:

The camp is currently approximately 5 feet from the property line of Lot 009 owned by Milton Raymond and 48.5 feet from the property line of Lot 013 owned by Roland Staples. The proposed distances will be 21 feet from the property line of Lot 009 owned by Milton Raymond and 32.5 feet from the property line of Lot 013 owned by Roland Staples. Nothing else will change on the existing property. The camp will be no closer to the water or easement (North Shore Road).

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

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

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

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

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

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

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

Provided was a copy of the home inspection done by Keith Lefebvre of Atlantic Home Inspection Company LLC of Lyman, Maine, dated 9/8/2022. Highlighted was the following sentence(s): The home is set on concrete footings and concrete blocks. There are some concrete blocks that could be moved so they were not adding any support to the structure. There were single 2 x 6-8 boards that were acting as

support beams. Recommend to re-evaluate the support structure of the home and make the repairs needed to properly support the home. The well tank and main water shut off is located under the home and is partially buried and not insulated. Recommend to install onto a concrete pad and insulate as needed.

Roger A. asked Ms. Kearn to let the board know what she wanted to do. Ms. Kearn stated the camp needs a foundation. Madge B. noted the board saw the pictures. Ms. Kearn stated she contacted Dennis Morin to put a foundation in, but he said he needs to move the camp over in order to save the trees on the side and they are less than 5 feet from the property line. She said if you look at the picture, it would be moved over approximately where there is a grill. She said there wouldn't be any trees removed, because the camp would be moved where it is dirt. She said she had an approved septic system, but she had to put it on hold because they don't want to dig up where the new septic system location is. She said she had Ken Gardner draft a new plan with different dimensions, the system wouldn't move but shows the camp is allowed to move over.

Mr. Kearn stated currently the camp is not safe, and she needs a septic system she can use. She added that the water heater is under the stairs and there is a crawl space she has to go through to turn the water on and off, and she did not want to do that. She hoped she had pictures that explained it. Madge B. stated what she provided was good. Roland L. agreed, stating it was one of the most comprehensive application packets he had gotten in a long time.

Roger A. asked when she planned on picking up the camp? Ms. Kearn stated as soon as the board approves it. Ms. Kearn stated that Mr. Morin stated he could do it early spring. She said she wants it done as soon as possible, noting she has no septic system to use and she will not have water until the foundation is in. She said Mr. Morin can do it in the spring, then the septic system will be done, and then she will be able to use the camp.

Ann H. asked if she moved it over 16 feet, is that five feet from that side of the property? Ms. Kearn stated that no, currently it is 5 feet from the property line. She said it will then be 21 feet from the property line, and she thought it would be around 38 feet on the other side. She said, looking at the plot plan, it was currently 48.5' and it will cut it down to 32.5 feet. She stated the septic system will still be fine with the correct distances, because she had Ken Gardner do a second design, with the correct measurements from the house in its new location.

Roger A. asked if the dotted line was where the camp was? Ms. Kearn stated that no, the dotted line is where it is proposed to be moved to.

Roger A. asked if the board wanted to table this one until March? Madge B. thought it would be easier to see than the wall, so she didn't think the board had to table it. Steve F. stated he didn't mind going to look at it now. Maggie M. asked if the road was plowed? Ms. Kearn did not know but she could ask Bob Greenleaf to plow it if it isn't. She didn't think anyone was year round on the road currently. She thought she could also ask Jeremy Burbank to plow it. Roger thought North Shore was plowed. The board agreed to do a site visit prior to the next meeting.

**Roger A. stated a notice to abutters will be mailed. The next review will be on Tuesday, February 14<sup>th</sup>.**

Nothing more was discussed.

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

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

**Applicant Information:**

Name of Property

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

Name of Property

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

**Land Information:**

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

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

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

Acreage being

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

Restrictive Covenants: None Listed

Property is part of a prior approved subdivision greater than 5 years ago.

Existing use of land is a wood lot.

Proposed Name of Subdivision: *Luscombe Subdivision*

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

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

There is no estimated cost of infrastructure.

The water supply will be individual wells.

The sewage disposal will be individual septic tanks.

There is no proposed fire protection.

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

There were no proposed waivers on the application.

Provided was a copy of a survey plan drafted by Joseph L. Stanley, MPLS #2453, dated January 11, 2021, entitled ‘Plan Showing Proposed Lots for Hilary Clarkson, 33 Triangle Street, Acton ME 04001 of Property Located on Little Poverty Pond Road in Shapleigh, Maine’. The plan depicts the two proposed lots shown as ‘Proposed Conveyance 2.00 Acres, Portion of Shapleigh Tax Map 11, Lot 23F, and Proposed Conveyance 3.00 Acres, Portion of Shapleigh Tax Map 11, Lot 23F’, along with ‘Proposed Remaining Land of Glenn B. Cook Estate, Portion of Shapleigh tax Map 11, Lot 23F’.

Also provided on the plan were the following abutting properties: James & Diane Frasier, Shapleigh Tax Map 11, Lot 23L; Elizabeth A. & Paul M. Rankin, Shapleigh Tax Map 11, Lot 23-8. The plan depicted 2 50’ wide Right-of-way & Utilities Easements to Benefit the Proposed Lots Shown.

Roger A. asked Mr. Luscombe to let the board know what he wanted to do. Mr. Luscombe stated he was doing a simple subdivision on five acres. He stated the plan was drawn up in 2021 on January 11<sup>th</sup>, when the Cooke Estate divided it, and he purchased five acres. He stated that Joe Stanley advised that they split the lot at that time, as it would be cheaper to draw up the plan rather than wait. He said they always planned on splitting the lot to sell it to their neighbor. He stated that it was a wooded area and they were using it for recreation at this time.

Roger A. stated that Mr. Luscombe said it was part of a subdivision before. Mr. Luscombe stated that it was, the owners Glenn Cooke Estate held the property for 20 plus years, and it has been as it is now for 12 plus years as an Estate while it is being resolved. He said he made a deal with the Estate in 2021 to purchase the lot, and it took 2 more years to go through. He said the five acre lot was purchased in September of 2022. Roger asked when the original division was done? Mr. Luscombe stated September of last year. Roger asked how many lots this created? Mr. Luscombe stated the Cooke lot, which is Glenda Tripp now, and his five acres. He stated he was subdividing the five acres. Roger asked how many lots came out of the original division? Mr. Luscombe stated, just one five acre lot. Barbara F. asked Roger if he was asking about the original division of Lot 23? Roger said, yes. Barbara stated that it was over 10 years ago. Roger said, ok. Barbara stated that she spoke with Joe Stanley to be sure all was in order.

Mr. Luscombe stated that the new lots numbers are not on the map, they will be updated later according to Joe Stanley. Mr. Luscombe stated that he spoke with Barbara about the lot numbers. Barbara F. stated that she did not do the lot numbers, they would be done by assessing after the lots are divided. She said that is why she put down the division was ‘part of’ Lot 23F, because there are no new lots numbers until after the approval, when the Town’s assessor will renumber the lots. Mr. Luscombe added that in the future they wanted to be permanent residents.

Roger A. asked about underground wiring? Mr. Luscombe stated there is no wiring, it is all forest. He stated there were no wetlands, the wetlands were across the street. He said it was downward sloping from the back of the lot toward the street.

The neighbor of Mr. Luscombe that would be purchasing one of the two new lots, asked the board how much land is required to put a residence on a lot in Shapleigh? Roger A. stated 2 acres, with 200 feet on the road.

Roger A. stated that the board would need to have the test pits on the plan, along with the accompanying information. Mr. Luscombe stated he had no idea what he was asking for? Roger stated, soil test pits on the two lots to know they will support a sewage system. Mr. Luscombe stated that he was sure it would not be a problem, as the lots were all sand. Roger said the board would need the actual test pits. The neighbor asked if this was required before building? Roger stated it was required before the subdivision would be approved. The neighbor asked if this was a perk test? Roger stated that it was, the location of the test pit on the property will be placed on the plan and it will tell if there was any water, if so what the depth was. Mr. Luscombe asked if it had to be on both lots? Roger stated that it did have to be on both lots.

Madge B. asked Mr. Luscombe if he had a copy of the Subdivision Ordinance? Mr. Luscombe stated that he did not. Barbara F. stated that he could get all the information on the Town's website, Shapleigh.net. Mr. Luscombe stated that Joe Stanley stated it would be easy. Roger A. asked if Mr. Stanley was going to do it? Mr. Luscombe stated that no, he wasn't. Barbara stated she spoke with Joe Stanley and at present the applicant had not asked him to do it. Mr. Luscombe stated that after this evening he might ask Mr. Stanley to do it.

Roger A. stated that he may have to ask Joe Stanley to do more, because contours for all the property have to be placed on the plan, along with the test pit locations. Roger stated that the contours would be from the USGS, for both pieces of property. Madge B. asked if they would also need soils? Roger stated that they would need the soils for both parcels.

The neighbor of Mr. Luscombe asked about talk he heard about raising the amount of acreage you would need to build in Shapleigh. Barbara F. stated this rumor was false, noting Mr. Luscombe had already asked her this question and she told him the same thing.

Roger A. stated that the actual name of the proposed subdivision would need to be on the plan. Barbara F. stated he would be using his last name. Roger A. asked if there were any deed restrictions? Mr. Luscombe stated there would not be any.

The neighbor of Mr. Luscombe stated that they would like to have a shared driveway, and asked if it should be on the plan? Roger A. stated that if they were going to have a shared driveway, they would need a Maintenance Agreement written up to be recorded at the courthouse. The neighbor asked if it had to be in the deed? Roger stated that it did, along with being recorded separately, showing who would be taking care of the upkeep.

The neighbor of Mr. Luscombe stated they would be having a shared well in the future, he asked if that should be on the plan. Roger stated that it should be noted on the plan, and who will maintain it.

Roger A. said again that they would need a portion of the county soil survey that pertained to the two lots; as well as contour lines showing the elevations on site. He said you also need to show that the mail delivery system is per the post office specifications. He said Mr. Luscombe has to work with the post

office on the mail box location. Mr. Luscombe stated that there is a location at the end of the road, at the Newfield intersection, where the other mailboxes for the road were located.

Roger A. stated that the utilities have to be installed underground unless otherwise approved by the board, meaning unless the board wants to waive the requirement. Mr. Luscombe stated that they were not planning on connecting with the utilities, they are going to go with solar. He said it was cheaper to purchase a solar system they can maintain themselves. The neighbor buying the second lot stated he was not sure if he would be bringing power to the lot right now. Roger said that if in the future you decide to bring power to the lot, the subdivision plan will have to be amended and you will need to come back before the board. Roger wanted him to be aware of this.

Mr. Luscombe stated that he had a date for the placement of the well of April 1<sup>st</sup> to determine the location. Steve F. did not believe the well had to be on the plan.

Roger A. stated that if they did not want to have to have the boundary corners and angle points installed with suitable monumentation, they would need to ask for a waiver for that. Roger stated that usually the corners have granite markers. Mr. Luscombe stated that currently there are metal post on all corners, so they will ask for a waiver. Mr. Luscombe stated that Joe Stanley did a great job.

Madge B. asked if the board should waive underground utilities and then they could put electrical in when they wanted to? Roger A. stated if they want a waiver, the board could. She thought it made more sense to do it now. Barbara F. stated that they just have to ask for the waiver. Madge suggested that they ask for a waiver to be able to put utilities overhead instead of underground, because the board does not care when it is done or if it is done. She said that once it's on the plan, the waiver, then you never have to come back for that.

Roger A. stated that the board needs to know how stormwater will be handled for erosion control. Madge B. asked if someone could state that there would be no issues with stormwater? Roger said that they would have to say no stormwater would leave the property. Madge said she was thinking about the driveway, someone could say there would be a culvert. Roger stated there had to be a provision stating that all stormwater would be handled within the subdivision, and any drained groundwater through a management system of swales, culverts, underdrain and storm drains. He said the stormwater management system shall be designed to conduct stormwater flows to existing watercourses or storm drains (§89-38 'Stormwater management design standards'). Barbara F. asked if they could get the storm drainage information from Joe Stanley? Roger agreed that they could.

Mr. Luscombe stated that the drainage was awesome, because it basically was a sand pit. Barbara F. stated that that was what Joe Stanley may state. Roger A. stated that the board was looking at a 100 year storm.

Roger A. stated this information was required, and if Mr. Luscombe was not sure what he needed, he should buy the Subdivision Ordinance. Barbara F. stated she was not sure the Town Hall had any on site, he may need to review the ordinance on line, it's on the website. Roger said the general standards would be what the board was reviewing. Steve F. stated that if he went to the CEO section of the website, the codes could be found there.

Roger A. stated that once all the information is on the plan, he should contact Barbara F. to get back on the agenda. Mr. Luscombe’s neighbor asked if it was possible to get this done by February 14<sup>th</sup>? Roger did not believe it was possible, as he needed test pits and to add all the information to the plan.

Mr. Luscombe’s neighbor asked if the board saw any issues with the proposed lots? Roger A. stated at this time, without all the information, the board cannot say one way or the other if there are issues. Ann H. stated that they had the right amount of property, which was important. She said they had the road frontage.

Roger A. said again they need the contour lines, what type of soils are on site, and test pits; along with waivers and to address stormwater. He said there is a lot of work to be done, so the 14<sup>th</sup> of February would not work. Roger said if it is accomplished, let Barbara know.

Nothing further was discussed.

-----  
**Other:**

CEO Demers wanted to discuss the Shapleigh Corner Store. He stated the date he was going to use with respect to the store being open was when the store changed hands. He believed Duane Romano ran the store almost up to the move-out date. He said the date he was using was March 9, 2022, which was when the property officially changed hands. He said he is giving the new owners a year from that date to get back open, so he doesn’t have to come back before the board for a new conditional use. Roger A. did not believe the store was operating in 2022. CEO Demers thought it was, and when the new owner came in, he told them they had a year from the date they purchased it to open the store.

CEO Demers believed the store would be coming back before the board, because they are making an application to do some renovations, so it will be treated as an amendment to the conditional use. He wanted the board to be aware it would be coming before them.

-----  
CEO Demers stated he and Steve F. had talked about accessory dwelling units and how detached dwelling units are going to be looked at come July 1<sup>st</sup>. He said he has residents asking about what will be allowed. He said without anything more in the ordinance, he can’t give them any guidance.

CEO Demers stated that two dwellings with an accessory unit attached, our ordinance deals with this and allows it on a conforming lot. He said the detached structure isn’t dealt with. Steve F. asked if he was speaking about LD2003? CEO Demers said he was, and there was nothing in the ordinance to guide the applicant or the code office for a detached dwelling.

Steve F. asked if they could have a lunch and learn with the State? Ann H. stated she thought they were looking at housing people and not the impact on the towns. Steve agreed there was this broad sweeping law they were putting down, and his agents (real estate agents) were asking about it, so he reached out to CEO Demers. CEO Demers told him that every town would be different. Madge B. agreed the towns would be different if they passed something, but if we haven’t passed something, we have to follow what the State law says. Steve thought they were still laying out the ground work now, it was not done. Madge agreed that presumably they are laying out the interpretations. She said that it could be that all the towns

have to apply the same rules. She said the board could try Southern Maine Regional and have them tell the board what they are telling their member towns. CEO Demers stated that some of the towns already allow accessory dwelling units in certain districts. Barbara F. said an issue is Shapleigh doesn't have many districts. CEO Demers said Shapleigh allows an accessory dwelling unit that is attached on a conforming lot, but he felt LD2003 went beyond that. Madge agreed. Steve asked if the Town would defer to State language if we didn't have language to cover it? Madge thought the Town would have to.

As questions continued, Madge B. felt that the board should get the Planning Commissions advice regarding this issue. Barbara F. asked if the legislation has passed? Madge said it passed last year, so there is a law on the books. CEO Demers stated that the Town had until July 1<sup>st</sup> to implement it.

Madge B. asked Barbara F. to speak with Southern Maine Regional and ask them if they are providing their member towns with what has to take place on July 1<sup>st</sup> with accessory dwelling units.

Roger A. stated that if it is a detached ADU, it should have a particular square footage. CEO Demers agreed for a detached structure. Steve F. stated that the board will have to come up with a number. Roger said the board will just have to grab a number. CEO Demers thought Acton had an 800 sf size. Roger thought Wells was 700 sf. Ann H. said the board could look at ADA requirements, what size bathroom and kitchen would a handicapped individual require. CEO Demers thought 700 sf was the minimum for a dwelling. Roger thought you could go down to 600, but Wells voted for 700 sf for a non-attached ADU.

CEO Demers said if someone came in and wanted a 1200 sf ADU he would have nothing to deny them on. Roger A. agreed that for today, we do not have a size limit. Steve F. asked if it would be a conditional use? CEO Demers did not believe so, because in LD2003, it states you cannot restrict them. Madge B. agreed. Steve asked if you could restrict the size? CEO Demers said you could, but you can't restrict the permitting process, it will be an allowed use. Maggie M. stated that you can restrict it in the Shoreland District. Roger said it would require a Growth Permit, but it would be counted as a residential unit. He felt the board should come up with a size and get that passed by the voters.

There was continued talk about the concern about not having things in place for July 1<sup>st</sup>. Roger A. stated the board could ask for a moratorium until the next Town Meeting. CEO Demers noted that on a non-conforming lot less than 80,000 sf, an accessory dwelling unit is not allowed, so that is an easy answer.

-----

Roland L. stated that the board was speaking about a village area, and people were told the board would hold a meeting to discuss this further. Madge B agreed, and she wanted to know when this would take place? Ann H. stated that those we heard from were in agreement, except perhaps one person. Madge agreed but said there should be an open discussion. Ann agreed, because everyone wanted Shapleigh to stay rural. Maggie M. wondered if the board should do it after Town Meeting, and have the board make an announcement about it at Town Meeting. Steve F. asked if it would be a public hearing type forum. Madge thought the board should have a public meeting on it. Steve agreed, but wondered if the board should have something to show anyone that attends? Roland thought if perhaps there was a map that showed sections of Route 109 and 11, that noted these were possible areas. He added that possibly some language from other communities could be drafted. Madge agreed that the board should have at least a village location for discussion.

Roland L. stated that given that there is going to be some activity around the Town Hall, and the town owns land out to Owl’s Nest Road, would it be too farfetched to think a road from there to here could be created, along with a little business area or village area. Steve F. stated that it was Town owned property, he did not believe the Town was in the business of developing it. He said if the Town wanted to do a business park or create a village center, he did not see why anyone would stop that. Maggie M. added that the community center would be here, and that might encourage something along those lines.

Roger A. read several more of the questionnaires that came back regarding the village areas, both were in favor of a village area and one was willing to share ideas regarding them in the future.

Steve F. asked if the board should have Joe Stanley do a printout of Google Earth with an overlay? Roland L. thought it would be worth the expenditure of monies if we got a rough draft the board could mark up, and then do something formal and reprint it. Barbara F. noted that Steve F. had made full size copies of the map and they were in her office. She thought the board should mark those up, and then from what the board pencils in, perhaps Joe Stanley could create a more formal presentation. Roland asked if there would be money in the budget. Barbara said she had no idea, because the board did not request any extra money for this. She said the Town may have an area that the board could draw from, they would have to ask Michelle (Treasurer).

Barbara F. stated that all the board had to do, to get together to discuss this further and draw on the maps they had, was let her know a week in advance, so she can post the workshop. She thought some afternoon members could come to the Town Hall and draw on the maps Steve had made.

Nothing more was discussed.  
\*\*\*\*\*

**Growth Permits**

**There are growth permits available.**

\*\*\*\*\*

**The Planning Board meeting ended at 9:30 p.m.**

\*\*\*\*\*

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

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

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

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