

Shapleigh Planning Board

Minutes

Tuesday, April 23, 2024

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

The Planning Board would like to welcome a new member, Penny Theriault. We are sure she will be a great asset to the Board.

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

The Public Hearing began at 6:30 pm.

Conditional Use Permit – Municipal Multi-use Building – 50’ x 70’ – Map 5, Lot 28A (Back Road) – Town of Shapleigh, Applicant & Property Owner

Town Administrator Michelle Rumney was present for the public hearing, along with Jo-Ann Cavanaugh of J.C. Cavanaugh Architecture LLC.

Steve F. asked the Town to present briefly what they were going to do, and that any questions be directed toward him. Town Administrator Rumney stated that Jo-Ann Cavanaugh would be speaking for the Town. Mrs. Cavanaugh stated that the new building will be a community center, about 3,500 sf, for people of the Town of Shapleigh to be able to use, the building will be erected just off the existing parking lot, and there will be additional parking added for the number of occupants that she used, which was 150 people. She stated that they came up with 2 parking plans, but the first plan ignored the issue with the ledge on site, so Plan B worked around the ledge. She said they were trying to keep impact on the site to a minimum. She said there was a slope to the existing grade, with a stream that runs around the property, and this is where the drainage will go. She said at the last meeting the Board asked about a storm drainage plan, they are currently trying to get bids for that, to have someone design how stormwater will be handled from the building. She said she had a few ideas, but not the numbers for that; and the landscaping plan will be based on what the designer recommends, with respect to handling the storm drainage. She stated for water they will connect to the existing well next to the Town Hall, and there will be a new septic system.

Steve asked if anyone had any questions? There were none.

Proposed Private Way – Map 11, Lot 23 (Newfield Road) – Joe Stanley, LinePro Land Surveying, Applicant; Bruce Wakita, Property Owner

Mr. Stanley was present for the public hearing, along with Mr. Wakita.

Steve F. asked Mr. Stanley to let the Board and the audience know what they wanted to do. Mr. Stanley introduced himself, that he was from LinePro Land Surveying, here to represent the Wakita family and the Private Way project off of the Newfield Road. Using the plan provided, he showed the general location of the property, pointing out the location of Wakita Electric’s shop, and where there once was the country

store. Mr. Stanley stated that the Wakita’s wanted to create a private way, approximately 700 feet long, to service two lots that they propose to give to family members. He said the lots will be situated toward the back of the property, and showed the location on the plan. He said the entrance location has already been reviewed by MDOT, because it is a State aid road, and they have the entrance permit where they approved the safety of that entrance. He said the two lots are just over 2 acres in size, there is a forested area in the front and the lots gentle slope back, and they are using the stream at the back of the property as the boundary line. He felt the plan was straight forward, and he was happy to answer any questions.

Steve F. asked if the public had any questions, or did the Board? A Citizen asked if they planned to extend anything else off the private way, or is it the just the two lots? Mr. Stanley said the plan at present was just the two lots, and there is a note on the plan that if there is any future further use of the road, then they have to come back to the Planning Board for another review. He said at this time, the only properties utilizing the road are the two lots.

Another Citizen asked if the homes would be conventionally built and are there any restrictions on the type of homes? Mr. Stanley stated that they are not proposing any restrictions at this time, and he hadn’t had the discussion about what they have in mind. Mr. Wakita stated it would be a standard built home for his kids. He said one of them will be built next year, and he asked what she meant about conventional home? The Citizen stated that she was asking if it would be a stick built home or modular. Mr. Wakita stated that yes, it would be stick built.

Steve F. said the application before the Board was not for subdivision, he said the Board is reviewing just the road, because it is a family subdivision. He wanted to clarify this. A Citizen stated he was an abutter to the south, and he had no objection.

Steve F. asked if there were any other questions? There were none.

Amendment to a Conditional Use Permit – Storage Building Attached to Existing Structure for Business - Map 11, Lot 23J (522 Newfield Road) – Wakita Electric / Bruce Wakita

Mr. Wakita was present for the public hearing.

Steve F. stated this was for a storage building for Wakita Electric, and asked Mr. Wakita to let the audience know what he wanted to do. Mr. Wakita stated that he was going to put up a cold storage building, where his old portable building was, because it collapsed during the last storm. He said he was applying for an amendment to a Conditional Use Permit to be able to put up the cold storage building.

Steve F. said they had talked about front setbacks at the last meeting, he asked Mr. Wakita if he went any further with it? He said they can discuss this at the regular meeting if he preferred. Mr. Wakita provided a plan to Board members, drafted by Joseph Stanley of LinePro Land Surveying, dated April 23, 2024, entitled ‘Sketch of Proposed Building Location Made for Bruce Wakita, 486 Newfield Road, of Property Located on Newfield Road, Shapleigh, Maine’. Mr. Stanley stated that the main thing the plan depicted was the drainage. He said what he did was prepare a map to show the existing pavement and gravel; where the shop building is currently located, and how the proposed 40’ x 80’ building would be located (distance to the road was not on the plan). Mr. Stanley stated that the existing building uses gutters and underground drainage, which goes under the pavement. He said the plan is to catch the water from the new roof system, and run it through the same underground drainage system to the drainage pond that has been built.

Steve F. asked if there was any comments or questions? There were none.

The public hearing was concluded at 6:40 pm.

- *The Planning Board meeting started at 7:00 pm.*
- *The Planning Board Chairman began the meeting with the Pledge of Allegiance.*
- *Steve F. asked if there were any questions or changes to the minutes? There were none noted. The minutes were approved as written.*

Conditional Use Permit – Municipal Multi-use Building – 50’ x 70’ – Map 5, Lot 28A (Back Road) – Town of Shapleigh, Applicant & Property Owner

Town Administrator Michelle Rumney was present for the review of the application, along with Jo-Ann Cavanaugh of J.C. Cavanaugh Architecture LLC.

Originally provided, along with the application, was a copy of the Subsurface Wastewater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 12/9/2022 for a Community Center for up to 130 people. An updated location plan was provided, drafted by Kenneth Gardner, dated 3/25/2024, using the location of the Community Building on Site Plan B.

Provided was a copy of the Construction Permit No. 29932, from the Maine State Fire Marshal’s Office, Department of Public Safety, for the Shapleigh Community Center, located on Back Road, Shapleigh Maine; Occupancy Type: Assembly Class less than 300; No Sprinkler System; No Fire Alarm System; New Building – 1 Story – Wood Frame, permit dated 1/3/2024, expiration 7/2/2024.

Provided was a copy of the Site Plan ‘A’ and ‘B’, and it was stated that Sheet S1, Site Plan ‘B’ would be the one used, due to the ledge found on site. The site plan, Titled: ‘Alternate #2 Site Plan ‘B’, New Community Center, Town of Shapleigh, Back Road, Shapleigh Maine’, was drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated revised 3/20/2024. The plan depicts the proposed 50’ x 70’ Community Center; Existing Parking Spaces, showing a total of 29 spaces and travel lane; the Proposed Parking area(s), depicting a total of 21 parking spaces, which includes 2 handicap spaces; sidewalks 5 feet in width from the proposed community center to the parking areas; Erosion Control; Proposed Septic Location and Alternate Septic Location, Design to be adjusted for new location; Proposed location(s) of the HVAC Compressor on Conc. Slab w/Bollards, Generator on Conc. Slab w/Bollards, and Propane Tank; signage; shrubs; and Drainage/Possible Stream. The plan depicted the ‘Typical Sidewalk Section’; ‘Typical Pavement Detail’; ‘Steel Bollard Detail’; ‘Typical Trench Detail’; and the ‘Deciduous & Evergreen Shrub’ planting details. Additionally, there are notations on the plan for: Sitework; Location Map; Erosion Control General Notes; Permanent Erosion Control Measures; Construction Sequence; Inspections and Final Acceptance; Long Term Maintenance; types of grass seed to be used and mulch. Also depicted on the plan was the adjacent lot owned by the Town of Shapleigh, with the Town Hall and existing parking area for the Town Hall depicted, and the location of the well. Abutter(s) Thomas E. & Patricia E. Clement, Map 5, Lot 28, were noted on the plan, as they are directly adjacent to the Lot 28A and closest to the project area.

Plan Notes for the Site Plan B are as follows:

- 1) Existing gravel parking area and proposed new parking area and sidewalks to be paved per current MDOT standard specifications, Alternate No. 4.
- 2) New septic tank and field per design by Kenneth Gardner for the Town of Shapleigh for new Community Center.

- 3) Provide water service to new Community Center by connecting to existing well. Provide new pump and pump controls for new Community Center. Replace existing pump servicing the existing Town Hall.
- 4) Coordinate with Center Maine Power on connection of new electrical service to pole for the Community Center.
- 5) Ledge is present on the site within the proposed building area. Excavate and remove rock by either mechanical or explosive methods as needed for the building site. Conform to applicable code for explosive disintegration of rock and to NFPA 495 for handling explosive material and obtain all necessary permits.

Provided was a copy of Sheet A1, Titled: ‘Code Review, First Floor Plan, Finish Sched., Wall Types’, drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated revised 1/5/2024. The plan depicts the Floor Plan. The Floor Plan depicts 2 Vestibule(s); Foyer; Function Hall for up to 279 Occupants Max; Kitchen; Storage; Janitor closet; Fire Proof Storage; Mechanical Room; Shower; Woman & Men’s Bathroom; & Family Bathroom. Materials to be used in the construction, along with the ‘Code Review’ were noted on the plan.

Provided was a copy of Sheet A2, Titled: ‘Front, Left & Rear Elevations’, drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated 1/2/2024. The plan depicts the Left Side Elevation; Front Elevation; and Rear Elevation, showing the design for each side of the building.

Provided was a copy of Sheet A2.1, Titled: ‘Right Elevation, Window Schedule, Kit/Bath Int. Elevs.’, drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated revised 1/2/2024. The plan depicts the Right Side Elevation; along with details for the kitchen, baths, windows and signage. Plans Notes are as follows: 1) All plumbing fixtures must be mounted according to ANSUI 101. Handicapped code requirements. 2) See specification for bathroom accessories. 3) All GYP, BD in bathrooms to be moisture resistant. 4) Accessory heights as follows: Sink – Top of rim at 33” AFF; Toilet Grab Bars – Top of bars 33” to 36” AFF. All grab bars and towel bars shall be able to support 250 lbs. for 5 minutes. Flush control located on open side of toilet. Bottom of mirror reflective surface at 40” AFF. Toilet paper dispenser 22” AFF, 7” to 9” in front of toilet. All switches between 36” and 54” AFF. 5) FRP = Fiberglass reinforced plastic panels, 4’ x 8’. Accessories: Mirror, Toilet Paper Dispenser, Coat Hook, 42” Grab Bar, 36” Grab Bar, Paper Towel Dispenser, and Soap Dispenser.

Provided was a copy of Sheet A3, Titled: ‘Sections A & B, General Notes’, drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated revised 3/20/2024. The plan depicts Building Section A; Building Section B; Eave Detail; Vestibule Section C; and Window Details. Specifications are noted on the plan for the construction of each section, and General Notes pertain to the Air Seal of all joints, window and door jams, framing, showers & tubes, sills, cracks and crevices, etc. Also, Typical Flashing for Window Installation is noted.

Provided was a copy of Sheet A4, Titled: ‘Foundation Plan, Fndn Details, Fndn Notes’, drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated revised 3/20/2024. The plan depicts the Foundation Plan. Foundation Notes: 1) Foundation shall be 3000 psi concrete, 6% air entrainment. All concrete work shall conform to Building Code requirements for structural concrete by American Concrete Institute. 2) All concrete reinforcing to be Grade 60 New Deformed Bars, 6x6, 10x10 WWM is strongly suggested in all slabs. 3) Structural fill within 8 inches of floor slabs and adjacent to foundations should be clean granular material. Compact fill to 95% of maximum dry density. 4) Minimum 4’ Frost Cover with Reinforcement as shown on drawings. All footings shall bear on undisturbed soil. 5) Anchor bolts shall be ½” x 12”, A307 Steel, spaced 6’ O.C. and within 1’ of corners. 6) If ledge is encountered in building area, remove loose material to provide a sound and unshattered base for foundation. The Foundation Detail was depicted on the plan as well.

Provided was a copy of Sheet A5, Titled: ‘Roof Framing Plan Structural Notes’, drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated 1/2/2024. The plan depicts the Roof Framing Plan, and Operable Partition Detail ‘A’; There are Structure Notes on the plan for General Framing, Carpentry Framing, Lumber Material, Blocking, Plywood Provision, Rafter Tie Downs, Engineered Wood, and Ground Snow Load = 80 PSF.

Provided was a copy of Sheet A6, Titled: ‘Electrical Layout, Reflected Ceiling Plan’, drafted by Jo-Ann Marie C. Cavanaugh, LA #1818, dated revised 3/18/2024. The plan depicts the Electrical/Plumbing Plan; Reflected Ceiling Plan; Fixture Schedule; and Plumbing Fixture Schedule. General Notes are included for Load Balance; Switches; Minimum Wire Size; Homeruns to Panel; Outlets or Junction Boxes; Fire Rated Backer & Sealant Requirement(s); all general electrical fixture locations, and bathroom requirements.

The application detailed description is as follows: *Municipal multi-use building, 3,500 sf, stick built, 50’ x 70’. Function/Meeting Hall, Storm Shelter, Elections.*

During the meeting held on April 9, 2024, the Planning Board reviewed the Basic Performance Standards and §105-73.G ‘Standards applicable to conditional uses’. The Board stated a stormwater management plan needed to be provided, prior to approval.

Steve F. stated that a public hearing was just held for the municipal multi-use building, and he did not believe there were any new updates. He said the Board was waiting for the stormwater management plan, therefore, the Board needs to vote to table the application for up to 90 days. He asked the Town Administrator and Architect if there was anything new they wanted to bring up, or is everything standard. Mrs. Cavanaugh stated it was standard, just waiting for the stormwater plan.

Steve F. stated he would entertain a motion to table.

Ann H. made the motion to table the application for the municipal multi-use building, for up to 90 days, waiting for the Town to provide a stormwater report. Maggie M. seconded the motion. By a vote of 5 – 0, the motion to table was unanimous.

Nothing further was discussed.

Proposed Private Way – Map 11, Lot 23 (Newfield Road) – Joe Stanley, LinePro Land Surveying, Applicant; Bruce Wakita, Property Owner

Mr. Stanley was present for the review, along with Mr. Wakita.

Provided along with the application, was a Letter of Authorization that stated Bruce & Penny Wakita grants permission to Joe Stanley of LinePro Land Surveying to act as their agent in all aspects in order to obtain any and all permitting necessary from the Town of Shapleigh for their property located at 522 Newfield Road, Map 11, Lot 23, letter dated 3/15/2024.

Provided was a SAMPLE Road & Drainage Maintenance Agreement, which states *in part*: The right is reserved to grant appropriate easements and rights-of-way for the installation of utilities and for ingress and egress to all lots and land; the owners of lots, accessed by said road, shall jointly be obligated to maintain, repair, plow, sand and replace the road and drainage structures; the total money expended, shall be made and decided by the owners of each lot; each lot owners share of the reasonable charges for work undertaken shall constitute a debt owed to the other lot owners which may be collected in any court of competent jurisdiction in the State; the lot owners by majority vote may elect or appoint an agent who shall act on

behalf of the other lot owners; any lot owner shall have the right to invoke the remedy of arbitration to resolve a dispute arising out of this agreement; under no condition can the lot owners or a majority of them close the private road to travel and discontinue its maintenance unless unanimously approved by all lot owners; this Agreement and the covenants and conditions shall be binding upon the lot owners, their heirs and assigns, and shall be recorded in the York County Registry of Deeds.

Provided was the Maine Department of Transportation, Driveway/Entrance Permit for Bruce & Penny Wakita, Permit Number 39226 – Entrance ID: 1, dated March 27, 2024. The approved width is 22 feet, located 1459 feet East from Granny Kent Pond Road; GPS Coordinates: 43.614808N, -70.829142W, for a multi-family 5 or less. Also provided was a copy of the State of Maine, Department of Transportation, Entrance / Driveway Details.

Provided was a plan entitled, ‘Plan Showing a Proposed Private Way Made for Bruce Wakita, 486 Newfield Road, Shapleigh, Maine 04076 of Property Located on Newfield Road in Shapleigh, Maine’ drafted by Joseph L. Stanley, PLS #2453, dated April 2, 2024. The plan depicts the location of Newfield Road; the Proposed Private Way to Access 2 New Family Lots & Grantor’s Remaining Land; Proposed Lot A, containing 2.04± Acres; Proposed Lot B, containing 2.22± Acres; and the Proposed Remaining Land of Bruce & Penny Wakita, Tax Map 11, Lot 23. Abutting properties were on the plan, those being Joshua Givens & Autumn Hackett, Tax Map 12, Lot 41; Quality Properties, Tax Map 12, Lot 40; James & Pauline Gorman, Tax Map 11, Lot 23K; Wakita Living Trust, Tax Map 11, Lot 23P; Catrina, Joshua, James & Brianna Merrill, Tax Map 11, Lot 23M; Eric & Logan Colburn, Tax Map 11, Lot 23-9; and Thom Lakin, Tax Map 12, Lot 34B. A Road & Ditch Section was on the plan, along with a Sample of Typical Ditch Turnout & Level Spreader. Notes included: 1) Deed References; 2) Plan References; 3) Basis of Bearings; 4) Underground Utilities; 5) Road Records – Newfield Rd; 6) Zoning Information – General Purpose; 7) Private Way Note: *The proposed Private Way shown hereon is to remain a private road, and will be subject to a Road Maintenance Agreement. The Town of Shapleigh will not be responsible for the maintenance, repair, plowing or similar services for the private way, as shown hereon, and further lot divisions utilizing the private way is prohibited without prior approval of the Shapleigh Planning Board.*; and 8) Subdivision Definition. The Site Map, not to scale, was on the plan as well.

The application detailed description is as follows: *Construction of a new private way.*

Steve F. stated the next application was for a private way on Newfield Road. Mr. Stanley once again introduced himself, and stated he was representing the Wakita family for their family private way project off of the Newfield Road. He showed again, for anyone that had just come in, the general location of the project, using the plan provided, and showed where the location of Wakita Electric is in relation to the project and the closed Country Store. He said they are proposing a two lot private way, and are before the Board to seek approval this evening. He said the private way will service two lots at the end of the private road, which will be gifts to family members, the Wakita’s children. He said the lots are just over 2 acres in size, and there is a MDOT entrance permit for where the private way and the Newfield Road intersect, which states you can see safely in both directions.

Mr. Stanley stated that for the Planning Board, not many revisions were made to the plan from the first review. He stated he amended the plan and added Note 9, which states that the turnaround at the end of the road needs to be 24 feet in width on the traveled way, as opposed to the 16 feet. He said it was brought up at the last meeting, so they made sure that additional width was clarified on the plan. He said he was open to any questions the Board or the public may have.

Steve F. stated §105-60.1 is the Private Way ordinance. He stated the ordinance was reviewed at the last meeting and the plan met what is in the ordinance. He stated that Note 9 was not on the plan the Board had currently, so he asked Mr. Stanley to read what was contained in Note 9. Mr. Stanley read Note 9 as follows: *Per Town of Shapleigh Code, Zoning 105-60.1 Private Ways (2) “The hammerhead or T shall have a usable surface area that is a minimum of 24 feet deep and 24 feet wide.”* Steve stated this was under §105-60.1.E(2).

Steve F. stated that if the Board does not have any other issues or questions, we can move into the conditions.

The conditions of approval are as follows:

- 1) **The number of lots approved is (2) two; no further lots shall be created without the prior approval of the Planning Board.**
- 2) **The plan shall be recorded in the York County Registry of Deeds within ninety (90) days of the date of the Planning Board approval. If the plan is not recorded within this time period, the approval of the Planning Board shall be null and void.**
- 3) **The applicant has one year to begin the project and two years to complete the private way; otherwise, the permit becomes null and void.**

Steve asked if there were any other conditions? There were none noted. Steve stated he would entertain a motion.

Maggie M. made a motion to approve the private way per the plan provided by Joseph Stanley, dated April 12, 2024, to be located on Map 11, Lot 23, with the stated conditions. Ann H. seconded the motion. By a vote of 5 – 0, the vote to approve was unanimous.

Nothing further was discussed.

The Findings of Facts

- 1. The owner(s) of Shapleigh Tax Map 11, Lot 23 are Bruce W. and Penny C. Wakita, of 486 Newfield Road, Shapleigh Maine 04076, per Warranty Covenants, recorded at the York County Registry of Deed as Book 14154, Page 785, dated 7/13/2004.
- 2. The property is located in the General Purpose District, and according to the Assessor’s Office the land in total contains 63.67 acres.
- 3. Provided was a SAMPLE Road & Drainage Maintenance Agreement, which states *in part*: The right is reserved to grant appropriate easements and rights-of-way for the installation of utilities and for ingress and egress to all lots and land; the owners of lots, accessed by said road, shall jointly be obligated to maintain, repair, plow, sand and replace the road and drainage structures; the total money expended, shall be made and decided by the owners of each lot; each lot owners share of the reasonable charges for work undertaken shall constitute a debt owed to the other lot owners which may be collected in any court of competent jurisdiction in the State; the lot owners by majority vote may elect or appoint an agent who shall act on behalf of the other lot owners; any lot owner shall have the right to invoke the remedy of arbitration to resolve a dispute arising out of this agreement; under no condition can the lot owners or a majority of them close the private road to travel and discontinue its maintenance unless unanimously approved by all lot owners; this Agreement and the covenants and conditions shall be binding upon the lot owners, their heirs and assigns, and shall be recorded in the York County Registry of Deeds.

4. Provided was the Maine Department of Transportation, Driveway/Entrance Permit for Bruce & Penny Wakita, Permit Number 39226 – Entrance ID: 1, dated March 27, 2024. The approved width is 22 feet, located 1459 feet East from Granny Kent Pond Road; GPS Coordinates: 43.614808N, -70.829142W, for a multi-family 5 or less. Also provided was a copy of the State of Maine, Department of Transportation, Entrance / Driveway Details.
5. Provided was a final plan entitled, ‘Plan Showing a Proposed Private Way Made for Bruce Wakita, 486 Newfield Road, Shapleigh, Maine 04076 of Property Located on Newfield Road in Shapleigh, Maine’ drafted by Joseph L. Stanley, PLS #2453, dated April 12, 2024. The plan depicts the location of Newfield Road; the Proposed Private Way to Access 2 New Family Lots & Grantor’s Remaining Land; Proposed Lot A, containing 2.04± Acres; Proposed Lot B, containing 2.22± Acres; and the Proposed Remaining Land of Bruce & Penny Wakita, Tax Map 11, Lot 23. Abutting properties were on the plan, those being Joshua Givens & Autumn Hackett, Tax Map 12, Lot 41; Quality Properties, Tax Map 12, Lot 40; James & Pauline Gorman, Tax Map 11, Lot 23K; Wakita Living Trust, Tax Map 11, Lot 23P; Catrina, Joshua, James & Brianna Merrill, Tax Map 11, Lot 23M; Eric & Logan Colburn, Tax Map 11, Lot 23-9; Philip Bargioni, Map 12, Lot 34-3, and Thom Lakin, Tax Map 12, Lot 34B. A Road & Ditch Section was on the plan, along with a Sample of Typical Ditch Turnout & Level Spreader. Notes included: 1) Deed References; 2) Plan References; 3) Basis of Bearings; 4) Underground Utilities; 5) Road Records – Newfield Rd; 6) Zoning Information – General Purpose; 7) Private Way Note: *The proposed Private Way shown hereon is to remain a private road, and will be subject to a Road Maintenance Agreement. The Town of Shapleigh will not be responsible for the maintenance, repair, plowing or similar services for the private way, as shown hereon, and further lot divisions utilizing the private way is prohibited without prior approval of the Shapleigh Planning Board.*; 8) Subdivision Definition; 9) Hammer Head: *Per Town of Shapleigh Code, Zoning 105-60.1 Private Ways (2) “The hammerhead or T shall have a usable surface area that is a minimum of 24 feet deep and 24 feet wide”.* The Site Map, not to scale, was on the plan as well.
6. A notice to abutters within 500 feet of the property was mailed on Wednesday, April 10, 2024. Meetings were held on Tuesday, April 9, 2024, and Tuesday, April 23, 2024. A public hearing was held on Tuesday, April 23rd.
7. After review of Zoning Ordinance §105-60.1 ‘Private Way’s’, the Planning Board unanimously agreed to approve the Construction of a Private Way to access two back lots, per the plan entitled ‘Plan Showing a Proposed Private Way Made for Bruce Wakita, 486 Newfield Road, Shapleigh, Maine 04076 of Property Located on Newfield Road in Shapleigh, Maine’ drafted by Joseph L. Stanley, PLS #2453, dated April 12, 2024; as the private way depicted on the plan met all the requirements in the ordinance.
8. **The conditions of approval are as follows:**
 - 1) **The number of lots approved is (2) two; no further lots shall be created without the prior approval of the Planning Board.**
 - 2) **The plan shall be recorded in the York County Registry of Deeds within ninety (90) days of the date of the Planning Board approval. If the plan is not recorded within this time period, the approval of the Planning Board shall be null and void.**
 - 3) **The applicant has one year to begin the project and two years to complete the private way; otherwise, the permit becomes null and void.**

Decision:

The Construction of the Private Way plan drafted by Joseph Stanley, PLS #2453, dated April 12, 2024, entitled ‘Plan Showing a Proposed Private Way Made for Bruce Wakita, 486 Newfield Road,

Shapleigh, Maine 04076 of Property Located on Newfield Road in Shapleigh, Maine’, was unanimously approved.

Amendment to a Conditional Use Permit – Storage Building Attached to Existing Structure for Business - Map 11, Lot 23J (522 Newfield Road) – Wakita Electric / Bruce Wakita

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

Originally provided, along with the application was a copy of the Subsurface Wastewater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 10/5/2022, for a 3 bedroom single family dwelling.

Provided was the Maine Department of Transportation, Driveway/Entrance Permit for Bruce Wakita, Permit Number 30827 – Entrance ID: 1, dated March 14, 2022. The approved width is 22 feet, located at a point 805 feet North from Pine Springs Road; GPS Coordinates: 43.613767N, -70.826482W, for a Driveway to a Home Business, Storage, Commercial/Industrial.

Provided was part of a survey plan, which depicts the location of part of Newfield Road, the existing ‘Shop Building’, 40’ x 80’ Proposed addition to the shop; and some penciled notations that state the new building is 56’ to the road, and 95’ to the side lot line. Also penciled in is the location of the leachfield and septic tank, distances were not noted on the plan from the septic location to the structure or lot lines.

The application detailed description is as follows: *Cold Storage to replace existing portable building – same footprint (3200 sq. ft.) attached to existing structure.*

Provided this evening was a ‘Sketch Plan of Proposed Building Location Made for Bruce Wakita, 486 Newfield Road of Property Located on Newfield Road, Shapleigh Maine’, drafted by Joseph Stanley of LinePro Land Surveying, LLC in Springvale, Maine, dated April 23, 2024. The plan depicts the location of Newfield Road, and part of Map 11, Lot 23P. Also on the plan is the ‘Proposed Building Location’ (Exact Final Position Relative to Road to be Determined After Setbacks are Measured); Existing Shop Building (6” Gutter Drains); Existing Gravel; Existing Pavement; Existing Drainage Pond with 6” Drainage Pipe and 18” Plastic Culverts; Direction of Existing Drainage from Gutter Drains (Under Pavement); and Proposed Gutter Drains to Tie-Into Existing Drain System on Shop Building.

Steve F. stated that Mr. Wakita was up next for the storage building. Mr. Wakita stated that he wanted to do an amendment to his Conditional Use Permit to put up a 40’ x 80’ cold storage building, attached to his shop. He said he is replacing a tent / portable building that was there previously. He said the Board asked for water runoff, so he provided a plan for that.

Steve F. stated the Board had reviewed the Basic Performance Standards, and §105-43 ‘Off-street parking and loading’ would be the next item to review. He said there is plenty of parking showing on the plan.

Steve F. said the next thing is the review of §105-73.G ‘Standards applicable to conditional uses’, he noted this was an amendment to the original approval, and there are no significant changes on site, besides adding the cold storage. Steve reviewed 105-73.G, ‘Standards application to conditional uses’, as follows:

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat.
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies.
- 3) The use is consistent with the Comprehensive Plan.
- 4) Traffic access to the site is safe.

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

Steve F. stated the conditions are as follows:

- 1) **The new building shall be used for cold storage only.**
- 2) **There shall be no customers on site.**

Steve F. asked if there were any other conditions? Norman B. stated he had a question. He asked if the new building would be attached to an existing building? He also asked if this was anywhere near the private way that is proposed, and if it was on the same land? Mr. Wakita stated that it was attached and on a different lot. Norman asked if it was on the same side of the road? Mr. Wakita stated that it was, but he was not sure of the distance between the two. Mr. Stanley, using the private way plan, showed the proposed private way, noting the location of a strip of woods, then a residential house, then the location of the property boundary of the land the storage building will be located on. He said the storage building is on a separate tax map and lot.

Steve F. asked if there were any other questions? There were no other questions. Steve stated that in addition to the conditions noted, all other conditions of his previous permit would apply. He said if there were no other comments or questions he would entertain a motion.

Norman B. made the motion to approve the plan for a storage building on Map 11, Lot 23J, with the two conditions. Ann H. seconded the motion. By a vote of 5 – 0, the motion to approve was unanimous.

Nothing further was discussed.

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**The Findings of Facts**

- 1. The owner(s) of Shapleigh Tax Map 11, Lot 23J (Newfield Road) is Wakita Living Trust, C/O Bruce and Penny Wakita Trustees, mailing address of 522 Newfield Road, Shapleigh, Maine 04076, per Warranty Deed - Book 14801, Page 602, dated 4/7/2006 registered at the York County Registry of Deeds.
- 2. Provided along with the application was a copy of the Subsurface Wastewater Disposal System Application, drafted by Kenneth Gardner, SE #73, dated 10/5/2022, for a 3 bedroom single family dwelling.
- 3. Provided was part of a survey plan, which depicts the location of part of Newfield Road, the existing ‘Shop Building’, 40’ x 80’ Proposed addition to the shop; and some penciled notations that state the new building is 56’ to the road, and 95’ to the side lot line. Also penciled in is the location of the

leachfield and septic tank, distances were not noted on the plan from the septic location to the structure or lot lines.

4. Provided was the Maine Department of Transportation, Driveway/Entrance Permit for Bruce Wakita, Permit Number 30827 – Entrance ID: 1, dated March 14, 2022. The approved width is 22 feet, located at a point 805 feet North from Pine Springs Road; GPS Coordinates: 43.613767N, -70.826482W, for a Driveway to a Home Business, Storage, Commercial/Industrial.
5. Provided was a ‘Sketch Plan of Proposed Building Location Made for Bruce Wakita, 486 Newfield Road of Property Located on Newfield Road, Shapleigh Maine’, drafted by Joseph Stanley of LinePro Land Surveying, LLC in Springvale, Maine, dated April 23, 2024. The plan depicts the location of Newfield Road, and part of Map 11, Lot 23P. Also on the plan is the ‘Proposed Building Location’ (Exact Final Position Relative to Road to be Determined After Setbacks are Measured); Existing Shop Building (6” Gutter Drains); Existing Gravel; Existing Pavement; Existing Drainage Pond with 6” Drainage Pipe and 18” Plastic Culverts; Direction of Existing Drainage from Gutter Drains (Under Pavement); and Proposed Gutter Drains to Tie-Into Existing Drain System on Shop Building.
6. The detailed description of the project is as follows: *Cold Storage to replace existing portable building – same footprint (3200 sq. ft.) attached to existing structure.*
7. The application as presented met the Basic Performance Standards in the Zoning Ordinance, Article V; traffic access is safe, there is a Maine DOT entrance permit, #30827; there is no noise, dust, fumes or odors beyond the lots lines; a stormwater runoff plan was provided; existing screening shall remain in place; there is no outdoor storage of materials to affect water quality; the building is for cold storage only.
8. The application as presented shall meet the performance standards under §105-73 ‘Conditional Use Permits’ with conditions. The new building will not affect wildlife; it is not in the Shoreland District; the Comp Plan encourages small business; traffic access to the site is safe per the MDOT entrance permit; the structure is not located in the flood zone mapped by FEMA; the building is for cold storage only, no bathroom facility required; there is no hazardous waste associated with the application; a stormwater drainage plan was submitted; existing landscaping shall remain in place.
9. A notice was mailed to all abutters within 500 feet of the property on April 10, 2024. Meetings were held on Tuesday, April 9, 2024 and Tuesday, April 23, 2024. A Public Hearing was held on Tuesday, April 23rd.
10. The Planning Board unanimously agreed to approve the amendment to a Conditional Use Permit for a cold storage building for Wakita Electric on property known as Tax Map 11, Lot 23J, with two conditions.
11. **The condition(s) of approval are as follows:**
  - 3) **The new building shall be used for cold storage only.**
  - 4) **There shall be no customers on site.**

**Decision & Vote:**

**By a unanimous vote of 5 – 0, the amendment to the Conditional Use Permit to place a cold storage building for Wakita Electric, on property known as Tax Map 11, Lot 23J, with two conditions, per the information provided, was approved.**

**5-Lot Major Subdivision (Cluster) – Map 7, Lot 16-3 (34 Stone Post Road) – Stephen Harding of Sebago Technics, Inc., Representing; Debra St. Laurent & Bruce Picard, Property Owner(s)**

Stephen Harding was present for the review of the application, along with Mr. Picard.

Provided was the subdivision application, which reads *in part* as follows:

Name of Property Owner

& Applicant: Debra St. Laurent & Bruce Picard

Mailing Address: 9B Dutton Lane, Hollis, NH 03049

Authorized Agent Stephen Harding, PE

& Surveyor: Sebago Technics

75 John Roberts Road, Suite 4A, South Portland, ME 04106

Land Information:

Location of Property: Tax Map 7, Lot(s) 16-3

Zoning: General Purpose

No part of the property is within 250 feet of the high-water-mark of a pond or river.

Acreage to be developed: ROW = ±1.01; Lot Area = ±9.58 Acres; Open Space = ±1.15 Acres

Nature of Restrictive

Covenants: Participation in a maintenance agreement for roadway & drainage.

The land has not been part of a prior subdivision or other division in 5 years.

The land is currently wooded land, with a small campsite, with septic system and well.

The land contains no waterbodies and is not within a flood hazard area identified by FEMA.

Proposed Name of

Development: Picard Subdivision

Number of Lots: 5

Anticipated Date of

Construction: Start in summer of 2024, work on roadway

Anticipated Completion: Fall of 2025

The development currently has a road.

Estimated cost for infrastructure improvements is \$145,000.

The water supply shall be individual wells.

The sewage disposal shall be individual septic tanks.

Fire protection – Input from Fire Chief Guillemette is being sought on fire protection.

Common Land is proposed, estimated acreage to be ±1.2 acres.

Waivers to be determined.

Provided was an agent authorization for Stephen D. Harding, PE, from the owner(s) Debra St. Laurent & Bruce Picard, for Stone Post Road, Map 7, Lot 16-3, dated 4/10/2024.

Provided was a general site location map for 34 Stone Post Road, Tax Map 7, Lot 16-3.

Provided was a copy of the Warranty Deed, showing Debra A. St. Laurent, mailing address of 31 Page Road, Litchfield, NH 03052, and Bruce D. Picard, mailing address of 9 Dutton Lane, Hollis, NH 03049 as property owners. Deed registered at YCRD on 5/25/2021, Book 18678, Page 206.

Provided was a copy of 4 Test Pits, dated 3/4/2023, done by Gary M. Fullerton, LSE #355. (*One lot currently holds a state approved septic system – septic design not provided.*)

Provided was a copy of the soil map, which shows the majority of the site consisting of Colton Gravelly Sandy Loam, 8 to 15 percent slopes, with other soils being noted as Adams Loamy Sand, 0 to 8 percent slopes; Colton Gravelly Sand Loam, 0 to 8 percent slopes; Croghan Loamy Fine Sand, 0 to 8 percent slopes, and Naumburg Sand.

Provided was a copy of the FEMA Flood Map, the map indicated the proposed project in zone C identified as an area of minimal flood hazard.

Provided were several of the General Standards from Chapter 89 Subdivision of Land for the Town of Shapleigh. Those noted are as follows:

§89-24. **Conformance with Comprehensive Plan**

The proposed subdivision conforms with the Comprehensive Plan.

§89-25. **Retention of Open Spaces and Natural or Historic Features**

10% of the total area or 1.2 acres are proposed as open space. This space may be proposed as being dedicated to the Town of Shapleigh.

§89-26. **Land not Suitable for Development**

Calculations of lot area to meet the requirement of the minimum lot size did not include the following:

- Land which is situated below the normal high-water-mark of any water body, land which is located within the 100 year frequency floodplain as identified by FEMA.
- Land which is part of a right-of-way or easement, including utility easements.
- Land which has a water table within 10 inches of the surface for at least three months of the year as identified by the County Soil Survey.
- Land that has been created by filling or draining a pond or wetland.

§89-27. **Blocks**

The proposed private way does not exceed 1,000 feet between intersections & other streets.

§89-28. **Lots**

All lots meet the requirements of Chapter 105, Zoning, for cluster subdivision in the General Purpose District.

§89-29. **Utilities**

All proposed utilities are underground and will be installed prior to the installation of the final gravel base of the road.

§89-30. **Required improvements.**

- A. Monuments. All subdivision boundary corner and angle points have been marked.
- B. The proposed subdivision will have individual wells on each lot. Fire protection will be decided after discussed with Shapleigh Fire Chief.
- C. Sewage Disposal. The proposed subdivision will have individual septic tanks on each lot.
- D. Surface Drainage. The proposed subdivision is traversed by a stream. A 30-foot-wide drainage easement is proposed along the existing stream located on the property. The proposed stormwater management system is designed to prevent erosion, drainage, and runoff problems in the subdivision and other properties.

§89-31. **Land Features.**

Topsoil will not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations. Existing vegetation will be left intact outside of the limit of disturbance to prevent soil erosion.

§89-32. **Cluster Developments.**

B.(1)

- a) The preliminary estimate for infrastructure improvements is \$145,000. The applicant is a site contractor and will be performing the construction and then developing a cost for if a site contractor is hired to do the work.
- b) The cluster approach allowed the length of the private road to be shorter while still accessing all of the proposed lots. Less land is dedicated to the road infrastructure total tree removal of the project. The proposed subdivision also dedicates approximately 1.19 acres of open space, preserving the natural features of the site.
- c) The cluster approach will have little effect on the financial considerations of the municipality and school district. The cluster approach adds one lot to the proposed subdivision compared to a traditional subdivision approach. The lots are accessed by a private road and served by private water and sewer. Therefore, the financial impact of the cluster project will be incremental.

**C. Basic Requirements.**

- 1) The proposed cluster development meets all the requirements for a residential subdivision.
- 2) The proposed land is approx. 11.9 acres, meeting the 10 acre minimum.
- 3) Please see the subdivision plan for the location of all roads, structures, footpaths, and open space.
- 4) The proposed cluster development does not abut a waterbody, therefore this requirement does not need to be met.
- 5) The proposed cluster development does not have any shore frontage.
- 6) Buildings are not being proposed as part of this project.
- 7) The proposed common land is proposed to be dedicated to the Town.
- 8) Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited.
- 9) The proposed lots will be serviced by private individual wells.
- 10) The proposed lots will be serviced by individual subsurface waste disposal systems that meet State of Maine Plumbing Code.
- 11) All proposed lots have a minimum of 75 feet of road frontage.
- 12) No soil types classified by the Soil Survey of York County Maine as being poorly or very poorly drained are located on the project site.
- 13) Approximately .2 acres of land was removed from the proposed developable area due to soil types located on the property.
- 14) The proposed subdivision has the maximum number of lots proposed while still meeting the space and bulk criteria. The net residential density is equal to the net residential density in the General Purpose District.

**§89-33. Dedication and Maintenance of Common Open Space and Services.**

All proposed common land is proposed to be owned by the municipality. Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements of underground utilities, are prohibited. Please see the subdivision plan for the proposed location of the open space and notes indicating that it shall not be used for future building lots and that all of the common space may be dedicated for acceptance by the municipality.

**§89-34. Construction in Flood Hazard Areas.**

The proposed subdivision is not located in the special flood hazard area as identified by FEMA.

Provided was a Wetland Review Letter, drafted by Gary M. Fullerton, CSS, LSE, Director of Natural Resources, Sebago Technic, Inc., dated June 6, 2023. The letter stated in part the following:

The wetlands contained positive indicators of hydric soil, hydrophytic vegetation, and wetland hydrology. The soils were primarily the poorly drained Naumburg sand based on the York County Soil Survey. The wetland is classified as a seasonally saturated, broad-leaved deciduous, palustrine forested wetland. These wetlands were found on the western portion of the site and are associated with a drainage that enters the property under Stone Post Road through a 15 inch culvert.

There is a stream that starts within the wetland as shown on the plan and runs southwesterly through a steep, narrow gully onto the adjacent parcel. The stream starts in an area that appears to have been an old woods road where a channel was created by placing the stones to form two banks. The Maine DEP has jurisdiction within 75 feet of the stream. Any soil disturbance within this area may require a permit from the Maine DEP.

We also reviewed the site for vernal pools during the same visit and found no areas that contained sufficient ponding for vernal pool breeding habitat. No indicator species egg masses were found, therefore it is our opinion that no vernal pools exist on this property.

*Pictures were provided with the letter, of the 15 inch culvert under Stone Post Road, the forested wetland, stream starting point, downslope from the stream, and stream near the property line.*

Provided was a Stormwater Management Plan Report, dated April 2024, prepared by Sebago Technics, Inc. Provided were Existing Conditions; Soils; Proposed Site Improvements; Methodology for Hydrologic Analysis (100 Year Storm Frequency – 8.7 inches of Rainfall during a 24-Hr Period). The plan Summary is as follows: *The proposed development has been designed to manage stormwater runoff by generally maintaining existing drainage patterns and preventing the discharge of concentrated flow offsite to manage any potential erosion. Erosion and sedimentation control shall be implemented in accordance with the enclosed plans and narrative.* Appendix 1 – 100-Year Storm (HydroCAD) Summary. Appendix 2 – NRCS Soils

Provided were subdivision plans as follows:

- Sheet 1 of 7 – Cover of ‘Picard Cluster Subdivision, Stone Post Road, Shapleigh, Maine 04076, for: Debra St. Laurent & Bruce D. Picard, 9 Dutton Lane, Hollis, NH 03049’, drafted by Stephen D. Harding LPE #6633, Rev. A dated 4/12/2024. *The cover depicts a general view of the proposed subdivision.*
- Sheet 2 of 7 – Notes & Legend for ‘Picard Cluster Subdivision, Stone Post Road, Shapleigh, Maine 04076, for: Debra St. Laurent & Bruce D. Picard, 9 Dutton Lane, Hollis, NH 03049’, drafted by Stephen D. Harding LPE #6633, Rev. A dated 4/12/2024. *Sheet 2 lists the General Notes; Utility Demolition Notes; Grading & Erosion Notes; Construction Plan; Landscape Notes & Utility Notes.*
- Sheet 3 of 7 – Subdivision Plan for ‘Picard Cluster Subdivision, Stone Post Road, Shapleigh, Maine 04076, for: Debra St. Laurent & Bruce D. Picard, 9 Dutton Lane, Hollis, NH 03049’, drafted by Stephen D. Harding LPE #6633, Rev A dated 4/12/2024. *The plan depicts a cluster subdivision with a total of 5 lots proposed, sized as follows: Lot 1, 3.63 Acres; Lot 2, 1.47 Acres; Lot 3, 1.61 Acres; Lot 4, 1.43 Acres; and Lot 5, 1.39 Acres in size. Lots 2 through 5 show a test pit location on the property, Lot 1 contains an existing septic system and the approximate location was depicted, along with the existing well. The plan depicts the proposed subdivision road having a 50 foot ROW and a 16 foot travel way, ending in a cul-de-sac serving Lots 3, 4 and 5. Open space is indicated at the rear of the property, being 1.15 Acres in size. A drainage easement is noted adjacent to Lot 1. General Notes stated the parcel is approximately 11.91 acres; wetlands are delineated; and space and bulk criteria for a cluster subdivision in the general purpose district are noted. Abutters listed on the plan are as follows: David & Tiffany Riley, Map 7, Lot 16-3A; Raymond T Cadotte, Map 36, Lot 27; Arcand Family Trust of 2018, Map 36, Lot 28; Janet Degener Revoc Living*

*Trust, Map 36, Lot 29; Kevin Brown, Map 36, Lot 30 & Lot 31; Ralph & Susan Dean, Map 36, Lot 32; Janet Iosua, Map 36, Lot 33; Coady Living Trust, Map 36, Lot 33A; Jason & Sandra Brown, Map 36, Lot 34A & Lot 34; Lemaire Family Revocable Trust, Map 36, Lot 35; Thomas Small & Pamela Williams, Map 36, Lot 36, and the Town of Shapleigh, Map 7, Lot 16-4.*

• Sheet 4 of 7 – Private Way Plan for ‘Picard Cluster Subdivision, Stone Post Road, Shapleigh, Maine 04076, for: Debra St. Laurent & Bruce D. Picard, 9 Dutton Lane, Hollis, NH 03049’, drafted by Stephen D. Harding LPE #6633, Rev A dated 4/12/2024. *The plan shows the private way, elevations, and wetland areas. The plan notes are as follows:*

- 1. The original plan of the private way shall be recorded in the York County Registry of Deeds within 30 days of approval by the Planning Board.*
- 2. All construction and site alterations shall be done in accordance with erosion prevention provisions outlined in the ‘Maine erosion and sedimentation control handbook for construction Best Management Practices’. Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest revision.*
- 3. The private way shall be designed and constructed to conform to the standards for private ways as presented in the Town of Shapleigh Land Use and Development Code, Section 105-60.1, latest revision.*
- 4. The Town of Shapleigh shall not be responsible for the maintenance, repair, or plowing of the private way and that further lot divisions utilizing the private way are prohibited without prior approval of the Shapleigh Planning Board.*

• Sheet 5 of 7 – Grading, Utility and Stormwater Plan for ‘Picard Cluster Subdivision, Stone Post Road, Shapleigh, Maine 04076, for: Debra St. Laurent & Bruce D. Picard, 9 Dutton Lane, Hollis, NH 03049’, drafted by Stephen D. Harding LPE #6633, Rev A dated 4/12/2024. *The plan depicts, in addition to the proposed lots, the site elevations; Stabilized Construction Entrance; Double Row Filter Barrier adjacent to ROW; location for the installation of Erosion Control Blanket at Limits of Disturbance to Restore Existing Gravel Road; Stream Centerline / Stream 25’ Setback / Stream 75’ Setback; Single Row Filter Barrier along ROW; and a note that CMP to Extend Overhead Utilities Down Private Way. Proposed Well locations are on the plan for Lots 2 thru 5, along with the 100 foot Well Exclusion Zone for those wells.*

• Sheet 6 of 7 – Erosion Control Notes for ‘Picard Cluster Subdivision, Stone Post Road, Shapleigh, Maine 04076, for: Debra St. Laurent & Bruce D. Picard, 9 Dutton Lane, Hollis, NH 03049’, drafted by Stephen D. Harding LPE #6633, Rev A dated 4/12/2024. *Erosion Control Measures are listed for the Pre-Construction Phase, Construction and Post-Construction Phase. Also noted are the Erosion Applications & Measures; Dust Control; Temporary Vegetation; Permanent Vegetation; Seedbed Preparation; Application of Seed; Sodding; Standards for Timely Stabilization; Standard for the Timely Stabilization of Disturbed Slopes; Standard for the Timely Stabilization of Disturbed Soils; & Housekeeping. Winter Erosion Control Measures are also noted on the plan.*

• Sheet 7 of 7 – Details for ‘Picard Cluster Subdivision, Stone Post Road, Shapleigh, Maine 04076, for: Debra St. Laurent & Bruce D. Picard, 9 Dutton Lane, Hollis, NH 03049’, drafted by Stephen D. Harding LPE #6633, Rev A dated 4/12/2024. *Included on the details page are the following: Filter Barrier; Loam & Seed Section; Erosion Control Mix Berm; Stabilized Construction Entrance; Riprap Apron; Erosion Control Blanket and Gravel Road Section.*

Steve F. stated that the next review was for the 5 Lot subdivision on Stone Post Road. Steve stated, so that everyone understood what the Board was trying to do, two weeks from now there will be a public hearing for public comment. He said he wanted to encourage everyone this evening, if they had questions to take notes, write down their questions and they can submit them to Barbara F. or they can bring them to the next



meeting. He said tonight the Board’s job was to determine if they had a complete application, so they can move into the public hearing and the Boards site walk.

Steve F. asked Mr. Harding to begin his presentation. Mr. Harding introduced himself, that he was from Sebago Technics, and that he was representing Debra St. Laurent and Bruce Picard, to present the 5 lot subdivision off Stone Post Road. He said there was approximately 12 acres of land, they are proposing to use the cluster provision to create 5 lots, along with the roadway to service the lots. He said by using the cluster provision, it allows them to use a shorter road, and impact less of the actual site.

Mr. Harding stated that right now there is a culvert that goes underneath Stone Post Road, it’s a wetland area, then it turns into a stream, that goes around the property, then off site. He used the plan to show what he was speaking about. He stated that the roadway would be built to Town standards, there is overhead power that will be extended to the end of the roadway. He said each lot will have its own septic system and well. He said there was a passing test pit for each lot shown in the application, and Lot 1 had an existing well and septic, this lot currently has campers on it. He stated that the roadway itself would just be a gravel roadway going to a cul-de-sac, which is 100 feet in diameter. He said there would be a ditch on the uphill side of it, there is land that drains towards the property, it will be collected in the ditch, and a culvert would be placed to bring the water to the stream. He said the culvert will be a 24 inch culvert to pass the 50 year storm.

Mr. Harding stated that he spoke with the Fire Chief, he originally asked for a cistern to be implemented, and there is space to do that. He said the Fire Chief also said he would consider having each building sprinkled, so they are evaluating that. He said with the cluster provision there is an open space criteria, and there is an open space on the plan, which is greater than 10% of the lot area. He said it abuts the Town land, it might be a good piece to donate to the Town. He said they want to know more about how that works.

Mr. Harding asked if there were any questions? There were none.

Steve F. said the Board will start with the review of subdivision criteria in Chapter 89, to be sure the applicant is ready for the next meeting.

**Steve reviewed the criteria under Article X, General Standards, *in part*, as follows:**

**§89-23. Findings: burden of proof.** *In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a final plan. In all instances the burden of proof shall be upon the applicant.*

**§89-24. Conformance with the comprehensive plan.**

**§89-25. Retention of open spaces and natural or historic features.**

- A. ***Does not apply, the subdivision is less than 35 acres.***
- B. ***Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.... Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable, and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc., where necessary and appropriate.***
- C. ***Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.***

*Steve stated if this is something they want to consider, they should talk about it. Mr. Harding stated he wasn't sure if they do it after the preliminary step, or speak with the Select Board about the process. Steve stated that the Town votes every March to give the Selectmen the rights to accept land, so he thought they have the right. He said they will figure it out, what the process is.*

- D. *Land reservation shall be calculated on a basis of 1,300 square feet per dwelling unit proposed, or three acres per 100 dwelling units....*
- E. *The Board may require that the development plans include a landscape plan that will show the preservation of any existing trees larger than 24 inches in diameter at breast height, the replacement of trees and vegetation, graded contours and streams and the preservation of scenic, historic or environmentally significant areas. Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.*

**§89-26. Land not suitable for development.**

- A. *Land which is situated below the normal high-water mark of any water body.*
- B. *Land which is located within the one-hundred-year-frequency floodplain as identified by FEMA...*
- C. *Land which is part of a right-of-way or easement, including utility easements.*
- D. *Land which has a water table within 10 inches of the surface for at least three months of the year as identified by the County Soil Survey.*
- E. *Land that has been created by filling or draining a pond or wetland.*

**§89-27. Block**

*Not Applicable.*

**§89-28. Lots**

- A. *All lots shall meet the minimum requirements of Chapter 105, Zoning, for the zoning district in which they are located.*
- B. *Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.*
- C. *Lots with multiple frontage shall be avoided wherever possible.*
- D. *Wherever possible, side lot lines shall be perpendicular to the street.*
- E. *The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision.*
- F. *If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lots size, it may not be combined with a lot on the other side of the stream, tidal water or road to meet the minimum lot size.*
- G. *Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.*
- H. *Lots shall be numbered in such a manner as to facilitate mail delivery. ... The lot numbering shall be reviewed by the Postmaster and his comments considered by the Board. Steve stated that the applicant should get some guidance from the Postmaster with respect to a cluster mailbox.*

**§89-29. Utilities.**

- A. *Utilities shall be installed underground except as otherwise approved by the Board. Steve asked if there was a waiver for this? Mr. Harding asked if it had to be a waiver or could he just show it on the plan? Steve stated it had to be a waiver, placed on the final plan.*
- B. *Underground utilities shall be installed prior to the installation of the final gravel base of the road.*

- C. *The size, type and location of streetlights, electric and gas lines, telephone and other utilities shall be shown on the plan and approved by the Board. Steve asked if there would be any streetlights? Mr. Harding stated that they were not proposing any.*

**§89-30. Required improvements.**

The following improvements are required for all subdivision unless waived by the Board in accordance with provisions of these regulations:

A. Monuments.

- (1) *All subdivision boundary corners and angle points, as well as all lot boundary corners and angle points, shall be marked by suitable monumentation prior to approval.*

B. Water supply.

- (1) ***Does not apply, there is no public water system.***

- (2) *When the location of a subdivision does not allow for a financially reasonable connection to a public water supply system, the Planning Board may allow the use of individual wells or a private community water system.*

- (a) *Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other groundwater sources and shall be constructed so as to prevent infiltration or surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan. Steve asked if they had drilled wells on the plan. Mr. Harding stated that he was assuming that is what will be done.*

- (b) *If a central water supply system is provided by the subdivider the location and protection of the source and design, construction and operation of system shall conform to the standard of the Maine Rules Relating to Drinking Water.*

- (c) *The subdivider shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to the dry hydrants where necessary. Fire ponds and dry hydrants must meet the specifications of Shapleigh Fire Department. Mr. Harding stated that if they go this route the Fire Chief recommended a 10,000 gallon cistern. He said the other alternative is potentially sprinkling the building. Steve asked if the cistern was an underground tank? Mr. Harding stated that it would be, and there would be a dry hydrant so the Fire Department could haul water from it. Steve asked Fire Chief Guillemette if they maintain the cisterns yearly? FC Guillemette stated that they check on the cisterns yearly and if they need water, then they top them off. He noted that the Fire Department does not maintain around the hydrant, they do not mow the lawn and they do not plow, so this needs to be taken into consideration. He said there also needs to be a good gravel pad so they can pull up and the area will be stable to hold the fire equipment. Ann H. asked if there were sprinkler systems in the houses, who would regulate the pressure to be sure the system was functioning? She asked if the Fire Department regulated that. FC Guillemette stated they did not, the State Fire Marshal's Office would have guidelines. Ann asked if they prefer regulating the cistern, as a good safety measure for the houses vs a sprinkler system? FC Guillemette stated he was on the fence with sprinkler systems', he said if the power goes out or if it is a seasonal home, you have all that water sitting in the pipes, so there is a potential for failure. He added that sprinkler systems do save lives, and they cut the time the fire is burning, so the fire is put out quicker. He said just as long as something is put into place, it is better than not having something. A citizen asked if the cistern would have its own well? FC Guillemette stated it would be a manual fill. He stated the Fire Department would not fill it initially, it would be up to the developer, but they would top it off as needed.*

- C. Sewage disposal.
- (1) **Public system is N/A.**
  - (2) *Private systems.*
    - (a) *The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine licensed site evaluator. **Soil test pits were received for Lots 2 through 4.***
    - (b) *In no instance shall a disposal area be permitted on soils or on a lot which requires a new system variance from the Subsurface Wastewater Disposal Rules.*
- D. Surface drainage.
- (1) *Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water with the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer. **Steve noted there is a stream on site. Ann asked if they had the stormwater plan? Mr. Harding stated that he provided it. He said there is a culvert that goes under Stone Post Road, and there is a wide open wetland area, and a stream. He used the plan to show the location of where the stream runs. He said he wanted to create an easement for the area, and create a ditch along the side of the roadway, to catch the water that comes from about 7 or 8 acres offsite, going into the ditch, then through a 24 inch pipe and discharge into the stream. He said the remainder of the roadway, the water will drain off into the lots. He stated they will build the homes on the upper part of the lots and there will still be a wooded area on the lot to act as an informal buffer. Steve stated that the calculations for stormwater management are provided under Exhibit 9 in the application. Ann asked about the stream shown in the application, where it runs. Mr. Harding, using the plan, showed where the stream started and how it wraps around the property. He said the stream is on the property for about 300 feet. He thought they would make that area an easement for the stream.***
  - (2) *Drainage easements for existing watercourses....shall be provided and indicated on the plan at least 30 feet wide...*
  - (3) *The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties. Where the peak runoff from the subdivision onto other properties is increased either in volume or duration, easements from abutting property owners, allowing such additional discharge, shall be obtained.*
  - (4) *A stormwater drainage plan,,,,, meeting the standard of §89-38, shall be submitted.*

### **§89-31. Land features.**

- A. *Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking area and building excavations.*
- B. *Except for normal thinning, landscaping and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision. **Steve stated that he felt they were doing this with the use of a vegetative buffer. Mr. Harding stated they have an erosion control plan, using mulch, seed and those types of things. Steve asked what they were going to do on the southside, toward all the other lots, is it relatively flat in that area? Mr. Harding showed, using the plan, that up by the roadway it was relatively flat but it then sloped off. Steve said that a wooded buffer area in that location would be a good idea. Mr. Harding said it is not formal, as if you would do with the DEP you would stake***

*the area, they will just keep that portion of the side wooded and build the homes on the higher part of the site.*

- C. *To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a waterbody and extending 100 feet inland from all points... Steve said this project is outside of that, therefore it is not applicable.*

### §89-32. Cluster developments

A. Purpose

B. Subdivision procedure.

- 1) *The Planning Board shall require the lots of all major subdivisions to be reduced in size in return for open space, unless the Planning Board rules that clustering is not feasible due to topography, soils, or other immutable features of the property. The subdivision application shall be accompanied by:
  - a) *Written costs of infrastructure improvements.*
  - b) *A written statement describing the natural features that will be preserved by the cluster approach, including prime agricultural soils, if any.*
  - c) *A written statement comparing the financial impacts of the subdivision, with and without cluster, on the municipality and school district.**
- 2) *Within 45 days of receiving a complete subdivision application the Planning Board shall determine if the subdivision must be clustered. Steve stated the applicant is going with the clustered subdivision approach.*

C. Basic requirements.

- (1) *All cluster developments shall meet all requirements for a residential subdivision.*
- (2) *The minimum area of land in a cluster development shall be ten acres, except where there is public water and public sewer.*
- (3) *The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open space.*
- (4) *Where a cluster development abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.*
- (5) *In no case shall shore frontage be reduced below the minimum shore frontage normally required in the district.*
- (6) *Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes and natural drainage areas, in accordance with an overall plan for site development and landscaping.*
- (7) *All common land for recreational or conservation purposes shall be owned jointly or in common by the owners of the building lots, by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.*
- (8) *Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and building accessory to noncommercial recreational or conservation uses may be erected on the common land.*
- (9) *All dwelling units in a cluster development may be connected to a central water system, at no expense to the municipality. In cluster developments with individual lot sizes of 20,000 square feet or less, all dwelling units shall be connected to a common water supply and distribution system. Steve stated this is not applicable.*

- (10) *All structures with required plumbing in a cluster development shall be connected: to a public sanitary sewer system, if available; to a central collection and treatment system in accordance with sanitary provisions of this chapter, and at no expense to the Town; or to individual or shared subsurface waste disposal systems that meet Maine Plumbing Code standards. In cluster developments with individual lot sizes of 20,000 square feet or less, all dwelling units shall be connected to a public sewer system or to a central collection and treatment system.*
- (11) *Any lot abutting an accepted public road shall have a frontage and area no less than that normally required in the district. On proposed roads for the cluster development, lot area and road frontage may be reduced, provided that:*
  - a) *All lots except those abutting a circular turn-around shall have a minimum frontage of 75 feet. The frontage of lots abutting a circular turnaround maybe reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet. Steve asked what Lot 4 & 5 had for road frontage? Mr. Harding stated that they used the 75 feet. Steve added, ‘at the building envelope’. Mr. Harding said the 75 feet building envelope will be at the front setback, so there is 75 feet along those areas. Steve said he couldn’t tell on the small plan.*
- (12) *No building shall be constructed on soil types classified by the Soil Survey of York County Maine as being poorly or very poorly drained.*
- (13) *The maximum net residential density (i.e. the number of dwellings per acre, excluding roads) allowable in cluster developments shall be calculated on the basis described in the table below. For example, in developments where sewer service is not being provided, all of the “well-drained” and “moderately well-drained” land may be included in the density calculations, plus half of the “poorly drained” land.*

**Land Which May be Included as “Suitable Land”  
When Calculating Net Residential Density**

| <b>Excessively Drained, and Moderately Well-Drained<sup>1</sup></b> | <b>Poorly Drained and Somewhat Poorly Drained<sup>1</sup></b> | <b>Very Poorly Drained</b> | <b>Slopes Greater Than 33%</b> | <b>Borrow Pits</b> |
|---------------------------------------------------------------------|---------------------------------------------------------------|----------------------------|--------------------------------|--------------------|
| On public sewer:                                                    |                                                               |                            |                                |                    |
| 100%                                                                | 75%                                                           | 40%                        | 50%                            | 67%                |
| Not on public sewer                                                 |                                                               |                            |                                |                    |
| 100%                                                                | 50%                                                           | -----                      | -----                          | 33%                |

NOTES:

<sup>1</sup>Soil classification by the United States Soil Conservation Service. All “poorly” and “very poorly” drained soils are unsuitable for on-site sewage disposal, under the Maine State Plumbing Code.

- (14) *In order to determine the maximum number of dwelling units permitted on a tract of land, the total acreage allowed to be included in net density calculations (according to the table), less the land needed for the roads (including shoulders and drainage ditches), shall be divided by the minimum lot size required in the district. The extent of soil types in the six categories listed in the table shall be certified by a registered soil scientists licensed in the State of Maine, on a high-intensity soil survey map.*

Steve stated that the Board will talk about §89-33 at the next meeting when they know more about the land. Steve asked how big the strip of common land was. Mr. Harding stated it was 1.15 acres, because it needs to be greater than 10% of the total lots size. Steve asked if there was access to the common area? Mr. Harding stated there was no access from the roadway that has been created yet. Steve said that unless it goes to the Town, there needs to be. Mr. Harding agreed but if it went to the Town, he wasn't sure they needed access. Ann H. said it abuts the Town property. She asked if there was a roadway in to that area now? Steve said he did not know where the access was. Barbara F. stated that you cannot look at that. She said the Board has to approve the subdivision, then it goes to the Town to decide whether or not they want to accept the common land. She said the Board cannot look at this piece as 'the town is going to take it'. Ann said she was just asking about access. Barbara stated that access to the common land has to come from within the subdivision. Steve agreed that this is something that has to be looked at for the plan.

**§89-33. Dedication and maintenance of common open space and services.**

- A. *All common land shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association...*
- B. *Further subdivision of the common land or its use for other than noncommercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibit.*
- C. *The common open space shall be shown on the final plan with appropriate notation on the plan to indicate that:*
  - (1) *It shall not be used for future building lots; and*
  - (2) *A part or all of the common open space may be dedicated for acceptance by the municipality.*
- D. *If any or all of the common open space and services are to be reserved for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to final plan approval.*
- E. *Covenants for mandatory members in the homeowners association setting forth the owners' rights...shall be reviewed by the Board and included in the deed for each lot or dwelling.*
- F. *The homeowners association shall have the responsibility of maintaining the common property.*
- G. *The association shall levy annual charges against all owners to defray the expenses...*
- H. *The subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place.*

**§89-34. Construction in flood hazard areas.**

*Not applicable.*

**Steve F. stated the next item to review is Article XI – Street and Storm Drainage Design and Construction Standards.**

**§89-35. General requirements.**

- A. *The Board shall not approve any subdivision plan unless proposed street and stormwater management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.*
- B. *Subdividers shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile and typical cross-section of the proposed streets. The plans shall include the following information:*
  - 1) *Date, scale and magnetic or true North.*
  - 2) *Intersections of the proposed street and existing streets.*
  - 3) *Roadway and right-of-way limits, including edge of pavement, edge of shoulder, sidewalks and curbs.*

- 4) *Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainageways.*
  - 5) *Complete curve data for all horizontal and vertical curves.*
  - 6) *Turning radii at all intersections.*
  - 7) *Centerline gradients.*
  - 8) *Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting and cable television.*
- C. *Upon receipt of plans for a proposed public street, the Board shall forward one copy to the municipal officers, the Road Commissioner for review and comment.*

**Steve F. stated that there is an erosion control plan, and a street cross section.**

**§89-36. Street design standards.**

- A. *These design standards shall be met by all streets within subdivision and shall control the roadway, shoulder, curbs, sidewalks, drainage systems, culverts and other appurtances.*
  - B. *Streets shall be designed to discourage through traffic within a residential subdivision.*
  - C. *Wherever existing or other proposed streets, topography and public safety permit, streets shall run in east-west directions to maximize access for solar energy utilization. The character, extent, width and grade of all streets shall be considered in their relation to existing or planned streets.*
- Ann H. asked if there was the cross section for the road provided? Mr. Harding stated there was a typical road cross section on the plan. He believed it was Sheet 7 of 7. Ann thought the Road Commissioner needed to approve the street construction. Barbara F. stated the Town would also need a bond for the road and any other improvements, such as the cistern and utilities.**
- D. *Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the municipality.*
  - E. *Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.*
  - F. *Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of Chapter 105, Zoning.*
  - G. *Where a major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street.*
  - H. **Subdivision containing 15 dwelling units or more – Not Applicable**
  - I. **Street Design Standards –**
    - Minor Street – Servicing Less than 15 Lots
    - Minimum right-of-way – 50 feet
    - Minimum pavement width – 20 Feet (May be waived by Planning Board – see Note 2)
    - Minimum grade - .5%
    - Maximum grade – 5%
    - Minimum centerline radius – 150 feet
    - Minimum tangent between curves of reverse alignment – 100 feet
    - Roadway crown – ¼ ft.
    - Minimum angle of street intersections - 90°
    - Maximum grade within 75 feet of intersection – 2%



- Minimum curb at intersection – 15 feet
- Minimum right-of-way radii at intersections – 10 feet
- Minimum width of shoulders, each side – 3 feet
- J. *The centerline of the roadway shall be the center of the right-of-way.*
- K. *Dead-end streets. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turnaround with the following requirements for radii: Property line 65 feet; outer edge of pavement 50 feet. The Board may require reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic, utilities or continuation of the road where future subdivision is possible.*
- L. *Grades, intersections and sight distance:*
  - 1) *Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.*
  - 2) *All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.*
  - 3) *New street intersections or driveway curb cuts.*
    - a) *Where new street intersections or driveway curb cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:  
Posted speed limit: 25 mph – 250 feet; 30 mph – 300 feet; 35 mph – 350 feet; 40 mph – 400 feet; 45 mph – 450 feet; 50 mph – 500 feet.*
    - b) *Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.*
  - 4) *Cross (four-cornered) street intersections shall be avoided insofar as possible.*
- M. *(Reserved)*
- N. *Curbing – Not Applicable.*

**§89-37. Street construction standards.**

- A. *Minimum thickness of material after compaction shall be as follows:*
  - Aggregate subbase course (maximum sized stone 4 inches) – 18 inches
  - Crushed aggregate base – 3 inches
  - Hot bituminous pavement (if applicable)
    - Total thickness – 2 ½ inches
    - Surface course – ¾ inch
    - Base course – 1 ¾ inches
- B. *Preparation (see ordinance)*
- C. *Bases and pavement (see ordinance)*

**§89-38. Stormwater management design standards.**

- A. *Adequate provision shall be made for disposal of all stormwater generated within the subdivision and any drained groundwater through a management system of swales, culverts, underdrain and storm drains. The stormwater management system shall be designed to conduct stormwater flows to existing watercourses or storm drains.*
  - 1) *All components of the stormwater management system shall be designed to meet the criteria of a twenty-five year storm based on rainfall data for Portland, Maine.*
  - 2) *The minimum pipe size for any storm drainage pipe shall be 12 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.*
  - 3) *Catch basins shall be installed where necessary and located at the curblines.*

- 4) *Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce stormwater velocity.*
- B. *The stormwater management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.*
- C. *Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.*
- D. *Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.*
- E. *Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the stormwater drainage system.*

**§89-39. Storm drainage**

- A. *Materials (See ordinance)*
- B. *Drain inlet alignment shall be straight in both horizontal and vertical alignments unless specific approval of a curvilinear drain is obtained.*
- C. *Manholes – **Not applicable.***
- D. *Upon completion, each catch basin shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.*

**Steve F. stated stormwater management plans were provided in Exhibit 9 of the application materials provided.**

**§89-40. Additional improvements and requirements.**

- A. *Erosion control. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and cleanup stages.*
- B. *Cleanup. Following street construction, the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan and be suitably covered with fill and topsoil, limed, fertilized and seeded.*
- C. *Street names, signs and lighting. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall reimburse the municipality for the cost of installing street name, traffic safety and control signs.*

**Steve F. asked if the stumps would remain on site or would they be hauled off? Mr. Harding stated they will remain on site. Steve stated that area needs to be shown on the plan. Steve read Section B again.**

**§89-41. Certification of construction.**

*Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. As-built plans shall be submitted to the municipal officers. Steve stated that in the past most of the roads have remained private, so this didn't have to be done. He*

*asked Mr. Harding if this road would remain private? Mr. Harding stated that he believed it was the property owner's intent.*

**Article XII – Performance Guaranties.**

**§89-42. Types of guaranties.**

- A. *With the submittal of the application for final plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and inflation rate for construction cost:*
- 1) *Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;*
  - 2) *A performance bond payable to the Town issued by a surety company, approved by the municipal officers;*
  - 3) *An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the municipal officers.*

**Mr. Harding asked if this was for the road cost? Steve F. stated yes, and the amount is typically approved by the Road Commissioner and Select Board. Steve said they could deal with this at the next meeting. Mr. Harding asked if this was a condition of approval? Barbara F. stated that whatever form of guarantee is done, it has to be submitted within 90 days of subdivision approval, but the amount is determined before final approval. Barbara stated typically an estimated amount of gravel to do the road is provided, to help obtain an estimate. Mr. Harding asked if the Letter of Credit or Bond have to be submitted prior to construction? Steve stated that usually you must submit the bond within 90 days of approval. Barbara stated that the bond, letter or credit, etc. is returned or canceled once the road is completed. Barbara added that the completed road needs to get approved by the Road Commissioner, prior to the bond being released.**

**§89-43. Contents of guaranty.**

*The performance guaranty shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guaranty to the developer and a date after which the developer will be in default and the Town shall have access to the fund to finish construction.*

**§89-44. Escrow account.**

*A cash contribution to the establishment of an escrow account shall be made by either a certified check...direct deposit into a savings account or the purchase of a certificate of deposit.*

**§89-45. Performance bond.**

*A performance bond shall detail the conditions of the bond, the method of release of bond....*

**§89-46. Letter of credit.**

*An irrevocable letter of credit from a bank or other lending institution....*

**§89-47. Conditional agreement.**

**§89-48. Phasing of development.**

**§89-49. Release of guaranty.**

*Prior to the release of any part of the performance guaranty, the Board shall determine to its satisfaction, in part upon the report of the Road Commissioner, Code Enforcement Officer, and Planning Board Chairman that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.*

**§89-50. Default.**

*The municipal officers shall take any steps necessary to preserve the Town's rights.*

**§89-51. Private roads.**

*Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan. "All road in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."*

**§89-52. Improvements guaranteed.**

*Performance guaranties shall be tendered for all improvements required by §89-30 of these regulations, as well as any other improvements required by the Board.*

**Article XIII – Waivers**

**§89-53. Waiver of submission requirements or standards.**

*Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards, unless otherwise indicated in the regulations, to permit a more practical and economical development, provided that the public health, safety and welfare are protected.*

**Steve F. stated that the waivers spoken about were overhead utilities.**

**§89-54. Waiver of required improvements.**

*Where the Board makes written findings of fact that, due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not required to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.*

**§89-55. Conditions.**

*In granting waivers to any of these regulation in accordance with §89-53 and 89-54, the Board shall require such conditions as will assure the objective of these regulations are met.*

Barbara F. noted that the lots have to be pinned prior to approval (§89-30.A).

Steve F. stated one note he had was to show a wooded buffer on the plan, to protect the neighbors. He asked if the property owners would be open to that? Mr. Harding stated that he would have to speak with them about it. He said the topography did drop off at the back of the lot. He asked if Steve had a depth in mind for the buffer? Steve said he did not, but he knew there was a lot of development below this lot, and having some no-cut areas / a wooded buffer area to protect the abutters as well as the people in the subdivision, would be a good idea. Ann H. asked if the topography went down toward the abutters? Mr. Harding stated that it did. He said Sheet 5 of 7 showed it. He said where the road is, it is relatively flat, but as you get further onto the lots it gets steeper toward the abutters. Steve thought they would see this better at the site visit.

Steve F. stated that he wanted to speak with the Road Commissioner briefly about Stone Post Road. RC Rogers was in the audience. Steve stated that there was some question about the safety of getting fire equipment up Stone Post Road. He asked if this was a Town owned road? RC Rogers stated that it was Town owned and Town maintained, with a 50 foot right-of-way. He said half of Stone Post was improved, from Indian Village Road. He said they plan to improve the other half of the road, dig it out and improve it, and it was going to be last year, prior to all the weather events. He said they hope it will be this year. Steve said that it is on the docket to be improved. RC Rogers stated that it was, but he did not know when it would happen. Ann H. asked how wide it would be? RC Rogers stated that it was a 50 foot ROW, so they will probably do a 20 foot travel way. Steve asked if it would be just crushed gravel? RC Rogers stated that they would dig 2 or 3 feet out, as there is a hill with an issue with the cable wire, because the cable company will not raise it high enough, large trucks rub it. He said they will drop the road a few feet in one area, put 8 or 10 inches of base gravel, some drainage, and top it. Ann said after improvements it will be adequate for fire and safety equipment. RC Rogers stated that they hope so, but they cannot guaranty it, due to the ground water in the area. Norman B. asked if the road was paved? RC Rogers stated it was not, it is gravel. Norman asked if it was plowed? RC Rogers stated that it was plowed from Indian Village Road to Town Farm Road. Ann stated that it will be important that no water from the subdivision gets onto Stone Post Road. Steve said there is a stream and their runoff goes in a different direction.

**Steve F. stated that there will be site visit prior to the next review. Due to a conflict with the applicant, the next review will be Tuesday, May 28<sup>th</sup>. The site walk will be done at 5:00 pm on the 28<sup>th</sup>, and a public hearing will be held at 6:30 pm that evening as well.**

Steve said the public hearing will be a time for anyone to bring questions. A question was asked if the public can go to a site walk? The answer was yes. Steve noted there will be no meeting or discussion by the Board, just a review of the area.

Mr. Harding asked if the Board needed some markers? Mr. Harding stated there was an existing driveway that went onto the site, the road goes past the utility pole. He said there were some boundary markers, and there is a bit of a walking path.

Steve F. stated that the preliminary plan was complete. He said there are a few items that will need to be addressed, such as the common land, the bond amount, stumps, etc.

A citizen asked about the notice to abutters. Steve F. stated that the notice will go out after this meeting. He said this is the preliminary meeting, the Board makes sure the application is complete, then a notice to abutters goes out to anyone within 500 feet of the property. Steve stated the notice will let the abutters know there is a public hearing for the subdivision. A citizen asked if the next meeting would be the final meeting? Steve stated not necessarily, often times subdivision takes at least 3 meetings. He said at the first meeting the Board determines if the application is complete, talks with the applicant, makes sure it meets the ordinance and the Board makes notes. He said the applicant can revise the plan for the next meeting, based on the preliminary discussion. A citizen asked if there were booklets that have all the zoning. Barbara F. stated that there are not any at the moment, she would have to go on line to read the ordinances, they are located on Shapleigh.net. She said the subdivision ordinance is on line. Steve noted it was what he just read this evening. Barbara stated she understood her wanting a book in hand, but at present there aren't any.

Mr. Harding asked if their preliminary plan was complete? Steve F. stated that they need to show the waivers on the plan, the fact lots are to be serviced by drilled wells, and they have to figure out what they will do with respect to fire prevention. He said the Board will want to see the gravel pad and area to be maintained for the cistern. He said the mailbox location through the Postmaster goes on the plan. If they are going to

bury stumps on site, that area needs to be located. The private road notation needs to be on the plan. Access to the common area from the road. Ann added that the vegetative buffer should be on the plan.

A citizen asked if these would be year round homes? She asked if there was a document that they submitted that she could have a copy of, showing what they will have. Steve F. said the Board would not look at the houses specifically, the area is zoned for year round homes.

Nothing further was discussed.

**Proposed Private Way for John Mavrakos – Map 22, Lot 1 (84 Wardens Way) – Joe Stanley, LinePro Land Surveying, Applicant; William P. & Sean P. Dumont, Property Owner(s)**

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

Provided along with the application, was a Letter of Authorization, William/Sean Dumont grant permission to Joe Stanley of LinePro Land Surveying to act as their agent in all aspects in order to obtain any and all permitting necessary from the Town of Shapleigh for their property located on Map 22, Lot 1 (84 Wardens Way).

Provided was a copy of the Quitclaim Deed, granting Sean F. Dumont and William P. Dumont as Joint Tenants ownership; registered at the YCRD on 9/6/2018, Book 17795, Page 27.

Provided was a copy of a Sample Road & Drainage Maintenance Agreement, which states *in part*: The right is reserved to grant appropriate easements and rights-of-way for the installation of utilities and for ingress and egress to all lots and land; the owners of lots, accessed by said road, shall jointly be obligated to maintain, repair, plow, sand and replace the road and drainage structures; the total money expended, shall be made and decided by the owners of each lot; each lot owners share of the reasonable charges for work undertaken shall constitute a debt owed to the other lot owners which may be collected in any court of competent jurisdiction in the State; the lot owners by majority vote elect or appoint an agent who shall act on behalf of the other lot owners; any lot owner shall have the right to invoke the remedy of arbitration to resolve a dispute arising out of this agreement; under no condition can the lot owners or a majority of them close the private road to travel and discontinue its maintenance unless unanimously approved by all lot owners; this Agreement and the covenants and conditions shall be binding upon the lot owners, their heirs and assigns, and shall be recorded in the York County Registry of Deeds.

Provided was a ‘Plan Showing a Proposed Private Way & Lot Division Made for John Mavrakos, P.O. Box 217, Springvale, Maine 04083’, drafted by Joseph Stanley PLS #2453, dated April 16, 2024. Depicted on the plan was Shapleigh Tax Map 22, Lot 1, divided into two lots, both lots being served by the proposed private way. One lot is depicted as being 4.43 ±Acres, lot to be retained by the current owner(s) William & Sean Dumont. The second lot is being depicted as being 2.34 ±Acres, lot to be transferred to John Mavrakos. The plans shows the existing Gravel Drive, a Camper, Shed, and Proposed 50’ Wide Private Way Along Existing Driveway Named “Twins Way”, and part of the proposed turn-around area on Lot 1; Oak Tree, Gravel Drive, Tree & Gravel Line at Bottom of Bank, along with part of the proposed turn-around area located on Proposed Outsale / second lot. Abutters noted on the plan are: Robert & Celina Torno, Tax Map 22, Lot 1A; Mary Peterson, Tax Map 3, Lot 3; Andrew Townsend, Tax Map 21, Lot(s) 45 & 43A; Kevin Lapierre & David Dorwart, Map 21, Lot 43. A Road & Ditch Section was depicted; Site Map (not to scale); House lot Development / Example Best Management Practices Diagrams, and Sample of Typical Ditch Turnout & Level Spreader. Typical Notes were written, along with Note 6. Private Way Note: *The proposed Private Way shown hereon is to remain a private road, and will be subject to a Road Maintenance Agreement. The Town of Shapleigh will not be responsible for the maintenance, repair, plowing or similar*

*services for the private way, or shown heron, and further lot divisions utilizing the private way are prohibited without prior approval by the Shapleigh Planning Board.*

Steve F. stated that Mr. Stanley was back for the Private Way for John Mavrakos, he asked Mr. Stanley to let the Board know what they wanted to do.

Mr. Stanley introduced himself once again, he said he was proposing a private way. He stated it was a 50 foot right-of-way to create road frontage and access for one lot, which is approximately 2.3 acres. He said it was situated on Mousam Lake, it is an open and flat site. He said there is a series of gravel roads on the property; they are looking at upgrading the one in the middle where necessary to create a private road that meets Town standards to access the single lot. He showed where the lake was located using the plan, and said the majority of the private way they will be upgrading is situated outside the Shoreland Zone. He pointed out the 250 foot line to the water, along with the 100 foot setback to the waterbody. He said they were proposing most of the road to be outside of the 250 foot Shoreland Zone, except for a small portion of the emergency turn-around. He said there are some existing smaller freshwater ponds at the back of the property, which there are 75 foot setbacks from the DEP Resource Protection Act, that are shown as a purple line on the plan and everything is outside of the 75 foot line, as well as the easement and travel way. He thought the plan was straight forward, there were the typical cross sections and specifications on the plan. He said the only different thing is it is an open flat site and it is close to Mousam Lake.

Norman B. asked if this is where the barge parks? Mr. Stanley and Steve F. stated it was. CEO Demers stated this is where they used to park, he noted the barge is gone. Steve F. asked Barbara F. to pull up the reclamation plan for the barge application, so the Board can see if it was completed.

Steve F. asked Mr. Stanley if there was enough property to split the remaining lot again? Mr. Stanley said it was close, but noted he hadn't looked at that. He said there was a large hill on the property and in 2014 there was approval for a camper site; there was an area on the lot that was unusable due to a slope, and there were many pine trees on it. He said they tried to create a lot that could house a structure. Steve said he asked in case they were thinking about it, they may want to do it now, to avoid having to come back. Steve thought it may restrict future development, if they have the private way approved for just the one lot. Mr. Stanley stated that part of the reason to not head in that direction, it would kick them into a full blow subdivision. He said that everyone involved understands, if they create another lot, they have to go back before the Board for approval. He felt doing it this way made it straight forward without additional subdivision requirements. Ann H. asked if there were any houses out there at this time? Mr. Stanley stated no, there was only a shed and camper that the Dumont's currently use. He said there is no primary residence on the property, but there are power poles servicing the camper pad.

**Steve F. reviewed 105-60.1 Private Ways as follows:**

The Planning Board shall approve the use of a fifty (50) foot wide private right-of-way to provide frontage and access to individual lots of land in accordance with the following provisions:

- A. A plan showing the private way shall be prepared by a registered land surveyor or licensed engineer. The plan shall be labeled "Plan of Private Way" and shall provide an approval block for the signatures of the Planning Board members. The plan shall delineate the proposed way and each of the lots to be served by the private way. *This requirement is met.*
- B. A street plan, cross section, and drainage plan shall be submitted for each private way.

- C. The plan shall bear notes that the Town of Shapleigh will not be responsible for the maintenance, repair, or plowing of the private way and that further lot divisions utilizing the private way are prohibited without prior approval of the Shapleigh Planning Board. ***This is on the plan.***
- D. If the private way is to provide access to two (2) or more lots, a maintenance agreement shall be required by the Planning Board and recorded in the York County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way. ***The Sample maintenance agreement was provided.***
- E. The construction of private ways shall meet the following minimum standards:

|                                                    | Number of Lots Served |                  |
|----------------------------------------------------|-----------------------|------------------|
|                                                    | 1                     | 2 or more        |
| Minimum Roadway Width                              | 12'                   | 16'              |
| Minimum Subbase (Heavy Road Gravel – max. size 4") | 12"                   | 15"              |
| Wearing Surface (Crushed Gravel)                   | 2"                    | 2"               |
| Maximum Length of Dead End                         | 1500'                 | 1500'            |
| Maximum Grade                                      | 10%                   | 8%               |
| Minimum Grade                                      | 0.5%                  | 0.5%             |
| Turn Around at Dead End                            | Hammer Head or T      | Hammer Head or T |

- (1) One turnout to provide space for 2 vehicles to pass shall be provided for every 500 feet of private way.
- (2) The Hammerhead or T shall have a useable surface area that is a minimum of 24 feet deep and 24 feet wide. ***The turnaround is on the plan. 16 foot travel way is on the plan.***
- F. The plan shall be recorded in the York County Registry of Deeds within ninety (90) days of the date of the Planning Board approval. If the plan is not recorded within this time period, the approval of the Planning Board shall be null and void.
- G. When the private way permit has been secured under the provisions of this chapter by vote of the Planning Board, the applicant has one year to begin the project and two years to complete the private way; otherwise, the permit becomes null and void.
- H. After a private way has been approved by the Planning Board to provide access to a lot or lots, no further lots shall be created which are to be provided access by means of the private way without the prior approval of the use of the private way for access to such lots by the Planning Board. ***Two lots are being created, additional lots will have to come back before the Board for approval.***
- I. The applicant shall pay a Private Way Application fee of \$100, payable to the Town of Shapleigh, prior to review of the Private Way application by the Planning Board. ***Application fee was received.***

Steve F. asked if there were any questions or comments? Fire Chief Guillemette stated that he had only been out there once. He asked if there was good access to be able to turn onto the lot? He thought there might be a gate? Mr. Stanley stated there was a gate, but it was on Mr. Torno’s property, heading down town Wardens Way, not on this property. He said this property is the gravel left-hand-turn before that gate. He said the gravel entrance is probably about 30 feet wide.

Steve F. asked the Road Commissioner Rogers, if he had any issues? He had none. Norman B. noted it was the southern district, not RC Rogers district. Steve asked if the CEO had any issues? He had none.



**Steve F. stated the next meeting will be Tuesday, May 14<sup>th</sup>, and there will be a public hearing at 6:30 pm, and a notice to abutters mailed. Steve stated a site walk will be done on an individual basis.**

Mr. Stanley said there is a huge oak tree on site, that you can use as a marker. He said you come down the center drive and it ends where the oak tree is.

Steve F. told Mr. Stanley that there was a previous approval on the property for the barge, and there was a reclamation plan, so he asked Barbara to see what was supposed to be done. The Board will look at that plan to be sure it was done. CEO Demers agreed that the barge was removed from the lake, the applicants sold it, so that Conditional Use is no longer valid. He said the DEP was satisfied with the site. Steve wanted to be sure the reclamation plan was completed. Ann H. asked CEO Demers if he had a copy of the DEP’s approval? CEO Demers said he didn’t get anything from the DEP. Ann said she didn’t know if the applicants provided him with a copy? They did not. Steve said the Board will look at what the Board required, he didn’t care what the DEP required.

Nothing further was discussed.

**Other:**

**Steve F. stated the Planning Board received an email, dated 4/21/2024, it read as follows:**

*I would like to make some suggestions pertaining to subdivisions and building.*

*It would be greatly appreciated that all landowners would receive letters notify them when land surveyors need to access our property. We do not enjoy all of a sudden having strange people walking all over our property. I feel like it is a violation of my rights and in today's world scares me. Receiving a notification of approximate dates would help relieve some of the stress. I fear for my safety and also the people doing the surveying. (Do not enjoy coming home to this scenario)*

*I have also notice that the modifications to Stone Post Rd have been good in that having another way out but, has caused other issues in that I have seen flooding this spring in other areas. The 5 acres (Map 007, Lot 016, A) that abuts my 6 acres (Map 007, Lot 016, B), floods down by the telephone pole where the group of pine trees are (not on the road) but, on their property.*

*Also the culvert on Stone Post Rd needs to be fixed because at times it almost goes above capacity, meaning that the plastic drainage pipe going through road has no space or barley any and is filling in of to the side. Should it be dug out made wider/deeper and have rocks in it similar to what was done on the Indian Village Rd culvert? Also the gravel is being washed down the road landing in my driveway and corner of land by the street sign. (My snowblower loves spitting the gravel out, never had this problem before it was just water and sand.)*

*Thank you for your time and would appreciate a response.*

*Barbara Fuessel  
55 Stone Post Rd*

Steve F. stated notices will be going out to abutters. He said the Board can give a copy of this letter to the Road Commissioner. Steve said there is a culvert issue. Road Commissioner Rogers stated that there are new culverts sitting on the side of the road that need to be installed. He said that the property across the street from Barbara had been contacting him also. He said there still is work to do on that road.

Steve F. stated there was a Notice of Violation for a Retaining Wall, Map 17, Lot 25, notice dated 4/12/2024. CEO Demers said they were working on an application, and they planned to be before the Board for the next meeting. He said he met with the applicant, they took measurements, and the area was professionally surveyed. He said they are getting some before and after pictures, so they can get the issue straightened out. Steve said he wasn't sure where this falls with respect to permitting vs enforcement. CEO Demers stated it was earth moving in the Shoreland Zone, there will need to be a revegetation plan, it is an after-the-fact permit. He said they are trying to locate the walls and rebuild close to what they were before. He said the one wall on the water hasn't been touched yet thankfully. Steve asked if they could fall under the 2 foot height? CEO Demers said if there were walls there beforehand, they are able to replace them. He said the 2 foot retaining wall rule, would require revegetating the area back to natural state, which is not their goal. Steve just wanted to know if it was brought up to them as an alternative. CEO Demers said no, because they have a path forward with walls that were there.

Nothing further was discussed.

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**Growth Permits**

**Map 19, Lot 22 (30-6<sup>th</sup> Street) – New Home – Mapes**

**GP #07-2024**

This home was approved as a best practical location previously.

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**The Planning Board meeting adjourned at 8:30 pm.**

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

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

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

Respectfully submitted,  
Barbara Felong  
Land Use Secretary  
Town of Shapleigh