

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, January 10, 2006

Members in attendance: Roger Allaire (Chairman), Madge Baker (Vice Chair), Lauren Meek, Diane Srebnick (Alternate) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Diane Srebnick was an acting regular member this evening replacing John Klimas who was unable to attend.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, December 27th were accepted as written.

Review of Growth Permit Application(s)

The following Growth Permit(s) were issued:

GROWTH PERMITS 2006

NAME	Map / Lot	Address	Date / Time Received	Growth Permit #
1. Jeremie Montgomery	3 / 12B	Rte 11 (Shapleigh Corner Rd.)	8/2/05 9:00 a.m.	01-06
2. James Frasier	11 / 23L	Newfield Road	8/2/05 9:01 a.m.	
3. James Frasier	11 / 23L	Newfield Road	8/2/05 9:02 a.m.	
4. Bruce & Penny Wakita	11 / 23	Newfield Road (Granny Kent)	8/2/05 9:03 a.m.	
5. Bruce & Penny Wakita	11 / 23	Newfield Road (Granny Kent)	8/2/05 9:04 a.m.	
6. JoAnne Henry	2 / 34 B-1	Walnut Hill Road	8/2/05 9:05 a.m.	02-06
7. Wilfred Taylor	11 / 28-17	Green Ghost Road	8/2/05 9:06 a.m.	03-06
8. Mary Taylor	11 / 28-15	Ridge Road	8/2/05 9:07 a.m.	04-06
9. Ellen Stanton	7 / 3 KP 9*	8 Log Cabin Road Kettle Pond Condo #9	8/2/05 9:08 a.m.	05-06
10. Bradley Penny	45 / 4A	Bodwell Mill Lane	8/2/05 9:09 a.m.	06-06
11. Nicholas Gallant	6 / 53E	County Road	8/2/05 9:10 a.m.	07-06

12. Gerald & Donna Gallant	6 / 23B	Old County Road	8/2/05 9:11 a.m.	08-06
13. William & Krista Kenny	6 / 58A	Back Road	8/2/05 9:12 a.m.	09-06
14. William & Krista Kenny	6 / 58A	Back Road	8/2/05 9:13 a.m.	10-06
15. J.P. Construction Inc.	6 / 53B-1	County Road	8/2/05 9:14 a.m.	11-06
16. Scott McKenney	8 / 44A	Garland Road	8/2/05 9:17 a.m.	12-06
17. Matthew Poisson	41 / 35	Ridge Rd & Ridgeway Rd.	8/2/05 9:18 a.m.	13-06
18. JoAnne Weiss	31 / 12*	34 Cillie Road	8/2/05 9:19 a.m.	14-06
19. Marylu Taylor	11 / 28-16	Green Ghost Road	8/2/05 9:20 a.m.	15-06
20. Sherman & Bethanne Harmon	6 / 23	County Road	8/2/05 9:21 a.m.	16-06
21. Sherman & Bethanne Harmon	6 / 23	County Road	8/2/05 9:22 a.m.	17-06
22. Richard & Rosemarie Glidden	33 / 51	Treasure Island Lot #51	8/2/05 9:22 a.m.	18-06
23. Susan & Lianne Fratus	7 / 5F	Hodgdon Road	8/2/05 9:23 a.m.	19-06
24. Ralph & Kenneth Fratus	7 / 5-1	Hodgdon Road	8/2/05 9:24 a.m.	20-06
25. Ralph & Kenneth Fratus	7 / 5-2	Hodgdon Road	8/2/05 9:25 a.m.	21-06
26. John Coon	6 / 43	County Road	8/2/05 9:26 a.m.	22-06
27. William Small	10 / 2-2	Town Farm Road	8/2/05 9:27 a.m.	23-06
28. Jeff Morrison (H. Craig Higgins Sub)	10 / 2, 6A & 7	Town Farm Road	8/2/05 9:28 a.m.	24-06
29. Robert Lachance & Virginia Haley	21 / 30	91 24 th Street	8/2/05 9:31 a.m.	25-06
30. Carol Rogers	39 / 51	Swan Circle Granny Kent Pond	8/2/05 9:33 a.m.	26-06
31. Leanard & Donna Spallone	27 / 1	197 16 th Street Loop	8/2/05 9:34 a.m.	27-06
32. Nicholas White	12 / 35B	Rainbow Road	8/2/05 9:36 a.m.	28-06
33. Laurent & Tammy Caron	12 / 34-2	Granny Kent Crossing	8/2/05 9:37 a.m.	29-06
34. Peter Fuller	7 / 35	Jones Road	8/2/05 9:38 a.m.	30-06

*Seasonal Conversion

** Apartment

Map 11, Lot 23 and Lot 23L (numbers 2 thru 5 on the Growth Permit list) were reviewed in detail and it could not be determined whether or not there had been a recent division of Lot 23 and if so, was the new lot a gift to a relative or a sale. In light of this, more information would be necessary from the applicants to determine whether or not any additional lots or homes on this property would be required to go through subdivision. Also, the amount of road frontage for each new lot was not depicted, therefore Roger A. told the applicants to be certain they would have at least 200' of road frontage for each home / lot.

The applicants will gather additional information and will return for a final review of their application on Tuesday, January 24th.

While reviewing Peter Fuller's Growth Permit 30-06, Map 7, Lot 35; an abutter to the property, Mrs. Donna Johnson asked to speak to the Planning Board about her concerns with respect to this piece of property.

Mrs. Johnson stated that after reviewing her deed and site plans, she believed Mr. Fuller had encroached onto her property with his property lines approximately 151+ feet. Mrs. Johnson showed the Planning Board a copy of the survey done for Lot 35, by Maine Boundary Consultants, which was registered at the YCRD on 1-15-04. Mrs. Johnson pointed out that this new boundary survey did not match her boundary survey and that when she tried to contact Maine Boundary Consultants they would not even consider discussing the situation with her. Mrs. Johnson also believed that her boundary pins had been moved during the boundary survey by Maine Boundary Consultants.

Mrs. Johnson stated that she had also contacted Tom Worcester of Real Estate 2000 expressing her concerns at the time he had the piece of property listed for sale. Mr. Worcester did not seem concerned.

Madge B. read the copy of the deed presented by Mr. Fuller with his Growth Permit application. After reading the deed, which did depict a legal lot, Madge stated that the Planning Board only had the authority to review the Growth Permit with the material presented which in this case was a legal deed. The Planning Board had no authority to make a decision with respect to any land disputes that would be a civil matter. Roger A. agreed.

Mrs. Johnson stated that she had contacted Attorney Robert Ferguson to ask his opinion. Roger A. stated that seeking legal council would be what the Planning Board would recommend. Roger added that a lawyer could prevent Mr. Fuller from building on this lot pending the outcome of the land dispute.

Mrs. Johnson also was concerned that the survey Mr. Fuller was given for his property was inaccurate and she had been told that Maine Boundary Consultants had had complaints filed against them for moving property boundary pins. Mrs. Johnson stated that Mr. Fuller may not even be aware that there is a problem with the lots lines.

Madge B. and Roger A. again stated that this was a civil matter and they stated it was best Mrs. Johnson obtain legal advice.

Nothing more was discussed.

Best Possible Location – Raise Camp – Map 40, Lot 24 (255 Granny Kent Pond Road) – Maribeth & Alfred DiVeglia

Mr. and Mrs. DiVeglia were present to discuss their application.

At the previous Planning Board meeting the applicants stated they would like to raise the foundation of the existing camp because during times when the water table is high they get water in the basement; it goes in under the existing sliding glass door. The applicants provided a sketch which contained the location of the property, the location of the existing camp, septic system and well in relation to the lot line. Pictures were also received showing water coming in under the existing sliding glass door onto the basement floor.

Roger A. reminded the applicants that they could not raise the camp more than 36" in height total. The applicants stated they understood. Mrs. DiVeglia stated they would like to set the camp on pressure treated wood as a sill plate, then onto the concrete block. She asked if this would be a problem? Roger stated that as long as the height did not go over the 36" maximum allowed, it was not a problem. Steve M., CEO, stated he would discuss this with the applicants when they came for their permit.

After reviewing the application, Roger asked if there were any additional questions? There were none.

Madge B. made the motion to approve the Best Possible Location to raise the existing building no more than an additional three feet adding to the foundation under the existing cottage with the following condition:

- 1) Erosion control measures prior to construction shall be by Best Management Practices. Additional erosion control measures shall be put in place as soon as practical after the new foundation is completed. These measures should include bark mulch and plantings.**

Lauren M. 2nd the motion. All members were in favor.

Nothing more was discussed.

Other:

- Citizen Carl Robinson presented to the Planning Board an alternative to the previously proposed Zoning change for Formula Restaurants, it read as follows:

Should the Town of Shapleigh allow fast food restaurants and other forms of businesses that have a predetermined formula for menu, style of dress, interior décor, etc. as long as they meet all the town building codes, locate in areas that have been designated for this type of endeavor in the comprehensive plan, and are compatible with the architecture of the surrounding area so as to permit the town to maintain its basically rural village atmosphere?

Mr. Robinson believed presenting this idea in this manner, addressing architecture, may be the better way to present it to the townspeople, still regulating the restaurants but not banning them altogether.

- Diane S. once again brought before the Planning Board her proposal adding restrictions to Formula Restaurants to the Zoning Ordinance. Diane stated the following:

- Shall the Town of Shapleigh establish a definition for formula restaurants?
- A formula restaurant requires a Conditional Use Permit in which the following conditions may be applied by the Planning Board.
 - 1) Compatibility of the architectural design and color scheme proposed for the formula restaurant in keeping with the aesthetic character of the town.
 - 2) To be located only on Rte. 109 and Rte. 11 from the intersection of the 4 corners traveling north in keeping with the towns comprehensive plan in the towns permitted zones.

Steve M., CEO, was concerned with who would make the decision of what designs would be permitted and what color schemes. He also added that through the appeal process a formula restaurant could come in and have their design or color scheme permitted stating they felt it was in line with the character of the town. He wanted the Planning Board aware that the concept was a good one but may not solve the problem of formula restaurants and their design concepts. Madge B. agreed the applicants could fight the ordinance stating it was unconstitutional.

Lauren M. stated that the town of Cape Elizabeth has in place a ban on “no drive-thru’s”. This has eliminated many new businesses from coming in that would be classified as a formula restaurant.

Roger A. noted that in Zoning Ordinance 105-32 “Relation of proposed building to environment.” The concept of visual relationship to the existing buildings is addressed, the building must “harmonize with surrounding properties, and be designed so as not to be architecturally incompatible in terms of scale, height, window size and roof pitch”.

In conclusion, the Planning Board agreed that at this time the concept of regulating Formula Restaurants need not be addressed.

- Madge B. stated once again she was working on changes to the Zoning Ordinance and Subdivision Ordinance with respect to a cluster development. After her discussion, the Planning Board members agreed the following would be presented to the townspeople at Town Meeting in March 2006:

89-32. Cluster developments.

A. Purpose. The purpose of these provisions is:

- (1) To allow for new concepts of housing development, including developments for manufactured housing units, where maximum variations of design may be allowed.
- (2) To protect natural resources, including but not limited to agricultural soils, unfragmented forest, undisturbed wetlands and vernal pools, and aquifers.
- (3) To reduce new housing costs by reducing the costs of roads and other improvements.
 - (a) Nevertheless, the net residential density shall be no greater in cluster developments than is permitted in the district in which the development is proposed.

B. Subdivision procedure. The Planning Board shall require the lots of all major subdivisions 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:

- (1) Written costs of infrastructure improvements.

- (2) A written statement describing the natural features that will be preserved by the cluster approach, including prime agricultural soils if any.
- (3) A Written statement comparing the financial impacts of the subdivision with and without cluster on the municipality and school district.
 - (a) Within 45 days of receiving a complete subdivision application the Planning Board shall determine if the subdivision must be clustered.

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.
- (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.
- (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 acres, 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**

Excessively Drained, Well- Drained, and Moderately Well- Drained¹	Poorly Drained and Somewhat Poorly Drained¹	Very Poorly Drained	Slopes Greater Than 33%	Borrow Pits
On public sewer:				
100%	75%	40%	50%	67%
Not on public sewer				
100%	50%	-----	-----	33%

NOTES:

¹Soil 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 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.

105-45. Cluster developments.

B. Purpose. The purpose of these provisions is:

- (1) To allow for new concepts of housing development, including developments for manufactured housing units, where maximum variations of design may be allowed.
- (2) To protect natural resources, including but not limited to agricultural soils, unfragmented forest, undisturbed wetlands and vernal pools, and aquifers.
- (3) To reduce new housing costs by reducing the costs of roads and other improvements.
 - (a) Nevertheless, the net residential density shall be no greater in cluster developments than is permitted in the district in which the development is proposed.

B. 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.
- (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.
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**Land Which May be Included as “Suitable Land”
When Calculating Net Residential Density**

Excessively Drained, Well- Drained, and Moderately Well- Drained¹	Poorly Drained and Somewhat Poorly Drained¹	Very Poorly Drained	Slopes Greater Than 33%	Borrow Pits
On public sewer:				
100%	75%	40%	50%	67%

Not on public sewer

100%

50%

33%

NOTES:

¹Soil 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 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.**

Nothing further was discussed.

The Planning Board meeting ended at 10:00 p.m.

Respectively submitted,

Barbara Gilbride

Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, February 14, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek, John Klimas and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Public Hearing Began at 7:15 p.m.

- **Proposed Changes to the following Zoning and Subdivision Ordinance: 105-17 “Land uses.”; 105-45 “Cluster developments.” (Replacing “Planned unit development and cluster development); 89-10 “Submissions.”; 89-32 “Cluster developments.”**

There were only two members in the audience, both of which had reviewed the proposed changes at a previous meeting. Roger A. asked them if they had any questions and they did not. Because the Planning Board members were fully aware of the proposed changes as well, Roger closed the Public Hearing stating that the changes would be voted on by the townspeople of Shapleigh at Town Meeting in March.

The Public Hearing was closed at 7:17 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, January 24th were accepted as written.

The following is written in the order it was reviewed:

Amendment to a Major Subdivision – Turkey Crossing I – Preliminary Plan - Map 6, Lot 29 (Owl’s Nest Road) – Barbara & Thomas Worster

Tom Worster was present to discuss his proposed amendment to the existing subdivision.

Mr. Worster stated he was before the Planning Board to ask several questions with respect to what he needed to have for the Preliminary Plan.

Mr. Worster stated he was proposing two additional house lots and there would be “remaining land” consisting of approximately 122+ acres.

Mr. Worster asked if he needed test pits on all of the lots, including the “remaining land” which would not be developed at this time. Roger A. stated that he would need test pits for all lots on the plan.

Mr. Worster asked if the Planning Board would accept sprinkler systems in the new homes in lieu of a fire pond? Roger A. stated that this would be acceptable to both the Planning Board and the Fire Chief in his opinion.

Roger A. stated that the back lot which is the “remaining land” would also need 200’ of road frontage as well as a turnaround that is up to the town’s standards. Roger referred Mr. Worster to Subdivision Ordinance 89-36 “Street design standards.” Roger stated there would also need to be a performance

guaranty for the road prior to final approval. Roger said Mr. Worster would need to get cost estimates for the road and that would dictate how much the guaranty would need to be.

Diane S. showed Mr. Worster Subdivision Ordinance 89-51 "Private roads." and told him that he would need to place the following on the final plan "All roads 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."

Mr. Worster asked if he needed to discuss driveway / road entrances with the Road Commissioner. Roger A. stated that would be best to make certain all ditching etc. is put into place where needed.

Mr. Worster thanked the Planning Board members for their time and said he would be back with the Preliminary Plan as soon as possible. Nothing further was discussed.

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Amendment to a Major Subdivision – Great Hollow Acres – Preliminary Plan - Map 10, Lot 2-3 (Town Farm Road) – Peter Mason / Applicant – Philip Reed / Authorized Agent

Mr. Philip Reed of Reed Surveying & GPS was present to represent the applicant / owner of the property, Mr. Peter Mason.

Mr. Reed stated the applicant wished to split Lot 2-3 into two lots. The total acreage of Lot 2-3 is 19.81 acres. After the division one lot would be 3.51± acres and the other 16.3± acres. Mr. Reed stated the new lots would conform to Shapleigh's 3 to 1 lot ratio between frontage and depth of the lot. (Subdivision Ordinance 89-28.G "Lots")

The test sites from the original subdivision were resubmitted. The same restrictive covenants from the original subdivision would also be placed on these two lots.

Roger A. was concerned with the amount of wetland on the property. Roger reviewed Subdivision Ordinance 89-26 "Land not suitable for development." and 89-28 "Lots." He did not feel this area could be included when calculating the buildable lot size. Roger was concerned the building envelope as depicted may be too small on the largest lot. Roger also believed the land designated as "open green space" could not be used in the lot size calculation.

Mr. Reed asked if the Planning Board could waive the requirement due to the fact that changing the lot configuration in order to increase the building envelope would create lots that were not optimal. Mr. Reed was also concerned that changing the lot configurations might affect the 3 to 1 lot ratio making it near impossible to meet.

There was a 50' wetland buffer depicted on the plan, Mr. Reed was told it needed to be 75'. Mr. Reed stated he had taken the buffer information from the original subdivision plan. H. Craig Higgins was present as he was also on the agenda for another application. Mr. Higgins asked Steve M., CEO, if the requirement of a 75 foot wetland buffer applied to all wetlands regardless of the size of the wetland? Steve replied, "Yes". Steve stated that there is a 10 acre rule that has more strict standards but today all wetlands regardless of size need a 75' buffer, whereas it used to be with wetlands under 10 acres, the buffer requirement was only 50'.

Roger A. asked if there would be underground utilities. Mr. Reed stated the applicant would like to use the utility poles that are on the road and let the homeowner decide if they want the power underground or not. Roger told Mr. Reed that it was a requirement to have underground utilities. If the applicant did not want it underground he would need to request a waiver.

Roger A. voiced his concern with the continuing incremental expansion of this subdivision. He said, it continues to grow one or two lots at a time without any additional contributions to the town to go toward the upgrade of Town Farm Road since the initial division. Roger asked Mr. Reed if his applicant might be willing to make any financial or other contributions like helping to upgrade the road? Mr. Reed asked if any of the recently approved divisions did so? Roger stated, "No". Mr. Reed stated he did not believe his client would want to. Mr. Reed stated that all his client was asking was to be able to create one additional lot on his property and he did not feel this was a major burden to the town.

Mr. Reed asked the Planning Board again if they would consider, under Subdivision Ordinance 89-53 "Waiver of submission requirements or standards.", to allow the presented configuration of the new lot. Roger stated the wetland bisected the lot therefore land on both sides of it could not be added together to get the necessary lot size.

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Steve M., CEO, read Subdivision Ordinance 89-28.F "If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot 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." Steve stated that although land on both sides of the stream could not be combined to create a buildable lot, the back portion of this lot which is not wetlands is large enough to meet the minimum lot requirement. So Steve believed the applicant did not need to join the front and back to meet the minimum lot size. Diane S. stated that the back of this lot was open green space and it could not be built on. Steve stated that that was correct but this ordinance does not speak of buildable land, only that you had to have enough acreage to meet the minimum lot size, which it does.

Steve M., CEO, continued by saying it was his interpretation that if you had one acre on one side of a stream and one acre on the other side of a stream you could not combine the two to meet the two acre minimum lot size requirement. But because there is approximately 12 acres, the amount on the other side of the wetland looks to be at least five acres; this should not be an issue.

Roger A. disagreed, in his opinion the open green space could not be considered because it wasn't buildable. Steve M., CEO, stated that it does not say you could not use open space to create the minimum lot size requirement. You just can't build on it.

Diane S. stated that before any final decision could be made Mr. Reed needed to show exactly how much space was open green space, buildable, etc. All Planning Board members agreed.

Roger A. stated that a waiver for allowing the lot to stay as presented would need to be for practical and economical use of the land. Roger said Mr. Reed would have to show this was being met. Why it is practical and economical verses not doing a split at all. Mr. Reed stated that it can be split to meet the requirement but the new configuration is not proportional, it is strained and basically not a good design. Mr. Reed showed the Planning Board again what a new configuration would look like that would meet the minimum requirement but again the lot would be very angular and the depth ratio may be affected.

Mr. Reed stated he would come back with the correct delineations with respect to amount of acreage for the wetland, open green space, etc. Mr. Reed asked the Planning Board what they might suggest the applicant propose to gift to the town. Roger A. stated he didn't have any suggestions but would like to know if there might be something proposed. Roger stated in the springtime the existing road may have issues and perhaps Mr. Mason would like to contribute. Mr. Reed asked again if the other lots that were recently divided made any contributions? Roger stated there was none. Mr. Reed stated that he did not feel Mr. Mason would want to do anything.

Roger A. stated that he was concerned with the number of additional divisions being made in this subdivision. Mr. Higgins, who was the original developer, stated that he made a mistake with the original subdivision. He believed large lots would sell easier because that is what people wanted. If he had known people were going to come in and split these large lots he would have come in and done a traditional smaller lot subdivision from the start, paved the road, and would have done better financially. Mr. Higgins stated that he hoped the next divisions he was proposing in this subdivision would alleviate some of the problems on Town Farm Road by creating an internal paved road.

Mr. Reed concluded that he felt that if Mr. Mason was asked to contribute then everyone should have and have had to do it, so he did not feel Mr. Mason was obligated to upgrade Town Farm Road or put forth any other money. Roger A. understood.

Nothing further was discussed.

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Amendment to a Major Subdivision – Portion of Map 10, Lot #6A & 7 of Great Hollow Acres – Preliminary Plan – (Town Farm Road) - Jeffery W. Morrison, Owner; H. Craig Higgins Authorized Agent

Mr. Higgins was present to discuss the subdivision application.

Mr. Higgins began by presenting a plan for three new lots along the Town Farm Road and a new road beginning on Town Farm Road which would run parallel to the old Great Hollow Road, housing four additional new lots along the new road. This new road would be paved to town standards.

Mr. Higgins wanted to show the Planning Board the entire concept which would include a road that connects with the existing subdivision road known as White Pine Lane creating a way to bypass much of the existing Town Farm Road for many of the residents of the subdivision. The road would be approximately 1800 feet in length.

Mr. Higgins stated that right now with phase one of his plan, he is proposing three new lots along Town Farm Road. On the newly proposed lots, 1, and 2, there is a knoll which has had test pits dug, showing this is good base gravel that could be used to build up the new road. Mr. Higgins proposed to take the sand out, and then flatten out the area to sell the lots. Mr. Higgins asked if this could be done and how should he approach it.

Mr. Higgins also stated there were two ways to access lot 3, along its frontage on Town Farm Road or along the newly proposed internal road. Mr. Higgins stated he could rebuild part of the new road so the driveway to lot 3 would come in off the newly proposed road. It would be approximately 100 feet from Town Farm Road, which he stated was a standard practice with respect to keeping the driveway 100 feet from an intersection.

Steve M., CEO, stated that a subdivision of this size should have a road that has access to at least two public roads, as opposed to an 1800 foot dead end. Steve was concerned that future 'concepts' don't always take place so Steve felt there needed to be a stipulation in writing that what Mr. Higgins is proposing will happen. Steve's concern was with respect to Subdivision Ordinance 89-36.H which reads as follows:

Any subdivision containing 15 dwelling units or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street serving 15 dwelling units or more shall have at least two street connections leading to existing

public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted.

Mr. Higgins is proposing to phase in this development and at present is showing the subdivision to be 14 lots total. Steve M. asked what happens when someone comes in and splits one more lot and there is no subdivision road up to the standard above? How do we deal with this?

Mr. Higgins did not feel the town was ready to have the entire project presented at this time. Mr. Higgins felt it was best to do this project incrementally. Steve M. asked what the Planning Board does when someone comes in to create lot #15? Does the Planning Board deny him because there is no internal road with two connections to a town road? Steve noted the situation that is being dealt with now in this subdivision with lots being split, yet the applicants do not have to create an internal road even though the subdivision is a major subdivision. It is a problem.

Shapleigh Planning Board Meeting, Tuesday, January 24, 2006

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Mr. Higgins stated he would follow the ordinance. He will not create lot #15. Mr. Higgins stated one of the main reasons he isn't ready to develop the entire property is because he wants to deal with the stormwater in one permit with the DEP. Mr. Higgins did not see how the town would lose with his proposal. Mr. Higgins stated the only reason he is showing what he wants to propose in the future is so the town has an idea of the whole concept. Mr. Higgins stated he was doing this as a courtesy so everyone would know what the concept was and what the future would bring.

Diane S. noted that should the newly proposed changes occur to the Subdivision and Zoning Ordinance, future lots in this subdivision would need to be clustered. Roger A. agreed. Mr. Higgins did not see this as a problem.

Diane S. also noted Subdivision Ordinance 89-28.C, which read as follows: "Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less-traveled way. Diane stated that the newly proposed lot #3 would be affected by this ordinance. Mr. Higgins stated that he understood. Mr. Higgins noted that at this time the newly proposed road would be less traveled but in the future Town Farm Road may be.

Mr. Higgins referred the Planning Board to Subdivision Ordinance 89-26 "Land not suitable for development" and read the following: "The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law⁷ ⁷Editor's Note: See 12 M.R.S.A. § 4807 et seq." Mr. Higgins stated that he believed the minimum lot size listed there was 40,000 sq. ft. Steve M. stated it was 20,000 sq. ft. Mr. Higgins wanted to show that even with deducting the wetland area the minimum lot size would be well above the 20,000 sq. ft. requirement. Roger A. stated with the 20,000 sq. ft. he believed you needed a central water and sewer.

Steve M., CEO, asked about the proposed new ordinance for town meeting requiring a cluster subdivision for a major subdivision. Steve asked if this could be imposed now since there was a public hearing held or did it not take effect until town meeting? Roger A. stated it would not be in affect until it was voted in at town meeting. Mr. Higgins added that if he did not have a completed application by town meeting, then any changes would affect the application. Roger agreed.

Roger A. asked about "open space" for the 10% required. Mr. Higgins stated he would like to create a soccer field size recreation area. He pointed out on the plan an area he might use.

Mr. Higgins wanted the board members opinion on phasing in the lots he is proposing? He would like to do lots 1 – 4, extract the gravel from lots 1 & 2 for the road, then sell the other lots. He would need to remove the gravel before he could sell the lots.

Roger A. noted again what Steve M. has discussed about a 15 lot subdivision requiring two street connections. Mr. Higgins understood. At this time his proposal would be creating 14 lots.

Mr. Higgins stated that for the last phase of his proposal he would like to put in some water tanks for fire protection because of the location of the properties. Mr. Higgins stated he could propose sprinkler systems for all lots but again would prefer to have several water holding tanks, he felt this would bode well for the entire surrounding area. But he did not want to have sprinkler systems required for the lots plus have to spend the money on a water holding tank. Mr. Higgins stated in the end it would be up to the board members.

Shapleigh Planning Board Meeting, Tuesday, January 24, 2006

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Roger A. stated the only other thing required would be a letter to Superintendent Linda Green of the MSAD #57 school system to see if she had any concerns. Roger stated this subdivision was growing into a rather large community and would have a lot of children in one area. Mr. Higgins felt this would be efficient for the buses but he would send the letter. Roger A. stated that this requirement was in the subdivision ordinance.

Mr. Higgins asked if the Planning Board would mind if he kept the new subdivision road named Great Hollow Road because the abandoned road is slowly disappearing back into the environment. No board members were opposed.

Nothing further was discussed.

Amendment to a Conditional Use Permit – Change Existing Storage Area into 2 Rooms for Tutoring Office - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube Applicant / Owner

Mr. Berube was not in attendance. His application was tabled.

Review of Growth Permit Application(s)

The following Growth Permit(s) were issued or denied:

GROWTH PERMITS 2006

NAME	Map / Lot	Address	Date / Time Received	Growth Permit #
1. James Frasier	11 / 23L	Newfield Road	8/2/05 9:01 a.m.	31-06
2. James Frasier	11 / 23L	Newfield Road	8/2/05 9:02 a.m.	Denied
3. Bruce & Penny Wakita	11 / 23	Newfield Road (Granny Kent)	8/2/05 9:03 a.m.	32-06
4. Bruce & Penny Wakita	11 / 23	Newfield Road	8/2/05	Denied

		(Granny Kent)	9:04 a.m.	
5. Thomas Small	10 / 2-4	Town Farm Road	8/2/05 9:29 a.m.	33-06
6. David & Janet Whatley	34 / 4*	Lower Lot Catalpa	8/2/05 9:39 a.m.	34-06

**Seasonal Conversion*

**** Apartment**

The second Growth Permit Application for James Frasier, Map 11, Lot 23L, was denied due to insufficient road frontage submitted for two dwelling units.

The second Growth Permit Application for Bruce & Penny Wakita, Map 11, Lot 23, was denied due to the fact an additional division on this property would create a subdivision.

Nothing further was discussed.

Shapleigh Planning Board Meeting, Tuesday, January 24, 2006

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

Respectively submitted,

Barbara Gilbride

Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, January 24, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek, Diane Srebnick (Alternate) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Diane Srebnick was an acting regular member this evening replacing John Klimas who was unable to attend.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, January 10th were accepted as written.

The following is written in the order it was reviewed:

Amendment to a Major Subdivision – Turkey Crossing I – Preliminary Plan - Map 6, Lot 29 (Owl's Nest Road) – Barbara & Thomas Worster

Tom Worster was present to discuss his proposed amendment to the existing subdivision.

Mr. Worster stated he was before the Planning Board to ask several questions with respect to what he needed to have for the Preliminary Plan.

Mr. Worster stated he was proposing two additional house lots and there would be “remaining land” consisting of approximately 122+ acres.

Mr. Worster asked if he needed test pits on all of the lots, including the “remaining land” which would not be developed at this time. Roger A. stated that he would need test pits for all lots on the plan.

Mr. Worster asked if the Planning Board would accept sprinkler systems in the new homes in lieu of a fire pond? Roger A. stated that this would be acceptable to both the Planning Board and the Fire Chief in his opinion.

Roger A. stated that the back lot which is the “remaining land” would also need 200' of road frontage as well as a turnaround that is up to the town's standards. Roger referred Mr. Worster to Subdivision Ordinance 89-36 “Street design standards.” Roger stated there would also need to be a performance guaranty for the road prior to final approval. Roger said Mr. Worster would need to get cost estimates for the road and that would dictate how much the guaranty would need to be.

Diane S. showed Mr. Worster Subdivision Ordinance 89-51 “Private roads.” and told him that he would need to place the following on the final plan “All roads 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.”

Mr. Worster asked if he needed to discuss driveway / road entrances with the Road Commissioner. Roger A. stated that would be best to make certain all ditching etc. is put into place where needed.

Mr. Worster thanked the Planning Board members for their time and said he would be back with the Preliminary Plan as soon as possible. Nothing further was discussed.

Amendment to a Major Subdivision – Great Hollow Acres – Preliminary Plan - Map 10, Lot 2-3 (Town Farm Road) – Peter Mason / Applicant – Philip Reed / Authorized Agent

Mr. Philip Reed of Reed Surveying & GPS was present to represent the applicant / owner of the property, Mr. Peter Mason.

Mr. Reed stated the applicant wished to split Lot 2-3 into two lots. The total acreage of Lot 2-3 is 19.81 acres. After the division one lot would be 3.51± acres and the other 16.3± acres. Mr. Reed stated the new lots would conform to Shapleigh's 3 to 1 lot ratio between frontage and depth of the lot. (Subdivision Ordinance 89-28.G "Lots")

The test sites from the original subdivision were resubmitted. The same restrictive covenants from the original subdivision would also be placed on these two lots.

Roger A. was concerned with the amount of wetland on the property. Roger reviewed Subdivision Ordinance 89-26 "Land not suitable for development." and 89-28 "Lots." He did not feel this area could be included when calculating the buildable lot size. Roger was concerned the building envelope as depicted may be too small on the largest lot. Roger also believed the land designated as "open green space" could not be used in the lot size calculation.

Mr. Reed asked if the Planning Board could waive the requirement due to the fact that changing the lot configuration in order to increase the building envelope would create lots that were not optimal. Mr. Reed was also concerned that changing the lot configurations might affect the 3 to 1 lot ratio making it near impossible to meet.

There was a 50' wetland buffer depicted on the plan, Mr. Reed was told it needed to be 75'. Mr. Reed stated he had taken the buffer information from the original subdivision plan. H. Craig Higgins was present as he was also on the agenda for another application. Mr. Higgins asked Steve M., CEO, if the requirement of a 75 foot wetland buffer applied to all wetlands regardless of the size of the wetland? Steve replied, "Yes". Steve stated that there is a 10 acre rule that has more strict standards but today all wetlands regardless of size need a 75' buffer, whereas it used to be with wetlands under 10 acres, the buffer requirement was only 50'.

Roger A. asked if there would be underground utilities. Mr. Reed stated the applicant would like to use the utility poles that are on the road and let the homeowner decide if they want the power underground or not. Roger told Mr. Reed that it was a requirement to have underground utilities. If the applicant did not want it underground he would need to request a waiver.

Roger A. voiced his concern with the continuing incremental expansion of this subdivision. He said, it continues to grow one or two lots at a time without any additional contributions to the town to go toward the upgrade of Town Farm Road since the initial division. Roger asked Mr. Reed if his applicant might be willing to make any financial or other contributions like helping to upgrade the road? Mr. Reed asked if any of the recently approved divisions did so? Roger stated, "No". Mr. Reed stated he did not believe his client would want to. Mr. Reed stated that all his client was asking was to be able to create one additional lot on his property and he did not feel this was a major burden to the town.

Mr. Reed asked the Planning Board again if they would consider, under Subdivision Ordinance 89-53 "Waiver of submission requirements or standards.", to allow the presented configuration of the new lot. Roger stated the wetland bisected the lot therefore land on both sides of it could not be added together to get the necessary lot size.

Steve M., CEO, read Subdivision Ordinance 89-28.F “If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot 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.” Steve stated that although land on both sides of the stream could not be combined to create a buildable lot, the back portion of this lot which is not wetlands is large enough to meet the minimum lot requirement. So Steve believed the applicant did not need to join the front and back to meet the minimum lot size. Diane S. stated that the back of this lot was open green space and it could not be built on. Steve stated that that was correct but this ordinance does not speak of buildable land, only that you had to have enough acreage to meet the minimum lot size, which it does.

Steve M., CEO, continued by saying it was his interpretation that if you had one acre on one side of a stream and one acre on the other side of a stream you could not combine the two to meet the two acre minimum lot size requirement. But because there is approximately 12 acres, the amount on the other side of the wetland looks to be at least five acres; this should not be an issue.

Roger A. disagreed, in his opinion the open green space could not be considered because it wasn't buildable. Steve M., CEO, stated that it does not say you could not use open space to create the minimum lot size requirement. You just can't build on it.

Diane S. stated that before any final decision could be made Mr. Reed needed to show exactly how much space was open green space, buildable, etc. All Planning Board members agreed.

Roger A. stated that a waiver for allowing the lot to stay as presented would need to be for practical and economical use of the land. Roger said Mr. Reed would have to show this was being met. Why it is practical and economical verses not doing a split at all. Mr. Reed stated that it can be split to meet the requirement but the new configuration is not proportional, it is strained and basically not a good design. Mr. Reed showed the Planning Board again what a new configuration would look like that would meet the minimum requirement but again the lot would be very angular and the depth ratio may be affected.

Mr. Reed stated he would come back with the correct delineations with respect to amount of acreage for the wetland, open green space, etc. Mr. Reed asked the Planning Board what they might suggest the applicant propose to gift to the town. Roger A. stated he didn't have any suggestions but would like to know if there might be something proposed. Roger stated in the springtime the existing road may have issues and perhaps Mr. Mason would like to contribute. Mr. Reed asked again if the other lots that were recently divided made any contributions? Roger stated there was none. Mr. Reed stated that he did not feel Mr. Mason would want to do anything.

Roger A. stated that he was concerned with the number of additional divisions being made in this subdivision. Mr. Higgins, who was the original developer, stated that he made a mistake with the original subdivision. He believed large lots would sell easier because that is what people wanted. If he had known people were going to come in and split these large lots he would have come in and done a traditional smaller lot subdivision from the start, paved the road, and would have done better financially. Mr. Higgins stated that he hoped the next divisions he was proposing in this subdivision would alleviate some of the problems on Town Farm Road by creating an internal paved road.

Mr. Reed concluded that he felt that if Mr. Mason was asked to contribute then everyone should have and have had to do it, so he did not feel Mr. Mason was obligated to upgrade Town Farm Road or put forth any other money. Roger A. understood.

Nothing further was discussed.

Amendment to a Major Subdivision – Portion of Map 10, Lot #6A & 7 of Great Hollow Acres – Preliminary Plan – (Town Farm Road) - Jeffery W. Morrison, Owner; H. Craig Higgins Authorized Agent

Mr. Higgins was present to discuss the subdivision application.

Mr. Higgins began by presenting a plan for three new lots along the Town Farm Road and a new road beginning on Town Farm Road which would run parallel to the old Great Hollow Road, housing four additional new lots along the new road. This new road would be paved to town standards.

Mr. Higgins wanted to show the Planning Board the entire concept which would include a road that connects with the existing subdivision road known as White Pine Lane creating a way to bypass much of the existing Town Farm Road for many of the residents of the subdivision. The road would be approximately 1800 feet in length.

Mr. Higgins stated that right now with phase one of his plan, he is proposing three new lots along Town Farm Road. On the newly proposed lots, 1, and 2, there is a knoll which has had test pits dug, showing this is good base gravel that could be used to build up the new road. Mr. Higgins proposed to take the sand out, and then flatten out the area to sell the lots. Mr. Higgins asked if this could be done and how should he approach it.

Mr. Higgins also stated there were two ways to access lot 3, along its frontage on Town Farm Road or along the newly proposed internal road. Mr. Higgins stated he could rebuild part of the new road so the driveway to lot 3 would come in off the newly proposed road. It would be approximately 100 feet from Town Farm Road, which he stated was a standard practice with respect to keeping the driveway 100 feet from an intersection.

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Any subdivision containing 15 dwelling units or more shall have at least two street connections with existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted. Any street serving 15 dwelling units or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map or streets on an approved subdivision plan for which performance guaranties have been filed and accepted.

Mr. Higgins is proposing to phase in this development and at present is showing the subdivision to be 14 lots total. Steve M. asked what happens when someone comes in and splits one more lot and there is no subdivision road up to the standard above? How do we deal with this?

Mr. Higgins did not feel the town was ready to have the entire project presented at this time. Mr. Higgins felt it was best to do this project incrementally. Steve M. asked what the Planning Board does when someone comes in to create lot #15? Does the Planning Board deny him because there is no internal road with two connections to a town road? Steve noted the situation that is being dealt with now in this subdivision with lots being split, yet the applicants do not have to create an internal road even though the subdivision is a major subdivision. It is a problem.

Mr. Higgins stated he would follow the ordinance. He will not create lot #15. Mr. Higgins stated one of the main reasons he isn't ready to develop the entire property is because he wants to deal with the stormwater in one permit with the DEP. Mr. Higgins did not see how the town would lose with his proposal. Mr. Higgins stated the only reason he is showing what he wants to propose in the future is so the town has an idea of the whole concept. Mr. Higgins stated he was doing this as a courtesy so everyone would know what the concept was and what the future would bring.

Diane S. noted that should the newly proposed changes occur to the Subdivision and Zoning Ordinance, future lots in this subdivision would need to be clustered. Roger A. agreed. Mr. Higgins did not see this as a problem.

Diane S. also noted Subdivision Ordinance 89-28.C, which read as follows: "Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less-traveled way. Diane stated that the newly proposed lot #3 would be affected by this ordinance. Mr. Higgins stated that he understood. Mr. Higgins noted that at this time the newly proposed road would be less traveled but in the future Town Farm Road may be.

Mr. Higgins referred the Planning Board to Subdivision Ordinance 89-26 "Land not suitable for development" and read the following: "The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Minimum Lot Size Law⁷ ⁷Editor's Note: See 12 M.R.S.A. § 4807 et seq." Mr. Higgins stated that he believed the minimum lot size listed there was 40,000 sq. ft. Steve M. stated it was 20,000 sq. ft. Mr. Higgins wanted to show that even with deducting the wetland area the minimum lot size would be well above the 20,000 sq. ft. requirement. Roger A. stated with the 20,000 sq. ft. he believed you needed a central water and sewer.

Steve M., CEO, asked about the proposed new ordinance for town meeting requiring a cluster subdivision for a major subdivision. Steve asked if this could be imposed now since there was a public hearing held or did it not take effect until town meeting? Roger A. stated it would not be in affect until it was voted in at town meeting. Mr. Higgins added that if he did not have a completed application by town meeting, then any changes would affect the application. Roger agreed.

Roger A. asked about "open space" for the 10% required. Mr. Higgins stated he would like to create a soccer field size recreation area. He pointed out on the plan an area he might use.

Mr. Higgins wanted the board members opinion on phasing in the lots he is proposing? He would like to do lots 1 – 4, extract the gravel from lots 1 & 2 for the road, then sell the other lots. He would need to remove the gravel before he could sell the lots.

Roger A. noted again what Steve M. has discussed about a 15 lot subdivision requiring two street connections. Mr. Higgins understood. At this time his proposal would be creating 14 lots.

Mr. Higgins stated that for the last phase of his proposal he would like to put in some water tanks for fire protection because of the location of the properties. Mr. Higgins stated he could propose sprinkler systems for all lots but again would prefer to have several water holding tanks, he felt this would bode well for the entire surrounding area. But he did not want to have sprinkler systems required for the lots plus have to spend the money on a water holding tank. Mr. Higgins stated in the end it would be up to the board members.

Roger A. stated the only other thing required would be a letter to Superintendent Linda Green of the MSAD #57 school system to see if she had any concerns. Roger stated this subdivision was growing into a rather large community and would have a lot of children in one area. Mr. Higgins felt this would be efficient for the buses but he would send the letter. Roger A. stated that this requirement was in the subdivision ordinance.

Mr. Higgins asked if the Planning Board would mind if he kept the new subdivision road named Great Hollow Road because the abandoned road is slowly disappearing back into the environment. No board members were opposed.

Nothing further was discussed.

Amendment to a Conditional Use Permit – Change Existing Storage Area into 2 Rooms for Tutoring Office - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube Applicant / Owner

Mr. Berube was not in attendance. His application was tabled.

Review of Growth Permit Application(s)

The following Growth Permit(s) were issued or denied:

GROWTH PERMITS 2006

NAME	Map / Lot	Address	Date / Time Received	Growth Permit #
1. James Frasier	11 / 23L	Newfield Road	8/2/05 9:01 a.m.	31-06
2. James Frasier	11 / 23L	Newfield Road	8/2/05 9:02 a.m.	Denied
3. Bruce & Penny Wakita	11 / 23	Newfield Road (Granny Kent)	8/2/05 9:03 a.m.	32-06
4. Bruce & Penny Wakita	11 / 23	Newfield Road (Granny Kent)	8/2/05 9:04 a.m.	Denied
5. Thomas Small	10 / 2-4	Town Farm Road	8/2/05 9:29 a.m.	33-06
6. David & Janet Whatley	34 / 4*	Lower Lot Catalpa	8/2/05 9:39 a.m.	34-06

****Seasonal Conversion***

***** Apartment***

The second Growth Permit Application for James Frasier, Map 11, Lot 23L, was denied due to insufficient road frontage submitted for two dwelling units.

The second Growth Permit Application for Bruce & Penny Wakita, Map 11, Lot 23, was denied due to the fact an additional division on this property would create a subdivision.

Nothing further was discussed.

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

Respectively submitted,

Barbara Gilbride

Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, February 14, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek, Madge Baker and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Public Hearing Began at 7:00 p.m.

- **Proposed Changes to the following Zoning and Subdivision Ordinance: 105-17 “Land uses.”; 105-45 “Cluster developments.” (Replacing “Planned unit development and cluster development); 89-10 “Submissions.”; 89-32 “Cluster developments.”**

Initially there were no attendees to the public hearing. Two citizens arrived for the regular meeting. Roger A. asked them if they had any questions with the proposed ordinance changes. They asked if the changes proposed were the same as what was reviewed at a previous meeting. Roger stated they were. In light of this, they did not have any questions. Because the Planning Board members were fully aware of the proposed changes as well, Roger closed the Public Hearing stating that the changes would be voted on by the townspeople of Shapleigh at Town Meeting in March.

The Public Hearing was closed at 7:17 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, January 24th were accepted as written.

The following is written in the order it was reviewed:

Amendment to a Major Subdivision – Great Hollow Acres – Preliminary Plan - Map 10, Lot 2-3 (Town Farm Road) – Peter Mason / Applicant – Philip Reed / Authorized Agent

Mr. Philip Reed of Reed Surveying & GPS was present to represent the applicant / owner of the property, Mr. Peter Mason.

Mr. Reed mailed the Planning Board members a new Preliminary Plan which had the changes requested at the previous planning board meeting with respect to lots lines and buildable area. The total acreage of Lot 2-3 is 19.81 acres. After the proposed division is approved, one lot will be 3.51± acres, with a total buildable area of 2.51± acres and the other will be 16.3± acres, with a total buildable area of 1.84± acres.

The test sites from the original subdivision were submitted at the previous meeting. The same restrictive covenants from the original subdivision would also be placed on these two lots.

Mr. Reed stated that he changed the wetland buffer area to 75'; on the first sketch it was 50' which is no longer an acceptable distance for wetland areas.

Mr. Reed stated that he had changed the application to reflect the appropriate waivers, and all errors noted during the first review process.

Mr. Reed stated he drove to lot 2-3, over Town Farm Road, and found the road to be in good condition. He stated that he reviewed the original subdivision requirements and noticed that part of the approval was that the developer had to upgrade Town Farm Road. Mr. Reed felt that this upgrade was adequate and he stated that the applicant, Mr. Mason, did not wish to make any additional changes to the road.

Mr. Reed asked that all the material presented for the original subdivision of the property be reviewed for this additional split. Roger A. stated that yes all the material presented for Great Hollow Acres could be reviewed for this split and Roger noted that Mr. Reed had already presented the board members with the soils test report for this piece of property.

Roger A. stated that Mr. Reed could impose new conditions for this property split but all previous conditions remain in effect for this division as approved previously as well. Mr. Reed noted those conditions previously approved were on the plan.

Roger A. stated that on the Preliminary Plan, on Plan Note #11 and 12, there needed to be a change from 50 feet to 75 feet with respect to the wetland buffer. Mr. Reed stated he would do so for the final plan.

Roger A. stated that a note would also need to be added that no further division of either lot would be allowed. Mr. Reed stated that he would add that to the final plan.

There were no other questions.

Roger A. stated a Notice to Abutters would be mailed and a Public Hearing held on Tuesday, February 28th at 7:00 p.m.

Nothing further was discussed.

Best Possible Location – Replace Existing Camp and New Septic & Well - Map 24, Lot 28 (14th Street) – Kenneth Marchand, Applicant; Kathleen Dennis, Owner

Mr. Kenneth Marchand was present to represent Owner Kathleen Dennis.

Mr. Marchand stated that the application was to remove the existing camp and rebuild the camp farther away from the water. Also a new septic system and well would be placed on the property. The existing boat house would remain on site as is.

Mr. Marchand provided a sketch plan which depicted the existing boat house and camp and the proposed location of the new camp. In addition, the proposed location for the new septic system and well were also on the plan. The existing right-of-way was depicted and the location of 14th Street, showing the distance between the proposed new camp location with respect to both.

Mr. Marchand supplied the following calculations:

<u>Existing Camp</u>	<u>Proposed Cottage</u>	<u>% Increase in Size</u>
784 square feet	1044 square feet	28% expansion in square feet
6849 cubic feet	8433 cubic feet	23% expansion by volume

A building plan of both the existing cottage and proposed cottage were also provided.

Mr. Bennett stated that he did not include any calculations for the existing or proposed basement. He asked if this information was necessary?

Steve M., CEO, stated it was not necessary as long as the new structure and foundation were being placed so that the setback requirement was met to the greatest practical extent as determined by the Planning Board (Shapleigh Zoning Ordinance 105-4.D(3)). Roger A. agreed.

There were no questions for Mr. Marchand at this time.

Roger A. stated a Notice to Abutters would be mailed. In addition, a site inspection was scheduled for Saturday, February 25th at 10:00 a.m. Barbara G. will notify all members who were unable to attend this evenings meeting.

Nothing further was discussed.

Other:

Barbara G. stated that the Town Clerk, Joanne Rankin, brought it to her attention that small businesses needed to be filing a certificate in the clerk's office according to Title 31, Section 1 of 31 M.R.S.A. § 1.

The following, in part, is taken from information the Town Clerk provided:

Mercantile Partnerships and Assumed Business Names. Whenever two or more persons become associated as partners, or otherwise, for the purpose of engaging in any mercantile enterprise they must, before beginning business, file a certificate in the clerk's office of the municipality in which the business is to be conducted. 31 M.R.S.A. § 1.....

The primary purpose of this filing requirement is to protect the public against fraud and deceit in extending credit. The filings enable people dealing with merchants transacting business under a partnership or assumed name to ascertain from public records the names of the individuals and the nature of the business.

Mrs. Rankin stated that Corporations currently file with the Secretary of State Division of Corporations so this would not apply to them.

Mrs. Rankin stated that a sole proprietor is also required to do the above. The following, in part, is taken from additional information provided by the Town Clerk:

Sole Proprietor. For the same purpose, a similar requirement is imposed on any person engaging in a mercantile business as a sole proprietor, and adopts any business name, style or designation other than his or her own name exclusively. The sole proprietor must, before commencing business, deposit in the office of the clerk of the municipality in which the business is to be conducted a certificate of sole proprietorship. The certificate must be signed and sworn by the sole proprietor, and must state his/her name and place of residence, the name, style or designation under which the business is to be conducted, and that he or she is the sole proprietor, 31 M.R.S.A. § 2.

The Planning Board agreed a note of some type would be added to the Conditional Use Permit. Roger A. suggested the Planning Board also give a copy of the form the business will be required to fill out for the town clerk, at their final review.

Nothing further was discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:10 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

John K. is unable to fulfill his term as Planning Board member due to a job change. The Planning Board thanks John for his time and effort. He was a valuable member of the board. We wish him well in the future.

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, February 28, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek, Madge Baker and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Public Hearing Began at 7:00 p.m.

- **Proposed Changes to the following Zoning and Subdivision Ordinance: 105-17 “Land uses.”; 105-45 “Cluster developments.” (Replacing “Planned unit development and cluster development); 89-10 “Submissions.”; 89-32 “Cluster developments.”**

Roger A. began the Public Hearing by reading the change to Zoning Ordinance 105-17 “Land uses”, the change was as follows:

105-17. Land uses.

Residential

RP SD GP FD SP

Single-family dwelling

--- CEO⁴ CEO⁴ CU CEO^{1,4}

Notes:

- 4 Additional detached dwelling units in excess of one on a single lot shall require review and approval by the Planning Board. A site plan certified by a registered land surveyor, licensed in the State of Maine, showing all existing and proposed structures, and other pertinent information relating to the possible division of land shall be submitted to the Planning Board. The Planning Board shall determine that the property and all structures can meet the current zoning and setback requirements if the property were to be divided.**

Roger A. asked if there were any questions?

Citizen – If there were 100 acres and there was one house on it, and you wanted another house, and it was obvious there would be no problem cutting this parcel into two pieces creating two lots; according to this you would need a certified licensed land surveyor to survey the entire 100 acres to be certain all the setbacks were met?

Roger A. – A surveyor is used to place the 2nd home on the face of the earth. This is to certify a house lot, containing this 2nd home, can be broken from the parent lot and meet all the zoning requirements including setbacks, lot size, street frontage, etc.

Citizen – Can it be a verbal certification that it will meet the criteria? It doesn't have to be a perimeter survey?

Roger A. – More than likely the surveyor will set pins because he will have to survey it to certify it will meet the criteria.

Citizen – What if the person building the 2nd home, like a son or daughter, didn't know if they wanted two acres, five acres, etc. Who would set the pins for that?

Roger A. – You will need to make certain the lot will meet all the zoning requirements, lot frontage, etc. Therefore, you have to have an idea of what you want to do.

Citizen – At a later date could they add more land?

Roger A. – Yes. The goal is to set the house on the earth correctly now. Adding more land would not change the fact it meets the current zoning requirements.

Roger gave an example of how someone now may have only 300 feet of road frontage but have the four acres necessary to hold two homes. The person may say they are not going to split the lot but down the road they decide to, now there is not the required road frontage for both lots. This is what the proposed change will prevent, a problem such as this. You cannot create a non-conforming lot so in reality this lot with 300 feet of road frontage cannot be split because it does not meet the minimum lot requirements.

Citizen – What if someone wanted a mother-in-law apartment and they were willing to put a covenant in their deed that the parcel would never be subdivided. Could they create the apartment without a survey?

Roger A. – If they can meet the requirements of a zoning ordinance they can have the apartment.

Citizen – But what if the frontage was 380', just 20 feet shy of the requirements or if they were just shy of the four acre requirement but they were willing to put a covenant in their deed stating the lot would never be divided, could they have the apartment, attached to their existing home?

Steve M., CEO – I would hope not. In the future, a new owner could divide it. Case law has shown that because there are two dwellings in existence it is already functionally divided so law would allow you to divide it regardless what is in the deed or what the current zoning laws are.

Madge B. agreed with Steve's comment.

Roger A. concluded that to prevent future division problems, this ordinance is being proposed. Roger asked if there were any additional questions. There were none.

Roger A. reviewed the next proposed zoning change, it read as follows:

105-45. Cluster developments.

A. Purpose. The purpose of these provisions is:

- (1) To allow for new concepts of housing development, including developments for manufactured housing units, where maximum variations of design may be allowed.**
- (2) To protect natural resources, including but not limited to agricultural soils, unfragmented forest, undisturbed wetlands and vernal pools, and aquifers.**
- (3) To reduce new housing costs by reducing the costs of roads and other improvements.**
 - (a) Nevertheless, the net residential density shall be no greater in cluster developments than is permitted in the district in which the development is proposed.**

B. 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 water body, 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 recreation 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.**
- (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 may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.
- (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 acres, 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**

Excessively Drained, Well- Drained, and Moderately Well- Drained¹	Poorly Drained and Somewhat Poorly Drained¹	Very Poorly Drained	Slopes Greater Than 33%	Borrow Pits
On public sewer:				
100%	75%	40%	50%	67%
Not on public sewer				
100%	50%	-----	-----	33%

NOTES:

¹Soil 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 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.

Roger A. stated the reason for this ordinance is to provide a way to require all major subdivisions to be a cluster subdivision unless the applicant can prove it is not feasible. If they cannot create a subdivision the applicant must come to the Planning Board with proof as to why it is not possible. Roger A. asked if there were any questions?

Citizen - With respect to (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.**

Citizen (continued) – If all home owners in the cluster subdivision agreed, could they put up a garage on the common land for use by perhaps one of the owners that didn't have enough land to add a garage to his/her property?

Roger A. – The building would need to be a building that would be used by everyone. An example would be a gazebo for everyone to use. A garden shed would be acceptable. A recreational building where the association could have meetings would be another example.

Madge B – The building must be an accessory to noncommercial recreational or conservation use only. Madge noted there was no comma after the word noncommercial so the structure would have to be associated with recreation or conservation. Madge noted that it might be best to change the word "recreational" to "recreation" to make it clearer.

Roger A. asked if there were any other questions? There were none.

Roger A. reviewed the next proposed zoning change, it read as follows:

89-10. Submissions

The preapplication sketch plan shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan, which may be freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than 10 acres in size. **All major subdivisions as defined herein shall comply with Section 89-32 of the Subdivision Regulations and Section 105-45 of the Zoning Ordinance.**

Roger A. stated the only change was the addition of the last sentence. There were no questions.

Roger A. reviewed the next proposed zoning change, it read as follows:

89-32. Cluster developments.

B. Purpose. The purpose of these provisions is:

- (1) To allow for new concepts of housing development, including developments for manufactured housing units, where maximum variations of design may be allowed.**
- (2) To protect natural resources, including but not limited to agricultural soils, unfragmented forest, undisturbed wetlands and vernal pools, and aquifers.**
- (3) To reduce new housing costs by reducing the costs of roads and other improvements.**
 - (a) Nevertheless, the net residential density shall be no greater in cluster developments than is permitted in the district in which the development is proposed.**

B. Subdivision procedure. The Planning Board shall require the lots of all major subdivisions 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:

- (1) Written costs of infrastructure improvements.
- (2) A written statement describing the natural features that will be preserved by the cluster approach, including prime agricultural soils if any.
- (3) A written statement comparing the financial impacts of the subdivision, with and without cluster, on the municipality and school district.

(a) Within 45 days of receiving a complete subdivision application the Planning Board shall determine if the subdivision must be clustered.

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.
- (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.
- (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 acres, 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**

Excessively Drained, Well- Drained, and Moderately Well- Drained¹	Poorly Drained and Somewhat Poorly Drained¹	Very Poorly Drained	Slopes Greater Than 33%	Borrow Pits
On public sewer:				
100%	75%	40%	50%	67%
Not on public sewer				
100%	50%	-----	-----	33%

NOTES:

¹Soil 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 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.

Roger A. stated this ordinance mirrored the zoning ordinance, making the requirements in both consistent. There were no questions.

This was the last of the proposed ordinance changes.

- **Amendment to a Major Subdivision – *Great Hollow Acres – Final Plan - Map 10, Lot 2-3 (Town Farm Road)* – Peter Mason / Applicant – Philip Reed / Authorized Agent**

Mr. Philip Reed was present to represent the applicant. Mr. Reed stated the applicant wanted to divide Lot 2-3 into two lots. Both lots would meet the zoning requirements as well as subdivision requirements for a major subdivision.

Mr. Reed stated that all the deed restrictions approved on the original Great Hollow Acres subdivision would be applied to this new division. A waiver for stone monuments and sidewalks was requested.

Roger A. asked if there were any questions for Mr. Reed? There were none.

The Public Hearing was closed at 7:30 p.m.

The Planning Board meeting started at 7:35 p.m.

The minutes from Tuesday, February 14th were accepted as written.

The following is written in the order it was reviewed:

Amendment to a Major Subdivision – *Great Hollow Acres – Final Plan - Map 10, Lot 2-3 (Town Farm Road)* – Peter Mason / Applicant – Philip Reed / Authorized Agent

Mr. Philip Reed of Reed Surveying & GPS was present to represent the applicant / owner of the property, Mr. Peter Mason.

Mr. Reed mailed the Planning Board members the Final Subdivision Plan. The total acreage of Lot 2-3 is 19.81 acres. After the proposed division is approved, one lot will be 3.51± acres, with a total buildable area of 2.51± acres and the other will be 16.3± acres, with a total buildable area of 1.84± acres.

Mr. Reed noted that the requested changes to Note #11 and #12 changing the wetland buffer strip from 50' to 75' had been added. Note #15 was also added which states "There shall be no further subdivision of lots 3A or 3B."

Roger A. went over the Subdivision Review Checklist for Major Subdivisions. Roger A. read each line of Final Plan Review and it was determined all required material had been received. Roger read the following:

Written notice to applicant of Board's decision and findings that the development meets or fails to meet the following guidelines as well as the standards in the Board's regulations:

The subdivision:

Will not result in undue water or air pollution.

Will have sufficient water available for the foreseeable needs of the subdivision.

Will not cause an unreasonable burden on the existing water supply.

Will not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition results.

Will not cause unreasonable traffic congestion or result in unsafe conditions on existing or proposed roads.

Road Commissioner John Burnell voiced concern with respect to the road issue. Mr. Burnell spoke about a statement made by Mr. Reed at the Planning Board meeting on February 14th, at which he stated " he drove to lot 2-3, over Town Farm Road, and found the road to be in good condition." Mr. Burnell stated that at this time the road is frozen but if Mr. Reed would drive on the road in April he would find it was not passable. Mr. Burnell stated that the minor ditching that was done did not take care of the problems in the spring. Mr. Burnell wanted the Planning Board to be aware of the problems with Town Farm Road when approving further divisions.

Madge B. asked Mr. Burnell if there were times that the road was impassable. Mr. Burnell stated yes at this time you cannot go all the way through.

Roger A. asked if the road was passable from this division toward the paved part of Town Farm Road. Mr. Burnell stated that yes it was but the road would not sustain heavy traffic such as large trucks or buses.

Mr. Reed stated that other than potholes, he felt the road functioned fine in the location of this proposed division. Mr. Reed added that this division was only about 400 feet from the paved portion of Town Farm Road. Mr. Burnell stated that in the spring this 400 feet would be mud as there is not a good base on this road.

Citizen Roland Legere asked if this part of the road was town maintained? Mr. Burnell stated that yes it was.

Mr. Reed stated that all gravel roads needed to be maintained and that when someone builds a home they are paying taxes that go toward that maintenance. Mr. Legere stated that as a taxpayer he did not want to support upgrading this road. Mr. Legere felt the developer should have had to upgrade the road. Mr. Legere was also concerned with the heavy trucks that would be traveling on this road when new homes were built. Roger A. agreed with Mr. Legere's concerns.

Authorized Agent: Philip J. Reed
Reed Surveying & GPS
P.O. Box 234
Old Orchard Beach, ME 04097
(207) 883-8393

BACKGROUND INFORMATION

Peter J. Mason has demonstrated a legal interest in the property by providing a copy of the Warranty Deed dated June 10, 2005, registered as Book 14518, Page 446-447 at the York County Registry of Deeds. The applicant proposes to establish a single division of lot #3 of the previously approved Great Hollow Acres subdivision on Town Farm Road. Great Hollow Acres 4-Lot Subdivision was approved on October 26, 2004, plan recorded in Plan Book 297, Page 7 of YCRD. The total land area for lot #3 is 19.81 acres; the lot area to be divided from lot #3 shall be 3.51± acres, leaving 16.30± acres for the remaining lot. The minimum lot size, street frontage and setbacks are in compliance with Shapleigh Zoning Ordinance 105-18 "Dimensional Requirements" for a major subdivision.

The Planning Board determined the preliminary application was completed on February 14, 2006. A Public Hearing was held on February 28, 2006. Notification was sent to the Road Commissioner's and Fire Chief. The Planning Board received the Final Subdivision Plan on February 28, 2006 by representative, Philip J. Reed.

Water is to be supplied by private wells. Sewage is to be disposed of by individual subsurface disposal systems. Site evaluations for the lots, meeting the requirement of the Maine Plumbing Rules, were completed by James Logan, Licensed Site Evaluator #237, dated December 11, 2000.

The stormwater plan dated September 8, 2004 for the Great Hollow Acres subdivision presented for ditching, silt basins and rip rap placed along the Town Farm Road was completed and is sufficient for the frontage of the division of land along Town Farm Road for this division. No additional information or road construction is necessary. There shall be two driveway entrances onto Town Farm Road for each lot. Both entrances shall be approved by the Road Commissioner.

WAIVERS REQUESTED

The Applicant has requested that the Board waive the requirement for Article 89-30.A, Stone monuments; and Article 89-36.M, Sidewalks.

BOARD'S FINDINGS OF FACT

Preliminary Findings

As a preliminary finding of fact, the Board finds that the proposed Subdivision falls under the provision of the Shapleigh Subdivision Code, which relates to Major Subdivision, this being "Subdivision of Land, Chapter 89, Town of Shapleigh".

Specific Findings

Based on the preliminary findings set forth above, the Board makes the following specific findings in accordance with Shapleigh Subdivision Ordinance 4404 "Review Criteria".

The Planning Board finds that Lot #3 of Great Hollow Acres Subdivision:

1. Does not result in undue water or air pollution.
 - *The soils on site will adequately support waste disposal per the test pit logs completed by James Logan, SE #237, of Albert Frick Assoc., Inc., dated December 11, 2000.*
 - *There is a 75 foot wetland setback around the wetland areas on Lot #3.*
 - *There is no air pollution being generated.*
2. Does have sufficient water available for the foreseeable needs of the subdivision.
 - *The water to be supplied by individual drilled wells, no dug wells allowed.*
3. Does not cause an unreasonable burden on the existing water supply.
 - *There is no existing municipal water supply at this time.*
4. Does not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition results.
 - *Test Pits contain Skerry soils which consist of "Stony, sandy loam", and Colonel soils which consist of "Sandy Loam, and Cobbly Loamy Sand". All soils were determined to be suitable for onsite subsurface wastewater disposal. Information taken from the Test Pit information by James Logan, SE #237, SS #213 of Albert Frick Associates, Inc., Gorham, ME, dated 12/11/00.*

5. Does not cause unreasonable traffic congestion or result in unsafe conditions on existing or proposed road(s).
 - *All driveways must be approved by the Road Commissioner prior to being installed.*
 - *The Road Commissioner reviewed this subdivision and approved of the proposed plans but wanted it stated that Town Farm Road may be impassable at certain times of the year.*
6. Does provide adequate sewage waste disposal.
 - *The soils observed are suitable, as defined by the State of Maine Subsurface Wastewater Disposal Rules. This is per James Logan, SE #237 / 213, dated 12/11/00.*
 - *All wetlands have been delineated on the plan and there shall be a 75 foot buffer created surrounding the wetlands where no building can take place including septic system installation.*
7. Does not cause an unreasonable burden on municipal solid waste disposal.
 - *Each property owner will be responsible for handling his or her individual waste.*
 - *This subdivision is subject to the Growth Ordinance and therefore shall not unreasonably burden the municipal solid waste facility.*
8. Does not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas.
 - *This is not a scenic or historic site nor is it in the vicinity of one recognized by the Town of Shapleigh.*
 - *The building of single family homes in this location will not adversely affect the aesthetics of the area.*
9. Does conform to local regulations, ordinances, development plan and comprehensive plan.
 - *The final approved plan shall meet all zoning and subdivision regulations.*
 - *Any changes to the final approved plan shall have to come back before the Planning Board and/or Code Enforcement Officer regarding all zoning or subdivision issues.*
10. Does not adversely affect the quality of surface water or shoreline of ponds, rivers, streams or tidal areas.
 - *There is a 75 foot buffer created to protect the wetlands delineated on the final plan.*
 - *There shall be State approved septic designs / systems for each new home on site.*
11. Does not alone or in conjunction with existing activities, adversely affect groundwater quality or quantity.
 - *The soils observed are suitable, as defined by the State of Maine Subsurface Wastewater Disposal Rules. This is per James Logan, SE #237 / 213, dated 12/11/00.*
12. Has demonstrated adequate technical and financial capacity to meet the above.
 - *All road improvements as proposed on the original plan for the Great Hollow Acres Subdivision have been completed. This additional lot division required no road improvements therefore no monies were required from the applicant.*
13. Does have all buildings one foot above the base flood elevation.
 - *No portion of the property is within the 100-year flood plane per the Flood Insurance Rate Map for the Town of Shapleigh.*
14. Does have freshwater wetlands identified on maps.
 - *All wetland areas have been clearly depicted on the final plan.*
15. Does have rivers, streams and brooks identified on maps.
 - *All waterbodies have been clearly identified on the final plan.*
16. The applicant has provided an adequate stormwater management plan.
 - *The original stormwater proposal for Town Farm Road in the final plan for Great Hollow Acres subdivision is sufficient for this proposed division. All stormwater plans were completed for Town Farm Road as proposed on the original plan.*
17. Lot #3 of Great Hollow Acres shall have no spaghetti lots and no additional lots shall be created per the final plan.
18. Does not unreasonably increase a great pond's phosphorous concentration.
 - *There shall be no fertilizer containing phosphorus used within 75 feet of any water body or wetland area.*

FINDING ON THE REQUESTED WAIVER(S)

The Planning Board finds that the request to waive the requirement, Article 89-30, “stone monuments shall be set at all street intersections and at all corner and angle points”; ***shall be granted*** provided that all markers used to delineate property lines are placed deep enough into the earth that they are not easily removed by vandals. A minimum of three feet of rebar shall be placed into the earth.

The Planning Board finds that the request to waive the requirement, Article 89-36.M, “sidewalks shall be installed within all subdivisions within the urban compact area”; ***shall be granted*** due to the fact vehicular traffic along this section of Town Farm Road is very limited, and related generally to travel to and from home, not through traffic.

PLANNING BOARD ACTION

The Planning Board hereby approved the application of Philip J. Mason, including the requested waivers, for the single division of Lot #3 of Great Hollow Acres Subdivision with the following conditions:

1. Because the stormwater impact to the existing wetlands on Great Hollow Acres used the 4,300 sq. ft. exemption per NRPA, section 480A, no additional impact could take place on Great Hollow Acres without notification to the Dept. of Environmental Protection. According to the plan presented no additional impact will be made with the single lot division of Lot #4.
2. Any further division shall have to come back before the Planning Board.
3. Any subdivision not recorded at the York County Registry of Deeds ***within ninety days*** of the date upon which the plan is approved and signed by the Planning Board shall become null and void, unless an extension is granted by the Board in writing.
4. No changes, erasures, modification, or revisions shall be made in any final plan after approval has been given, unless the revised final plan is first submitted to the Planning Board and the Board approves any modifications.

Nothing further was discussed.

Best Possible Location – Replace Existing Camp and New Septic & Well - Map 24, Lot 28 (14th Street) – Kenneth Marchand, Applicant; Kathleen Dennis, Owner

Mr. Kenneth Marchand was present to represent Owner Kathleen Dennis.

At the previous meeting, Mr. Marchand stated that the application was to remove the existing camp and rebuild the camp farther away from the water, also adding a new septic system and well. The existing boat house would remain on site as is. Mr. Marchand provided a sketch plan which depicted the existing boat house and camp and the proposed location of the new camp and the proposed location for the new septic system and well. The existing right-of-way and the location of 14th Street, showing the distance between the proposed new camp location with respect to both were also on the plan.

Mr. Marchand supplied the following calculations:

<u>Existing Camp</u>	<u>Proposed Cottage</u>	<u>% Increase in Size</u>
784 square feet	1044 square feet	28% expansion in square feet
6849 cubic feet	8433 cubic feet	23% expansion by volume

Roger asked if the new camp would be one or two stories. Mr. Marchand stated it was 1 ½ stories but was within the 30% allowed per the ordinance.

Madge B. asked if there was any plumbing in the existing boathouse? Mr. Marchand stated no.

Roger A. noted there was a site inspection done by several Planning Board members. Roger stated there was concern as to how the area would be stabilized after construction was complete. Roger noted the area was very sandy and could easily wash into lake.

Mr. Marchand stated that part of the area will be stabilized with the foundation of the new home. He also said he could do some plantings or whatever the board members might suggest to retain the soil on site. Mr. Marchand also suggested creating a rock retaining wall.

Steve M., CEO, stated the retaining wall would be a problem as this is considered a structure so it could not be granted as it would fall within the Shoreland Zone. Mr. Marchand stated he was only going to use boulders to create it. Steve stated that this would still be considered a structure.

Steve M., CEO, suggested possible rip rap or plantings. Madge B. asked Steve if the board should require a plan so he would have a guide to what should take place prior to his final approval. Steve stated he would like a sketch plan, showing the new structure location and what type of plantings or methods would be used to retain the soil.

The Planning Board tabled this application until the next meeting so Mr. Marchand could provide a plan to prevent future soil erosion.

Nothing further was discussed.

Amendment to a Conditional Use Permit – Change Existing Storage Area into 2 Rooms for Tutoring Office - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube Applicant / Owner

Mr. Berube was present to discuss his application.

Mr. Berube stated he wanted to amend his approved CUP to change two rooms being used as storage and use them to rent to a tutor for her business.

The tutor was present and she stated she would be having a maximum of three students at any one time generally one on one tutoring. She said to start she would be open four or five days but it may turn into six days a week in the future. In the summer the hours would be noon to 2:00 p.m. During the school year the hours would be 2:00 p.m. to 7:00 p.m.

Roger A. noted there was a parking plan already in existence for this site and it would be sufficient.

Mr. Berube noted there was a handicap bathroom on site that would be shared by this business and the real estate office.

Roger A. asked if there were any questions at this time? There were none.

A site visit was scheduled for 10:00 a.m. on March 4th. A Public Hearing will be held at 7:00 p.m. on Tuesday, March 14th prior to the next scheduled meeting and a Notice to Abutters will be mailed.

Nothing further was discussed.

Best Possible Location – Install New Foundation under Cottage – Map 15, Lot 10 (3 Trails End Road) – James & Marilyn Novotny, Owners

Mr. and Mrs. Novotny were present to discuss their application.

Mr. Novotny stated they would like to raise the existing cottage to install a four foot concrete frost wall / foundation. In addition, they want to install new footings and post under the center beam and under the porch / deck.

Madge B. asked if they were going to increase the size of the cottage? Mr. Novotny stated no. The cottage would remain as it is, in the same location. They wanted to stabilize the cottage with the new foundation.

The Novotny's supplied a site plan, subsurface wastewater disposal system application dated 10/5/89 and a copy of the work estimate provided by Patrick Stevens Contractor, dated 1/11/06.

Roger asked if there were any questions at this time. There were none.

A site inspection would be done on Saturday, March 4th after the Berube inspection. A notice to abutters would also be mailed.

Nothing further was discussed.

Amendment to a Major Subdivision – Portion of Map 10, Lot #6A & 7 of Great Hollow Acres – Preliminary Plan – (Town Farm Road) - Jeffery W. Morrison, Owner; H. Craig Higgins Authorized Agent

Mr. Higgins was unable to attend. In his place an associate, Mr. Mike Haskell, represented the applicant.

Mr. Haskell stated that the applicant wanted to phase in the proposed seven lot subdivision. Lots 1 thru 3 would be created and sold during the summer of 2006. During the second phase lots 4 thru 7 would be offered for sale during the summer of 2007, after a road was constructed in the fall of 2006.

Roger A. stated that as discussed earlier between Road Commissioner John Burnell, Mr. Philip Reed and the Planning Board, Town Farm Road in this location is an issue. It is highly likely some improvements would need to be made prior to the Planning Board approving any of the proposed lots.

Roger A. noted to Mr. Burnell that the developer wants to use the gravel on lots 1 and 2 to use as base gravel for the proposed new subdivision road.

Roger A. stated to Mr. Haskell that at the Town Meeting on March 11th, there was a proposal being voted on that would require a major subdivision to be clustered. Roger wanted the applicant to be aware he may be asked to change the proposed plan to meet that ordinance. Roger stated that topography could change the requirement but the developer would have to prove clustering would not be best.

Mr. Haskell asked how this ordinance change would affect this subdivision proposal. Mr. Haskell stated the applicant was looking at this time to only get his application accepted. Madge B. stated that this ordinance change has nothing to do with accepting the application or not. Madge stated that at this time it was not a complete application because the road was an issue. Madge stated that the Planning Board can rule the ordinance change is not applicable to this application. The issue here is the road and there is nothing addressing the road issue in the application at this time.

Roger A. stated that the applicant may want to look at the entire project if the ordinance is approved and that may dictate some changes based on the new ordinance. Roger said the applicant may want to do the entire project now instead of phasing it in?

Madge B. also noted that the preliminary plan should be submitted after the on-site inspection, which in this case has not taken place. Madge reviewed 89-17 "Submissions" noting the road issue had not been properly addressed at this time and a site inspection needed to take place for these lots. Madge stated that the only thing the Planning Board can state at this time is that they received the application.

Roger A. stated another issue the applicant had to address was the open space requirement. The open space was based on the entire parcel, not just the seven proposed lots. Lot 3's open space would not suffice for the entire piece of land. It needs to be on the plan.

Mr. Burnell asked if the gravel to be taken for the road was indicated by Test Pits #14 and #18. Mr. Haskell stated yes. Mr. Burnell stated he did not feel there was adequate material based on the test pit information. Mr. Burnell felt the material indicated was marginal at best. Mr. Burnell was also concerned that Test Pit #14 was near the drainage turnout. Madge was concerned about the wetland buffer.

Mr. Haskell asked if based on the previous discussion on Town Farm Road, if the Planning Board would require Town Farm Road to be paved by the developer? Roger A. stated that this was a possibility, at least to where the new subdivision road intersects Town Farm Road.

In conclusion, the Planning Board agreed more information was necessary before a Public Hearing could be scheduled or before the Preliminary Plan could be accepted.

A site inspection would be scheduled for Saturday, March 4th.

Nothing further was discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

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

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, March 14, 2006

Amended March 28, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek, Diane Srebnick (Alternate), Madge Baker and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. (Diane S. sat in as a regular member at the Chairman's request.)

Public Hearing Began at 7:00 p.m.

- **Amendment to a Conditional Use Permit – Change Existing Storage Area into 2 Rooms for Tutoring Office - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube Applicant / Owner**

Mr. Berube was unable to attend the Public Hearing but the Tutor, Janice Williams, who will use the office space, was present.

Ms. Williams stated that she would be doing one on one instruction for students in Grades 1 through 12. The largest group of children would be three, but again preferably one child at a time. There would be an instruction room and a waiting / sitting room. Ms. Williams stated she had a Masters Degree in Literacy and 28 years in education. She stated she had 20 years in elementary education and 6 years in secondary.

Roger A. asked if there were any questions?

Citizen – Is this business going to be in the existing building that houses Century 21?

Roger A. and Ms. Williams stated that yes that was the location.

Roger A. asked what the hours of operation would be?

Ms. Williams stated during the school year the hours would be from 3:00 p.m. thru 8:00 p.m., and during the summer 8:00 a.m. thru 3:00 p.m. She stated that it would be best to state 8:00 a.m. thru 8:00 p.m., six days a week. This would cover all hours. Roger agreed.

Madge B. asked if there were going to be any exterior changes to the building?

Roger A., after reviewing the application, replied no.

Madge B. stated there was plenty of existing parking according to the existing parking plan.

Madge B. asked if there was going to be any outdoor lighting?

Ms. Williams stated there was existing lighting in the parking area at this time, she did not foresee any additional needed for her business.

Roger A. asked if there were any additional questions? There were none.

The Public Hearing was closed at 7:06 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, February 24th were accepted as written.

The following is written in the order it was reviewed:

Amendment to a Conditional Use Permit – Change Existing Storage Area into 2 Rooms for Tutoring Office - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube Applicant / Owner

Mr. Berube was present to discuss his application.

The application was to rent space to a tutor by changing existing storage rooms into offices. The Planning Board received along with the application, a sketch plan depicting the location of the existing building to be used, the parking plan, the location of the existing shed, the location of the new septic system, and the location of the proposed storage building. (Site distances were found to be well above the minimum required in the Zoning ordinance per the initial approval for the building).

Ms. Williams spoke at the Public Hearing earlier to state her intentions. (See previous page.)

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *A tutoring office is a permitted use in the General Purpose district with a Conditional Use Permit.*
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.*
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.*
- 105-21 – Traffic. *Traffic will have safe access. The site distances are well in excess of the minimum required which is 315', as approved on the original CUP.*
- 105-22 – Noise. *This business shall not create excessive noise; all activity will take place inside the existing building.*
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created by this business.*
- 105-24 – Odors. *The will be no odors emitted from this business.*
- 105-25 – Glare. *There is no additional lighting being added to the existing building.*
- 105-26 – Stormwater runoff. *This structure is already in existence with no changes being made to the parking area.*
- 105-27 – Erosion control. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.*
- 105-28 – Setbacks and screening. *Setbacks and screening were put into place under the original approved CUP.*
- 105-30 – Water quality. *There shall be no hazardous materials on site that could affect water quality, nor will any be produced by this business.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed.*
- 105-32 - Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.*
- 105-33 – Refuse disposal. *A dumpster is located on site and this business shall produce minimal waste.*
- 105-34. Access control on Routes 109 and 11. *Access onto Route 109 will be via the existing entrances and the site distances exceed the acceptable range.*
- 105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of employees and patrons of this business.*
- 105-46 – Sanitary provisions. *There is a new septic system on site and a handicap accessible bathroom for use by this business.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not, there are no changes being made to the existing property.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***N/A***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages businesses along Rte. 109.***
- 4) Traffic access to the site is safe. ***It is, the site distances exceed both the minimum and maximum requirement in the ordinance.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, the building is in existence and was determined to be in conformance during the initial approval process for this building / business location.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A state approved septic system has been installed. There is minimal solid waste associated with this business.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There are no hazardous materials on site.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***The stormwater plan was previously approved on the initial Conditional Use Permit for this application / business location. There are no changes being made to the exterior of the building or parking area.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***The soil erosion provisions were previously approved on the initial Conditional Use Permit for this application / business location. There are no changes being made to the exterior of the building or parking area.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is, lake access is within 500 feet of this property.***
- 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. ***This business will not produce anything detrimental to the neighboring properties. Lighting on the building is in existence, there is no noise emitted from this business activity.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Madge B. made the motion to approve the Amendment to a Conditional Use Permit to lease space in the existing building to a tutor with the following condition(s):

- 1) ***The hours of operation shall be 8:00 a.m. thru 8:00 p.m., Monday thru Saturday.***

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Best Possible Location – Replace Existing Camp and New Septic & Well - Map 24, Lot 28 (14th Street) – Kenneth Marchand, Applicant; Kathleen Dennis, Owner
Mr. Kenneth Marchand was present to represent Owner Kathleen Dennis.

At the previous Planning Board meeting Mr. Marchand was asked to bring in a plan to prevent erosion on site. Mr. Marchand did present the board members with a landscaping plan.

Madge B. asked Mr. Marchand when he believed the landscaping would be put into place? Mr. Marchand stated by October of this year. Mr. Marchand stated the project would be started in the spring and would be completed by winter. Mr. Marchand also stated that he intended to put in some temporary plantings, hay bales, etc. to prevent erosion prior to the completion of the project.

Madge B. asked if he would be using silt fencing? Mr. Marchand stated that yes he would.

Roger A. read Zoning Ordinance 105-4.(7)(c) to Mr. Marchand:

All approved plans shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board.

Steve M., CEO, was concerned that on the landscaping plan there was a patio shown. Steve stated that this was a structure and its placement on site would have to be per Planning Board approval only and would only be allowed if this structure did not exceed the 30% expansion. Mr. Marchand stated that the patio would be removed from the plan.

Diane S. stated that she was unsure that the volume and square foot calculations presented were correct. Roger A. stated that Steve M., CEO, would make certain during the building permit process all calculations were correct.

Roger A. asked if there were any additional questions? There were none.

Madge B. made the motion to approve the Best Possible Location for removing the existing building and placing the new building per the plan presented dated 12/18/05 with the following conditions:

- 1) Erosion control measures prior to construction shall be by Best Management Practices. Additional erosion control measures shall be put in place as soon as practical after the new foundation is in.**
- 2) Planting Plan dated 3/14/06 shall be put into place, less the patio on the plan, by October 1, 2006.**
- 3) Plantings shall be in place and erosion control measures accepted prior to an Occupancy Permit being obtained.**

Diane S. 2nd the motion. All members were in favor.

Nothing further was discussed.

Best Possible Location – Install New Foundation under Cottage – Map 15, Lot 10 (3 Trails End Road) – James & Marilyn Novotny, Owners

Mr. and Mrs. Novotny were present to discuss their application.

Roger A. began by stating that at the site inspection it was noted by members that the existing location of the camp was best because the location of the existing septic system made moving the camp problematic.

Mr. Novotny stated that the current septic system was in good working order so they did not have any plans to replace it at this time.

Steve M., CEO, asked if the height of the new home was going to be increased? Roger A. stated the home, once the new foundation was put into place, would be the same height as the existing.

Roger A. asked if there were any additional questions? There were none.

Madge B. made the motion to approve the Best Possible Location for installing a new foundation under the existing cottage keeping the cottage in the exact same location due the fact the location of the septic system prohibits moving the cottage to another location on site.

Diane S. 2nd the motion. All members were in favor.

Nothing further was discussed.

Re-review an approved Best Possible Location – Replace Camp and Install New Septic System – (8 Teal Drive) Map 40, Lot 56 – Daniel & Christina Picanco, Owners

Mr. Picanco was present to discuss his application.

On May 25, 2005, the Planning Board approved the following:

After the site inspection, a notice to abutters, review of material received, and the pertinent Zoning Ordinances, the Planning Board made the motion to approve the Best Possible Location of the new camp and septic system with the following condition(s):

- 4) The setbacks for the new camp shall be a minimum of 86' to the high water mark; 20' minimum to the side lot lines; and 19' to the roadway.**
- 5) The placement of the structure must have confirmation by a licensed surveyor that the building is placed in the correct location per the approved plans. This confirmation must be given to the Code Enforcement Officer, and a copy to the Planning Board for the file.**
- 6) After the new home is placed on site, any areas that could become an erosion problem shall be revegetated or bark mulch shall be placed on site to prevent erosion, as approved by the Code Enforcement Officer.**

On October 11, 2005 the Planning Board approved the following:

After the site inspection, a notice to abutters, review of material received, and the pertinent Zoning Ordinances, the Planning Board made the motion to approve the Best Possible Location of the new camp and septic system with the following **amended** condition:

- 7) The setbacks for the new camp shall be a minimum of *84' to the high water mark on the right corner of the camp as delineated facing Granny Kent Pond*; 20' minimum to the side lot lines; and 19' to the roadway per the plan presented.**

All other conditions as stipulated on the approval letter dated May 25, 2005 remain in effect. See attached letter.

Mr. Picanco presented the Planning Board this evening with a revised plan from the above.

The Planning Board reviewed the final boundary survey, which showed the exact location of the existing structure at present. The members believed the home was in the best possible location.

Madge B. made the motion to approve the Boundary Survey done by Blackstone Consultants, Inc., dated March 7, 2006 for placement of the new camp for the above stated application for a Best Possible Location.

Diane S. 2nd the motion. All members were in favor.

Nothing further was discussed.

Amendment to a Major Subdivision – Portion of Map 10, Lot #6A & 7 of Great Hollow Acres – Preliminary Plan – (Town Farm Road) - Jeffery W. Morrison, Owner; H. Craig Higgins Authorized Agent

Mr. Higgins was present to review the history of the application and to gain additional information as to what the Planning Board would like to see on the preliminary plan.

Mr. Higgins stated that he was not present at the last meeting and wanted to know why the application had not been accepted.

Roger A. stated that it was not complete. There was additional information needed, mainly with respect to the road. Madge B. stated that a site inspection had not been held, which she felt was the reason why the application could not be accepted. Now that that has taken place, the board members can review the application and accept it.

Roger A. also stated that he believed there were more than 14 lots on this plan by his count.

Roger A. told Mr. Higgins that the townspeople at town meeting had voted in a new ordinance that mandated all major subdivisions be clustered unless the developer could prove it was not feasible to do so. Mr. Higgins did not see this as a problem. He stated that it would be easy to create one acre lots that would house your typical home, amenities and have an adequate yard. A one acre lot would also allow enough room for individual wells and septic systems. Mr. Higgins stated that this would also give greater protection to the vernal pool on site by creating a larger buffer area.

Mr. Higgins asked if common water and sewer were required with a cluster subdivision. Roger A. stated no, this was changed last year at town meeting. Only if the ground could not hold individual septic systems, was a common system required.

Mr. Higgins stated that he would still like to do this project in three phases. Roger A. stated that it was allowed to phase in a project.

Mr. Higgins stated that Jeffrey Morrison built the roads and was also owner of the land for this project.

Mr. Higgins stated that Road Commissioner John Burnell had stated that looking at the current test pits on lots #1 and #2, R.C. Burnell did not feel there would be adequate gravel for the roads as suggested by Mr. Higgins at a previous meeting. Mr. Higgins stated these test pits were done for waste water disposal and what would be done is several feet of soil would be removed from the surface, stock piled, and then removed would be the good gravel for the roads.

Mr. Higgins stated he believed there was enough product for the roads based on the engineering done to improve Town Farm Road and build the new subdivision road, without building a hole.

Mr. Higgins spoke of the settling basins and ditching that was already done to Town Farm Road for the initial subdivision. Mr. Higgins stated that he would propose to take sample products from the test pit areas to see if they met the specifications for gravel. Mr. Higgins stated that material was stockpiled from the ditching that was done. It may be best to mix some of that product along with the product excavated from the test pits depending on what comes out of the pits, to give the gravel more binder.

Mr. Higgins stated that he wanted to build the new subdivision road in phases due to the permitting process with the Dept. of Environmental Protection (DEP) and the cost involved. Mr. Higgins said the applicant wants to build one section then sell the lots, then another section, sell the lots, etc. Mr. Higgins stated using the gravel on site is purely economic and the advantage to the town is gravel trucks aren't going to be going up and down Town Farm Road.

Roger A. stated his concern with the condition of Town Farm Road. Roger stated that at this time it is seasonal. Roger stated with the size of this proposed development, the town needed to have some assurances the road could withstand the pressure of all the additional traffic.

Mr. Higgins spoke of land that has been donated to the Town of Shapleigh from his corporation. Mr. Higgins stated the value of one piece of land was \$95,000 for one lot. Mr. Higgins believed this showed he has given back to the town. Mr. Higgins stated he does get tax deductions from this but it is only about a quarter of the lands value. Mr. Higgins stated he is a responsible developer.

Mr. Higgins said that he had made some improvements already to Town Farm Road. Mr. Higgins stated that his additional proposed improvements of more ditching, etc. were substantial. Mr. Higgins did not want to be responsible for a major upgrade of Town Farm Road.

Roger A. stated again his concern was the ability of the new homes to be able to travel along Town Farm Road year round.

Mr. Higgins believed it was the responsibility of the Town of Shapleigh to make certain homes along Town Farm Road could travel to and from their homes.

Road Commissioner John Burnell stated that the Town of Shapleigh does have plans for Town Farm Road but they are long range plans. R.C. Burnell stated the only improvement at this time is to try to dry up part of Town Farm Road so it can be graded in the spring. There are no plans at present to upgrade it for year round use.

R.C. Burnell stated that he believed there was a difference between subdivision road standards and town standards. R.C. Burnell said he agreed that major improvements needed to be made to Town Farm Road like underground drainage and filter fabric, etc. But added that it will take the town a number of years to complete.

Mr. Higgins stated there were existing lots on Town Farm Road. Mr. Higgins asked if someone got a building permit on one of these lots, does the town have the responsibility to provide them with year round access to their home? Mr. Higgins added that if anyone had built a home before this development, wouldn't the town have to have provided access to this home?

R.C. Burnell stated that the town would have had to have been upfront with them and told them that at this time it is a seasonal road. R.C. Burnell said the town could not afford to build a mile of road for one house. The road would have to be passable but not up to a standard.

Diane S. asked if there were two types of roads in Shapleigh, town roads and town seasonal roads? R.C. Burnell stated no, but at this time there are no other houses on this section of Town Farm Road so it is not maintained year round. Diane stated, "But it is a town road?" R.C. Burnell answered, "Yes."

Roger A. stated another concern was that during a site inspection it was noted a lot of material removed from the new subdivision road was being deposited on a back lot, which hadn't been approved. Mr. Higgins stated he was not aware of this. Mr. Morrison, the applicant and person building the subdivision road, stated that what Roger said was correct.

Roger A. stated again this project would need to be clustered but a central well or septic system was not required. Mr. Higgins believed he could create a clustered subdivision without a problem.

Roger A. stated there was an inadequate amount of open space being provided for this project as well. Mr. Higgins stated that with clustering the seven lots there would be more than 10% open space set aside. In addition, a trail network would be set up and additional protection for the vernal pool.

Mr. Higgins said he would come back to the next meeting with a clustered plan, and with open space showing calculated out. Mr. Higgins stated he wanted lots #1 thru #3 done first to be able to use the gravel and avoid traveling along Town Farm Road.

Steve M., CEO, stated that if the lots Mr. Higgins was proposing to do last were done first, there would be better access for fire, ambulance, school busses etc, due to the condition of the road. Roger A. agreed with Steve's assessment.

Mr. Higgins also added that if the road was built as Steve and Roger suggest, he would need his DEP permit which would hold the project up for about six months. R.C. Burnell stated that the project would be held up three months now due to the fact the roads are posted to all heavy equipment.

Madge B. asked why Mr. Higgins didn't need to go to the DEP now? Mr. Higgins stated it depended on the number of lots and at this time it would not be necessary.

Madge B. stated the rules for significant wetlands may be changing. Madge said the buffer may be expanded from 75' to 100'. Madge would like a site review from DEP at this time so the Planning Board would know what would be required in the future.

Mr. Higgins stated he had one Growth Permit to build on one of the lots along Town Farm Road so this is another reason he wants to start phase 1 with lots #1 thru #3.

Madge B. stated if there is to be no DEP review, she would like a biologist to look at the vernal pool to see if it is of significance. Mr. Higgins stated he had already identified the area as a potential vernal pool showing the required 75' setback at this time. Madge stated that if it is significant the state is going to want more than a 75' buffer. Mr. Higgins agreed assuming the state changes the law. Mr. Higgins agreed to go to 100' on the Preliminary Plan.

R.C. Burnell stated that if the project begins as Mr. Higgins suggest with lots #1 thru #3, it would be best to upgrade Town Farm Road from the far end to the subdivision entrance because there was a shorter distance to improve and less work to be done.

Roland Legere stated that this subdivision continues to grow and as a taxpayer he did not want to carry the tax burden to upgrade this road.

Mr. Higgins stated that he would consider ditching and drainage on the other side of Town Farm Road, leaving the town the responsibility to improve the soft spots so it would be accessible year round. Mr. Higgins stated that the town will need to upgrade this road eventually. R.C. Burnell stated that that was true, but the town would make it accessible but not to a town standard right away. R.C. Burnell stated the material would need to be removed from the road and filter fabric placed; it is a costly project to the town.

Roland Legere asked if road improvements required tax payer approval or if it was built into the road budget? R.C. Burnell stated it would be a special vote.

Mr. Higgins asked if someone built a house along this section of Town Farm Road, would the town accept responsibility to provide year round access? And would this year round access be for emergency vehicles as well? Mr. Higgins stated Mr. Small (Lot 2-4) had a Growth Permit and would be building a house, and he asked R.C. Burnell to show him where he would upgrade the road for Mr. Small's access.

R.C. Burnell stated again that this entire stretch of Town Farm Road, in front of the proposed lots and approved lots, is in very poor condition at best this time of year. Roger A. voiced his concern with access for the subdivision knowing it would take time for the town to upgrade this stretch of road.

Mr. Higgins asked if the board members would consider allowing lots #1 thru #3 to be sold, using the sale of these lots to fund the road improvements? Mr. Higgins stated he needed some return before major roadwork is done.

R.C. Burnell ended by saying everyone should go see the condition of Town Farm Road at this time so they understand what he has been speaking about, the very poor condition of the road.

Mr. Higgins stated he would come back with a new plan.

There was no further discussion.

Conditional Use Permit – Motorcycle Shop – Map 11, Lot 10 (316 Newfield Road) – Lawrence Montuori II

Mr. Montuori was present to discuss his application.

Along with the application, Mr. Montuori provided a sketch plan showing the existing home, garage, location of septic system and well. Also the driveway and parking area was indicated.

Mr. Montuori stated he wanted to open a motorcycle repair facility. He stated the garage he would use was already in existence. The state electrical inspector had already been to the site and he passed that inspection.

Madge B. asked if Mr. Montuori was changing anything on the property or using what was already in existence? Mr. Montuori stated he was using the existing garage.

Madge B. asked if the building sat on a cement pad? Mr. Montuori stated it sat on a 30' x 30' cement pad, and he stated the Code Enforcement Officer had approved the garage.

Madge B. asked what exactly would be done on site? Mr. Montuori stated he would repair motorcycles which included rebuilding engines, changing fluids, all of which would be done in house. There would be no repairs outside of the building.

Roger A. stated Mr. Montuori would need letters from any company he would be using to remove waste products from the site. Mr. Montuori stated the used oil was going to be brought to the town transfer station. The tires would also be brought to the town transfers station with the fee.

Roger A. asked if Mr. Montuori had any other alternatives then the transfer station in case the members did not want the waste products brought to that location? Mr. Montuori was not against finding a recycling company but he added that the amount of fluids from motorcycles was not even a quarter of that of an automobile.

Roger A. asked about storage of batteries and gasoline. Mr. Montuori stated it would all be inside. Mr. Montuori stated the entire garage is 5/8 sheetrock at this time so it was to code for fire protection. Mr. Montuori stated the only gasoline would be that inside the motorcycle.

Roger A. asked how many motorcycles would be kept on site? Mr. Montuori stated the most would be ten total.

Diane S. asked if he would be selling motorcycles? Mr. Montuori stated no.

Mr. Montuori stated the maximum hours of operation would be 8:00 a.m. thru 8:00 p.m., Monday thru Saturday. Mr. Montuori stated he also had a cement pad out front to park the motorcycles on so they would not ruin the pavement.

Roger A. asked if there were any additional parking spaces for regular vehicles? Mr. Montuori stated he believed he had an area large enough for up to three automobiles.

There were no other questions at this time.

A site inspection was scheduled for 6:30 p.m. on Tuesday, March 28th. Also a Public Hearing will be held at 7:00 p.m. and a Notice to Abutters shall be mailed.

Nothing further was discussed.

Conditional Use Permit – Foundation Placement for New Home Regarding Ordinance 105-13 – Map 27, Lot 1 (197 16th Street Loop) – Leonard Spallone

Mr. Spallone was present to discuss his application.

Mr. Spallone brought to the Planning Board two proposed locations for the new home. One having a 30' rear setback and the other a 20' setback. Mr. Spallone stated he owned both lots on each side of the road (16th Street Loop). One lot was in the Shoreland zone, and a portion of the second lot for the new home was in Shoreland and General Purpose.

Steve M., CEO, explained that the rear setback in the general purpose district is 30 feet. The rear setback in the Shoreland district is 20 feet. The more restrictive setback lies in the general purpose district but the Planning Board has the authority to allow the Shoreland setback under ordinance 105-13.

Madge B. said it was to the towns benefit to move it farther from the road, using the 20' setback. The other board members agreed.

Roger A. asked if there were any additional questions? There were none.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not, this setback moves the new home farther from the water and does no harm to the existing environment.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***This setback moves the home farther from the shorefront.***
- 3) The use is consistent with the Comprehensive Plan. ***N/A***
- 4) Traffic access to the site is safe. ***It is, the setback meets the road setback.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, the location of this property is not within the flood zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A state approved septic system shall be installed.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There are no hazardous materials on site.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***The building permit process shall address stormwater drainage.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***The building permit process shall address soil erosion and sedimentation.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is, lake access is within 500 feet of this property.***
- 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. ***The new home shall have no detrimental features.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Madge B. made the motion to approve the placement of the new home per site plan “A” – C1, dated March 14, 2006. This plan depicts the road setback as being 75' to the centerline of 16th Street Loop and 20' to the back lot line.

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Movement of Greater Than 150 Yards of Earth – Map 3, Lot 11 (Shapleigh Corner Road) – Raymond & Deborah Sanborn

Mr. and Mrs. Sanborn were present to discuss their application.

Along with the application was a site plan showing the lots line, proposed driveway location, along with distances listed from the new driveway to lot lines and new driveway to existing Mousam Spring Brook.

The applicants stated they were before the Planning Board because they would be moving greater than 150 yards of earth to build a driveway and grade an area for their new home. Mrs. Sanborn noted they were hoping to receive their Growth Permit in 2007, so at this time they want to prepare an area for the new home.

The applicants also provided a copy of the Maine Dept. of Transportation Driveway/Entrance Permit, dated 3/10/06.

Roger A. asked if the driveway would serve only one home? Mrs. Sanborn stated that yes, it was for a single family home only.

Steve M., CEO, stated that on paper the right-of-way for the driveway can go up to the lot line of the abutter, but the top of a cut or the bottom of a fill is supposed to be ten feet from the lot line.

There were no questions from the Planning Board at this time.

A site inspection was scheduled for Tuesday, March 28th at 5:45 p.m. A Notice to Abutters will also be mailed.

Nothing further was discussed.

GROWTH PERMIT(S) – Growth Permit #17-06 was relinquished by the permit holder, therefore the next applicant, Shapleigh Tax Map 6, Lot 40 (Gulf Road), Philip Yakebec received Growth Permit #17A-06.

The Planning Board meeting ended at 9:45 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, March 28, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek, Diane Srebnick (Alternate), and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. (Diane S. sat in as a regular member at the Chairman's request.)

Public Hearing Began at 7:00 p.m.

Conditional Use Permit – Motorcycle Shop – Map 11, Lot 10-1D (316 Newfield Road) – Lawrence Montuori II

Mr. Montuori was present to discuss his application.

Mr. Montuori began by stating he wanted to open a motorcycle shop in his existing garage. He stated the hours of operation would be 8:00 a.m. to 6:00 pm. Monday thru Saturday, but he may be working some nights until 8:00 p.m. It would be closed on Sunday.

Mr. Bill Tito – He stated he sent a letter to the Planning Board with his comments and he presented the board members with another letter that he stated was a follow up to the first.

Roger A. stated the letters would be addressed during the regular meeting.

Mr. Tito – Stated he was concerned with the noise levels from this type of establishment and a concern for local property values. Mr. Tito asked if the business would be subject to Shapleigh's noise level ordinance (Zoning Ordinance 105-22 "Noise")?

Roger stated that yes it would be.

Mr. Tito – Stated the ordinance was quite strict with only 60 dB (decibels) allowed during the day and 45 dB at night. He stated that a normal conversation was 60 dB. He said the appendix in the ordinance showed motorcycles were 90 decibels. He felt that allowing this business would be in violation to the noise ordinance.

Mr. Tito – Stated that he also wondered if someone was selling a house and there was a motorcycle shop in the neighborhood would that be a limiting factor to local sales. He believed it would have an impact.

Mr. Tito – Would there be any restrictions with respect to environmental issues such as oil, etc.?

Roger A. stated the Planning Board looks at environmental issues such as how oil will be stored, how it will be handled and how it will be taken off site.

Mr. Tito – I think the biggest issue is the noise and how it can be kept within the guidelines.

Mr. Tito – So hazardous waste is documented?

Roger A. stated that the Planning Board had several letters from companies which stated how the hazardous waste would be handled. There are companies lined up to take care of the hazardous waste. Roger stated that storage would also be addressed by the board members during the meeting.

Mr. Tito – If there is a violation to the noise ordinance, how will it be addressed?

Roger A. stated that a person calls the Sheriff's office and they respond. Once they respond it is recorded. The Sheriff uses a sound meter to see if there is a valid complaint. If the complaint is valid, the person causing the violation can get fined. Roger noted that how the Sheriff's department handled the complaint was out of the Planning Board's hands.

Christine Nicholson – Voiced a concern about motorcycle repair in general. She stated she didn't mean any disrespect but she was married to someone who rode Harley's for 20 years and some people that are associated with motorcycles she didn't want near her disabled son. She added that one of the reasons she decided to stay in Shapleigh was because she has a disabled child who is unattended for several hours a day and she feels he is safe in Shapleigh. She noted that Shapleigh was a dry town and she chooses to live in this type of environment. She stated that the idea of a motorcycle shop scared her. She stated she did not want Shapleigh to change.

Mr. Montuori stated that he did not want any undesirable clientele either. This was his home.

Christine Nicholson – Stated that in the past when she's called the Sheriff's dept. because of the noise from four wheelers, by the time they get there, the four wheelers are gone. She stated she has definite reservations about having this business go in. Again she said the type of crowd and clientele that are associated with motorcycles, because she was part of that crowd at one time, is not something she wants in her neighborhood. And as a parent she doesn't want her child subjected to it.

Citizen – Another issue is unused parts. Are there any plans for storage of unused parts? The citizen was worried there would be parts in the yard because he did not want to be living next to a junkyard. Are there standards in the town as to how many unused vehicles you can have on site?

Roger A. stated that yes, there is a state law that you cannot have more than three unregistered vehicles on site.

Citizen – And motorcycles fall under that?

Roger A. stated any vehicles. Roger added that there are provisions for any vehicles; each unit is a vehicle, including motorcycle, camper, trailer, etc.

Mr. Montuori – As far as vehicles being outside or parts, I do not want that. My property is immaculate and I want it to stay that way. I do not want any tires, parts, etc. hanging around, I want my property to stay as it is. All parts will be in house. With respect to noise levels, there are trails that go to Abbott Mountain Road and all the neighbors have heard the four wheelers that go through there. They also race up and down Newfield Road, so there is a noise issue now. Also, on a weekend there can be as many as 100+ motorcycles going down the Newfield Road.

Mr. Montuori – With respect to clientele. There is that connotation that bikers are like the group called the Hells Angels, but there are many people who own Harley's that make more than \$100,000 a year. Harley's are mainstream. People come in for repairs or to buy parts but they aren't going to be hanging around on site. In addition, this is my home. I understand your concerns.

Christine Nicholson – She stated that the York County Sheriff's Dept. knew her very well because of her calls but they don't always respond on time. Again, she said she had been around bikers and it is a concern.

Mr. Montuori – He stated that he would be more than happy to show Ms. Nicholson's son the shop. He stated that if her son got lost, he would bring him home because he knew where she lived. He added that when she lost her dog he called her back to ask her if she found it because he cared about his neighbors.

Christine Nicholson – She stated that what he was saying was true and that she appreciated his honesty.

Mr. Tito – Some motorcycles are louder than others. He did not see how Mr. Montuori would be able to fall within the 15 minutes a day allowed for elevated noise levels.

Mr. Montuori – I have a Harley Davidson and he felt most neighbors didn't even know when he left in the morning because it was quiet. Also, he added that he would not be revving the bikes up because he didn't have the equipment to test an engine revved up. He added that the State was cracking down on bikes with straight pipes.

Mr. Montuori – I want to get a license to be able to inspect bikes and if I allow straight pipes, I would be subject to a fine. If my records showed I allowed straight pipes I would have to pay fines. I may not make lots of money, but I want a reputation as a good mechanic that stands behind his work.

Citizen – Have you thought about putting up sound barriers with trees or fencing? The concern is if you are working late at night on a bike it would bother the neighbors.

Mr. Montuori – The problem is both of my immediate neighbors ride motorcycles. If I put up a barrier, you will hear them and think it's me.

Mr. Tito – Are these ordinances enforced?

Roger A. stated at the present time there are no motorcycle shops in Shapleigh. Second, as mentioned earlier, noise issues are strictly through the Sheriff's office.

Mr. Tito – Your ordinance shows motorcycles are 90 dB and allowed is 60 dB's. So how can this be allowed? Some Harley's can be as loud as 125 dB's. He added that from 60 to 70 dB's is twice as loud, from 70 to 80 is four times as loud, etc.

Roger A. stated this will be addressed during the meeting.

Steve M., CEO, asked if Mr. Tito had a professional background in noise levels?

Mr. Tito stated he an electrical engineer and he also worked with audio companies for a total of 12 years.

Christine Nicholson – She stated she was not an engineer but after listening to Mr. Tito, the noise levels generated would exceed what was allowed by the ordinance.

Roger A. stated that noise could not be generated greater than allowed for a period of 15 minutes, no longer. Roger stated that the Planning Board did not know what type of motorcycle created what noise level, so the only way to control the noise issue would be a condition placed on the approval with respect to noise levels. The noise level can be limited. Roger said the Planning Board cannot presume noise levels will be exceeded. The board can only look at the information presented.

Christine Nicholson – What would be a total amount of calls to the Sheriff's department needed to address the noise issue. She stated she had called numerous times on four wheelers, snow mobiles, hunters, etc. and nothing gets done. She said she's been calling for 15 years, so how many times will she have to call to complain to have the noise issue resolved?

Roger A. stated he could not answer this question. He said that the Planning Board could state that when there have been so many valid complaints then the issue needs to be addressed. The board could decide on the number of complaints.

Christine Nicholson – She reminded the board members that Mr. Montuori stated both of his neighbors ride motorcycles which could add to the noise issue.

Roger A. stated that what the neighbors do was not an issue for the Planning Board. The application must be looked at with blinders on, only looking at this project and the impact of this project only.

Mr. Tito – Does the town address the issue of property value?

Roger A. this is not considered within the ordinance.

Citizen – Does this change the entire area to a business zone?

Roger A. stated that no, this is a general purpose district where business is allowed.

Diane S. added that at this time there are no districts specifically designed for business, commercial, etc.

Roger A. noted that he did make sure, because this property was part of a subdivision, that there were no restrictive covenants that would not allow for a business to be placed on site. There was no restriction placed on the subdivision approval.

Steve M., CEO, asked if his neighbors that directly abutted the property were here? Mr. Montuori stated no, but he had a letter from one of them that stated his approval of the project (Richard Rollins).

Steve M., CEO, asked those in attendance how far they were from Mr. Montuori's property?

Mr. Tito – We are not far, we live on Abbott Mountain Road and the way the road bends I am the closest in the back. Maybe 150 feet?

There were no further questions at this time.

Public Hearing closed at 7:29 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, March 14th were accepted as amended.

Conditional Use Permit – Motorcycle Shop – Map 11, Lot 10 (316 Newfield Road) – Lawrence Montuori II

Mr. Montuori was present to discuss his application. A site inspection by board members was done prior to this evenings meeting.

Roger A. read two letters from Mr. William Tito, one dated 3/22/06 and the other 3/28/06. The letters addressed his concerns regarding possible noise levels from this business. Roger also read the comment from a direct abutters, Mr. Richard Rollins, which stated he had no issue with allowing the business.

Mr. Montuori stated he would have no problem putting up a hedge fence if the board members felt that would help with the noise issue. Mr. Montuori stated again that both of his direct neighbors rode motorcycles so he did not see how anyone would know if the noise being generated was from them or from his establishment.

Mr. Montuori also noted that the lots are 200 feet apart and he did not see how Mr. Tito could be 150 feet from his property since he was not a direct abutter. But again he added he would put up a hedge fence if it was necessary. Mr. Montuori also added that all the work done on the motorcycles was going to be inside the garage, not outside.

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *A motorcycle shop/ home based business is a permitted use in the General Purpose district with a Conditional Use Permit.***
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.***
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.***
- 105-21 – Traffic. *Traffic will have safe access. The site distances are well in excess of the minimum required which is 315', as approved on the original CUP.***
- 105-22 – Noise. *This business shall not create excessive noise; all activity will take place inside the existing building. Should noise levels be exceeded for a single period of 15 minutes at any one time, the applicant shall have to come back before the Planning Board to address the issue.***
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created by this business outside of the existing building. All gasses and oils shall be contained in the appropriate containers and gas, oil, anti-freeze shall be removed from the site per the companies / letters received.***

Citizen – Are the containers for the oils being placed in a secondary containment for the storage barrels?

Mr. Montuori – The barrels are being housed inside the building on a cement slab. Also the containers are only five gallons in size.

Citizen – O.K.

- 105-24 – Odors. *The will be no odors emitted from this business.***
- 105-25 – Glare. *There is no additional lighting being added to the existing building.***
- 105-26 – Stormwater runoff. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.***
- 105-27 – Erosion control. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.***
- 105-28 – Setbacks and screening. *There are no exposed storage areas.***

- 105-30 – Water quality. *There shall be no bulk storage of hazardous materials. There shall be no outside storage of hazardous materials.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed. There is no additional parking area being created.*
- 105-32 – Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.*
- 105-33 – Refuse disposal. *All waste shall be removed from site per the letters received from the waste removal companies.*
- 105-40 – Home occupations. *The existing garage is an accessory structure to the home. The applicant is a sole proprietor and only employee.*
- 105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of employees and patrons of this business.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*
- 105-52 – Water quality protection. *There shall be no hazardous waste stored outside the existing building. The hazardous waste shall be removed from site by licensed hazardous waste companies.*

Roger asked if there were any additional questions?

Diane S. asked if Mr. Montuori would be selling motorcycles? Mr. Montuori answered, no.

Diane S. asked if Mr. Montuori would be selling motorcycle parts? Mr. Montuori stated that yes he would be; part of his agreement with getting parts at a wholesale rate, he was required to have a parts display on site.

Diane S. asked Mr. Montuori if he had an exhaust fan in his garage? Mr. Montuori stated that he had not put one in yet, but would have one in place by fall. Mr. Montuori stated that during the summer months he would have doors open for ventilation.

Steve M., CEO, stated that Mr. Montuori said he would put up some type of hedge type fence. Steve asked Mr. Tito if he would agree that this would help reduce the noise level?

Mr. Tito stated that he didn't know.

Steve M., CEO, stated that Mr. Montuori was trying to make an effort to mitigate sound. Steve looked at the sketch plan presented by Mr. Montuori and asked Mr. Tito if there was an area on the plan that he might think a hedge fence would work best. Mr. Tito stated that he did not know because of the lay of the land.

Diane S. read Zoning Ordinance 105-20(C) under "Applicability of standards; prohibited uses."

Plans for the effective control and/or elimination of the same shall be presented to the Planning Board for approval. When the effects of a use are uncertain, the Code Enforcement Officer, after prior notification to and at the expense of the applicant, shall employ such independent recognized consultant as necessary to ensure compliance with all requirements of this Code specifically related to the public health, safety and welfare and the abatement of nuisances. The estimated costs of such studies shall be deposited with the Town Clerk prior to their undertaking.

Citizen – There are various ways to mitigate sound from traveling outside a building such as lining the inner walls with soundproof material.

Mr. Tito – You see things along highways that they put up such as jagged cement walls to baffle sound.

Mr. Montuori stated that his walls were all insulated with R13 insulation and there was fire code 5/8 sheetrock over it. There is insulation on the ceiling as well. The building is rated for a two hour fire code.

Roger A. noted that the inside wall between the office and the work area was not up to fire code and he believed it should be.

Diane S. stated that since there was concern raised with respect to the noise problem, that perhaps Mr. Montuori should hire an independent noise consultant to address the noise issue. Diane felt this should be done instead of requiring a hedge before we know it is necessary. Mr. Montuori stated that he would do so if required. Mr. Montuori stated he could idle his bike and also have board members present.

Steve M., CEO, stated he would like to see that the person hired also would have methods of noise reduction, rather than someone who only knows how to run a noise meter.

Roger A. stated that he would entertain the condition that the noise issue would be addressed if there were three valid complaints to the Sheriff's Department. Roger believed that there would be a minimal amount of time the motorcycles would actually be running on site. Roger stated that if there were three valid complaints, the application would need to return to the board with a plan on how the noise would be reduced, and a way to show it wasn't going to continue to happen.

Roger A. reminded the board that Mr. Montuori asked the hours of operation be from 8:00 a.m. to 8:00 p.m. Roger stated that he would prefer all noise stop at 6:00 p.m. Mr. Montuori stated there would be no bikes started after 6:00 p.m. but he would like the option of continuing to work on them inside the building. Roger stated that if the work was going to be noise generating, he should post pone it until the morning. Roger also added that the 15 minutes of allowed noise was very limiting and Mr. Montuori needed to be aware of that. Mr. Montuori stated he had no question with respect to the ordinance.

Citizen – OSHA requires that any time a motor vehicle is run inside of a building there needed to be ventilation or have the exhaust vented outside via a hose.

Mr. Montuori stated that he understood.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not, there are no changes being made to the existing property.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***N/A***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages home based businesses.***
- 4) Traffic access to the site is safe. ***It is, the site distances exceed both the minimum and maximum requirement in the ordinance.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, per the building permit process.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A state approved septic system has been installed. Solid waste will be removed per the letters received from waste removal companies.***

- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***Hazardous materials will be removed from site per the letters from companies received. In addition, batteries will be removed from the company delivering new batteries on site.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***. There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is, Ross Corner Fire Department.***
- 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. ***This business will not produce anything detrimental to the neighboring properties. Lighting on the building is in existence. Should noise pose a problem the applicant shall have to come back before the Planning Board to address it, per the conditions of approval.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall with the conditions imposed.***

Lauren made the motion was made to approve the Conditional Use Permit to open a motorcycle parts and repair shop with the following condition(s):

- 1) ***The hours of operation shall be 8:00 a.m. thru 8:00 p.m., Monday thru Saturday.***
- 2) ***There shall be no noise allowed from the motorcycle shop after 6:00 p.m., seven days a week.***
- 3) ***Should there be more than three valid noise complaints to the Sheriff's Department with respect to the activity as a result of the motorcycle repair shop; the applicant must come back before the Planning Board so changes can be made on site to reduce noise levels.***
- 4) ***Hazardous waste shall be removed from site per the letters received by the Planning Board on the applicant's behalf.***
- 5) ***Any signage shall be permitted through the Code Enforcement Office.***

Barbara G. 2nd the motion. Three members in favor, Roger A., Lauren M., and Barbara G. One member opposed, Diane S. Diane stated that was opposed because she wanted a noise consultant hired prior to Planning Board approval. Motion carried.

Nothing further was discussed.

Conditional Use Permit – Movement of Greater Than 150 Yards of Earth – Map 3, Lot 11 (Shapleigh Corner Road) – Raymond & Deborah Sanborn

Mr. and Mrs. Sanborn were present to discuss their application.

At the previous meeting a site plan was received, showing the lots line, proposed driveway location, along with distances listed from the new driveway to lot lines and new driveway to existing Mousam Spring Brook. The applicants stated they were before the Planning Board because they would be moving greater than 150 yards of earth to build a driveway and grade an area for their new home.

A site inspection was done prior to this evenings meeting.

Abutters Richard and Carol Odgen of 138 Shapleigh Corner Road were present for the meeting. Mr. Odgen stated they were not opposed to the project they were only concerned about the runoff coming from the property since trees were cleared. Mr. Odgen stated that a lot of silt came from the property into the stream and then into the river. There was a large algae bloom last summer as a result. Mr. Odgen stated again they were not opposed to the project; they wanted measures taken to stop the silt from flowing into the lake.

The Ogden's also had pictures of the silt problem and algae bloom that occurred last year as a direct result of the runoff.

Steve M., CEO, stated that he agreed with Mr. Odgen. The terrain is very steep and there has been a problem. During hard rains, silt has come off the property and ended up in Mousam Lake.

Mrs. Odgen stated again that the problem started after the trees were removed from the property.

Roger A. stated he could attest to the soil problem as noted at the site inspection.

Diane S. stated the applicants could contact York County Soil and Water Conservation District in Alfred. They would give them a free evaluation and could suggest ways to re-design the area to prevent runoff. Diane also state that YCSWCD was very aware of the runoff problems in the area and would be happy to address this issue. Diane noted that the department just received a grant so money was available to the department for studies.

The contractor attending the meeting with the Sanborn's asked Steve M., CEO, if a silt fence would be an appropriate measure for this project. Steve stated that it was necessary during construction but this is a long term problem. Steve also said to be able to run a workable silt fence along the entire length of the driveway project wasn't probable.

The contractor asked how abutting property owners, who were also building, were addressing this issue? Steve M., CEO, stated that he understood there were other areas with problems, but they are exempt from the Conditional Use Process. The contractor stated he understood, he was just asking how they were addressing it to give him an idea of what to do.

Mr. Sanborn stated the abutting property to his was creating as much of a silt problem as his project would. Steve M., CEO, stated he understood that but he was building his driveway under his building permit and it was exempt from addressing this issue through this process. Steve admitted it was still a very real problem.

Roger A. reviewed Zoning Ordinance(s) 105-59 "Roads and water crossing." and 105-60 "Driveways". Roger also reviewed 105-39 "Earth removal and filling", with emphasis on G. Conditions of permit., in its entirety.

After reviewing all the pertinent criteria, the Planning Board agreed an engineered plan was necessary depicting how the road would be built and how sedimentation would be addressed. Roger A. told the applicants the stormwater runoff issue would need to be designed for a fifty-year storm which was the largest storm to occur during a fifty-year period. Roger stated an engineer would be able to address this.

Roger A. stated that the hill was the biggest impact but also the wet area would need to be addressed.

Nothing further was discussed.

GROWTH PERMIT(S) – Growth Permit #10-06 was relinquished by the permit holder, therefore the next applicant, Shapleigh Tax Map 39, Lot 75, Darlene Breton received Growth Permit #10A-06.

The Planning Board meeting ended at 8:50 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, April 11, 2006

Members in attendance: Roger Allaire (Chairman), Madge Baker (Vice Chairman), Bill Hayes, Lauren Meek, and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

The Planning Board would like to welcome the return of member Bill Hayes.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, March 28th were accepted as read.

Conditional Use Permit – Movement of Greater Than 150 Yards of Earth – Map 3, Lot 11 (Shapleigh Corner Road) – Raymond & Deborah Sanborn

Mr. and Mrs. Sanborn were present to discuss their application.

The Sanborn's presented the Planning Board with a new plan for the proposed driveway. The plan depicted the length of the driveway, the location of a hammerhead turnaround, and details of the depth and type of material to be used for the driveway. Elevation, ditching and a culvert was also depicted.

Roger A. asked if there was going to be any rip rap used for erosion control along the ditch line?

Mr. Sanborn stated that the gentleman that drew up the plan stated that none would be needed if the driveway was built as depicted on the plan.

Madge B. asked about the elevation of the driveway as she had not been able to attend the site inspection for this application. Both Roger A. and Mr. Sanborn told her about the property and Roger noted that the elevation was shown on the new plan.

Roger A. reviewed Zoning Ordinance 105-60.1 "Private ways". Roger stated that the proposed driveway was going to be 14 feet wide per the plan and Mr. Sanborn agreed, when only 12 feet was necessary per the ordinance. Roger stated the depth of subbase also exceeded the minimum requirement of 12 inches. The wearing surface met the 2 inch minimum requirement, the hammerhead turnaround was sufficient and the grade would not exceed the maximum of 10% allowed.

Roger A. stated that because this was a driveway for a single family home, the driveway plan would not need to be recorded with the York County Registry of Deeds. Roger noted that the driveway plan would need to be recorded if two or more dwellings were accessed by it.

Roger A. reviewed Zoning Ordinance 105-60 "Driveways" and told the applicants they would need to obtain written permission to proceed with construction from Road Commissioner Richard Goodwin. They stated they understood and would contact him as soon as possible. (A letter was received from Mr. Goodwin on April 18th stating he agreed with the proposed driveway plan.)

Roger A. asked if there were any additional questions? There were none.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not per the plan presented.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***N/A***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages good soil management to protect the lakes and streams.***
- 4) Traffic access to the site is safe. ***It is, the site distances exceed the minimum required in the ordinance.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, per the plan presented.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***There will be none generated with this activity.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There will be no hazardous material generated with this activity.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There is adequate ditching, cuts and culverts per the plan provided.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There shall be silt fencing used during the construction of the roadway per the plan.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***N/A***
- 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. ***This activity will not generate any of the above.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Madge B. made the motion to approve the Condition Use Permit to put in a driveway per the plan, dated April 10, 2006, with the following condition:

- 1) No construction shall begin until written permission to proceed with construction is received from the Road Commissioner.***

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Amendment to a Conditional Use Permit – Foundation Placement for New Home Regarding Ordinance 105-13 – Map 27, Lot 1 (197 16th Street Loop) – Leonard Spallone

Mr. Spallone was unable to attend the meeting due to a family matter.

Barbara G. stated that Mr. Spallone had a comprehensive survey completed and it showed he could not meet the 75 foot road frontage requirement that had been approved by the Planning Board at a previous Planning Board meeting. Note: On March 14th the Planning Board approved the following: “After review of all the material presented, Ordinance 105-13 “Division of lots by district boundaries”, as well as, Ordinance 105-73 “Standards Applicable to Conditional Uses”, the motion was made to **approve** the placement of the new home per site plan “A” – C1, dated March 14, 2006. This plan depicts the road setback as being 75’ to the centerline of 16th Street Loop and 20’ to the back lot line.”

Steve M., CEO, after reviewing the new plans stated that at this time, because neither the rear setback, nor the front setback could be met, this is no longer a Planning Board issue. Steve stated the other reason this could not be reviewed by the Planning Board was because this is a new home. If it were a replacement home the Planning Board could issue a Best Possible Location but this was not the case. Roger A. and Madge B. agreed.

The Planning Board determined that this issue could not be addressed by this board; the applicant would need to go to the Zoning Board of Appeals for review to try to obtain a variance from the setback requirement in the Zoning Ordinance.

Nothing further was discussed.

Conditional Use Permit – Install New Retaining Wall and Replace Existing Retaining Wall – Map 31, Lot 21 (119 Totte Road) – Garvin Construction, Applicant; Francis & Dori Ann McNulty, Owners
Mr. Ralph Garvin was present to represent the applicants.

Mr. Garvin stated the application was to replace the existing railroad tie retaining wall at the shorefront that was very near collapse, as well as the stone stairway which is also in great need of repair. In addition, proposed is a new wall, approximately five feet from the home, which will help to retain the sandy soil. Mr. Garvin stated they would return the earth behind the wall to a more level grade.

Mr. Garvin had some pictures of the existing area, wall, stairs, etc. for the Planning Board to review. He showed the approximate area where the applicants would like the new wall placed.

Bill H. asked what the height of the new wall would be? Mr. Garvin stated the new wall would be 16" in height to restabilize the area. The shorefront replacement wall would be 3 feet in height and 25 feet in length. Mr. Garvin showed the board members a sketch plan he had submitted along with the application which showed the location of the existing wall and the new wall, as well as the stone stairway to the lake.

The Planning Board also received a copy of the DEP Permit by Rule Notification Form that had been submitted to the DEP on September 18, 2005.

There were no questions by the board members at this time.

Roger A. scheduled a site inspection for this property on Tuesday, April 25th, at 6:30 p.m. A Notice to Abutters would also be mailed.

Nothing further was discussed.

Conditional Use Permit – Open Bookstore in Existing Garage – Map 11, Lot 29-7 (73 Newfield Road) – Lorri Maling
Mrs. Maling was present to discuss her application.

Mrs. Maling stated that she wanted to open a book store in her garage.

Madge B. asked if this was going to be in an existing building? Mrs. Maling stated yes, in her existing garage.

Roger A. asked if she would be using the entire garage for her business? Mrs. Maling stated that at this time she would only need to use half of the garage but would like to be able to expand as needed.

Madge B. asked what the size of the existing garage was? Mrs. Maling stated it was 20' x 20'. Roger A. calculated the number of parking spaces needed to be three. Looking at the sketch provided it appeared there was enough room for both customer parking and personal parking. It was also noted that there was a circular turnaround depicted so customers would not have to back out onto the Newfield Road.

Madge B. asked what the site distance was? Roger A. stated the board members could determine that at the site inspection.

Roger A. asked if there would be any employees? Mrs. Maling stated that she would be the only employee.

Roger A. asked what the hours of operation would be? Mrs. Maling stated Saturday, 10:00 a.m. thru 5:00 p.m., Sunday, 10:00 a.m. thru 4:00 p.m.

Steve M., CEO, asked what type of books would be sold? Mrs. Maling stated that there would be new and used books, most of which would be children's books, but also mystery and novels.

Roger A. asked if there were any further questions at this time? There were none.

Roger A. scheduled a site inspection for 6:00 p.m. on Tuesday, April 25th. A Public Hearing will be held at 7:00 p.m. prior to the Planning Board meeting and a Notice to Abutters will be mailed as well.

Nothing further was discussed.

Conditional Use Permit – Movement of Greater Than 150 Yards of Earth – Map 10, Lot 7 (Town Farm Road) – Jeffrey Morrison

Mr. Morrison was present to discuss his application.

Roger A. began the discussion by stating that this was an after-the-fact permit. It was noted during a site inspection for Mr. Morrison's proposed subdivision that earth had been placed on this property without going through the proper permitting process. Roger told Mr. Morrison he would need to submit an additional \$450 for his after-the-fact fee. Mr. Morrison did so at the meeting.

Bill H. was not present at the last meeting so Roger A. explained to Bill H. why Mr. Morrison was before the board at this time, which was to get a permit for earth moving.

Roger A. asked Mr. Morrison what was going to be done with the earth that has been placed on the property? Mr. Morrison stated that eventually it would be used to fill in areas used to mine gravel for the subdivision road, and because there was some loam, it would also be used to match the land in behind the knoll on the property.

Mr. Morrison stated that in addition to the earth he has already placed on Lot 7, he would like to add some additional material that he will be removing from Tom Small's property when he puts in his driveway.

Mr. Morrison showed Bill H. the location of the earth that was moved, using the plan he provided along with his application. He told Bill how to find the property if he wanted to do a site inspection (the other board members have already been to the site).

Roger A. asked if there were any additional questions? There were none.

Roger A. stated that a Notice to Abutters would be mailed.

Nothing further was discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:55 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, April 25, 2006

Members in attendance: Roger Allaire (Chairman), Madge Baker (Vice Chairman), Bill Hayes, Lauren Meek, Diane Srebnick (Alternate) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

The Planning Board would like to welcome a new member, Roland Legere. Mr. Legere has been attending Planning Board meetings for quite some time and we are grateful he has become a member.

Public Hearing Began at 7:00 p.m.

Conditional Use Permit – Open Bookstore in Existing Garage – Map 11, Lot 29-7 (73 Newfield Road) – Lorri Maling

Mrs. Maling was present for the Public Hearing.

Mrs. Maling stated she wanted to open a book store selling new and used books. She stated people could come in to purchase books or trade used books. Mrs. Maling stated the business would only be open weekends as she has another job during the week. The hours of operation would be 10:00 a.m. to 5:00 p.m. Saturday and Sunday.

Roger A. asked if Mrs. Maling planned on using the entire garage for the business or just the area she currently has her books in? (The Planning Board members did a site inspection prior to this evenings meeting.)

Mrs. Maling stated that eventually she wanted to expand into the entire garage.

Bill H. asked if it would be best that the Planning Board allow the expansion to the entire garage now, so Mrs. Maling would not have to come back before the board in the future?

Roger A. stated that yes, the Planning Board would have no issue allowing the use of the entire garage for the book store.

Bill H. asked if the Planning Board should put in a provision that no adult only material be sold at the store because there is an ordinance that expressly addresses adult only material? (Zoning Ordinance 105-61.3 "Location of adult businesses.")

Roger A. stated that yes this is correct. Mrs. Maling would need to comply with this ordinance if she wanted to sell adult material.

Mrs. Maling stated she had no intention of selling adult only material in her book store.

Roger A. asked Mrs. Maling if she were going to sell magazines as well as books?

Mrs. Maling stated she was not, it would be books only.

Roger A. asked if she would be selling books on tape?

Mrs. Maling stated she would be selling books on tape and CD's. She added that she would not be selling music.

Mrs. Maling asked if she would be allowed to have an author come to her business for a book signing? She asked if she would need special permission to do so?

Roger A. stated this would not be a problem as these were isolated events for the most part.

Roger A. asked if there were anymore questions from the audience or Planning Board members? There were none.

Public Hearing ended at 7:10 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, April 11th were accepted as read.

Conditional Use Permit – Install New Retaining Wall and Replace Existing Retaining Wall – Map 31, Lot 21 (119 Totte Road) – Garvin Construction, Applicant; Francis & Dori Ann McNulty, Owners

Mr. Ralph Garvin was present to represent the applicants. Planning Board members had done a site inspection prior to this evenings meeting.

At the previous Planning Board meeting Mr. Garvin stated the application was to replace the existing railroad tie retaining wall at the shorefront that was very near collapse, as well as the stone stairway which is also in great need of repair, and build a new wall approximately five feet from the home, which will help to retain the sandy soil.

Roger A. began the discussion by reading a letter from a direct abutter to the McNulty's. Dr. Abbas Qutab stated in part:

“....Although I wish to get along with my neighbors, I must point out that Mr. McNulty in the past has tried to use my land for parking his car, storage of firewood and maintaining his barbecue grill, all of which I requested him to remove. This cost me time and legal fees. I trust he is no longer on my land, although I am not certain. Enclosed are photos which show his car and grill on my property. I have no objection to his improving his property but he must not be allowed to encroach further on my property.”

Roger A. noted there were also photos that were attached to the letter and they showed the grill that is still in existence, which the board members observed during the site inspection. Also the area where Mr. Garvin parked appears to be on Dr. Qutab's property.

Mr. Garvin stated his project was not going to encroach onto the neighbors property. The existing wall to be replaced was totally on the McNulty's lot, as is the walkway to the water. Mr. Garvin knew nothing of the land dispute.

Mr. Garvin stated the existing wall was 23' 2" in length at this time. The proposed replacement wall would be 25 feet in length, this was due to the fact the ends would be wrapped in such a way to tie the wall into the existing embankment properly. The wall would be 36" in height.

Bill H. asked if the McNulty's needed an engineered plan for the proposed new wall? Steve M., CEO, stated they did not because only a wall four feet in height or greater required an engineered plan.

Mr. Garvin stated that there would be crushed stone and filter fabric placed behind the new wall for proper drainage.

Roger A. asked Mr. Garvin about the proposed new wall near the camp? Mr. Garvin stated it would be 16" in height and gravel would be placed behind it to act as a walkway leading to the stone walkway that accesses the lake.

Bill H. asked if there was going to be a new physical wall built, 16" high? Mr. Garvin stated that was correct.

Roland L. asked Mr. Garvin to describe the walkway that would run along this new wall. Was it going to be behind the new wall near the camp or below the new wall closer to the waterfront? Lauren M. stated that from her observation it was going to run between the new wall and the camp. Mr. Garvin stated this was correct.

Bill H. asked if the new wall would be considered a new structure and if so would it be allowed at all? Roger A. and Steve M., both stated that a new structure would not be allowed in the Shoreland Zone that could not meet setbacks. In this case the setback to the water is 100 feet and this new wall could not meet this requirement therefore it could not be allowed (Zoning Ordinance 105-18 "Dimensional Requirements").

Roger A. stated that the replacement of the new wall and the existing stairs would be allowed under Zoning Ordinance 105-4.D "Nonconforming structures.". Roger further stated that the stairs would be allowed under 105-4.D(2) "Patios, steps, decks", and the replacement wall would be allowed under 105-4.D(5) "Removal, reconstruction or replacement". Roger reviewed both sections.

Mr. Garvin asked how he could stabilize the area next to the camp without putting in a small retaining wall? Steve M., CEO, stated that he understood a safe walking path was needed. Steve stated that natural mulch, stepping stones or perhaps a log to hold back the earth would work. Steve stated that a patio or wall was considered a structure so they could not be used.

Roland L., speaking to Mr. Garvin, stated that at the site visit Mr. Garvin said he would be doing this project using hand work only, no equipment. Roland was concerned that Mr. Garvin would have to park his truck on Dr. Qutab's property. Roland asked the Planning Board members if they should require the applicant get permission from Dr. Qutab to do this. Roger A. did not believe it was a Planning Board issue, he felt this was between Dr. Qutab and the McNulty's. The project the board was reviewing was entirely on the McNulty's property.

Roger A. asked Mr. Garvin if he had a planting schedule to reclaim the disturbed area. Mr. Garvin stated that after the stairs were completed he would start to replant in that area, but would not complete the planting until after the wall was completed because the plantings would be disturbed by the ongoing project. Mr. Garvin did state that if the area showed signs of erosion he would put hay or some other product down to keep the soil on site.

Bill H. asked if the wall was going to be done after the water was down? Mr. Garvin stated that was correct. Roland L. stated the water would not be lowered in this area until Columbus Day (October 9th this year).

Mr. Garvin again stated that he would put down silt fence and hay bales to protect the water until the project is completed and the area can be revegetated.

Bill H. asked what was going to be done with the railroad ties that make up the existing wall? Mr. Garvin stated he would remove them from the site and take them to Jeff Simpsons Construction where they put them through a chipper. They would not be stored on the property.

Roger A. asked if there were any additional questions there were none.

Roger A. stated the reconstruction of the existing wall and stairs met all the criteria in the Zoning Ordinance.

Bill H. made the motion to *deny the construction of the proposed new wall due to the fact no new structure is allowed within the Shoreland Zone that cannot meet setbacks. The setback requirement to the water for a new structure in the Shoreland Zone is 100 feet per Shapleigh Zoning Ordinance 105-18.* Lauren 2nd the motion. All voting members were in favor.

Bill H. made the motion to *approve the Conditional Use Permit to replace the existing shorefront wall and stone walkway with the following condition(s):*

- 1) *The area disturbed during construction shall be stabilized / revegetated by May 2007.*
- 2) *Best Management Practices shall be used during the project, including silt fencing.*
- 3) *Existing wall material shall be removed from site and disposed of by Garvin Construction in accordance with the plan discussed at the Planning Board meeting to dispose of materials at Jeff Simpsons Construction of Sanford, Maine.*

Lauren 2nd the motion. All voting members were in favor.

Nothing further was discussed.

Conditional Use Permit – Open Bookstore in Existing Garage – Map 11, Lot 29-7 (73 Newfield Road) – Lorri Maling, Owner

Mrs. Maling was present to review her application. A Public Hearing was held earlier in the evening on this application.

Roger A. noted once again that no “adult only” material would be sold at the book store. Roger added that a permit runs with the land and not the applicant so the board members wanted to be sure any future owner of this property could not sell “adult only” material without first obtaining the proper permit from the Planning Board.

Roger A. stated the hours of operation would be 10:00 a.m. thru 5:00 p.m., Saturday and Sunday only.

Roger A. stated the entire garage would eventually be used for the book store, even though at present only half of the building was being utilized.

Roger A. stated there was enough parking on site as observed during the site inspection and per the plan received. Also the site distances were in excess of the minimum required in the ordinance.

Steve M., CEO, stated he wanted Mrs. Maling to be certain no one backed out onto the Newfield Road, that they turn around in her driveway / parking area. Bill H. asked if Mrs. Maling could make a small sign for the customers stating where to turn around? Steve M. stated that would be a good idea.

Roger A. asked Mrs. Maling if she was going to require any additional lighting on site. She replied she did not. At this time there was one light on the garage and she believed that was sufficient.

Roger A. read Zoning Ordinance 105-40 "Home occupations" in its entirety, stating this application would be in compliance with the ordinance.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *This book store is a home based business and is a permitted use in the General Purpose district with a Conditional Use Permit.*
- 105-19 - Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.*
- 105-20 - Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.*
- 105-21 - Traffic. *Traffic will have safe access. The site distances are well in excess of the minimum required which is 315'.*
- 105-22 - Noise. *This business shall not create excessive noise; all activity will take place inside the existing building.*
- 105-23 - Dust, fumes, vapors and gases. *There will be no emissions created by this business.*
- 105-24 - Odors. *There will be no odors emitted from this business.*
- 105-25 - Glare. *There is no additional lighting being added to the existing building.*
- 105-26 - Stormwater runoff. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.*
- 105-27 - Erosion control. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.*
- 105-28 - Setbacks and screening. *There are no exposed storage areas.*
- 105-30 - Water quality. *There shall be no hazardous materials created by this business and nothing is stored outside.*
- 105-31 - Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed. There is no additional parking area being created.*
- 105-32 - Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.*
- 105-33 - Refuse disposal. *All waste, which shall be minimal, shall be removed by the applicant.*
- 105-40 - Home occupations. *The existing garage is an accessory structure to the home. The applicant is a sole proprietor and only employee.*
- 105-43 - Off-street parking and loading. *The parking / turnaround area is adequate for the number of employees and patrons of this business.*
- 105-47 - Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G "Standards applicable to conditional uses".

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not, there are no changes being made to the existing property.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*

- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages home based businesses.***
- 4) Traffic access to the site is safe. ***It is, the site distances exceed both the minimum and maximum requirement in the ordinance.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, per the building permit process.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A state approved septic system has been installed. Solid waste will be removed by the applicant.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***N/A***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is, Ross Corner Fire Department.***
- 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. ***This business will not produce anything detrimental to the neighboring properties. Lighting on the building is in existence. There will be no noise generated by this activity.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Lauren M. made the motion to ***approve the Conditional Use Permit to open a book store in the existing garage with the following condition(s):***

- 1) ***The hours of operation shall be 10:00 a.m. thru 5:00 p.m., Saturday and Sunday.***
- 2) ***There shall be no books or magazines containing "adult only" material sold.***
- 3) ***Any signage shall be permitted through the Code Enforcement Office.***

Bill H. 2nd the motion. All voting members were in favor.

Nothing further was discussed.

Conditional Use Permit – Replace Existing Retaining Wall – Map 27, Lot 3-D (9 Narrows Lane) – Michael Pelletier, Applicant; Peter Kleros (Trustee), Owner

Mr. Pelletier and Mr. Kleros were present to review their application.

Mr. Pelletier, a licensed engineer in the State of Maine, handed out a detailed cross section of the proposed new wall that will replace the existing deteriorating wall. The plan called "Typical Wall Section" included the drainage system behind the wall, how the blocks will be placed, the height of the wall and a diagram of the blocks to be used known as "Keystone" blocks. Mr. Pelletier noted the blocks weighed 90 pounds each.

Roger A. asked the applicants what the existing wall was made out of. Mr. Pelletier stated it was a masonry stone wall that was breaking up and collapsing.

Roland L. asked if the base of the existing wall was below the water level? Mr. Pelletier stated it was this time of the year, but normally, once the spring rain stops, there is 8 feet of sand between the wall and the high water mark. Mr. Pelletier added that when the water was lowered in the fall there can be 18 feet of sand between the wall and the water.

Roger A. asked if there were any questions at this time.

Diane S. asked if the Planning Board needed an embossed engineering seal on the plan presented? Mr. Pelletier stated that he did not have embossed stamps, all his work was done on computer and what the Planning Board received was all he had. Steve M., CEO, stated that the board members, if concerned with Mr. Pelletier's credentials could look up his license number (#5331) to make certain he was a certified engineer. Roger A. agreed.

There were no further questions.

Roger A. stated a site inspection would take place at 6:30 p.m. on Tuesday May 9th, prior to the regularly scheduled Planning Board meeting. A Notice to Abutters would be mailed as well.

Nothing further was discussed.

Conditional Use Permit – Marine Service Business – Map 5, Lot 20-1 (Shapleigh Corner Rd.) – Bill Turgeon, Owner

Mr. Turgeon was present to discuss his application.

Mr. Turgeon stated that he wanted to build a 30' x 48' structure to have an office and an area to service boats. Mr. Turgeon stated that all materials on site would be used to service the boats, and that no boats would be sold at this time.

Bill H. asked if he meant there would be no retail sales of boats? Mr. Turgeon stated that was correct.

Mr. Turgeon stated he did not believe he would have a large number of boats at any one time, at least for several years, until his business was established.

Mr. Turgeon presented the Planning Board with a sketch plan depicting the property lines, driveway location, proposed building and septic location. In addition, a foundation sketch plan and building plan was received.

Mr. Turgeon told the board members he had received his Driveway / Entrance Permit from the Maine DOT and there was a copy attached to his application. (The permit was approved by the State of Maine on April 18, 2006.)

Mr. Turgeon stated he worked with Engineer Carl Beal from Civil Consultants to pick the best location on site for the building. Mr. Turgeon submitted a Stormwater Plan, drafted by Carl Beal, P.E., dated April 13, 2006.

Mr. Turgeon stated he wanted to place as many boats behind the building as possible. He believed this would prevent possible vandalism if they were not seen from the road.

Roger A. asked about lighting on the building? Mr. Turgeon stated he did not have a lighting plan at this time. Mr. Turgeon thought perhaps he would have one light on the building to light the entryway.

Steve M., CEO, asked why the building was going to be so large? (30' x 48') Mr. Turgeon stated he based the size of the building on the average length of a truck and boat trailer. He wants to be able to pull both truck and trailer into the building to work on the boat and not have to disconnect the trailer. This length would leave him plenty of room to work. Also, if the truck was not attached, two boats would fit in the building.

Steve M., CEO, told Mr. Turgeon he needed to address the number of boats on site now as well as what may be on site in the future. Steve stated that most often boat sales take place at boat repair facilities. The owners of the boats may ask him to sell their boats. Mr. Turgeon stated that yes this probably will be the case in the future. Again, Steve told Mr. Turgeon to address what might take place five years down the road; otherwise he would need to come back before the board for an amendment to his permit.

Roland L. asked if this was going to be a full time job for Mr. Turgeon. Mr. Turgeon replied stating that work usually slowed down in the winter, but this was going to be his full time job when the business could support him.

Roland L. asked if there would be anything other than boats worked on, such as Jet Ski's, ATV's or snowmobiles? Mr. Turgeon stated that other watercraft would probably be worked on such as Jet Ski's.

Steve M., CEO, stated that since the winter months are slow for water craft, he may want to consider ATV's and snowmobiles and that now would be the time to address it. Mr. Turgeon stated that he did work on those during winter months for another person. Mr. Turgeon stated that he would like the option if possible to be able to work on them in his facility.

Steve M., CEO, stated that the application should be revised to state "Water Craft, Snowmobiles and ATV's", if Mr. Turgeon believes this is a possibility, otherwise if someone calls him to say "I thought he was only permitted for boats", Steve would have to take action.

Mr. Turgeon stated than yes, he would like to include all on his application.

Mr. Turgeon stated he did submit a septic design done by John Large, SE#7, dated March 4, 2006 and he would be drilling a well on the property.

Bill H. asked the applicant if he had any idea how many boats might be outside at any one time? Mr. Turgeon stated he wanted to have a quick turn around time, so he did not believe more than 10 to 15 boats would be on site on average. But he added that in the fall, when everyone wanted their boat winterized, it was very possible to have up to 30 boats on site waiting to be serviced.

Mr. Turgeon stated that in the future when business picked up, he wanted to separate the area where boats were stored from the parking area, perhaps with a fence. He did not want people seeing the number of boats on site, again to discourage theft and vandalism. Mr. Turgeon believed it would take four or five years to get to the point that this would be necessary.

Roland L. asked Mr. Turgeon if he was going to shrink wrap boats? Mr. Turgeon stated that yes he would like to do so.

Roland L. asked if there was going to be any boat storage on site? Mr. Turgeon stated not at this time, but perhaps in the future.

Roger A. reviewed the form from Advanced Liquid Recycling Services, and noted nothing was mentioned about the removal of batteries, only oil, antifreeze and gas were listed. Roger asked if there would be any storage of batteries on site? Mr. Turgeon stated that Maine Battery would be taking the used batteries. This is the company he would be buying the new batteries from.

Roger A. asked if there were any additional questions at this time?

Roland L. asked where Mr. Turgeon would be testing the boats in the water? Mr. Turgeon stated he was looking into a location on 21st street, but if that did not work out, he would be using the public beach. Mr. Turgeon stated this would be minimal.

There were no further questions.

Roger A. stated a Public Hearing would be held on Tuesday, May 9th at 7:00 p.m. A site inspection would take place prior to this at 6:00 p.m. A Notice to Abutters would be mailed as well.

Nothing further was discussed.

The election of officers was held. The following are the results:

Roger Allaire – *Chairman*
Lauren Meek – Vice Chairman
Barbara Gilbride - Secretary

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:50 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, May 9, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek (Vice Chairman), Madge Baker (Alternate), Bill Hayes, Roland Legere and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Public Hearing Began at 7:00 p.m.

Conditional Use Permit – Marine Service Business – Map 5, Lot 20-1 (Shapleigh Corner Rd.) – Bill Turgeon, Owner

Mr. Turgeon was present for the Public Hearing.

Mr. Turgeon began by stating he wanted to open a marine repair facility. Work on the water craft would consist of getting boats ready for the summer season, winterizing, and some general repair. There would be no body work done to the boats.

Mr. Turgeon stated that during peak season, once his business was established, there would likely be up to 30 boats on site. At that time he would want to build a fence to place them behind to limit the likelihood of vandalism.

Mr. Turgeon stated on average any single boat should not be on site for more than two weeks.

Roger A. asked if there would be any boats for sale on site?

Mr. Turgeon stated that he would not have any new boats for sale but would be willing to sell used boats for customers he knew. He said he would not have more than six boats for sale at any one time.

Roger A. asked what the hours of operation would be?

Mr. Turgeon stated 8:00 a.m. thru 6:00 p.m., Monday thru Saturday. He would be closed on Sunday.

Roger A. asked if there were any additional questions? There were none.

The public hearing closed at 7:06 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, April 25th were accepted as read.

Conditional Use Permit – Replace Existing Retaining Wall – Map 27, Lot 3-D (9 Narrows Lane) – Michael Pelletier, Applicant; Peter Kleros (Trustee), Owner

Mr. Pelletier and Mr. Kleros were present to review their application. A site inspection was held prior to the meeting by Planning Board members.

Mr. Pelletier, a licensed engineer in the State of Maine, handed out a modified sketch plan which added the existing wood terrace walls that need to be replaced. Mr. Pelletier stated he wanted to use the architectural block to replace these as well.

Roger A. reviewed the height and width of the wooden walls on the plan and did not believe any of the walls he noted at the site inspection were 23” high as depicted on the plan. Roger also stated that the Dept. of Environmental Protection would need to be notified of these additional changes to the site prior to any work being started.

Mr. Pelletier stated he did believe one of the wooden walls was 23” high. Part of the wall had sunk into the ground which is why it appears shorter at first site. Mr. Pelletier stated that if replacing the additional walls was going to be a problem, he would remove them from the plan.

Roger A. stated it was not a problem, Mr. Pelletier just needed to do the proper notifications and make certain of the existing wall height.

Roger A. stated he noted only one property pin showing. Roger was worried that the new wall could possibly encroach onto the neighbor’s property without a boundary survey.

Bill H. asked if the Planning Board normally requires a survey for a wall replacement?

Roger A. stated that if there was a question about the location of a property line the Planning Board has required clarification, normally done with a boundary survey.

Bill asked if the neighbors stated in writing the wall would not encroach on their property, would this suffice?

Roger A. stated this would be fine but it is necessary to get something in writing because the wall is so close to the neighboring property.

Roland L. asked Mr. Pelletier if the plan showed the relocation of the existing steps as discussed at the site inspection?

Mr. Pelletier replied that the stairs were not on the plan because he was not sure exactly where they will be placed at this time. Mr. Kleros stated he believed the stairs would be approximately 10 feet from where they are located at this time. The goal is to move them away from the existing tree.

Bill H. said that even though DEP would need to be notified of the reconstruction of the wooden walls, could the Planning Board approve the permit with the condition DEP needed to be notified? Roger A. stated that could be done.

Bill H. asked if one of the conditions would also be that the replacement of the existing walls could be no taller than the existing? Steve M., CEO, stated that yes, this was correct.

Roger A. asked if the walls would be replaced this year?

Mr. Pelletier stated that at this time they did not have a contractor but they did want to replace the walls this year.

Roger A. stated after looking at the DEP Permit by Rule, dated 8/1/05, that the walls would need to be completed no later than 7/30/07 due to the fact the Permit by Rule would expire at that time.

Roland L. asked the applicants if the contractor doing the project would be removing the existing wall material and dispose of it off site? Mr. Pelletier stated yes.

Roger A. asked if there were any additional questions? There were none.

Bill H. made the motion to approve the Conditional Use Permit to replace the existing shorefront wall, waterfront stairway, and added to the application and approved was replacement of the landscaping walls with the following condition(s):

- 1) A new Permit by Rule Notification Form shall be mailed to the DEP which depicts the replacement of the landscape timber walls, along with the waterfront stone wall and stairs, prior to any work commencing.
- 2) The Code Enforcement Officer shall verify the height of the existing wooden landscape walls prior to their removal or replacement and the replacement walls shall be no higher than the existing.
- 3) The Code Enforcement Officers shall be notified as to where the existing wall material(s) will be disposed of for his approval, prior to removal.
- 4) Best Management Practices shall be used during the project, including silt fencing.
- 5) A letter shall be received by the abutting neighbor stating the new wall placement as depicted on the plan will be entirely on your property prior to any work commencing. If such letter isn't received a boundary survey shall be required. A copy of either the letter or boundary survey shall be given to the Code Enforcement Officer and Planning Board Secretary.
- 6) The area disturbed during construction shall be stabilized / revegetated by 7/30/2007.

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Marine Service Business – Map 5, Lot 20-1 (Shapleigh Corner Rd.) – Bill Turgeon, Owner

Mr. Turgeon was present to discuss his application. A site inspection was held by Planning Board members prior to this evenings meeting.

Mr. Turgeon began the meeting by once again stating his intention was to open a marine service facility to work on boats. In addition, after speaking with the planning board members at the last meeting, he decided he wanted to also have the option to work on ATV's, and snowmobiles in the off season. There would be limited boat sales as well for existing customers.

Roland L. asked if there was going to be a new building on site and what the size would be. Mr. Turgeon stated there would be a new building 30' x 48' in size and there was a copy of the plans attached to his application. Roland asked if the new building would be steel or wood? Mr. Turgeon stated wood.

Lauren M. asked if the Planning Board received a copy of where the hazardous waste would be disposed of? Roger A. stated that yes Advanced Liquid Recycling Services would be handling the hazardous waste, which also included removal of any used batteries.

Roger A. asked if there would be any paving done on site? Mr. Turgeon stated that he had no plans at this time for a paved driveway / parking area but was considering possibly paving a section 25' long next to Route 11 so it would be easier to pull the boats out of the driveway onto Route 11. This would prevent slippage.

Roger A. asked if the maximum boats on site would be 30 total or 30 plus an additional 6 for sale? Mr. Turgeon stated a total of 30, including boats for sale.

Roger A. repeated the hours of operation which were 8:00 a.m. thru 6:00 p.m., Monday thru Saturday. Mr. Turgeon stated this was correct.

Roger A. stated that it was noted at the site inspection there was adequate parking and the minimum safe site distance could be met in both directions.

Roland L. asked if there was going to be any exterior lighting? Mr. Turgeon stated there would not be any large lights, perhaps one at the garage entrance.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *This business is a permitted use in the General Purpose district with a Conditional Use Permit.***
- 105-19 - Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.***
- 105-20 - Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.***
- 105-21 - Traffic. *Traffic will have safe access. The site distances are within the minimum required which is 315'.***
- 105-22 - Noise. *This business shall not create excessive noise; most activity will take place inside the existing building. If testing a small motor in a tank, it will be for a limited amount of time. No large motors will be tested on site. They will be tested on the lake.***
- 105-23 - Dust, fumes, vapors and gases. *There will be no emissions created by this business that will harm the environment or neighboring properties.***
- 105-24 - Odors. *The will be no odors emitted from this business that will harm the environment or neighboring properties. Engine testing will be very limited.***
- 105-25 - Glare. *There will be limited lighting added to the existing building for entryways.***
- 105-26 - Stormwater runoff. *There is a stormwater and drainage plan on file done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06.***
- 105-27 - Erosion control. *There is a stormwater and drainage plan on file done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06.***
- 105-28 - Setbacks and screening. *There is vegetation in existence to screen the building from Route 11 and the neighboring properties.***
- 105-30 - Water quality. *All hazardous materials created by this business shall be removed from site by a licensed removal company (Advanced Liquid Recycling Services) and nothing is stored outside.***

- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed and much of the parking area will be behind the existing vegetation. There is approximately a 15' buffer between road and parking area.*
- 105-32 - Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.*
- 105-33 – Refuse disposal. *All non-hazardous waste shall be removed by the applicant. A dumpster will be used when warranted. All hazardous waste shall be removed by Advanced Liquid Recycling Services.*
- 105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of employees and patrons of this business.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

Bill H. asked when Mr. Turgeon expected to be up and operating? Mr. Turgeon stated that as soon as the building is completed. He hoped it would be by fall of this year.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not per the plan presented.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages businesses along Route 11.*
- 4) Traffic access to the site is safe. *It is, the site distances meet the minimum requirement in the ordinance.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *It is, per the Stormwater Drainage Plan presented, dated 4/13/06.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A state approved septic system shall be installed. Solid waste will be removed by the applicant and Advanced Liquid Recycling Services.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *Advanced Liquid Recycling Services shall transport and remove all hazardous waste. All hazardous waste will be stored in containers provided by A.L.R.S.*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. *A stormwater and drainage plan was presented for a 50 year storm. It was done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *A stormwater and drainage plan was presented for a 50 year storm. It was done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06. The building location is the most optimum, chosen by Mr. Beal, to prevent any erosion or storm water issues.*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *There is a water holding tank very near to this location.*
- 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. *This business will not produce anything detrimental to the neighboring properties. Lighting on the building will be minimal. There will be only limited noise generated by this activity. Most work shall be done inside the building.*

- 12) All performance standards in this chapter applicable to the proposed use will be met. *They shall.*

Roger A. asked if there were any additional questions? There were none.

Bill H. made the motion to approve the Conditional Use Permit to open a repair facility for water craft and other small engine repair with the following condition(s):

- 1) **The hours of operation shall be 8:00 a.m. thru 6:00 p.m., Monday thru Saturday.**
- 2) **There shall be a maximum of 30 boats on site for repair, of which 6 boats could be on site for private sale.**
- 3) **There shall be both repair of water craft and small engines, which includes ATV's and snowmobiles.**
- 4) **Waste products such as oil, anti-freeze and batteries shall be removed from site per the agreement with Advance Liquid Recycling Services. Should this change, notice shall be given to the Code Enforcement Officer.**
- 5) **Any signage shall be permitted through the Code Enforcement Office.**

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Movement of Greater Than 150 Yards of Earth – Map 10, Lot 7 (Town Farm Road) – Jeffrey Morrison, Owner

Mr. Morrison was present to discuss his application.

Mr. Morrison stated again that his application was for earth moving. The application was after-the-fact for earth that has already been moved from the neighboring approved subdivision done by Mr. William Small onto his property; as well as for the movement of additional fill from the neighboring subdivision of Mr. Thomas Small. The earth will be used to fill in areas mined to create a new subdivision road and also the loam moved will be used to match the land in behind the knoll on his property.

Roger A. asked how much additional earth would be moved onto his site? Mr. Morrison believed it would be less than 100 yards.

Roger A. asked how long the earth would be piled on site in its present location, before it is moved? Mr. Morrison believed it would be about one year at most. The earth would be moved once his subdivision is approved.

Roger A. noted to Mr. Morrison that this permit was only good for three years so should the project take longer than three years he would have to come in and have the permit renewed.

Roger A. stated that at the site inspection there was no evidence of a water runoff problem or erosion issue. The area was very stable and the earth currently on site already had some vegetation growing in it to further stabilize it.

Roger A. read the following applicable conditions of permit from 105-39.G:

- (1) The smallest amount of bare ground shall be exposed for the shortest time feasible. The Planning Board shall set a specific date after which bare ground shall not be exposed. ***N/A for this project. Material is being removed for approved roadways.***
- (2) Temporary ground cover (such as mulch) and temporary runoff filter (such as hay bales in swales) shall be used as required to prevent stream sedimentation. The Planning Board shall set a specific date by which permanent ground cover shall be planted. ***This is not necessary in this location. The earth is stable as noted on the site inspection.***
- (3) Diversions, silting basins, terraces and other methods to trap sediment shall be used. ***With the scope of this project and location of the earth, no additional measures are necessary.***
- (5) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used. ***N/A for this project.***
- (8) Where activities carried out under this article require the removal of existing ground cover, revegetation should be carried out. ***The area shall be reclaimed after the piles of earth are removed from their existing location.***
- (10) Specific plans are established to avoid hazards from excessive slopes or standing water. Where embankment must be left upon the completion of operations, it shall be at a slope not steeper than one foot vertical to four feet horizontal. ***There are no excessive slopes in this location.***
- (11) N/A.
- (12) Sufficient topsoil or loam shall be retained to cover all areas, so that they may be seeded and restored to natural conditions. ***The topsoil or loam stored on the property will be used to match in the knoll and reseed depressions used in mining for earth on site.***
- (13) N/A.

Roger A., after reviewing Zoning 105-39 “Earth Removal and Filling” stated that all conditions of the ordinance have been met.

Roland L. asked if the permit was after-the-fact to move greater than 150 yards of earth without a permit, but the after-the-fact did not include the additional 100 yards Mr. Morrison was requesting? Roger A. stated that was correct.

H. Craig Higgins was present, the gentlemen who represented both Mr. William Small and Mr. Thomas Small on their subdivision projects, and he stated he was partly to blame for Mr. Morrison moving the earth without a permit. Mr. Higgins stated he did not inform Mr. Morrison he would need to get a permit to move fill onto his property. Mr. Morrison was doing the road work for both of the gentlemen above.

Roger A. asked if there were any additional questions? There were none.

Roger reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***The project has had no impact on the wildlife in the area and the additional movement of 100 yards of earth shall not have a negative impact.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***N/A***
- 3) The use is consistent with the Comprehensive Plan. ***It is as the Comprehensive Plan encourages that soils remain on site when possible. This soil will be used to fill in detention areas after the subdivision is approved.***
- 4) Traffic access to the site is safe. ***It is.***

- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***Not in a designated flood zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *N/A*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *N/A*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***This activity shall have no impact on the adjacent property.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *N/A*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *N/A*
- 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. *N/A*
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Roger A. asked if there were any additional questions? There were none.

Lauren M. made the motion to *approve* the Conditional Use Permit with the following condition(s):

- 1) **The area disturbed must be revegetated after the earth has been removed from its current location and re-used.**
- 2) **The project must be completed within 3 years otherwise the applicant must come back before the Planning Board to renew the permit.**

Bill H. 2nd the motion. All members were in favor.

Nothing further was discussed.

Amendment to a Subdivision – Preliminary Plan - Turkey Crossing I – Map 6, Lot 29 (Owl's Nest Road) – Thomas & Barbara Worster, Owner

Thomas & Barbara Worster were present for the review of their application.

Mr. Worster reviewed the Preliminary Plan with board members. He stated the total land area was 144.457 Acres±; proposed Parcel C was 18.210 Acres±, this being the land his existing home is located on; proposed Parcel D will be 2.435 Acres±; proposed Parcel E will be 2.877± Acres and the proposed Parcel F to be conveyed to Roger T. Ridley, a direct abutter, will be 120.935 Acres±.

Mr. Worster stated water would be supplied by individual private wells. Sewage will be disposed of by individual subsurface disposal systems. Site evaluations have been done for each lot by John Large, (Licensed Site Evaluator #7), and a letter was presented dated March 27, 2006 from Mr. Large stating the soils were suitable for a three bedroom home on the lot known as Proposed Parcel D and E. (Proposed Parcel C currently has an approved septic system on site along with a home approved by the Code Enforcement Officer.)

Mr. Worster stated the restrictive covenants that were placed on the original subdivision plan would also

be placed on Parcel D & E but not F as it will be conveyed to the abutter Roger Ridley. In addition, an additional covenant was added for Parcel D & E and that was #16 and reads as follows "Houses constructed on Parcels D & E shall be constructed with internal sprinkler systems for fire protection and prevention."

Roger A. stated that at present this subdivision, being a major subdivision, falls under the new ordinance that all new major subdivisions shall be required to be cluster subdivisions. (Shapleigh Subdivision Ordinance 89-32 "Cluster Developments") Roger noted that the Planning Board has the ability to waive this requirement should the requirement not be feasible due to topography, soils or other immutable features of the property. Roger believed in this case, with the addition of two new house lots in the proposed location, there would be no advantage to proposing smaller lots. Roger noted the fact the area has a lot of ledge and these lots are in the most favorable location and size for this property as presented. All other board members agreed.

Lauren M. was concerned about the fact that the proposed Parcel F, which would go to abutter Roger Ridley, had no road frontage. Mr. Worster and Roger A. both stated that once Mr. Ridley owned the property it would be combined with his existing property which had frontage along the Nason Road.

Roger A. reviewed the requested waivers Article 89-29.A, "Utilities shall be installed underground except as otherwise approved by the Board" and Article 89-30.A, Stone monuments. Roger agreed there was no need for underground utilities for Parcel D or E, due to the fact utility poles were in existence at this time abutting the property. Roger noted that Parcel C had underground utilities.

Roger A. had no issue for allowing the waiver for stone monuments as long as all markers used to delineate property lines are placed deep enough into the earth that they are not easily removed by vandals. All board members agreed the requested waivers would be approved.

Steve M., CEO, voiced concern that the Planning Board needed to make certain Parcel F was joined with Mr. Ridley's property making it one large lot; otherwise a non-conforming lot would be created. Though it was noted that it was state law the lots be combined, Steve was still concerned that it may not happen and down the road, should Mr. Ridley sell his property, perhaps a non-conforming lot would be in existence and someone would want to build on it even though there was no road frontage.

Bill H. asked if it was in the Planning Boards authority to require anything of Mr. Worster or Mr. Ridley to do something with respect to this issue?

Steve M., CEO, stated that the board members had the ability to have a note added to the final plan that both of Mr. Ridley's properties would be joined. Mr. Worster stated that he believed he had no authority to put it in the conveyed deed but he would ask an attorney if the Planning Board had concerns.

Roger A. and Madge B. both believed the Planning Board had the authority to make it a condition of approval that the lots be joined once Mr. Ridley acquired Parcel F. Lauren M. asked if it could be added to the subdivision notes?

Madge B. stated that Mr. Worster needed to make certain the name that is currently on Mr. Ridley's deed is the exact same name on the new deed when the property is conveyed.

Bill H. asked if the following would suffice as a condition, "Deeded owner of the abutting property owners lot, thereby under Maine State Law, lots are legally joined" (Parcel F and Mr. Ridley's lot.) Steve M., CEO, agreed this would work.

Mr. Worster asked where this language should be placed? Roger A. stated in the Findings of Fact.

Madge B. stated again to Mr. Worster that it is very important the name on Mr. Ridley's existing property is the exact same name used on the new deed for Parcel F. Mr. Worster stated that he understood.

Roger A. asked if there were any additional questions? There were none.

Roger A. scheduled a Public Hearing for Tuesday, May 23rd at 7:00 p.m. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

OTHER:

Country Side Estates 14 Lot Subdivision - Map 1, Lot(s) 17 & 17D (Shapleigh) / Map 3, Lot 8 (Acton) (Lebanon Road, Acton) Richard & Carolyn Levesque

Steve M., CEO, brought in a revised road plan from Mr. Levesque and gave it to Roger A. for Planning Board review.

Steve M. stated that Mr. Levesque stated the approved right-of-way will remain the same for the road, but the pavement needed to be moved due to the location of existing utility poles.

Roger A. stated that because the approved subdivision has been recorded at York County Registry of Deeds a new plan would need to be approved and recorded for this change.

After reviewing the plan, board members had no problem with granting the requested change to the roadway. Barbara G. will mail Mr. and Mrs. Levesque a letter asking for a copy of the new plan for the required signatures. She will make a note to the Levesque's, three copies will be required.

Nothing further was discussed.

Roger A. asked Planning Board members if they wanted to do another site inspection for new members Bill Hayes and Roland Legere for the subdivision Evergreen Outlook (Map 5, Lot 20), because it was coming back before the board for review and these two members have not been to the site. The board members agreed this would be a good idea. **A site inspection will be held at 6:30 prior to the next scheduled meeting on May 23rd.**

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 9:00 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, May 23, 2006

Members in attendance: Roger Allaire (Chairman), Madge Baker (Alternate), Bill Hayes, Roland Legere and Susan Kinne (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Public Hearing Began at 7:00 p.m.

Amendment to a Subdivision Turkey Crossing I – Map 6, Lot 29 (Owl's Nest Rd.) – Thomas & Barbara Worster, Owner

Mr. and Mrs. Worster were present for the Public Hearing.

Mr. Worster began by stating he wanted to separate two lots and maintain 100+ acres. They would like to separate their personal residence with 18.21 acres leaving two lots one on Owls Nest Road . Remaining 120 acres are being conveyed to Roger and Karen Ridley, who are abutters.

Roger A. asked if there were any questions.

Roger A. stated when the first subdivision was approved there were 4 lots at the time and any amendment to the subdivision must come before the Board again for approval. They are dividing more property. The parcel going to Roger Ridley is a non conforming lot but the Board realizes that this is being conveyed to an abutter.

Roland L. stated that the final facts document that was provided indicates that the abutting piece will be legally joined and that is how to deal with the non conforming lot issue.

Roger A. asked if there were any additional questions. There were none.

The public hearing closed at 7:15 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, May 9, 2006 were accepted as read.

Amendment to a Subdivision Turkey Crossing I – Map 6, Lot 29 (Owl's Nest Rd.) – Thomas & Barbara Worster, Owner

Mr. and Mrs. Worster were present to review their application.

Roger A. read the Finding of Facts

Roger A. stated the additional actions would be:

1. That the applicant must get all the appropriate permits from the CEO before any construction can begin on lots D and E.
2. D and E to be constructed with internal sprinkler systems for fire protection and prevention.
3. Parcel F to be conveyed and deeded to the abutting property owner, Roger Ridley thereby under Maine State law the abutting lots are legally joined.
4. Lots ABCD and E are subject to all the covenant, conditions and restrictions set forth in the final plan under the restrictive covenant
5. Any subdivision not recorded in the York County Registry of Deeds within 90 days of the day upon which the plan is approved by the Planning Board shall become null and void unless an extension is granted by the Board in writing
6. No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given unless a revised final plan is first submitted to the Planning Board and the Board approves any modifications.

Roger A. stated that is what the Board is requiring in the Finding of Fact.

Roger A. asked if there are any questions.

Mr. Worster asked on the waiver of sidewalks and cluster do you want those on the plan as waivers.

Mr. Worster stated he had the other waivers such as underground utilities etc.

Roger A. stated to place the waivers under #14.

Mr. Worster stated he just wanted to double check so the sidewalk waiver is 8936-M

Madge B. stated yes

Mr. Worster then asked about the cluster waiver

Roger A. stated the number is 8932.

Roger A. called for a vote on the granting of the waivers

Bill H. Motioned to grant the waivers as outlined

Roland L seconded the motion

Vote was unanimous.

Roger A. Stated that two copies of Mylar's need to be provided by the Worster's surveyor so the Board can sign them and one copy needs to be recorded at the Courthouse and the other to be stamped and brought back to the Town of Shapleigh to be used to create the amendment.

Roger A. stated that a vote can be taken with the understanding that when the additions come back they can be added to the Finding of Fact and all papers could be signed by the Board perhaps by the next meeting.

Bill H. motioned to grant the approval of the Subdivision as outlined by the Finding of Facts with the presentation of two copies of Mylar's for signatures.

Madge B. second the motion

Vote was unanimous.

Roger A. stated that he would like to have the Finding of Fact recorded as well as the Mylar's.

Nothing further was discussed.

Amendment to a Conditional Use Permit-Small Engine Repair Map5 Lot 6D Rte 11-Robert Holland

Mr. Holland explained that he currently has a Conditional Use Permit however his mother has sold her house and has deeded a piece of land on the same lot to him and he is putting up a new garage and would like to operate a small engine repair business and run a farm stand in the new location. He will not be building surfboards any longer.

Roger A. asked is this the property right across from the school?

Mr. Holland replied yes.

Roger L. asked if the footings he had seen at this new location are where the new garage is to be built.

Mr. Holland replied yes.

Roger A. stated that the original permit for the property was dated in 1993. Under the conditions that any hazardous materials being used shall be kept in a canister and deposited of by a licensed hazardous waste disposal company.

Mr. Holland stated that that condition had to do with materials related to fiberglass which was used in building surfboards.

Bill H. asked how long it has been since that fiberglass worked has been done

Mr. Holland stated that the he had been doing the work part time out of the garage but had not been doing the work on a full time basis. He also stated that the work had stopped as of December 2005.

Bill H. asked if the business had been operating continuously since 1993 when the conditional use permit was issued.

Mr. Holland replied yes up until the property was sold in December of 2005.

Roger A. asked if it was just for small engine repair and sail shop.

Mr. Holland replied yes and added in 2001 he received a conditional use permit to run the farm stand selling bark mulch and potting soil.

Roger A. stated that because it is a new location there is a requirement for a new conditional use permit.

Roland L. asked if a new application is needed.

Roger A. stated no, all of the information needed was on the application that was just submitted. He also stated that this would be a natural conditional use permit because it is on the piece of property.

Steve M. asked so is this going to be an amendment or a new conditional use permit.

Roger A. stated this would be a new conditional use permit due to the fact that it is on a completely separate piece of property, being divided off.

Madge B. stated that the Board needs to be clear since the original house was on one piece of property and the new garage is on another and the permit should run with the lot.

Roger A. stated that a new lot was being created just for this that it would require a new conditional use permit and not an amendment to the existing one.

Bill H. stated that this new lot 6D is being broken off from the original lot 6.

Roger A. stated that since this will be a business, a public hearing will need to take place on Wednesday, June 14, 2006 and an additional \$50.00 fee is needed.

Bill H. asked again about the presence of hazardous waste.

Mr. Holland replied that there would be a small amount of used oil and that he would be taking that to Black Bear Auto or Abbott's garage for disposal.

Roger A. stated he would like to have a letter from these locations that they are willing to accept the used oil.

Steve M. asked if there were any other materials being stored such as gasoline etc.

Mr. Holland replied there would be a small amount stored in 5 gallon containers but will not have much on hand. Just enough to test lawnmowers.

Steve M. asked if the small engine repairs would include ATV's and snowmobiles, jet skis, outboard motors and chainsaws.

Mr. Holland replied no to ATV's, snowmobiles, jet skis and outboard motors. He did reply that he would be repairing chainsaws and lawn and garden tractors.

Steve M. asked if items to be sold at the farm stand were items bought and not raised on the property.

Mr. Holland replied yes and that the potting soil and mulch that will be sold is bagged and that would continue as before.

Bill H. asked about adequate parking

Steve M. asked about what type of parking surface

Mr. Holland replied his drawing indicates where the parking is located and that it is going to have a gravel surface.

Roger A. asked if a site visit is needed.

Board agreed they would meet at 6:30 on June 14, 2006 before the next meeting and visit the property.

Steve M. stated he would like to show on a drawing the proposed parking area to show how much parking there would be and show if there is going to be any exterior storage to show that on a plot plan also.

Roger A. asked if there were any further questions.

There were none

Roger A. stated the site visit would be at approx. 6:30 at the Holland property.

Nothing further was discussed.

11-Lot Major Subdivision –“Evergreen Overlook” Map 5, Lot 20 State Rte. 11, Development Services, Inc.-H. Craig Higgins Representing

Roger A. began by stating that the Board members had been out on a site visit earlier in the evening. Madge B. was not present at the site visit.

Mr. Higgins brought in a map of the proposed subdivision and began to point out the water shed divide. Indicating which portion would drain into the Saco River and which portion would drain into a wetland which would eventually end up in the Mousam Lake. The upper water shed did not have to have any active storm water management facilities in because water quality is a critical issue in the Mousam portion but not the Saco River portion. There are two pages of road design. The front portion which affects the Mousam water shed shows the water that comes off the roadway and shoulders ends up into the roadside ditches and is eventually captured into dry swales and then disbursed into the wetlands. There will be a total of three dry swales. Each corner of the building envelope will have an iron rebar so the limits of clearing, lawn or construction or any ground disturbance is set. The back portion of the roadway again does not have any active detention facilities because of the Saco River water shed. Buffers are mandated as part of the DEP groundwater application permit which was passed out at the previous Board meeting. At this point the Board had previously granted preliminary approval with your standard waivers now that I have the DEP storm water permit I am seeking final approval.

Roland L. asked does a subdivision like this require a sidewalk.

Roger A. stated yes. All major subdivisions require a sidewalk. However as long as can be recalled sidewalk requirements have been waived. There are no other sidewalks in the Town.

Roland L. asked what if these are homes with school age children and it is not a Town maintained road would the bus travel in to pick up the children or would they be expected to be picked up on Rte 11.

Roger A. stated the elementary children would get picked up at a designated spot within the subdivision and high school and junior high students would likely be picked up on Rte. 11

Roland L. stated he was asking because he wanted to know if that would be grounds to consider requiring a sidewalk

Roger A. stated that because of the number of lots and traffic to be generated should be minimal and would recommend a waiver.

Roland L. asked if the road will be paved.

Mr. Higgins replied yes, 24' paved travel lanes with 5" gravel shoulders.

Roger A. asked about the underground power going through the wetland areas. Especially in the back section where there is to be a 24' culvert. Will all of the utilities be in a conduit?

Mr. Higgins replied yes, just in the wetland crossings; otherwise the wires will just be buried. We will be running 4 runs of conduit. 2 for electric, one for phone and one for cable.

Bill H. asked if the utilities are going to be buried along the shoulders of the road.

Mr. Higgins replied yes so the pavement would not have to be disturbed if work is needed to be done on the utilities.

Roger A. stated that the preference would be to see a duct bank.

Mr. Higgins asked what a duct bank is.

Roger A. stated a duct bank would have the conduits in concrete and there would be a manhole on each end accessible to the wet areas. Everything would just be a pull through.

Mr. Higgins asked that the Board reconsider requiring a duct bank stating this would add significant cost to the project, however if CMP requires it they will conform. It will be built to meet CMP's specifications.

Roland L. asked if the conduit is steel or PVC

Mr. Higgins replied, PVC.

Roland L. asked if the roadway will be illuminated at all.

Mr. Higgins replied they may put something at the hammerhead if the Town road commissioner required it.

Roger A. stated a Public Hearing will be needed and could be scheduled for the next meeting on June 14, 2006; also the Town will need a check in the amount of \$2200, the cost of the final inspection. He also requested that Mr. Higgins bring in a copy of the By-Laws for the home owners association.

Roger A. asked if there were any other questions or business.

There was none.

GROWTH PERMIT(S) – *There is none available at this time.*

The Planning Board meeting ended at 8:55 p.m.

Respectively submitted,

Susan Kinne

CEO Assistant

planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES
Wednesday June 14, 2006

Members in attendance: Roger Allaire (Chairman), Diane Srebnick (Alternate), Lauren Meek (Vice Chairman), Roland Legere and Susan Kinne (Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Note: An amendment was made to page 4.*

Public Hearing Began at 7:00 p.m.

Conditional Use Permit - Small Engine Repair - Map 5 Lot 6D (State Rte 11) - Robert Holland

Mr. and Mrs. Holland were present for the Public Hearing.

Mr. Holland explained that he currently has a Conditional Use Permit, however his mother has sold her house and has deeded a piece of land on the same lot to him and he is putting up a new garage and would like to operate a small engine repair business and run a farm stand in the new location. He will not be building surfboards any longer.

Roger A. asked if there were any questions.

Scott Hopkins audience member identified himself as a neighbor of the Holland's and asked some general questions wondering if this was the same type of business as before and what type of small engines would he be repairing.

Mr. Holland. stated that he would be repairing chain saws, lawnmowers, trimmers and lawn and garden tractors. No ATV's or snowmobiles.

Mr. Hopkins stated he hoped the Holland's would be considerate of the noise factor and would be careful concerning the spilling of gasoline and oil onto the ground. He also was questioning whether there would be a bright light that would be illuminating the building all during the night and he hoped there would be no stockpiling of old junk equipment on the site.

Roger A. asked if there were any additional questions from the audience or from Board members.

Lauren M. stated that as they were pulling out of the location the site distance is blocked by a lot of bushes etc.

Mrs. Holland agreed there needs to be some trimming done.

Lauren asked what the planned hours of operation are.

Mr. Holland stated 8:00 am to 6:00 pm Mon-Sat. for engine repair and 9:00 am to 6:00 pm on Sunday's for the vegetable stand. He stated there would be no engine repair done on Sundays.

Roland L. asked if Mr. Holland would be selling any lawnmowers.

Mr. Holland stated no lawnmowers, perhaps some chainsaws and trimmers.

Roger A. stated that the board's requirements for the collection of used oil, gas and batteries would be addressed in the Board meeting which begins directly after the public hearing as well as the other conditions which apply to the approval of the Conditional Use Permit.

Roger A. asked if there were any other questions.

There were none.

Roger A. closed the public hearing for Robert Holland.

11-Lot Major Subdivision –“Evergreen Overlook” - Map 5, Lot 20 (State Rte. 11) - Development Services, Inc. - H. Craig Higgins Representing

Mr. Higgins brought in a map of the proposed subdivision and began to address the board and audience members with the specifics of the subdivision project as there had been no public hearing for some time. He began by explaining where the subdivision is located off of Rte. 11, how the lots were to be divided and to point out the water shed divide. Indicating which portion would drain into the Saco River and which portion would drain into a wetland which would eventually end up in the Mousam Lake. The upper water shed did not have to have any active storm water management facilities in because water quality is a critical issue in the Mousam portion but not the Saco River portion. There are two pages of road design. The front portion which affects the Mousam water shed shows the water that comes off the roadway and shoulders ends up into the roadside ditches and is eventually captured into dry swales and then disbursed into the wetlands. There will be a total of three dry swales. Each corner of the building envelope will have an iron rebar so the limits of clearing, lawn or construction or any ground disturbance is set. The back portion of the roadway again does not have any active detention facilities because of the Saco River water shed. Buffers are mandated as part of the DEP groundwater application permit which was passed out at the previous Board meeting. At this point the Board had previously granted preliminary approval with your standard waivers now that I have the DEP storm water permit I am seeking final approval at the next Board meeting scheduled for June 27, 2006. Mr. Higgins passed out a draft of the Final Plan as well as a copy of the Homeowner's Association By-Laws and indicated he had sent a letter to the Town's Fire Chief, Duane Romano indicating specifics of the fire suppression plan but had not had any reply as yet.

Roger A. asked if there were any questions.

A general question came from the audience asking about utilities and road ownership

Mr. Higgins replied that the utilities would be underground and that the road would be privately owned and maintained.

Roger A. asked if there were any other questions?

There were none.

The public hearing closed at 7:25 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, May 23, 2006 were accepted as read.

Conditional Use Permit - Small Engine Repair - Map 5, Lot 6D (State Rte 11) - Robert Holland

Roger A. stated that most of the questions and issues pertaining to this permit were addressed in the Public Hearing earlier this evening.

Roger A. stated ordinance 105-21 dealt with traffic conditions and the only issue that was brought up was the height of the grass which affects the visibility and this needs to be trimmed. As far as noise was concerned, the running of lawn mowers and chain saws should be kept to a minimum and not run for extended periods of time. The noise ordinance in Shapleigh covers the hours of 7:00 am to 10:00 pm. The business hours are from 8:00 am to 6:00 pm which falls well within the ordinance. Roger did point out to Mr. Holland that the acceptable noise level is set at 60 decibels and if that is exceeded the neighbors could file a complaint. This was offered as an FYI.

Ordinance 105-23 deals with gases and vapors, which there will be none on the exterior.

105-24 - Odors, the gas and oil will be minimal and will not go beyond land boundaries.

105-25 -Glare, lighting was discussed and there will only be a small one. If the light goes beyond the property line it will need to be redirected. The storm water runoff and erosion control was minimized as seen during the site visit.

Setbacks and screening - They are in existence.

Storage of gasoline and oil would be a minimal amount and would be kept in a fire proof cabinet. The Board has letters in the folder dealing with oil reclaiming and whatever small amount of hazardous waste that needs removal. Any refuse disposal will be taken care of by Mr. Holland.

Roger A. did state that Mr. Holland would need a letter from the D.O.T. for a driveway entrance off Rte. 11.

105-43 – Parking - The building is 30' X 40' which is 1200 Sq. feet, therefore 8 parking spaces are required. The plan that was submitted is for 2500 sq. feet of parking, which exceeds what is required.

A rest room is required and any signage would be done with a permit from CEO.

Steve M. asked about turning around in the parking lot.

Roger A. stated there is 50' setback and the Board members were able to back in and turn around.

Roger A. read the Standards for a Conditional Use Permit. Standards are all met.

Conditions for Approval:

1. All hazardous materials must be kept in a fire-proof cabinet.
2. Hours of operation are Mon-Sat. 8:00 am to 6:00 pm
Sunday hours are 9:00 am to 6:00 pm with no mechanical work to be done,
there shall be "vegetable sales" only.
3. Small engines repairs shall include trimmers, chainsaws, lawn mowers, garden tractors,
tillers and snow blowers. There shall be no ATV, Snowmobile or Outboard motor repairs.
4. The entranceway onto Rte. 11 shall be kept cleared of grass height at all times.

Roger A. motioned for a vote to grant the Conditional Use Permit.

*Lauren M. made a motion to approve the Conditional Use Permit based upon the four conditions set forth.

Roland L. 2nd the motioned.

Vote was unanimous.

Roger A. asked Mr. Higgins if the new Business of James Bruno Conditional Use Permit could be taken out of order.

Mr. Higgins agreed.

Conditional Use Permit - Grade Back Lot - Map 44, Lot 53 (226 Silver Lake Rd) - James Bruno

Mr. Bruno explained he had been before the Planning Board last year wanting to grade his back lot from the high point to the lowest point of his property. He stated he had a survey done and supplied the Board with a copy.

Roger A. stated that at the meeting last year the Board had requested an Engineered Stormwater Plan so it could be determined where the soil would go and that his application was tabled until such a plan was supplied to the Planning Board for review with his application. The survey supplied this evening does not meet the criteria.

Therefore, nothing further was discussed.

11-Lot Major Subdivision --"Evergreen Overlook" Map 5, Lot 20 (State Rte. 11) - Development Services, Inc. - H. Craig Higgins Representing

Mr. Higgins began to explain where the transformers will be located and talked about the utility burial in the development. He then referred to the documentation which he supplied to the Board this evening. DEP Bylaws and Convenance in which they used to issue their approval, as well as a sample Deed to be granted to individuals who purchase these lots, and a copy of the Homeowners Association Rules and Regulations. He also stated that the final inspection fee of \$2,200.00 had been paid to the Town of Shapleigh and he supplied a final approval application plan for the Board. Mr. Higgins stated if granted approval for the subdivision at the next meeting on June 27, 2006, construction would begin immediately and be completed with one base coat of paving by fall 2006. The final coat of paving would be done in

the summer of 2007. The total cost for the road and dry swales which need to be done is approx. \$117,000. Mr. Higgins is proposing to supply an irrevocable letter of credit that is good for one year for \$120,000.00 to cover the cost to complete this work should the developer fail to fulfill this obligation. This would allow the Town of Shapleigh to have the work completed.

Roger A. asked that Mr. Higgins provide a sample letter of credit before the next meeting to allow Attorney Ron Bourque to review.

Roger A. asked if there were any other questions.

Steve M. asked if the sprinkler requirement for the dwellings be added to the deed?

Mr. Higgins replied he did not see any reason why not.

Roger A. stated that he will need to run the estimate for the cost of finishing the road by road commissioner John Burnell to verify figures.

Mr. Higgins state he would like to come to the next meeting with Mylar's to be signed.

Roger A. asked if there any other questions.

There were none.

Nothing further was discussed.

GROWTH PERMIT(S) – *There is none available at this time.*

The Planning Board meeting ended at 8:55 p.m.

Respectively submitted,

Susan Kinne

CEO Assistant

planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, June 27, 2006

Members in attendance: Lauren Meek (Vice Chairman), Diane Srebnick (Alternate), Bill Hayes, Roland Legere and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Diane S. was a regular member for this evenings meeting.

The Planning Board meeting started at 7:30 p.m.

The minutes from Wednesday, June 14th were accepted as amended.

11-Lot Major Subdivision – “Evergreen Overlook” – Final Plan Approval - Map 5, Lot 20 (State Rte. 11) – Development Services, Inc. – H. Craig Higgins Representing

Mr. Higgins was present for the final review of the application.

Mr. Higgins presented the Planning Board with the final plan for Evergreen Overlook. Mr. Higgins stated the only change to the final plan from the last meeting was that the two Dept. of Environmental Orders issued for the subdivision are now in the upper left hand corner of the plan.

Mr. Higgins gave the Planning Board the original Letter of Credit for \$120,000 from Farm Credit of Maine, ACA. He stated that someone from the Town of Shapleigh needed to sign the letter of credit as having received it and he would bring it to Farm Credit when this is done. Barbara G. did not know if Planning Board Chairman Roger Allaire should sign the form or a member of the Board of Selectmen. She would find out and call Mr. Higgins when the form was signed.

Road Commissioner John Burnell was present at the meeting. Barbara G. asked Mr. Burnell if he approved of the plans for White Tail Lane as well as the amount of the Letter of Credit. Mr. Burnell stated both were adequate.

Mr. Higgins was asked if he had contacted Fire Chief Duane Romano with respect to whether or not he approved in-home sprinkler systems for this subdivision. Mr. Higgins stated that he had discussed this issue with Chairman Roger A. and Roger stated sprinklers were preferable with the State of Maine and that Mr. Romano had no issue with in-home sprinkler systems for major subdivisions. Barbara G. agreed that this had been discussed.

Barbara G. asked Mr. Higgins if the Board of Selectmen had received a copy of the Letter of Credit. Mr. Higgins stated that they had not. Barbara would make a copy for them.

Vice Chair Lauren M. asked board members if there were any additional questions for Mr. Higgins. There were none.

Lauren M. did the major subdivision Final Plan Review, from Subdivision of Land, Chapter 89, Town of Shapleigh and Evergreen Overlook met all the required criteria.

Planning Board members received the Findings of Facts for Evergreen Overlook. Barbara G. stated that they needed to review for accuracy prior to signing. The following is what they received:

TOWN OF SHAPLEIGH PLANNING BOARD

**FINDINGS OF FACT AND APPROVAL For Evergreen Overlook
Shapleigh Tax Map 5, Lot 20**

Applicant North Country Land, Inc.
 483 Old Meetinghouse Road
& Porter, Maine 04068
Owner: 207-625-8285

Authorized Agent: H. Craig Higgins
 Development Services, Inc.
 31 Farms Edge Road
 North Yarmouth, ME 04097
 207-846-6619

BACKGROUND INFORMATION

North Country Land, Inc. has demonstrated a legal interest in the property by way of a Deed dated December 15, 2003, registered as Book 13821, Page 18 at the York County Registry of Deeds, less an out parcel (Lot #1) sold to abutters Amy B. & William E. Turgeon pursuant to a Quitclaim Deed recorded in Book 14652, Page 680-681 YCRD. The applicant proposes to establish an 11 lot subdivision on the subject property. The total land area of the parcel to be developed is 43.42+ acres. The total building envelope area is 16.48 acres. The building envelopes shall be clustered. The area of road right-of-way is 1.94 acres. The minimum lot size, street frontage and setbacks are in compliance with Shapleigh Zoning Ordinance 105-18 "Dimensional Requirements" for a major subdivision.

The Planning Board determined the preliminary application was completed on August 24, 2004. A Public Hearing was on June 14, 2006. Notification was sent to the Road Commissioner's and Fire Chief. The Planning Board received the Final Subdivision Plan on June 14, 2006 by representative, H. Craig Higgins. Final Plan approval was on June 27, 2006.

Water is to be supplied by private wells. Sewage is to be disposed of by individual subsurface disposal systems. Site evaluations for the lots, meeting the requirement of the Maine Plumbing Rules, were completed by James Logan, Licensed Site Evaluator #237, Soil Scientist #213, dated April 16, 2004, May 25, 2005 and June 30, 2004.

A permit application was submitted to the Dept. of Environmental Protection for Stormwater Law, 38 M.R.S.A. §420-D, dated February 23, 2006. The plan depicts all proposed ditching, spill ways, culvert locations, vegetated swales, utility trench, typical road section, and the sedimentation and erosion control measures to be used. In addition a plan was presented that depicted the watershed to Mousam Lake as well as to the Little Ossipee River. The application states there will be approximately 1,800 linear feet of roadway created with a hammerhead turn-around at its terminus. The road to be known as White Tail Lane will not modify the current water flow patterns when completed per the plan presented. Evergreen Overlook obtained approval to Construct White Tail Lane on April 26, 2006 by MDEP Commissioner David P. Littell; approval files BC/ATS 56602 & 56603/L22781AN & L22781BN.

The applicant has submitted a copy of an irrevocable Letter of Credit No. 4489993-201 issued by Farm Credit of Maine, ACA in favor of the Town of Shapleigh, Maine for up to \$120,000; \$108,000 for private road construction, including bituminous paving and underground utilities; and \$9,000 for the installation of three dry swales. The letter of credit is for a one year term and expires on July 1, 2007 at which time if the developer has failed to perform the plan as presented and approved by both the Maine Department of Environmental Protection and the Town of Shapleigh; the monies shall be paid to the Town of Shapleigh by Farm Credit of Maine, upon a letter signed by the Board of Selectmen, Planning Board Chairman and Road Commissioner.

WAIVERS REQUESTED

The Applicant has requested that the Board waive the requirement for Article 89-30.A, Stone monuments; and Article 89-36.M, Sidewalks.

BOARD'S FINDINGS OF FACT

Preliminary Findings

As a preliminary finding of fact, the Board finds that the proposed Subdivision falls under the provision of the Shapleigh Subdivision Code, which relates to Major Subdivision, this being "Subdivision of Land, Chapter 89, Town of Shapleigh".

Specific Findings

Based on the preliminary findings set forth above, the Board makes the following specific findings in accordance with Shapleigh Subdivision Ordinance 4404 "Review Criteria".

The Planning Board finds that Evergreen Overlook Subdivision:

1. Does not result in undue water or air pollution.
 - *There is criteria presented with respect to disposal of surface drainage water for White Tail Lane, per the Stormwater Plan approved by the Maine Dept. of Environmental Protection, dated February 23, 2006 and approved by MDEP April 26, 2006.*
 - *The soils on site will adequately support waste disposal per the test pit logs completed by James Logan, SE #237, of Albert Frick Assoc., Inc., dated April 16, 2004, May 25, 2005 and June 30, 2004.*
 - *Building envelopes have been designated to insure that no building activities intrude into the onsite freshwater wetlands.*
 - *There is no air pollution being generated.*
2. Does have sufficient water available for the foreseeable needs of the subdivision.
 - *The water to be supplied by individual drilled wells, no dug wells allowed.*
3. Does not cause an unreasonable burden on the existing water supply.
 - *There is no existing municipal water supply at this time.*
4. Does not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition results.
 - *Test Pits 1 – 10 and 13 contain Skerry soils which consist of, "Stony, Sandy Loam". Test Pit 4 also contains Waumbek soil which consists of "Loamy Sand and Sand". Test Pit 11 and 12 contains Tunbridge soil which consists of "Gravelly Loamy Sand and Sand"; and there was bedrock at 40 inches. Test Pit 14 contains Colonel / Westbury soils which consist of "Gravelly Loamy Sand and Sand". All soils were determined to be suitable for onsite subsurface wastewater disposal. Information taken from the Test Pit information by James Logan, SE #237, SS#213 of Albert Frick Associates, Inc., Gorham, ME, dated 4/16/04, 5/25/04 and 6/30/04.*
 - *A permit application was submitted to the Dept. of Environmental Protection for Stormwater Law, 38 M.R.S.A. §420-D, dated February 23, 2006. The plan depicts all proposed ditching, spill ways, culvert locations, vegetated swales, utility trench, typical road section, and the sedimentation and erosion control measures to be used.*
5. Does not cause unreasonable traffic congestion or result in unsafe conditions on existing or proposed road(s).
 - *A Maine Dept. of Transportation Permit for Entrance was obtained, permit date 5/11/04.*
 - *The Road Commissioner reviewed this subdivision and approved of the proposed plans.*
6. Does provide adequate sewage waste disposal.
 - *The soils observed are suitable, as defined by the State of Maine Subsurface Wastewater Disposal Rules. This is per James Logan, SE#237 / 213, dated 4/16/04, 5/25/04 and 6/30/04.*
 - *All wetlands have been delineated on the plan and there shall be specific building envelopes on all lots to protect the watershed.*
 - *All wastewater disposal systems shall be approved by the Code Enforcement Office.*

7. Does not cause an unreasonable burden on municipal solid waste disposal.
 - *Each property owner will be responsible for handling his or her individual waste.*
 - *This subdivision is subject to the Growth Ordinance and therefore shall not unreasonably burden the municipal solid waste facility.*
8. Does not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas.
 - *This is not a scenic or historic site nor is it in the vicinity of one recognized by the Town of Shapleigh.*
 - *The building of single family homes in this location will not adversely affect the aesthetics of the area.*
9. Does conform to local regulations, ordinances, development plan and comprehensive plan.
 - *The final approved plan shall meet all zoning and subdivision regulations.*
 - *Any changes to the final approved plan shall have to come back before the Planning Board and/or Code Enforcement Officer regarding all zoning or subdivision issues.*
 - *The Comprehensive Plan encourages internal roads and improvements by developers such as proposed per this plan.*
10. Does not adversely affect the quality of surface water or shoreline of ponds, rivers, streams or tidal areas.
 - *There is a stormwater plan approved by the Maine Dept. of Environmental Protection, approval date 4/26/06. This plan will be strictly adhered to.*
 - *There are building envelopes for each lot to protect all wetland / watershed areas.*
 - *There shall be State approved septic designs / systems for each new home on site.*
11. Does not alone or in conjunction with existing activities, adversely affect groundwater quality or quantity.
 - *The soils observed are suitable, as defined by the State of Maine Subsurface Wastewater Disposal Rules. This is per James Logan, SE#237 / 213, dated 4/16/04, 5/25/04 and 6/30/04.*
 - *Stormwater measures shall be strictly adhered to per the MDEP approved Stormwater Plan dated 4/26/06.*
12. Has demonstrated adequate technical and financial capacity to meet the above.
 - *There is an irrevocable Letter of Credit No. 4489993-201 issued by Farm Credit of Maine, ACA in favor of the Town of Shapleigh, Maine for up to \$120,000, \$108,000 for private road construction, including bituminous paving and underground utilities; and \$9,000 for the installation of three dry swales. The letter of credit is for a one year term and expires on July 1, 2007 at which time if the developer has failed to perform the plan as presented and approved by both the Maine Department of Environmental Protection and the Town of Shapleigh; the monies shall be paid to the Town of Shapleigh by Farm Credit of Maine, upon a letter signed by the Board of Selectmen, Planning Board Chairman and Road Commissioner.*
13. Does have all buildings one foot above the base flood elevation.
 - *No portion of the property is within the 100-year flood plane per the Flood Insurance Rate Map for the Town of Shapleigh.*
14. Does have freshwater wetlands identified on maps.
 - *All wetland areas have been clearly depicted on the final plan.*
15. Does have rivers, streams and brooks identified on maps.
 - *All waterbodies have been clearly identified on the final plan.*
16. The applicant has provided an adequate stormwater management plan.
 - *A permit application was submitted to the Dept. of Environmental Protection for Stormwater Law, 38 M.R.S.A. §420-D, dated February 23, 2006. The plan depicts all proposed ditching, spill ways, culvert locations, vegetated swales, utility trench, typical road section, and the sedimentation and erosion control measures to be used.*
 - *The road to be known as White Tail Lane will not modify the current water flow patterns when completed per the plan presented. Evergreen Overlook obtained approval to construct White Tail Lane on April 26, 2006 by Commissioner David P. Littell; approval files BC/ATS 56602 & 56603/L22781AN & L22781BN.*

17. Evergreen Overlook shall have no spaghetti lots and no additional lots shall be created per the final plan.
18. Does not unreasonably increase a great pond's phosphorous concentration.
 - ***There is a strict phosphorus control standard depicted on the final plan which includes specific guidelines to be followed by the property owners.***

FINDING ON THE REQUESTED WAIVER(S)

The Planning Board finds that the request to waive the requirement, Article 89-30, "stone monuments shall be set at all street intersections and at all corner and angle points"; ***shall be granted*** provided that all markers used to delineate property lines are placed deep enough into the earth that they are not easily removed by vandals. A minimum of three feet of rebar shall be placed into the earth.

The Planning Board finds that the request to waive the requirement, Article 89-36.M, "sidewalks shall be installed within all subdivisions within the urban compact area"; ***shall be granted*** due to the fact this subdivision is located along an existing town road. There is no internal road being created.

PLANNING BOARD ACTION

The Planning Board hereby approved the application of Northwoods Land Company of Maine, LLC, including the requested waivers, for the Evergreen Overlook an 11-Lot Major Subdivision with the following conditions:

1. The Applicant shall construct 1,800 linear feet of private roadway to be named White Tail Lane per the plans presented, known as Plan and Profile Station 10+00 – 19+00, Page 1 of 4; Plan and Profile Station 19+00 – End, Page 2 of 4; General Notes and Details, Page 3 of 4; Erosion Control and Sedimentation Plan, Page 4 of 4; Rev. 1, dated 2/16/06, Revisions per DEP letters to January 30, 2006.
2. To remain with the Town of Shapleigh is an irrevocable Letter of Credit No. 4489993-201 issued by Farm Credit of Maine, ACA in favor of the Town of Shapleigh, Maine for up to \$120,000, \$108,000 for private road construction, including bituminous paving and underground utilities; and \$9,000 for the installation of three dry swales. The letter of credit is for a one year term and expires on July 1, 2007 at which time if the developer has failed to perform the plan as presented and approved by both the Maine Department of Environmental Protection and the Town of Shapleigh; the monies shall be paid to the Town of Shapleigh by Farm Credit of Maine, upon a letter signed by the Board of Selectmen, Planning Board Chairman and Road Commissioner.
3. All land area situated outside the designated building envelopes shall be preserved in perpetuity as Open Green Space, in which no construction activities or ground disturbance may occur. Timber harvesting compliant with Best Management Practices is permitted and may occur within this Open Green Space. Timber harvesting shall not exceed 50% of any Open Green Space area. Expressly prohibited are residential, commercial, industrial, quarrying or mining activities, the disposal or burial of waste materials, filling or other similar man made alteration or disturbance and no pesticide spraying or other use of chemicals is allowed.
4. Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All notes under "Buffers" on the approval Final Plan shall be strictly adhered.
5. Sprinkler Systems compliant with the National Fire Protection Association standards shall be installed in all dwelling units constructed on Lots 2 – 11.
6. All lots are subject to a Road Maintenance Agreement to be recorded at the York County Registry of Deeds.
7. Lots 2 – 11 to be conveyed by Warranty Deed, which shall contain in addition to the property description, the restrictive covenants for the subdivision, as well as the stormwater measures notation, and sprinkler system requirement for each new home.
8. There shall be no further division of any lot created in the subdivision.

9. Any subdivision not recorded at the York County Registry of Deeds *within ninety days* of the date upon which the plan is approved and signed by the Planning Board shall become null and void, unless an extension is granted by the Board in writing.
10. No changes, erasures, modification, or revisions shall be made in any final plan after approval has been given, unless the revised final plan is first submitted to the Planning Board and the Board approves any modifications.

Lauren M. asked board members for a motion on the final plan for the 11 lot subdivision to be known as Evergreen Overlook, located at Shapleigh Tax Map 5, Lot 20 (State Route 11).

Bill H. made the motion to approve the subdivision as proposed on the Final Plan presented and as approved by the Maine Dept. of Environmental Protection.

Roland L. 2nd the motion.

All members were in favor.

The final plan was signed. Barbara G. will notify Mr. Higgins when the Letter of Credit is signed by a town official.

Nothing further was discussed.

Amendment to a Conditional Use Permit – In-home Day Care – Map 7, Lot 55 (779 Shapleigh Corner Road) – Jennifer Dube

Mr. Pelletier and Mr. Kleros were present to review their application. A site inspection was held prior to the meeting by Planning Board members.

Mr. Pelletier, a licensed engineer in the State of Maine, handed out a modified sketch plan which added the existing wood terrace walls that need to be replaced. Mr. Pelletier stated he wanted to use the architectural block to replace these as well.

Roger A. reviewed the height and width of the wooden walls on the plan and did not believe any of the walls he noted at the site inspection were 23” high as depicted on the plan. Roger also stated that the Dept. of Environmental Protection would need to be notified of these additional changes to the site prior to any work being started.

Mr. Pelletier stated he did believe one of the wooden walls was 23” high. Part of the wall had sunk into the ground which is why it appears shorter at first site. Mr. Pelletier stated that if replacing the additional walls was going to be a problem, he would remove them from the plan.

Roger A. stated it was not a problem, Mr. Pelletier just needed to do the proper notifications and make certain of the existing wall height.

Roger A. stated he noted only one property pin showing. Roger was worried that the new wall could possibly encroach onto the neighbor’s property without a boundary survey.

Bill H. asked if the Planning Board normally requires a survey for a wall replacement?

Roger A. stated that if there was a question about the location of a property line the Planning Board has required clarification, normally done with a boundary survey.

Bill asked if the neighbors stated in writing the wall would not encroach on their property, would this suffice?

Roger A. stated this would be fine but it is necessary to get something in writing because the wall is so close to the neighboring property.

Roland L. asked Mr. Pelletier if the plan showed the relocation of the existing steps as discussed at the site inspection?

Mr. Pelletier replied that the stairs were not on the plan because he was not sure exactly where they will be placed at this time. Mr. Kleros stated he believed the stairs would be approximately 10 feet from where they are located at this time. The goal is to move them away from the existing tree.

Bill H. said that even though DEP would need to be notified of the reconstruction of the wooden walls, could the Planning Board approve the permit with the condition DEP needed to be notified? Roger A. stated that could be done.

Bill H. asked if one of the conditions would also be that the replacement of the existing walls could be no taller than the existing? Steve M., CEO, stated that yes, this was correct.

Roger A. asked if the walls would be replaced this year?

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Mr. Pelletier stated that at this time they did not have a contractor but they did want to replace the walls this year.

Roger A. stated after looking at the DEP Permit by Rule, dated 8/1/05, that the walls would need to be completed no later than 7/30/07 due to the fact the Permit by Rule would expire at that time.

Roland L. asked the applicants if the contractor doing the project would be removing the existing wall material and dispose of it off site? Mr. Pelletier stated yes.

Roger A. asked if there were any additional questions? There were none.

Bill H. made the motion to approve the Conditional Use Permit to replace the existing shorefront wall, waterfront stairway, and added to the application and approved was replacement of the landscaping walls with the following condition(s):

- 1) **A new Permit by Rule Notification Form shall be mailed to the DEP which depicts the replacement of the landscape timber walls, along with the waterfront stone wall and stairs, prior to any work commencing.**
- 2) **The Code Enforcement Officer shall verify the height of the existing wooden landscape walls prior to their removal or replacement and the replacement walls shall be no higher than the existing.**
- 3) **The Code Enforcement Officers shall be notified as to where the existing wall material(s) will be disposed of for his approval, prior to removal.**
- 4) **Best Management Practices shall be used during the project, including silt fencing.**
- 5) **A letter shall be received by the abutting neighbor stating the new wall placement as depicted on the plan will be entirely on your property prior to any work commencing. If such letter**

- isn't received a boundary survey shall be required. A copy of either the letter or boundary survey shall be given to the Code Enforcement Officer and Planning Board Secretary.
- 6) The area disturbed during construction shall be stabilized / revegetated by 7/30/2007.

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Marine Service Business – Map 5, Lot 20-1 (Shapleigh Corner Rd.) – Bill Turgeon, Owner

Mr. Turgeon was present to discuss his application. A site inspection was held by Planning Board members prior to this evenings meeting.

Mr. Turgeon began the meeting by once again stating his intention was to open a marine service facility to work on boats. In addition, after speaking with the planning board members at the last meeting, he decided he wanted to also have the option to work on ATV's, and snowmobiles in the off season. There would be limited boat sales as well for existing customers.

Roland L. asked if there was going to be a new building on site and what the size would be. Mr. Turgeon stated there would be a new building 30' x 48' in size and there was a copy of the plans attached to his application. Roland asked if the new building would be steel or wood? Mr. Turgeon stated wood.

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Lauren M. asked if the Planning Board received a copy of where the hazardous waste would be disposed of? Roger A. stated that yes Advanced Liquid Recycling Services would be handling the hazardous waste, which also included removal of any used batteries.

Roger A. asked if there would be any paving done on site? Mr. Turgeon stated that he had no plans at this time for a paved driveway / parking area but was considering possibly paving a section 25' long next to Route 11 so it would be easier to pull the boats out of the driveway onto Route 11. This would prevent slippage.

Roger A. asked if the maximum boats on site would be 30 total or 30 plus an additional 6 for sale? Mr. Turgeon stated a total of 30, including boats for sale.

Roger A. repeated the hours of operation which were 8:00 a.m. thru 6:00 p.m., Monday thru Saturday. Mr. Turgeon stated this was correct.

Roger A. stated that it was noted at the site inspection there was adequate parking and the minimum safe site distance could be met in both directions.

Roland L. asked if there was going to be any exterior lighting? Mr. Turgeon stated there would not be any large lights, perhaps one at the garage entrance.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *This business is a permitted use in the General Purpose district with a Conditional Use Permit.*
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.*
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.*
- 105-21 – Traffic. *Traffic will have safe access. The site distances are within the minimum required which is 315’.*
- 105-22 – Noise. *This business shall not create excessive noise; most activity will take place inside the existing building. If testing a small motor in a tank, it will be for a limited amount of time. No large motors will be tested on site. They will be tested on the lake.*
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created by this business that will harm the environment or neighboring properties.*
- 105-24 – Odors. *There will be no odors emitted from this business that will harm the environment or neighboring properties. Engine testing will be very limited.*
- 105-25 – Glare. *There will be limited lighting added to the existing building for entryways.*
- 105-26 – Stormwater runoff. *There is a stormwater and drainage plan on file done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06.*
- 105-27 – Erosion control. *There is a stormwater and drainage plan on file done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06.*
- 105-28 – Setbacks and screening. *There is vegetation in existence to screen the building from Route 11 and the neighboring properties.*
- 105-30 – Water quality. *All hazardous materials created by this business shall be removed from site by a licensed removal company (Advanced Liquid Recycling Services) and nothing is stored outside.*

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- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed and much of the parking area will be behind the existing vegetation. There is approximately a 15’ buffer between road and parking area.*
- 105-32 - Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.*
- 105-33 – Refuse disposal. *All non-hazardous waste shall be removed by the applicant. A dumpster will be used when warranted. All hazardous waste shall be removed by Advanced Liquid Recycling Services.*
- 105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of employees and patrons of this business.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

Bill H. asked when Mr. Turgeon expected to be up and operating? Mr. Turgeon stated that as soon as the building is completed. He hoped it would be by fall of this year.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not per the plan presented.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages businesses along Route 11.*

- 4) Traffic access to the site is safe. *It is, the site distances meet the minimum requirement in the ordinance.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *It is, per the Stormwater Drainage Plan presented, dated 4/13/06.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A state approved septic system shall be installed. Solid waste will be removed by the applicant and Advanced Liquid Recycling Services.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *Advanced Liquid Recycling Services shall transport and remove all hazardous waste. All hazardous waste will be stored in containers provided by A.L.R.S.*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. *A stormwater and drainage plan was presented for a 50 year storm. It was done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *A stormwater and drainage plan was presented for a 50 year storm. It was done by Carl V. Beal, P.E. of Civil Consultants, dated 4/13/06. The building location is the most optimum, chosen by Mr. Beal, to prevent any erosion or storm water issues.*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *There is a water holding tank very near to this location.*
- 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. *This business will not produce anything detrimental to the neighboring properties. Lighting on the building will be minimal. There will be only limited noise generated by this activity. Most work shall be done inside the building.*

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- 12) All performance standards in this chapter applicable to the proposed use will be met. *They shall.*

Roger A. asked if there were any additional questions? There were none.

Bill H. made the motion to approve the Conditional Use Permit to open a repair facility for water craft and other small engine repair with the following condition(s):

- 1) **The hours of operation shall be 8:00 a.m. thru 6:00 p.m., Monday thru Saturday.**
- 2) **There shall be a maximum of 30 boats on site for repair, of which 6 boats could be on site for private sale.**
- 3) **There shall be both repair of water craft and small engines, which includes ATV's and snowmobiles.**
- 4) **Waste products such as oil, anti-freeze and batteries shall be removed from site per the agreement with Advance Liquid Recycling Services. Should this change, notice shall be given to the Code Enforcement Officer.**
- 5) **Any signage shall be permitted through the Code Enforcement Office.**

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Movement of Greater Than 150 Yards of Earth – Map 10, Lot 7 (Town Farm Road) – Jeffrey Morrison, Owner

Mr. Morrison was present to discuss his application.

Mr. Morrison stated again that his application was for earth moving. The application was after-the-fact for earth that has already been moved from the neighboring approved subdivision done by Mr. William Small onto his property; as well as for the movement of additional fill from the neighboring subdivision of Mr. Thomas Small. The earth will be used to fill in areas mined to create a new subdivision road and also the loam moved will be used to match the land in behind the knoll on his property.

Roger A. asked how much additional earth would be moved onto his site? Mr. Morrison believed it would be less than 100 yards.

Roger A. asked how long the earth would be piled on site in its present location, before it is moved? Mr. Morrison believed it would be about one year at most. The earth would be moved once his subdivision is approved.

Roger A. noted to Mr. Morrison that this permit was only good for three years so should the project take longer than three years he would have to come in and have the permit renewed.

Roger A. stated that at the site inspection there was no evidence of a water runoff problem or erosion issue. The area was very stable and the earth currently on site already had some vegetation growing in it to further stabilize it.

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Roger A. read the following applicable conditions of permit from 105-39.G:

- (1) The smallest amount of bare ground shall be exposed for the shortest time feasible. The Planning Board shall set a specific date after which bare ground shall not be exposed. ***N/A for this project. Material is being removed for approved roadways.***
- (2) Temporary ground cover (such as mulch) and temporary runoff filter (such as hay bales in swales) shall be used as required to prevent stream sedimentation. The Planning Board shall set a specific date by which permanent ground cover shall be planted. ***This is not necessary in this location. The earth is stable as noted on the site inspection.***
- (3) Diversions, silting basins, terraces and other methods to trap sediment shall be used. ***With the scope of this project and location of the earth, no additional measures are necessary.***
- (5) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used. ***N/A for this project.***
- (8) Where activities carried out under this article require the removal of existing ground cover, revegetation should be carried out. ***The area shall be reclaimed after the piles of earth are removed from their existing location.***
- (10) Specific plans are established to avoid hazards from excessive slopes or standing water. Where embankment must be left upon the completion of operations, it shall be at a slope not steeper than one foot vertical to four feet horizontal. ***There are no excessive slopes in this location.***
- (11) N/A.
- (12) Sufficient topsoil or loam shall be retained to cover all areas, so that they may be seeded and restored to natural conditions. ***The topsoil or loam stored on the property will be used to match in the knoll and reseed depressions used in mining for earth on site.***

(13) N/A.

Roger A., after reviewing Zoning 105-39 “Earth Removal and Filling” stated that all conditions of the ordinance have been met.

Roland L. asked if the permit was after-the-fact to move greater than 150 yards of earth without a permit, but the after-the-fact did not include the additional 100 yards Mr. Morrison was requesting? Roger A. stated that was correct.

H. Craig Higgins was present, the gentlemen who represented both Mr. William Small and Mr. Thomas Small on their subdivision projects, and he stated he was partly to blame for Mr. Morrison moving the earth without a permit. Mr. Higgins stated he did not inform Mr. Morrison he would need to get a permit to move fill onto his property. Mr. Morrison was doing the road work for both of the gentlemen above.

Roger A. asked if there were any additional questions? There were none.

Roger reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***The project has had no impact on the wildlife in the area and the additional movement of 100 yards of earth shall not have a negative impact.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. ***It is as the Comprehensive Plan encourages that soils remain on site when possible. This soil will be used to fill in detention areas after the subdivision is approved.***
- 4) Traffic access to the site is safe. ***It is.***

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- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***Not in a designated flood zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *N/A*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *N/A*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***This activity shall have no impact on the adjacent property.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *N/A*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *N/A*
- 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. *N/A*
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Roger A. asked if there were any additional questions? There were none.

Lauren M. made the motion to *approve* the Conditional Use Permit with the following condition(s):

- 1) **The area disturbed must be revegetated after the earth has been removed from its current location and re-used.**

- 2) The project must be completed within 3 years otherwise the applicant must come back before the Planning Board to renew the permit.

Bill H. 2nd the motion. All members were in favor.

Nothing further was discussed.

Amendment to a Subdivision – Preliminary Plan - Turkey Crossing I – Map 6, Lot 29 (Owl’s Nest Road) – Thomas & Barbara Worster, Owner

Thomas & Barbara Worster were present for the review of their application.

Mr. Worster reviewed the Preliminary Plan with board members. He stated the total land area was 144.457 Acres±; proposed Parcel C was 18.210 Acres±, this being the land his existing home is located on; proposed Parcel D will be 2.435 Acres±; proposed Parcel E will be 2.877± Acres and the proposed Parcel F to be conveyed to Roger T. Ridley, a direct abutter, will be 120.935 Acres±.

Mr. Worster stated water would be supplied by individual private wells. Sewage will be disposed of by individual subsurface disposal systems. Site evaluations have been done for each lot by John Large, (Licensed Site Evaluator #7), and a letter was presented dated March 27, 2006 from Mr. Large stating the soils were suitable for a three bedroom home on the lot known as Proposed Parcel D and E. (Proposed Parcel C currently has an approved septic system on site along with a home approved by the Code Enforcement Officer.)

Mr. Worster stated the restrictive covenants that were placed on the original subdivision plan would also

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be placed on Parcel D & E but not F as it will be conveyed to the abutter Roger Ridley. In addition, an additional covenant was added for Parcel D & E and that was #16 and reads as follows “Houses constructed on Parcels D & E shall be constructed with internal sprinkler systems for fire protection and prevention.”

Roger A. stated that at present this subdivision, being a major subdivision, falls under the new ordinance that all new major subdivisions shall be required to be cluster subdivisions. (Shapleigh Subdivision Ordinance 89-32 “Cluster Developments”) Roger noted that the Planning Board has the ability to waive this requirement should the requirement not be feasible due to topography, soils or other immutable features of the property. Roger believed in this case, with the addition of two new house lots in the proposed location, there would be no advantage to proposing smaller lots. Roger noted the fact the area has a lot of ledge and these lots are in the most favorable location and size for this property as presented. All other board members agreed.

Lauren M. was concerned about the fact that the proposed Parcel F, which would go to abutter Roger Ridley, had no road frontage. Mr. Worster and Roger A. both stated that once Mr. Ridley owned the property it would be combined with his existing property which had frontage along the Nason Road.

Roger A. reviewed the requested waivers Article 89-29.A, “Utilities shall be installed underground except as otherwise approved by the Board” and Article 89-30.A, Stone monuments. Roger agreed there was no need for underground utilities for Parcel D or E, due to the fact utility poles were in existence at this time abutting the property. Roger noted that Parcel C had underground utilities.

Roger A. had no issue for allowing the waiver for stone monuments as long as all markers used to delineate property lines are placed deep enough into the earth that they are not easily removed by vandals. All board members agreed the requested waivers would be approved.

Steve M., CEO, voiced concern that the Planning Board needed to make certain Parcel F was joined with Mr. Ridley's property making it one large lot; otherwise a non-conforming lot would be created. Though it was noted that it was state law the lots be combined, Steve was still concerned that it may not happen and down the road, should Mr. Ridley sell his property, perhaps a non-conforming lot would be in existence and someone would want to build on it even though there was no road frontage.

Bill H. asked if it was in the Planning Boards authority to require anything of Mr. Worster or Mr. Ridley to do something with respect to this issue?

Steve M., CEO, stated that the board members had the ability to have a note added to the final plan that both of Mr. Ridley's properties would be joined. Mr. Worster stated that he believed he had no authority to put it in the conveyed deed but he would ask an attorney if the Planning Board had concerns.

Roger A. and Madge B. both believed the Planning Board had the authority to make it a condition of approval that the lots be joined once Mr. Ridley acquired Parcel F. Lauren M. asked if it could be added to the subdivision notes?

Madge B. stated that Mr. Worster needed to make certain the name that is currently on Mr. Ridley's deed is the exact same name on the new deed when the property is conveyed.

Bill H. asked if the following would suffice as a condition, "Deeded owner of the abutting property owners lot, thereby under Maine State Law, lots are legally joined" (Parcel F and Mr. Ridley's lot.) Steve M., CEO, agreed this would work.

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Mr. Worster asked where this language should be placed? Roger A. stated in the Findings of Fact.

Madge B. stated again to Mr. Worster that it is very important the name on Mr. Ridley's existing property is the exact same name used on the new deed for Parcel F. Mr. Worster stated that he understood.

Roger A. asked if there were any additional questions? There were none.

Roger A. scheduled a Public Hearing for Tuesday, May 23rd at 7:00 p.m. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

OTHER:

Country Side Estates 14 Lot Subdivision - Map 1, Lot(s) 17 & 17D (Shapleigh) / Map 3, Lot 8 (Acton) (Lebanon Road, Acton) Richard & Carolyn Levesque

Steve M., CEO, brought in a revised road plan from Mr. Levesque and gave it to Roger A. for Planning Board review.

Steve M. stated that Mr. Levesque stated the approved right-of-way will remain the same for the road, but the pavement needed to be moved due to the location of existing utility poles.

Roger A. stated that because the approved subdivision has been recorded at York County Registry of Deeds a new plan would need to be approved and recorded for this change.

After reviewing the plan, board members had no problem with granting the requested change to the roadway. Barbara G. will mail Mr. and Mrs. Levesque a letter asking for a copy of the new plan for the required signatures. She will make a note to the Levesque's, three copies will be required.

Nothing further was discussed.

Roger A. asked Planning Board members if they wanted to do another site inspection for new members Bill Hayes and Roland Legere for the subdivision Evergreen Outlook (Map 5, Lot 20), because it was coming back before the board for review and these two members have not been to the site. The board members agreed this would be a good idea. **A site inspection will be held at 6:30 prior to the next scheduled meeting on May 23rd.**

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 9:00 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, June 27, 2006

Members in attendance: Lauren Meek (Vice Chairman), Diane Srebnick (Alternate), Bill Hayes, Roland Legere and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steve McDonough also attended the meeting.

Diane S. was a regular member for this evenings meeting.

The Planning Board meeting started at 7:30 p.m.

The minutes from Wednesday, June 14th, were accepted as amended.

11-Lot Major Subdivision – “Evergreen Overlook” – Final Plan Approval - Map 5, Lot 20 (State Rte. 11) – Development Services, Inc. – H. Craig Higgins Representing

Mr. Higgins was present for the final review of the application.

Mr. Higgins presented the Planning Board with the final plan for Evergreen Overlook. Mr. Higgins stated the only change to the final plan from the last meeting was that the two Dept. of Environmental Orders issued for the subdivision are now in the upper left hand corner of the plan.

Mr. Higgins gave the Planning Board the original Letter of Credit for \$120,000 from Farm Credit of Maine, ACA. He stated that someone from the Town of Shapleigh needed to sign the letter of credit as having received it and he would bring it to Farm Credit when this is done. Barbara G. did not know if Planning Board Chairman Roger Allaire should sign the form or a member of the Board of Selectmen. She would find out and call Mr. Higgins when the form was signed.

Road Commissioner John Burnell was present at the meeting. Barbara G. asked Mr. Burnell if he approved of the plans for White Tail Lane as well as the amount of the Letter of Credit. Mr. Burnell stated both were adequate.

Mr. Higgins was asked if he had contacted Fire Chief Duane Romano with respect to whether or not he approved in-home sprinkler systems for this subdivision. Mr. Higgins stated that he had discussed this issue with Chairman Roger A. and Roger stated sprinklers were preferable with the State of Maine and that Mr. Romano had no issue with in-home sprinkler systems for major subdivisions. Barbara G. agreed that this had been discussed.

Barbara G. asked Mr. Higgins if the Board of Selectmen had received a copy of the Letter of Credit. Mr. Higgins stated that they had not. Barbara would make a copy for them.

Vice Chairman Lauren M. asked board members if there were any additional questions for Mr. Higgins. There were none.

Lauren M. did the major subdivision Final Plan Review, from Subdivision of Land, Chapter 89, Town of Shapleigh and the Planning Board agreed Evergreen Overlook met all the required criteria.

Planning Board members received the Findings of Facts for Evergreen Overlook. Barbara G. stated that they needed to review the Findings for accuracy prior to signing. The following is what they received:

TOWN OF SHAPLEIGH PLANNING BOARD

**FINDINGS OF FACT AND APPROVAL For Evergreen Overlook
Shapleigh Tax Map 5, Lot 20**

Applicant North Country Land, Inc.
 483 Old Meetinghouse Road
& Porter, Maine 04068
Owner: 207-625-8285

Authorized Agent: H. Craig Higgins
 Development Services, Inc.
 31 Farms Edge Road
 North Yarmouth, ME 04097
 207-846-6619

BACKGROUND INFORMATION

North Country Land, Inc. has demonstrated a legal interest in the property by way of a Deed dated December 15, 2003, registered as Book 13821, Page 18 at the York County Registry of Deeds, less an out parcel (Lot #1) sold to abutters Amy B. & William E. Turgeon pursuant to a Quitclaim Deed recorded in Book 14652, Page 680-681 YCRD. The applicant proposes to establish an 11 lot subdivision on the subject property. The total land area of the parcel to be developed is 43.42+ acres. The total building envelope area is 16.48 acres. The building envelopes shall be clustered. The area of road right-of-way is 1.94 acres. The minimum lot size, street frontage and setbacks are in compliance with Shapleigh Zoning Ordinance 105-18 "Dimensional Requirements" for a major subdivision.

The Planning Board determined the preliminary application was completed on August 24, 2004. A Public Hearing was held on June 14, 2006. Notification was sent to the Road Commissioner's and Fire Chief. The Planning Board received the Final Subdivision Plan on June 14, 2006 by representative, H. Craig Higgins. Final Plan approval was on June 27, 2006.

Water is to be supplied by private wells. Sewage is to be disposed of by individual subsurface disposal systems. Site evaluations for the lots, meeting the requirement of the Maine Plumbing Rules, were completed by James Logan, Licensed Site Evaluator #237, Soil Scientist #213, dated April 16, 2004, May 25, 2005 and June 30, 2004.

A permit application was submitted to the Dept. of Environmental Protection for Stormwater Law, 38 M.R.S.A. §420-D, dated February 23, 2006. The plan depicts all proposed ditching, spill ways, culvert locations, vegetated swales, utility trench, typical road section, and the sedimentation and erosion control measures to be used. In addition a plan was presented that depicted the watershed to Mousam Lake as well as to the Little Ossipee River. The application states there will be approximately 1,800 linear feet of roadway created with a hammerhead turn-around at its terminus. The road to be known as White Tail Lane will not modify the current water flow patterns when completed per the plan presented. Evergreen Overlook obtained approval to Construct White Tail Lane on April 26, 2006 by MDEP Commissioner David P. Littell; approval files BC/ATS 56602 & 56603/L22781AN & L22781BN.

The applicant has submitted a copy of an irrevocable Letter of Credit No. 4489993-201 issued by Farm Credit of Maine, ACA in favor of the Town of Shapleigh, Maine for up to \$120,000; \$108,000 for private road construction, including bituminous paving and underground utilities; and \$9,000 for the installation of three dry swales. The letter of credit is for a one year term and expires on July 1, 2007 at which time if the developer has failed to perform the plan as presented and approved by both the Maine Department of Environmental Protection and the Town of Shapleigh; the monies shall be paid to the Town of Shapleigh by Farm Credit of Maine, upon a letter signed by the Board of Selectmen, Planning Board Chairman and Road Commissioner.

WAIVERS REQUESTED

The Applicant has requested that the Planning Board waive the requirement for Article 89-30.A, Stone monuments; and Article 89-36.M, Sidewalks.

BOARD'S FINDINGS OF FACT

Preliminary Findings

As a preliminary finding of fact, the Board finds that the proposed Subdivision falls under the provision of the Shapleigh Subdivision Code, which relates to Major Subdivision, this being "Subdivision of Land, Chapter 89, Town of Shapleigh".

Specific Findings

Based on the preliminary findings set forth above, the Board makes the following specific findings in accordance with Shapleigh Subdivision Ordinance 4404 "Review Criteria".

The Planning Board finds that Evergreen Overlook Subdivision:

1. Does not result in undue water or air pollution.
 - *There is criteria presented with respect to disposal of surface drainage water for White Tail Lane, per the Stormwater Plan approved by the Maine Dept. of Environmental Protection, dated February 23, 2006 and approved by MDEP April 26, 2006.*
 - *The soils on site will adequately support waste disposal per the test pit logs completed by James Logan, SE #237, of Albert Frick Assoc., Inc., dated April 16, 2004, May 25, 2005 and June 30, 2004.*
 - *Building envelopes have been designated to insure that no building activities intrude into the onsite freshwater wetlands.*
 - *There is no air pollution being generated.*
2. Does have sufficient water available for the foreseeable needs of the subdivision.
 - *The water to be supplied by individual drilled wells, no dug wells allowed.*
3. Does not cause an unreasonable burden on the existing water supply.
 - *There is no existing municipal water supply at this time.*
4. Does not cause unreasonable soil erosion or reduction in the capacity of land to hold water so that a dangerous or unhealthy condition results.
 - *Test Pits 1 – 10 and 13 contain Skerry soils which consist of, "Stony, Sandy Loam". Test Pit 4 also contains Waumbek soil which consists of "Loamy Sand and Sand". Test Pit 11 and 12 contains Tunbridge soil which consists of "Gravelly Loamy Sand and Sand"; and there was bedrock at 40 inches. Test Pit 14 contains Colonel / Westbury soils which consist of "Gravelly Loamy Sand and Sand". All soils were determined to be suitable for onsite subsurface wastewater disposal. Information taken from the Test Pit information by James Logan, SE #237, SS #213 of Albert Frick Associates, Inc., Gorham, ME, dated 4/16/04, 5/25/04 and 6/30/04.*
 - *A permit application was submitted to the Dept. of Environmental Protection for Stormwater Law, 38 M.R.S.A. §420-D, dated February 23, 2006. The plan depicts all proposed ditching, spill ways, culvert locations, vegetated swales, utility trench, typical road section, and the sedimentation and erosion control measures to be used.*
5. Does not cause unreasonable traffic congestion or result in unsafe conditions on existing or proposed road(s).
 - *A Maine Dept. of Transportation Permit for Entrance was obtained, permit date 5/11/04.*
 - *The Road Commissioner reviewed this subdivision and approved of the proposed plans.*
6. Does provide adequate sewage waste disposal.
 - *The soils observed are suitable, as defined by the State of Maine Subsurface Wastewater Disposal Rules. This is per James Logan, SE#237 / 213, dated 4/16/04, 5/25/04 and 6/30/04.*
 - *All wetlands have been delineated on the plan and there shall be specific building envelopes on all lots to protect the watershed.*
 - *All wastewater disposal systems shall be approved by the Code Enforcement Office.*

7. Does not cause an unreasonable burden on municipal solid waste disposal.
 - *Each property owner will be responsible for handling his or her individual waste.*
 - *This subdivision is subject to the Growth Ordinance and therefore shall not unreasonably burden the municipal solid waste facility.*
8. Does not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas.
 - *This is not a scenic or historic site nor is it in the vicinity of one recognized by the Town of Shapleigh.*
 - *The building of single family homes in this location will not adversely affect the aesthetics of the area.*
9. Does conform to local regulations, ordinances, development plan and comprehensive plan.
 - *The final approved plan shall meet all zoning and subdivision regulations.*
 - *Any changes to the final approved plan shall have to come back before the Planning Board and/or Code Enforcement Officer regarding all zoning or subdivision issues.*
 - *The Comprehensive Plan encourages internal roads and improvements by developers such as proposed per this plan.*
10. Does not adversely affect the quality of surface water or shoreline of ponds, rivers, streams or tidal areas.
 - *There is a stormwater plan approved by the Maine Dept. of Environmental Protection, approval date 4/26/06. This plan will be strictly adhered to.*
 - *There are building envelopes for each lot to protect all wetland / watershed areas.*
 - *There shall be State approved septic designs / systems for each new home on site.*
11. Does not alone or in conjunction with existing activities, adversely affect groundwater quality or quantity.
 - *The soils observed are suitable, as defined by the State of Maine Subsurface Wastewater Disposal Rules. This is per James Logan, SE #237 / 213, dated 4/16/04, 5/25/04 and 6/30/04.*
 - *Stormwater measures shall be strictly adhered to per the MDEP approved Stormwater Plan dated 4/26/06.*
12. Has demonstrated adequate technical and financial capacity to meet the above.
 - *There is an irrevocable Letter of Credit No. 4489993-201 issued by Farm Credit of Maine, ACA in favor of the Town of Shapleigh, Maine for up to \$120,000, \$108,000 for private road construction, including bituminous paving and underground utilities; and \$9,000 for the installation of three dry swales. The letter of credit is for a one year term and expires on July 1, 2007 at which time if the developer has failed to perform the plan as presented and approved by both the Maine Department of Environmental Protection and the Town of Shapleigh; the monies shall be paid to the Town of Shapleigh by Farm Credit of Maine, upon a letter signed by the Board of Selectmen, Planning Board Chairman and Road Commissioner.*
13. Does have all buildings one foot above the base flood elevation.
 - *No portion of the property is within the 100-year flood plane per the Flood Insurance Rate Map for the Town of Shapleigh.*
14. Does have freshwater wetlands identified on maps.
 - *All wetland areas have been clearly depicted on the final plan.*
15. Does have rivers, streams and brooks identified on maps.
 - *All waterbodies have been clearly identified on the final plan.*
16. The applicant has provided an adequate stormwater management plan.
 - *A permit application was submitted to the Dept. of Environmental Protection for Stormwater Law, 38 M.R.S.A. §420-D, dated February 23, 2006. The plan depicts all proposed ditching, spill ways, culvert locations, vegetated swales, utility trench, typical road section, and the sedimentation and erosion control measures to be used.*
 - *The road to be known as White Tail Lane will not modify the current water flow patterns when completed per the plan presented. Evergreen Overlook obtained approval to construct White Tail Lane on April 26, 2006 by Commissioner David P. Littell; approval files BC/ATS 56602 & 56603/L22781AN & L22781BN.*

17. Evergreen Overlook shall have no spaghetti lots and no additional lots shall be created per the final plan.
18. Does not unreasonably increase a great pond's phosphorous concentration.
 - ***There is a strict phosphorus control standard depicted on the final plan which includes specific guidelines to be followed by the property owners.***

FINDING ON THE REQUESTED WAIVER(S)

The Planning Board finds that the request to waive the requirement, Article 89-30, "stone monuments shall be set at all street intersections and at all corner and angle points"; ***shall be granted*** provided that all markers used to delineate property lines are placed deep enough into the earth that they are not easily removed by vandals. A minimum of three feet of rebar shall be placed into the earth.

The Planning Board finds that the request to waive the requirement, Article 89-36.M, "sidewalks shall be installed within all subdivisions within the urban compact area"; ***shall be granted*** due to the fact this subdivision is in a rural setting with a dead end road that will access no more than ten home sites in perpetuity. Traffic is therefore limited to neighbors and their guests. In addition there shall be a gravel shoulder 5 feet in width which is adequate for safe conditions for pedestrians.

PLANNING BOARD ACTION

The Planning Board hereby approved the application of Northwoods Land Company of Maine, LLC, including the requested waivers, for Evergreen Overlook an 11-Lot Major Subdivision with the following conditions:

1. The Applicant shall construct 1,800 linear feet of private roadway to be named White Tail Lane per the plans presented, known as Plan and Profile Station 10+00 – 19+00, Page 1 of 4; Plan and Profile Station 19+00 – End, Page 2 of 4; General Notes and Details, Page 3 of 4; Erosion Control and Sedimentation Plan, Page 4 of 4; Rev. 1, dated 2/16/06, Revisions per DEP letters to January 30, 2006.
2. To remain with the Town of Shapleigh is an irrevocable Letter of Credit No. 4489993-201 issued by Farm Credit of Maine, ACA in favor of the Town of Shapleigh, Maine for up to \$120,000, \$108,000 for private road construction, including bituminous paving and underground utilities; and \$9,000 for the installation of three dry swales. The letter of credit is for a one year term and expires on July 1, 2007 at which time if the developer has failed to perform the plan as presented and approved by both the Maine Department of Environmental Protection and the Town of Shapleigh; the monies shall be paid to the Town of Shapleigh by Farm Credit of Maine, upon a letter signed by the Board of Selectmen, Planning Board Chairman and Road Commissioner.
3. All land area situated outside the designated building envelopes shall be preserved in perpetuity as Open Green Space, in which no construction activities or ground disturbance may occur. Timber harvesting compliant with Best Management Practices is permitted and may occur within this Open Green Space. Timber harvesting shall not exceed 50% of any Open Green Space area. Expressly prohibited are residential, commercial, industrial, quarrying or mining activities, the disposal or burial of waste materials, filling or other similar man made alteration or disturbance and no pesticide spraying or other use of chemicals is allowed.
4. Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All notes under "Buffers" on the approval Final Plan shall be strictly adhered to.
5. Sprinkler Systems compliant with the National Fire Protection Association standards shall be installed in all dwelling units constructed on Lots 2 – 11.
6. All lots are subject to a Road Maintenance Agreement to be recorded at the York County Registry of Deeds.
7. Lots 2 – 11 to be conveyed by Warranty Deed, which shall contain in addition to the property description, the restrictive covenants for the subdivision, as well as the stormwater measures notation, and sprinkler system requirement for each new home.
8. There shall be no further division of any lot created in the subdivision.

9. Any subdivision not recorded at the York County Registry of Deeds *within ninety days* of the date upon which the plan is approved and signed by the Planning Board shall become null and void, unless an extension is granted by the Board in writing.
10. No changes, erasures, modification, or revisions shall be made in any final plan after approval has been given, unless the revised final plan is first submitted to the Planning Board and the Board approves any modifications.

Lauren M. asked board members for a motion on the final plan for the 11 lot subdivision to be known as Evergreen Overlook, located at Shapleigh Tax Map 5, Lot 20 (State Route 11).

Bill H. made the motion to approve the subdivision as proposed on the Final Plan presented and as approved by the Maine Dept. of Environmental Protection.

Roland L. 2nd the motion.

All members were in favor.

The final plan was signed. Barbara G. will notify Mr. Higgins when the Letter of Credit is signed by a town official.

Nothing further was discussed.

Amendment to a Conditional Use Permit – In-home Day Care – Map 7, Lot 55 (779 Shapleigh Corner Road) – Jennifer Dube

Jennifer Dube was present to discuss her application.

Mrs. Dube stated that she wanted to open an in-home day care. The current Conditional Use for the property is for an antique shop which her and her husband no longer wishes to operate.

Lauren M. asked if the State had inspected the property for in-home day care approval? Mrs. Dube stated that they were expected in her home during the month of July.

Mrs. Dube stated that the State Fire Marshall had been on site. Lauren M. asked if she had any paperwork from him. Mrs. Dube stated that she did and would get a copy to the Planning Board for the next meeting.

Lauren M. asked how many children would be attending the day care and what would the ages be? Mrs. Dube stated that she would have no more than eight children and the ages would be from infant to age seven.

Lauren M. asked how many parking spaces were on site at this time? Mrs. Dube stated there were three designated for the antique shop but there was room for up to five cars on site. (Mrs. Dube provided the Planning Board with a site plan which showed the parking area.)

Lauren M. asked if there would be any additional lighting added to the home? Mrs. Dube stated no.

Lauren M. asked what the hours of operation would be? Mrs. Dube stated from 7:00 a.m. to 6:00 p.m., Monday thru Friday.

Lauren M. asked if there would be an outdoor play area and if so would it be fenced in? Mrs. Dube stated there would be an outdoor play area that was fenced in. She noted the location was on the sketch plan she submitted with her application.

Roland L. asked if it was a requirement to review the existing septic system to make certain it will be adequate for the additional number of people who will use it? Mrs. Dube said that it was a requirement and stated she provided the board with a copy of the most recent Subsurface Wastewater Disposal System Application that was done for the proposed day care, by John E. Large, SE #7 on June 19, 2006. Mrs. Dube stated that the current system is going to be expanded per Mr. Large's instructions.

Lauren M. asked if there were any additional questions? There were none.

Lauren M. scheduled a site inspection for 6:30 p.m. on Tuesday, July 11th. In addition a Public Hearing will be held on the same night at 7:00 p.m. and a Notice to Abutters shall be mailed out.

Nothing further was discussed.

Construction of a Private Way – Map 3, Lot 19A (Simon Ricker Road) – Pat Frasier

Mr. Frasier was present to review his application.

Mr. Frasier stated that he wanted to build a private road on his existing right-of-way to the property. The road would be 660 feet long and the right-of-way was 50 feet wide.

Roland L. asked if there were any wetlands on the property? Mr. Frasier stated that he did not believe there were. Mr. Frasier stated there was a small stream on the property. Mr. Frasier said an engineer was coming to the site next week to do an evaluation and to create an engineered plan.

Bill H. asked Mr. Frasier if the right-of-way was in his deed? Mr. Frasier stated that it was not but it was in the neighbor's deed.

Mr. Frasier stated that there was no major grade on the right-of-way. He believed the grade to be no greater than 4%. Mr. Frasier stated that on the entire property there may be an 8% grade at one point near the end.

Diane S. read 105-60-1.A from "Private Ways", it read as follows:

- 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.

Mr. Frasier stated that he would be getting an engineered plan for the final review of his application. An engineer would be coming to the site next week.

Mr. Frasier was asked where the soil would be going should he have excess after building the road. Mr. Frasier stated that some will be left on site and the rest moved to another property he was working on in another town.

Lauren M. asked if there were any additional questions? There were none.

Lauren M scheduled a site inspection for 6:00 p.m. on Tuesday, July 11th. Also a Notice to Abutters shall be mailed.

Nothing further was discussed.

Conditional Use Permit – 26' x 30' Addition to Shapleigh Town Hall – Map 45, Lot 10 (22 Back Road) - Town of Shapleigh

Selectman Mike Perro represented the Town of Shapleigh for this application.

Selectman Perro stated that the application was to build an addition to the existing Town Hall. The addition would be 26' x 30' in size. Selectman Perro stated the addition would be aesthetically pleasing and blend in well with the Town Hall. Selectman Perro had a sketch plan of the new structure for the Planning Board members along with the bid specifications and proposed room layout for the inside of the addition.

Selectman Perro stated the new structure would house two offices. The larger of the two offices would be for the Town Clerk / Tax Collector. The new addition would have a hallway large enough to be handicap accessible, which is very important at voting time.

Selectman Perro noted that the last edition to the building had been set on the corner of the existing septic tank so during the construction of the proposed addition the septic tank would be moved and retied in with the existing leach field which was noted by a site evaluator to be in good working order. The new septic tank would be moved 8 feet from the back of the building.

Selectman Perro stated there would be a 200 amp service put into the new addition. The existing service in the town hall could not accommodate the addition and also this new service could be used for the commons without taxing the existing service.

Selectman Perro stated the heat would be radiant in-floor heat.

Selectman Perro stated that the Maine Historic Preservation Commission had been contacted to make certain there would be no issue making changes to the Town Hall. Selectman Perro stated that because the building has already had an addition made to it which was not consistent with the original structure, the building no longer qualified for Historical Status. (Note: Executive Secretary Karla Bergeron spoke with a Ms. Christi Mitchell of the M.H.P.C. and was told the Town Hall did not qualify for Historical Status at this time but if the Town wanted to they could fill out an application for an evaluation in the future.)

Selectman Perro was asked why a new leach field was not being put in at the same time as the new septic tank. Selectman Perro stated that the site evaluator stated it was not necessary. Selectman Perro asked CEO Steve M. what his opinion was on this. Steve stated that he thought a new leach field would be a good idea at this time but he noted the cost could be up to an additional \$8000 to do so. Steve stated that at a minimum a new Subsurface Wastewater Disposal System design should be done if one hasn't been done recently. This would only cost \$300.

Board members asked Selectman Perro when the town proposed to do this project. Selectman Perro stated that the bids were out and as soon as the town got approval from the Planning Board the Selectmen wanted to move forward with the project. Selectman Perro stated that he would be reviewing work from the contractors that placed the bids and hopefully have a decision soon as to who the town would choose for the job.

Lauren M. asked if there were any additional questions? There were none.

Lauren M. stated a Public Hearing would be scheduled for 7:00 p.m. on Tuesday, July 11th. A Notice to Abutters shall be mailed as well.

There was nothing further discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:30 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, July 11, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek (Vice Chairman), Madge Baker (Alternate), Bill Hayes, Roland Legere and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Public Hearing Began at 7:00 p.m.

Amendment to a Conditional Use Permit – In-home Day Care – Map 7, Lot 55 (779 Shapleigh Corner Road) – Jennifer Dube

Mrs. Dube attended the Public Hearing.

Mrs. Dube stated that presently her and her husband had a Conditional Use Permit for an Antique Shop in the small building next to her home. Mrs. Dube stated she would now like to have a day care in that building and no longer have the Antique Shop.

Bill H. – Is there a parking plan on file?

Mrs. Dube – Yes, I provided the Planning Board with a parking plan, showing the area where additional parking will be created for the day care.

Roland L. – What are the hours of operation going to be?

Mrs. Dube – 7:00 a.m. thru 6:00 p.m., Monday through Friday.

Roger A. – I understand the application is for an Amendment to a Conditional Use Permit. I believe it should be a new Conditional Use. An amendment is usually for an expansion of an existing business, such as adding more products or another service of like kind. A day care is a totally different business. The other Planning Board members agreed with Roger's assessment. Mrs. Dube stated she had no issue with the change, she asked what she needed to do? Roger stated she just needed to pay the additional \$50 for the Conditional Use fee. She stated she would.

Roger A. – When the day care gets approved, the Antique Shop shall be a discontinued use.

Mrs. Dube stated she understood.

Roger A. asked if there were any additional questions? There were none.

The public hearing for Mrs. Dube closed at 7:06 p.m.

Conditional Use Permit – 26' x 30' Addition to Shapleigh Town Hall – Map 45, Lot 10 (22 Back Road) - Town of Shapleigh

Selectman Mike Perro attended the Public Hearing representing the Town of Shapleigh.

Selectman Perro – The Town of Shapleigh would like to put up a 26' x 30' addition. Selectman Perro explained the location of the addition to the audience. He stated that there would be two offices inside the building. The larger of the two offices would be for the Town Clerk / Tax Collector. It has not been determined who would use the smaller office at this time. Selectman Perro stated there would be radiant floor heat in the building. The halls would be large enough to accommodate handicap voting whereas at this time, it is very difficult for wheelchairs to maneuver inside the Town Hall.

Selectman Perro stated the existing septic tank would need to be moved from its current location, which is under a previous addition to the town hall. He did not know why this was done. Selectman Perro stated a new septic tank would be placed on site, large enough to accommodate the possibility of additional personnel at Town Hall. He said the existing leach field was determined to be functioning properly so it will not be expanded at this time. Selectman Perro stated the new septic tank will be put into place prior to removal of the old tank, to create as little disturbance to the Town Hall employees as possible.

Selectman Perro stated that it was very important while drafting plans for the addition that it be aesthetically compatible to the old architecture of the original building. He said the addition will not look modern or out of place with the Town Hall. Selectman Perro stated that the siding will be cedar and not vinyl siding, and the roof line will have similar construction as well. He stated the existing wheelchair ramp is going to be blended much better aesthetically as well.

Bill H. – When putting this out to bid to contractors, did they understand when they bid the historical significance the town was trying to achieve?

Selectman Perro – The contract has not been awarded yet but part of the awarding process is to make certain the contractor knows what the town is trying to achieve. He stated that even the windows of the new building will be the same as the existing in style, only smaller in size.

Selectman Perro – I understand there was a question as to whether or not the building was on the historical register and if so could the addition be placed on the building? Karla B. (Executive Secretary to the Board of Selectmen) contacted the Maine Historic Preservation Commission and they stated that when the town placed the last addition onto the building, which did not keep with the historical appearance of the building, the historical relevance was changed. The building is not at this time on the historical register. (The last major addition was added over 20 years ago he believed.)

Roger A. – How many parking spaces does the Town Hall have now and how many more are needed for the addition?

Selectman Perro – With the addition of the new building, four parking spaces will be lost but there are plans to create a parking area behind the new building for some of the employees on site.

Selectman Perro, looking at the parking lot, determined that currently there are 26 parking spaces on site. He stated that the town was looking into ways to expand the existing parking area if possible noting that when there are high volumes of people on site attending both the Planning Board and Selectmen meetings, there is barely enough room to accommodate everyone.

CEO, Steve M. calculated the size of the existing structure as well as the addition and stated 22 parking spaces were needed for both. Roger A. agreed with Steve. Based on Selectman Perro's statement that four parking spaces would be lost with the addition, there are still enough parking spaces at this time to accommodate the addition. Selectman Perro again noted that the town did want to add more spaces in the near future.

Roger A. asked if there were any additional questions? There were none.

The public hearing for the Town of Shapleigh closed at 7:24 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, June 27th were accepted as read.

Conditional Use Permit – 26' x 30' Addition to Shapleigh Town Hall – Map 45, Lot 10 (22 Back Road) - Town of Shapleigh

Selectman Perro represented the Town of Shapleigh.

The Planning Board received along with the application, a sketch plan depicting the location of the existing Town Hall as well as the proposed location of the addition; Bid Package information stating the specifications for the proposed addition; a sketch of what the new building will look like; and a letter from the Maine Historic Preservation Commission stating the Town Hall was not on the National Register of Historic Places so the addition was not a problem from their perspective. In addition, Selectman Mike Perro stated the existing septic tank would be removed and replaced with a larger tank. The new tank would be placed in a proper location, whereas the existing tank is currently under a corner of the Town Hall. Selectman Perro stated the existing leach field was tested and found to be in good working order so its size and location will not change.

Roger A. asked if there were any additional questions for Selectman Perro. There were none.

Roger A. stated the following ordinance standards have been met:

- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.*
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.*
- 105-21 – Traffic. *Traffic will continue to have safe access. The addition does not affect traffic flow.*
- 105-22 – Noise. *The addition creates no additional noise on site.*
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created by the addition.*
- 105-24 – Odors. *The will be no odors emitted from the addition.*
- 105-25 – Glare. *There will be no additional lighting added other than perhaps over the entranceway.*
- 105-26 – Stormwater runoff. *There is no change being made to the existing landscape that would create a stormwater problem. All paved surfaces are in existence with no additional paving being done at this time.*
- 105-27 – Erosion control. *There is no change being made to the existing landscape that would create a stormwater problem. All paved surfaces are in existence with no additional paving being done at this time.*
- 105-28 – Setbacks and screening. *There is vegetation in existence to screen the addition from the neighboring properties.*
- 105-30 – Water quality. *There is nothing hazardous being created by this addition that could harm water quality and a new septic tank is being placed on site.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed.*
- 105-32 - Relation of proposed building to the environment. *The addition will fit well with the existing building and the surrounding area.*

105-33 – Refuse disposal. *All refuse will be taken to the transfer station as it is now.*

105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of employees and citizens.*

105-46 – Sanitary provisions. *The addition of a larger septic tank will protect the underground water. The existing leach field is in good working order.*

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not per the plan presented.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages buildings with a historical nature.*
- 4) Traffic access to the site is safe. *It is, the site distances meet the minimum requirement in the ordinance.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *It is, and there are no changes being made that change the site design.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A state approved septic system is in place and a new septic tank is being installed to accommodate the addition. Solid waste will be taken to the transfer station as it is now.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *N/A.*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. *The existing building and parking area has no detrimental affect on the adjacent properties, nor will the addition.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *The existing building and parking area has no detrimental affect on the adjacent properties, nor will the addition.*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *The Town Hall is located within 500 of a fire hydrant / fire pond.*
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like. *There is landscaping in existence that provides a buffer strip. This landscaping will not be disturbed with the addition to the Town Hall.*
- 12) All performance standards in this chapter applicable to the proposed use will be met. *They shall.*

Roger A. asked if there were any additional questions? There were none.

Bill H. made the motion to approve the Conditional Use Permit to place a 26' x 30' addition onto the Shapleigh Town Hall. Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Amendment to a Conditional Use Permit – In-home Day Care – Map 7, Lot 55 (779 Shapleigh Corner Road) – Jennifer Dube

Mrs. Dube attended the review of her application.

The Planning Board received along with the application a sketch plan depicting the location of the home, location of the building to be used for the day care facility, the parking / turn around area and the proposed fenced in outdoor play area. In addition, a copy of Subsurface Wastewater Disposal System Application, dated 6/19/06, which denotes the expansion of the current system to accommodate the day care facility and a copy of the State of Maine Dept. of Public Safety State Fire Marshal's Office report, dated 6/27/06, was received.

Bill H. made the motion to change the application from an Amendment to a Conditional Use Permit to a Conditional Use Permit. In addition, the current approved Conditional Use Permit for an Antique Shop will cease upon the granting of the day care. Lauren 2nd the motion. All members were in favor.

Roger asked the board members if they had any questions for Mrs. Dube. There were none.

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *This business is a permitted use in the General Purpose district with a Conditional Use Permit.***
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks as approved on the previous Conditional Use Permit (CUP).***
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.***
- 105-21 – Traffic. *Traffic will have safe access. The site distances are within the minimum required as approved on the previous CUP.***
- 105-22 – Noise. *This business shall not create excessive noise; most activity will take place inside the existing building. The children's out door play area is well screened from the neighbors by vegetation.***
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created by this business.***
- 105-24 – Odors. *The will be no odors emitted from this business.***
- 105-25 – Glare. *There will be no additional lighting added to the existing building.***
- 105-26 – Stormwater runoff. *There will be no change to the existing landscape other than three additional parking spaces. The vegetation surrounding the parking spaces shall remain in place.***
- 105-27 – Erosion control. *There will be no change to the existing landscape other than three additional parking spaces. The vegetation surrounding the parking spaces shall remain in place.***
- 105-28 – Setbacks and screening. *There is vegetation in existence to screen from the neighboring properties.***
- 105-30 – Water quality. *There is no change to the existing property that would affect water quality. A new septic system will be placed on site to accommodate the addition of a bathroom for the day care facility.***
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed.***
- 105-32 - Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.***
- 105-33 – Refuse disposal. *All waste shall be removed by the applicant and it should be minimal.***
- 105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of patrons of this business.***
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.***

Mrs. Dube was asked again how many children would be attending the day care and their ages? Mrs. Dube stated she would have up to eight children on site and they would be from infant up to age eight.

Mrs. Dube was asked if she had State approval at this time? Mrs. Dube stated she could not get State approval until she had Town approval. The State of Maine requires approval from the Town prior to their final inspection and licensing. Steve M. asked how long after Town approval would the State come to her facility? Mrs. Dube stated that she believed it was within two weeks. Steve stated that it was important the Planning Board have a copy of the approval for the file. Mrs. Dube stated she understood.

Mrs. Dube was asked when she thought the fencing would be up around the proposed play area? Mrs. Dube stated she hoped it would be in place by August 31st.

Mrs. Dube was asked when she believed the building would be ready for the day care, which included a bathroom? Mrs. Dube stated she hoped the building would be completed by October 31st of this year. Until that time, the day care would be in her home.

Bill H. asked Mrs. Dube if she was going to be certain there was a turnaround area open on site at all times? Mrs. Dube stated yes. Roger A. noted that on the original CUP for the Antique Shop one of the conditions was that no one could back out onto Route 11 from the driveway. Roger stated that this condition should also be applied to this permit. The other board members agreed.

Roger A. asked if there were any additional questions? There were none.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***N/A***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages home occupations as well as businesses along Route 11.***
- 4) Traffic access to the site is safe. ***It is, the site distances meet the minimum requirement in the ordinance as approved on the original CUP located on this property.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, per the approval on the original CUP located on this property.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A state approved septic system shall be installed large enough to accommodate the day care. Solid waste shall be brought to the transfer station by the applicant.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There is no hazardous waste associated with this business.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There are no changes being made on site to affect stormwater drainage.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There are no changes being made on site to affect stormwater drainage.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is a water holding tank very near to this location.***
- 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. ***This business will not produce anything detrimental to the neighboring properties. Lighting on the building will be minimal. There will be only limited noise generated by this activity and the area is surrounded by vegetation.***

- 12) All performance standards in this chapter applicable to the proposed use will be met. *They shall.*

Lauren M. made the motion to approve the Conditional Use Permit for a day care for up to eight children with the following conditions(s):

- 1) *The hours of operation shall be 7:00 a.m. thru 6:00 p.m., Monday through Friday.*
- 2) *The building to be used for the day care facility shall be completed and ready for use by October 31, 2006.*
- 3) *The fencing shall be up for the outdoor play area by August 31, 2006.*
- 4) *There shall be a maximum of eight children in the day care.*
- 5) *A copy of the State of Maine's approval to operate a day care facility shall be given to the Code Enforcement Officer prior to opening the day care.*
- 6) *There shall be no vehicles allowed to back onto Rte. 11 at any time.*
- 7) *Any signage shall go through the Code Enforcement Office.*

Roland L. 2nd the motion. All members were in favor.

Nothing further was discussed.

Construction of a Private Way – Map 3, Lot 19A (Simon Ricker Road) – Pat Frasier

Mr. Frasier was present to discuss his application.

Prior to the Planning Board meeting members did a site inspection. During the site inspection Roger A. asked Mr. Frasier if he had a deeded right-of-way to this property. Mr. Frasier stated that at this time the deeded right-of-way is in the original deed which he traced back at the York County Registry of Deeds in Alfred. It was not in the deed he obtained when he bought the property. Roger A. stated that the board members could not act on this application until Mr. Frasier proved he had a right to the property via a deed.

Mr. Frasier asked if the board members could still do the site inspection while they were on site. The Planning Board agreed they would do the inspection at this time and wait to act until Mr. Frasier had proof he was entitled to use the land.

Bill H. made the motion to table the application until a deed could be produced showing that in fact the right-of-way was 50 feet in width and Mr. Frasier had title to it. Lauren M. 2nd the motion. All members were in favor.

At the previous meeting Mr. Frasier stated that he had the State Forestry Department come to the site to be certain what he was doing, i.e. logging and putting in a road, was done with their approval and that he was doing no harm to the existing stream on site. Steve M., CEO, asked Mr. Frasier if he had received a letter from the Forestry Department stating their approval? Mr. Frasier stated he did not but would acquire one for his final review.

Mr. Frasier gave the Planning Board members a copy of the engineered road plan for the file.

Roger A. stated again this application would be tabled until Mr. Frasier contacted Barbara G. stating he had the necessary documents for his final review.

Nothing further was discussed.

Best Possible Location of a Non-Conforming Structure – Replace Existing Camp with a New 22' x 24' Structure – Map 22, Lot 11 (Kato's Nose) – Tom and Barbra Howland & Brian and Jodi Trefethen

Mr. Howland was present to discuss the application.

Mr. Howland presented the Planning Board with pictures of the existing camp, pointing out the fact the supporting foundation beams had moved and the building was separating. Mr. Howland stated he proposed to replace and relocate the building, putting in a new foundation using the 30% expansion allowed.

The board members had no questions at this time.

Roger A. scheduled a site inspection for 7:00 p.m. on Tuesday, July 25th. A Notice to Abutters would be mailed as well.

Nothing further was discussed.

Other:

Rate of Growth Ordinance as amended by Chapter 597, as of April 20, 2006

Madge B. brought a copy of the new Rate of Growth Ordinance and noted the following changes that may or may not affect Shapleigh's existing Growth Ordinance or Zoning Ordinance.

§4360. Rate of growth ordinances

- 3.B The ordinance sets the number of building or development permits, not including permits for affordable housing, at 105% or more of the mean number of permits issued within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for each year in the prior 10 years and then dividing by 10;
- C In addition to the permits established pursuant to paragraph B, the ordinance sets the number of building or development permits for affordable housing at no less than 10% of the number of permits set in the ordinance pursuant to paragraph B; and
- D. The number of building or development permits allowed under the ordinance is recalculated every 3 years.

Madge B. asked board members if they felt the ordinances we have in place needed to be changed to adopt this new legislation?

Roger A. believed that the way Shapleigh's Growth Ordinance was written at this time no change was required. Roger noted the increase in the number of permits allowed over the past 10 years and stated it was within the requirement stated above. Madge B. stated that we could not count the additional permits for Habitat for Humanity. Roger stated that he understood but again believed our ordinance reflected what was stated above.

Madge B. also noted there were changes being made to the State Shoreland Zoning rules. Steve M. noted that it was likely that these changes would be less stringent than what Shapleigh has adopted. Steve stated that a town had to be *at least* as strict as the State but could impose more strict guidelines. The town's guidelines cannot be less strict than the State's otherwise the State rules are what are to be used.

Madge B. added that the Shoreland changes would not be in affect for two years, so nothing would need to be changed in our ordinance until next year if we choose to make changes.

Lauren M. stated she went to a Subdivision Workshop recently and noted that there were 21 Findings for a subdivision, whereas we only have 18 in our ordinance. She could not recall the additional findings. Barbara G. asked for a copy so the board could make any necessary changes to the ordinance and future Findings of Facts.

Lauren M. stated it was noted at the workshop that lawyers suggest municipalities vote on each Finding of Fact individually instead of voting once after reviewing all.

Lauren M. stated that at the workshop it was suggested board members not do site inspections during the winter months because wetland areas, or other land issues could be overlooked.

Board members thanked Lauren for her information.

Nothing further was discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:30 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, July 25, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek (Vice Chairman), Diane Srebnick (Alternate), Roland Legere and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. Diane S. appointed as a regular member for this meeting.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, June 27th were accepted as amended.

Best Possible Location of a Non-Conforming Structure – *Replace Existing Camp with a New 22' x 24' Structure* – Map 22, Lot 11 (Kato's Nose) – Tom and Barbra Howland & Brian and Jodi Trefethen

Mr. Pierce, a contractor for the project, was present for the review of the application along with the contractor, Mr. White.

Prior to this evenings meeting the Planning Board members in attendance did a site inspection of the property. Both Mr. Pierce and Mr. White were at the site inspection. It was noted the camp was in extremely poor condition. The foundation was not supporting the structure as it should so the camp was actually separating in half. The terrain was extremely steep from the back of the camp to the water.

Mr. Pierce stated that the replacement structure would be eight feet farther from the road than the existing. The intention was to build the foundation strong enough to not only support the new camp but hold back the embankment behind the camp. Some type of wall system may need to be attached to the foundation to make certain the area is stabilized.

Mary Peterson, an abutter, spoke stating that there was concern among abutters that the existing roadway would get damaged during the construction of the new camp. She noted that the property owners maintained the road, not the Town of Shapleigh. Ms. Peterson stated there was some pavement on the hills of the roadway but it was not in good condition and construction vehicles could do further damage. In addition, if the roadway gives way, some property owners would not have access to their property (in places the roadway on Kato's nose is only one vehicle wide with a sharp drop off to the water on either side of it).

Roger A. asked the applicant if there was anything discussed with his contractor as to what would be done with the road was damaged during construction. Mr. Pierce stated no.

Roland L. asked how it could be monitored as to whether or not the road was damaged, how could the board compare what the road looked like now against any damage?

Ms. Peterson asked who would make the assessment that damage had taken place? Roger A. thought it would be the Code Enforcement Officer.

Steve M., CEO, stated that it would be very difficult to determine how much damage was done to the road. It would almost have to be up to the honor system that the contractor admit to any damage and address the issue with the surrounding homeowners.

Another direct abutter, Mrs. Leupold, stated that any damage over \$200 could be acted on. She explained that in the past there was a skidder accident on the road. Central Maine Power had hired a company to do some work for them and a skidder damaged the roadway and embankment. CMP had a company repair the damage after they were notified.

Roger A. explained the existing condition of the camp to the abutters and the fact if something was not done to repair the property it was likely it would collapse at some point and fall into the lake. If this happened there would be a problem with erosion and the lake would be affected along with the roadway. The abutters stated that they understood, but wanted to be certain their properties or the roadway did not get damaged during construction.

Roland L. stated he would support language in the approval that would cover any damage to the roadway or surrounding area.

Mrs. Leupold asked when the project would begin. Mr. White thought in September.

It was asked if the footprint of the new camp would be the same as the existing. Mr. Pierce stated the existing is 19' x 31'; the new camp would be 24' x 25'. The Planning Board had a plan to show the proposed change.

Ms. Peterson asked if it was allowed to change the footprint of the existing camp? Roger A. stated that a change could take place as long as the new camp wasn't going to be more non-conforming than the existing. In this case, moving the camp farther from the road would make the new camp more conforming so it would be allowed.

Diane S. asked if there would be a new septic system put in? Roger A. asked if the applicant knew where the existing septic system was? Mr. Pierce stated that the existing system was a holding tank that held 1500 gallons and the location was on the sketch plan. Steve M., CEO, looked up the property in his files and stated that the property had received a variance to put in a holding tank in 1983, for a two bedroom home. The tank itself was placed on site in 1984.

Diane S. asked if the Planning Board had the authority to require a new septic tank? Steve M. stated that only if the existing system has failed.

Roger A. asked what would happen to the debris created when the existing structure is demolished? Mr. White stated it would be put in a dumpster and hauled off site, most likely to Jeff Simpson's.

Roger A. stated he was very concerned with the possibility of the gravel going into the lake during or after the project. The area has live sand and if a boulder were to let go it could bring a lot of gravel with it. Mr. White stated that this was a concern of his as well and he would take every precaution so this would not happen, including temporary retaining structures such as bales of hay, logs, etc.

The abutters on either side of Mr. Pierce were worried that the contractor might do damage to their lots during construction. Mr. Pierce's lot is very narrow with the camp being close to their property line. Diane S. agreed and felt there should be an engineered plan to protect the surrounding properties.

Roger A. stated that this would not be an easy project to do but believed it would be a benefit to the area as a whole when it was completed. Roger agreed that the surrounding properties needed to be protected as well as the road.

Roger A. asked if there were any additional questions at this time. There were none.

Roger A. reviewed the following ordinances:

- 105-4.D(7)(a), (b) and (c) – Relocation.** *Due to the topography, soil conditions etc. the Planning Board shall require an engineered plan to determine the best possible way to make certain the area is stabilized during and after construction. Also, a survey shall be required to make certain the proposed location is on the applicant's property and in the location proposed.*
- 105-19 – Notes to table on dimensional requirements.** *The building does not currently meet the required road frontage and setbacks. The proposed changes will make it more conforming but the building set backs will not be made making the structure still non-conforming.*
- 105-21 – Traffic.** *The site distances are within the minimum required.*
- 105-26 – Stormwater runoff.** *There shall be an engineered plan required. The application will not be approved until a plan is received. Best Management Practices shall be used during construction.*
- 105-27 – Erosion control.** *There shall be an engineered plan required. The application will not be approved until a plan is received. Best Management Practices shall be used during construction.*
- 105-30 – Water quality.** *Water quality will be protected when the proper structures are put into place. At this time water quality could be compromised should the existing structure collapse. There is an approved holding tank on site which is in working order to date.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas.** *There will be a minimal amount of vegetation removed. Only that which is necessary for the construction of the new camp.*
- 105-32 - Relation of proposed building to the environment.** *The proposed building fits in well with the surrounding area.*
- 105-33 – Refuse disposal.** *All waste shall be removed by the applicant and it should be minimal. All construction debris will be removed from the site and taken to Jeff Simpson's.*

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not as erosion control measures will be put into place during and after the project to protect the area.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *At this time there are concerns by the Planning Board. A stabilization plan shall be provided by the applicant prior to any approval.*
- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages plans to protect the water quality in Shapleigh. Better stabilization of shorefront properties does this.*
- 4) Traffic access to the site is safe. *It is, the site distances meet the minimum requirement and there is minimal traffic in this location.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *It is.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A town approved septic system was installed in 1984.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *There is no hazardous waste and all construction debris will be removed from the site and taken to an approved facility.*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. *This requirement has not been met at this time. An engineered stormwater plan must be received by the Planning Board prior to approval of this application.*

- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***This requirement has not been met at this time. An engineered plan must be received by the Planning Board prior to approval of this application.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***Should the existing building catch fire, it is doubtful there would be anything that could be done to save it due to the location and the current condition of the building.***
- 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. ***The existing trees will be protected as much as possible. There will be a revegetation plan provided.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They will not at this time.***

Roger A. stated that an engineered plan needed to be provided for stabilization of the area during and after the project is completed. Diane S. asked if the Planning Board should consult with the Dept. of Environmental Protection on this project? Barbara G. stated that the DEP would ask for a plan to review and at this time the board has not received an engineered plan. It would be best to contact them after a plan was received. Steve M., CEO, stated he agreed with Barbara. The DEP most often is used for enforcement of such issues; they do not do consulting work as to how a project should be done. Diane stated she would like them called. Barbara stated as soon as a plan was received she would consult with the DEP. Roger A. agreed this would be best.

Roger A. asked the Planning Board members if the board should consider a Performance Guaranty due to the fact this project could cause damage to the surrounding area and if the applicants could not afford the repairs the Town of Shapleigh would have to do the necessary work so the other residents could access their property. Also, should the lake become damaged there would be a cost associated with the clean up. Roger A. read 105-73.I Performance guaranties. The other board members stated they would consider a Performance Guaranty due to the scope of this project.

Roger A. stated he believed the following were possible conditions that would need to be considered prior to approval:

- 1) Require a video of the existing road so possible future damage could be assessed.
- 2) Debris caused by the removal of the existing camp would be brought to Jeff Simpson's.
- 3) An engineered plan would be required for the new camp, which would include an erosion control and replanting plan. This plan would show the proposed new foundation and retaining walls.
- 4) A survey of the property showing the placement of the foundation on the property.
- 5) A bond payable to the Town of Shapleigh or irrevocable letter of credit, to cover any damage to the roadway or lake during construction.

Mr. White asked if he had to bring the debris to Jeff Simpson's? Roger A. stated no, but it could not go to the transfer station in Shapleigh. Mr. White would need to tell the board in writing where it was being taken if not Jeff Simpson's.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated that at this time the board could not approve the application based on the information received. Roger stated that an engineered plan would be needed as well as a survey. The other board members agreed.

Roland L. made the motion to table the application until the following information was received:

- 1) An engineered plan would be required for the new camp, which would include erosion control and replanting plan. This plan would also illustrate the proposed new foundation and retaining walls.**
- 2) A survey of the property showing the placement of the foundation on the property.**

Lauren M. 2nd the motion. All members were in favor.

There was nothing further discussed.

Construction of a Private Way – Map 3, Lot 19A (Simon Ricker Road) – Pat Frasier

Mr. Frasier did not attend the meeting.

Road Commissioner Richard Goodwin spoke briefly to the Planning Board members with respect to this application. He stated that he had concern with the site distance from the proposed driveway location. Mr. Goodwin felt this could be a dangerous driveway to pull out from.

Mr. Goodwin also wanted the Planning Board to understand that at this time the Simon Ricker Road in this location is not a year round road. There are times of the year that this area can be impassable. Mr. Goodwin stated that in the future it is likely the Town of Shapleigh will maintain this area year round but it does not at this time.

Roger A. stated that he would discuss this further when Mr. Frasier attends a meeting.

Nothing further was discussed.

Conditional Use Permit – Grade Lot to Build Garage – Map 44, Lot 43 (226 Silver Lake Road) – James Bruno

Mr. Bruno attended the meeting to review his application.

On August 9, 2005, the Planning Board voted to table Mr. Bruno's application to grade his lot until an engineered stormwater plan was presented due to the proximity of area to be graded and the nearest neighbors home. In addition, there was a very steep embankment and the board members wanted to be certain that stormwater would be controlled to prevent erosion of the embankment.

Mr. Bruno presented the Planning Board with a Grading & Erosion Control Plan, dated July 20, 2006, done by Pinkham & Greer Consulting Engineers of Springvale Maine. Board members reviewed the plan and agreed the plan was adequate to stabilize the area.

On the application Mr. Bruno had stated he wanted to build a garage in this location in the future. Roger A. asked Mr. Bruno if he was still going to do so. Mr. Bruno stated not at this time. Steve M., CEO, told Mr. Bruno that if he did build the garage he would need to get a permit prior to beginning any work.

Roger A. asked if any of the sand on site would be removed during the grading process? Mr. Bruno stated that most of the soil would stay on site.

Roger A. reviewed 105-39.G Conditions of permit (Earth removal and filling). All conditions applicable to this application were met.

Roger A. asked if there were any additional questions for Mr. Bruno. There were none.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not, this property is a back lot and there is no wildlife habitat in this location.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages plans to prevent erosion and improve land use.***
- 4) Traffic access to the site is safe. ***It is, the site distances meet the minimum requirement and there is minimal traffic in this location.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *N/A*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *N/A*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***An engineered stormwater plan was received by the Planning Board dated 6/20/06, done by Pinkham & Greer Consulting Engineers, Inc.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***An engineered stormwater plan which includes soil erosion control measures was received by the Planning Board dated 6/20/06, done by Pinkham & Greer Consulting Engineers, Inc.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *N/A*
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like. ***There shall be no noise, glare, fumes, etc. created by this project.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Roland L. made the motion to approve the Conditional Use Permit to grade and fill the existing area depicted on the plan with the condition that all work be done in accordance to the Grading & Erosion Control Plan dated July 20, 2006, done by Pinkham & Greer Consulting Engineers, Inc.

Lauren M. 2nd the Motion. All members were if favor.

Nothing further was discussed.

Conditional Use Permit – Repair Existing Retaining Wall – Map 23, Lot 20 (285 23rd St. Loop) – Marilyn Hinterleiter

Mrs. Hinterleiter was present to review her application.

Mrs. Hinterleiter brought several pictures showing the retaining wall on her property that was collapsing into the lake. Mrs. Hinterleiter stated she would be planting Juniper bushes behind the wall to prevent erosion once the project was completed. She stated that part of the wall would need to be replaced and part repaired.

Roger A. asked if the Dept. of Environmental Protection had been notified. Mrs. Hinterleiter stated it had. Steve M., CEO, stated he probably had a copy of that paperwork in his files. Roger stated the Planning Board would need a copy for the file.

The Planning Board members had no questions at this time.

Roger A. scheduled a site inspection for 6:30 p.m. on Tuesday, August 8th. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

Best Possible Location – Replace Existing Storage Building, Increasing Size by 30% - Map 35, Lot 19 (63 Cypress Road) – Arthur House

Mr. House was present to discuss his application along with the contractor for the project. Mr. Kessler.

Mr. Kessler stated the existing structure is 18' x 26' in size. The proposed building will be 18' x 24'.

Roland L. asked if the building was going to be two stories as the application stated the new building would be increased by 30%. Mr. Kessler stated they would not be doing a 30% expansion.

Mr. Kessler stated the foundation for the new building would be rotated 90 degrees from the existing to allow for boat storage without major tree removal.

Roger A. stated a survey would be required showing the new location of the proposed building. Mr. Kessler asked if that was necessary? Roger A. read Zoning Ordinance 105-4.D(7) Relocation, (c) "All approved plans shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board." Roger stated that a Zoning requirement cannot be waived by the board.

Roger A. asked if there were any additional questions at this time. There were none.

Roger A. scheduled a site inspection for 7:00 p.m. on Tuesday, August 8th. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

Other:

Discuss Ordinance Addition to Include Mandatory Inspections by the Fire Dept. of In-home Sprinkler Systems Required by the Planning Board

Roger A. stated that Fire Chief Mr. Romano had discussed with him the issue of inspecting in-home sprinkler systems that were required by the Planning Board in subdivisions. Mr. Romano wanted to know if it should be in the ordinance how often these systems should be inspected and by whom. Mr. Romano stated the Fire Department was willing to train for this function. Mr. Romano believed a yearly inspection might be what the Planning Board should mandate.

Roland L. asked who would bear the cost of these inspections? Roger A. stated that the Planning Board could ask for an impact fee when approving subdivisions to help with the cost of the inspections. Roger added that he did not believe there would be a significant cost to the town for this mandate once the training for the firemen was paid for and spoke with Mr. Romano on this to which he agreed with Roger.

Mrs. Moody was in the audience and asked if the Homeowners Association could pay for the cost to inspect in a subdivision? Roger A. stated that often with small subdivisions there is no association.

Roger A. stated another issue that must be considered is if the system needed to be repaired who would pay for the repair, the homeowner? Also, how would this be enforced? Roger stated he and Mr. Romano felt that the Fire Dept. should probably enforce the issue but neither he nor Mr. Romano knew how this would be done at this time. Mr. Romano will decide, after speaking with others in the Fire Dept., how this should be handled. Roger said the Fire Dept. may have to impose a fine if a system is not repaired by the homeowner.

Roger A. reminded board members that the State of Maine was looking into mandating that all new homes have a sprinkler system.

Lauren M. asked what the life span of a sprinkler system was? Roger A. stated that he believed it to be at least 50 years.

Roger A. concluded that this issue does need to be addressed and as soon as Mr. Romano has discussed this further with other members of the Fire Dept. he would be in touch with Roger so something could be established in the ordinance.

Nothing further was discussed.

Discuss Assumption of Ground Lease for Communication Town on Map 3, Lot 15

Barbara G. stated the communication tower located on Rte. 109 had just been leased by a new company, Global Tower Partners. Barbara wanted to know if the escrow for tower removal needed to be addressed by GTP and if the current amount for tower removal of \$18,000 was still sufficient?

Roger A. asked Steve M., CEO, if he believed this would be sufficient. Steve believed it would remove everything but the foundation.

Roger A. told Barbara G. to contact GTP and tell them they needed to have a bond or escrow account, naming the Town of Shapleigh as beneficiaries for the amount of \$18,000. Barbara stated she would draft a letter and mail it to them as soon as possible.

Nothing further was discussed.

Digital Camera for Site Inspections

Roland L. asked the other board members if the Planning Board should invest in a Digital Camera to be able to take pictures at site inspections. The other board members thought this would be a good idea.

Steve M., CEO, stated he had a digital camera for his office and the Planning Board was welcome to use it for their site inspections.

Nothing further was discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 9:45 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, August 8, 2006

Members in attendance: Roger Allaire (Chairman), Madge Baker (Alternate), Roland Legere and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. Madge B. was appointed a regular member for this meeting.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, July 25th were accepted as written.

Conditional Use Permit – Repair Existing Retaining Wall – Map 23, Lot 20 (285 23rd St. Loop) – Marilyn Hinterleiter

Mrs. Hinterleiter was present to review her application. Mrs. Hinterleiter's contractor for the job, Skip Garland, was also present to answer questions if necessary.

Planning Board members did a site inspection prior to this evenings meeting. At the Planning Board meeting on July 25th, Mrs. Hinterleiter stated part of the retaining wall on her property was collapsing and she wanted to have approximately 25 feet of this wall replaced. In addition, a second wall would be placed on site twelve feet behind the waterfront wall to help keep the steep embankment in place and take some of the back pressure from the waterfront wall.

On July 25th the Planning Board had received pictures of the existing wall, a sketch plan showing the location of the existing wall to be removed which included the location of the camp, septic system location, and distance from the wall and camp to the adjacent lot lines. Also received was a sketch plan for the proposed new walls and a copy of the Maine DEP Permit by Rule Notification Form, dated as reviewed by the DEP, on 9/22/05.

Roland L. asked if there would be landscaping done behind the new walls? Mr. Garland stated there would. Roger A. said Mrs. Hinterleiter stated at the site visit she would revegetate with plants similar to what was on site. Mrs. Hinterleiter said she was very environmentally conscious and wanted to be sure the area was protected with vegetation.

Roland L. asked Mr. Garland what would be done with the debris from the existing wall when it was removed? Mr. Garland stated it would be taken off site and disposed of out of town.

Roland L. asked whether or not the new walls would require an engineered plan? Roger A. stated due to the size of the walls, an engineered plan was not required.

Roland L. asked Mr. Garland how the new wall would be attached to the existing wall that would remain? Mr. Garland stated he would drill into the existing wall, and use rebar to attach the two walls to each other. Mr. Garland stated the existing wall is very wide and stable and there should not be a problem attaching the new wall section to it.

Roger A. asked Code Enforcement Officer, Steven McDonough, if he had any comments? Steve M. stated he would like the area revegetated by June of 2007.

Madge B. asked what type of vegetation existed at this time? Roger A. stated Sweet fern and blueberries were dominant. Madge asked if this was what would be placed on site after the wall was completed? Roger stated yes, this was discussed at the site inspection with Mrs. Hinterleiter. Mr. Garland also stated this as well at the site inspection.

Roger A. asked Mr. Garland what would be done to prevent soil erosion during the project? Mr. Garland stated silt fencing would be used and soil would not be removed until necessary behind the waterfront wall.

Madge B. asked if an excavator would be used for this project and if so how big? Roger A. stated one would be necessary because of the weight of the material to be used for the new walls. The large concrete blocks could not be moved by hand. Mr. Garland agreed and stated also due to the topography an excavator would have to be large enough to get down to where the walls needed to be placed. Mr. Garland had pointed this out at the site inspection as well (Madge was unable to attend the site inspection).

Roger A. asked if there were any additional questions for the applicant. There were none.

Roger A. reviewed Best Management Practices and 105-39.G "Conditions of Permit", noting the requirement of ground cover to prevent erosion during and after the project was completed and the importance of this measure in this location.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G "Standards applicable to conditional uses".

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not as erosion control measures will be put into place during and after the project to protect the area. The existing failing wall no longer protects the area from erosion.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***The new wall will not change the visual impact in this location and replacing the existing failing wall will protect the shore front.***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages plans to protect the water quality in Shapleigh.***
- 4) Traffic access to the site is safe. ***It is, the site distances meet the minimum requirement and there is minimal traffic in this location.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***Solid waste from the wall removal will be taken off site.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There is no hazardous waste and all construction debris will be removed from the site.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***The new wall will protect the location from the erosion that could occur. At this time the existing wall is failing and cannot keep soil and sediment out of the lake.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Best Management Practices shall be used during construction and the area will be revegetated by June 2007.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***N/A***
- 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. ***The existing trees will be remain on site. This is a very private location and the existing buffer strips will not be disturbed. In addition, any vegetation removed during the project will be re-established by June 2007.***

12) All performance standards in this chapter applicable to the proposed use will be met. *They shall.*

Roland L. made the motion to approve the Conditional Use Permit to replace part of the existing shorefront wall, approximately 25 feet, and to add an additional wall 12 feet behind the existing wall to support the embankment per the plans presented, with the following condition(s):

- 1) Best Management Practices shall be used during the project, including silt fencing.*
- 2) The area disturbed during construction shall be stabilized / revegetated by 6/01/2007.*

Barbara G. 2nd the motion. All members were in favor.

Nothing further was discussed.

Best Possible Location – Replace Existing Storage Building, Increasing Size by 30% - Map 35, Lot 19 (63 Cypress Road) – Arthur House

Mr. House was present to discuss his application along with the contractor for the project, Mr. Chris Kessler. A site inspection was held prior to the Planning Board meeting and both Mr. House and Mr. Kessler attended.

During the Planning Board meeting on July 25th, Mr. Kessler stated the existing structure was 18' x 26' in size and the proposed building would be 18' x 24'. During the site inspection Mr. Kessler showed the members the new proposed location. Received by the Planning Board was a plan showing current location of the existing storage building with setbacks to the road, Square Pond and side lots lines. Also received was copy of the sketch page for the Subsurface Wastewater Disposal System Application showing in detail the location of the existing home, septic system and storage building.

Roger A. read a letter received from property abutter Dolores Field. The letter read as follows:

Gentlemen: I am the owner of a cottage on Square Pond, Tax Map 35, Lot 18 (71 Cypress Road). My property abuts that of Arthur House (Lot 19) who has applied for a Best Possible Location for an 18' x 24' garage to replace an existing storage building. Neither my husband nor I have any objection to the proposed new building and location.

Roger A. asked Mr. House if he had someone to do the required survey of the property for the new building location? Mr. House stated he had contacted Corner Post Land Surveyors in Springvale. Mr. House asked why the existing survey stakes were not valid for this project. Roger stated it was because the new building placement on the property required placement by a licensed surveyor. Roger read Zoning Ordinance 105-4.D(7) Relocation, (c) "All approved plans shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board." Roger stated that the Planning Board did not have the ability to waive any requirement in the Zoning Ordinance. Roger stated that if the building was being rebuilt in the same location a survey would not be required but because it is being moved the requirement is triggered.

Roger A. reviewed Shapleigh Zoning Ordinance 105-4.D.(7) "Relocation". Roger stated that all criteria in this section had been met. Roger noted there would not be a 30% increase in size of the footprint and the Code Enforcement Officer would determine whether or not there was an increase with respect to volume.

Roger A. stated there would be minimum tree removal, only that which was necessary. The land surrounding the building was relatively flat so there would not be an erosion problem. Also, there would be no soil removed from the lot.

Roland L. asked if the existing building would be removed from the site? Mr. Kessler stated that yes it would. Roger A. stated that the Planning Board would need a letter stating where the debris would be taken. Mr. Kessler stated that he intended to bring it to Jeff Simpson's. Roger stated that was fine, just put it in writing and give it to Steve M., CEO.

Roger A. asked if there were any additional questions? There were none.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G "Standards applicable to conditional uses".

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. ***It will not. There will be minimal impact to the area with the new location of the building.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***There will be no change to the area with respect to the shoreline.***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan wants any change in the Shoreland District to have no negative impact on the lakefront.***
- 4) Traffic access to the site is safe. ***It is, the site distances meet the minimum requirement and there is minimal traffic in this location.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***Solid waste from the existing building to be removed will be taken off site and out of Shapleigh.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There is no hazardous waste and all construction debris will be removed from the site.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There will be no change to area with respect to stormwater.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There will be no erosion issues, this area is relatively flat and there is minimal change with the location of the new building per the plan submitted.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is.***
- 11) The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odors and the like. ***There will be minimal tree removal for the new location of the building.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Roland L. made the motion to approve the Best Possible Location of the new storage building with the following condition(s):

- 1) **The setbacks to the existing right-of-way for the new building shall be a minimum of 23' to the centerline; 24' minimum to the side lot lines; and 81' to Square Pond.**
- 2) **The placement of the structure must have confirmation by a licensed surveyor that the building is placed in the correct location per the approved plans. This confirmation must be given to the Code Enforcement Officer, and a copy to the Planning Board for the file.**
- 3) **A letter must be received stating where the debris will be taken when the existing building is removed.**

Barbara G. 2nd the motion. All members were in favor.

Nothing further was discussed.

Other:

Roger A. read a letter received by H. Craig Higgins of Development Services. The letter informed the Planning Board that the deed for Evergreen Overlook subdivision, Shapleigh Tax Map 5, Lot 20 had been recorded at York County Registry of Deeds on July 5, 2006, Plan Book 312, Page 24. In addition, a copy of the Letter of Credit from Farm Credit of Maine, ACA, was received in the amount of \$120,000 for the improvements required in the final subdivision approval. \$108,000 was allocated for the private road and \$9,000 to install three dry swales.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:25 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

Bill Hayes resigned from the Planning Board due to other commitments and interest. We would like to thank Bill for his time spent and wish him all the best.

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, August 22, 2006

Members in attendance: Roger Allaire (Chairman), Roland Legere, Lauren Meek (Vice Chairman) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, August 8th were accepted as written.

Conditional Use Permit – *Open an In-home Day Care for up to Six Children - Map 8, Lot 41-2 (78 Garland Road) – Michele Massey*

Ms. Massey was present to review her application.

Ms. Massey stated she would like to open an in-home day care for up to six children. She stated she had a fenced in play area for them at this time, and the day care itself would be held on the first floor of her home.

Ms. Massey provided the Planning Board with a sketch plan of her property. The sketch showed the location of the home with respect to the Garland Road and lot lines. The fenced in play area was also on the sketch along with the location of the existing driveway and what will be the parking area. Ms. Massey's home is a new home with a State approved septic design.

Roger A. asked Ms. Massey if the State of Maine Fire Marshall had been to her home to inspect it? Ms. Massey stated that a representative of that office had been there and they had one correction that needed to be made before opening the day care. There was a hand rail needed.

Roland L. asked Ms. Massey what age group she would be caring for? Ms. Massey stated from infant to 10 years old.

Roland L. asked what the hours of operation would be? Ms. Massey stated Monday thru Friday from 6:30 a.m. to 6:00 p.m.

Roger A. asked if the business would be open year round? Ms. Massey stated yes.

Roland L. asked if Ms. Massey would be the only employee of the business? Ms. Massey stated yes.

Roger A. told Ms. Massey that the Planning Board would need a copy of the State Fire Marshal's report for her file. She stated she understood and would do so.

Roger A. stated that this piece of property was part of a recent subdivision. Roger stated that the Planning Board would need to review the approval of the subdivision to be certain businesses were allowed in this location. *Barbara G. reviewed the final approval for Fort Ridge Woods on Map 8, Lot 41. There is no restriction placed that would prevent a business from operating on this property.*

Roger A. asked if there were any additional questions at this time? There were none.

Roger A. stated a site inspection would be held at 6:30 p.m. on Tuesday, September 12th. Members would meet at the Town Hall. In addition, a Public Hearing will be held at 7:00 p.m., prior to the regularly scheduled Planning Board meeting. This will also take place at the Town Hall.

There was nothing further discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 7:45 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, September 12, 2006

Members in attendance: Roger Allaire (Chairman), Roland Legere, Lauren Meek (Vice Chairman), Diane Srebnick (Alternate), Madge Baker (Alternate) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Public Hearing Began at 7:00 p.m.

Conditional Use Permit – Open an In-home Day Care for up to Six Children - Map 8, Lot 41-2 (78 Garland Road) – Michele Massey

Ms. Massey was present to review her application.

Ms. Massey began by stating she wanted to open an in-home day care for up to six children. They would be cared for on the first floor of her home. The hours of operation would be 6:00 a.m. thru 6:00 p.m., Monday through Friday.

Ms. Massey was asked what age the children in her care would be? She replied stating the children would range from infant up to ten years of age.

Ms. Massey was asked if she would be the only employee? She replied stating she would be the only employee.

Roger A. told Ms. Massey that if she wanted to place a sign on her property she would need to go through the Code Enforcement Office.

Roger A. asked if there would be any additional exterior lighting? Ms. Massey stated that at this time there was a light over each entryway and in the driveway. She would not be adding anything additional.

Roger A. asked if there were any additional questions at this time. There were none.

The Public Hearing closed at 7:05 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, August 22nd were accepted as written.

Conditional Use Permit – Open an In-home Day Care for up to Six Children - Map 8, Lot 41-2 (78 Garland Road) – Michele Massey

Ms. Massey was present to review her application. The Planning Board members did a site inspection prior to this evenings meeting.

The Planning Board received along with the application a sketch plan depicting the location of the home to be used for the day care facility, the parking / turn around area and the proposed fenced in outdoor play area. In addition, a copy of the State of Maine Dept. of Public Safety Licensing and Inspections Unit Fire Inspectors report, dated 8/16/06 and a copy of the Community Services Licensing Assessment Form dated 8/30/06 were received.

Roger A. asked Planning Board members if they had any additional questions for Ms. Massey at this time. There were none.

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *This business is a permitted use in the General Purpose district with a Conditional Use Permit.*
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and required setbacks as approved by the Code Enforcement Office.*
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.*
- 105-21 – Traffic. *Traffic will have safe access. The site distances are within the minimum required.*
- 105-22 – Noise. *This business shall not create excessive noise; most activity will take place inside the existing home. The children's outdoor play area is well screened from the neighbors by vegetation.*
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created by this business.*
- 105-24 – Odors. *The will be no odors emitted from this business.*
- 105-25 – Glare. *There will be no additional lighting added to the existing building.*
- 105-26 – Stormwater runoff. *There will be no change to the existing landscape. The vegetation surrounding the parking spaces and play area shall remain in place.*
- 105-27 – Erosion control. *There will be no change to the existing landscape. The vegetation surrounding the parking spaces and play area shall remain in place.*
- 105-28 – Setbacks and screening. *There is vegetation in existence to screen from the neighboring properties.*
- 105-30 – Water quality. *There will be no change to the existing property that would affect water quality. A new approved septic system is in existence.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed.*
- 105-32 - Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.*
- 105-33 – Refuse disposal. *All waste shall be removed by the applicant and it should be minimal.*
- 105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of patrons of this business.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages home occupations.*
- 4) Traffic access to the site is safe. *It is, the site distances meet the minimum requirement in the ordinance.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *It is, and the location is not in a flood zone.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A state approved septic system has been installed large enough to accommodate the day care. Solid waste shall be brought to the transfer station by the applicant.*

- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There is no hazardous waste associated with this business.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There are no changes being made on site to affect stormwater drainage.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There are no changes being made on site to affect stormwater drainage.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is a fire pond to provide fire protection for this home, as approved for the subdivision.***
- 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. ***This business will not produce anything detrimental to the neighboring properties. Lighting on the building will be minimal. There will be only limited noise generated by this activity and the area is surrounded by vegetation.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall.***

Lauren M. made the motion to approve the Conditional Use Permit for an in-home day care for up to six children with the following conditions(s):

- 1) The hours of operation shall be 6:00 a.m. thru 6:00 p.m., Monday through Friday.***
- 2) There shall be no more than six children cared for at any one time.***
- 3) The age of the children will range from infant to ten years of age.***
- 4) Any signage shall go through the Code Enforcement Office.***

Roland L. 2nd the motion. All members were in favor.

Nothing further was discussed.

Amendment to a Subdivision / Move Lot Line – Preliminary Discussion - Pump Box Brook Estates – Map 6, Lot 3-9 (Knox Road) – Kathleen Carpenter

Karen Cudworth was present to represent Ms. Carpenter for this application.

Ms. Cudworth began by stating the reason for the amendment to the subdivision was to move the lot line between Lot 9, Ms. Carpenter's property, and Lot 10, Mr. and Mrs. Larose's property.

Ms. Cudworth explained that Ms. Carpenter's home currently is partly on the Larose's property; therefore it does not meet setback requirements. Ms. Cudworth stated both Ms. Carpenter's builder and Mr. Larose walked the property line, prior to the home being built, and believed they were well within the proper setbacks on Ms. Carpenter's property.

Ms. Cudworth stated that Jim Fisher of Northeast Civil Solutions has provided a Mortgage Lender Survey which shows this is not the case. She stated that Mr. and Mrs. Larose have agreed to allow Ms. Carpenter to move her lot line so the home will be able to meet Zoning setback requirements. The applicant provided a copy of the survey by Northeast Civil Solutions, which showed where the new lot line will be placed.

Ms. Cudworth asked Roger A. what needed to be on the new plan to present it to the Planning Board, a plan of the entire subdivision or just the two lots that would be affected by this change? Roger A. stated that only the two lots being changed would be needed. He added that when it got recorded at York County Registry of Deeds, there would be reference made that these lots were part of the Pump Box Brook Subdivision.

Roger A. stated at final approval a total of two Mylar's would be required showing the two lots. Both Mylar's be recorded at YCRD, one of these to be returned to the Town Hall for our records.

Ms. Cudworth stated that it was her understanding there would be a new deed description written that both parties would sign. She asked if the Planning Board would need to see this new deed prior to approving the change? Roger A. stated that the new deeds would get recorded at YCRD and the Town of Shapleigh would get a copy of these after they are recorded so the Planning Board would not need a copy prior to approval.

Roger A. stated that having a copy of the new deed description prior to approval would show that both parties agree to the lot line change so if it were ready prior to final approval it would be best but not necessary. But there would need to be something shown that stated both parties were in agreement to the lot line change.

Roger A. stated that there would be Public Hearing for this change, so it would be a two meeting process.

There was nothing further discussed.

OTHER

Memorandum from the State of Maine D.E.P. regarding Shoreland Zoning Guidelines for Inland Municipalities that Choose to Repeal Municipal Regulation of Timber Harvesting Activities

Roger A. stated that at the next Planning Board meeting there would be a workshop to discuss the proposed changes by the State of Maine to see whether or not the town wanted to have the State handle the new Shoreland regulations or if we wanted to address the changes in our ordinance.

Steve M., CEO, and Madge B. both had concerns with leaving enforcement in the State's authority only because so many programs are not funded as needed, this could leave the Town of Shapleigh without the ability to enforce issues down the road if the State was unable to do so.

Roger A. stated that the Town of Shapleigh could adopt the provisions and keep the enforcement in house.

Steve M., noted that he went to a seminar on the proposed changes and he believes that much of our ordinance at this time would meet the requirement and is better written to enforce Shoreland issues.

It was concluded that the members would review the changes provided by the State and discuss what to propose to the townspeople.

Nothing further was discussed.

Construction of a Private Way – Map 3, Lot 19A (Simon Ricker Road) – Pat Frasier

Roger A. stated he had a memo from Barbara G. which stated Mr. Frasier telephoned the Town Hall stated he was withdrawing his application to construct a private way.

Nothing further was discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:00 p.m.

Respectively submitted,

Barbara Gilbride

Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, September 26, 2006

Members in attendance: Roger Allaire (Chairman), Roland Legere, Lauren Meek (Vice Chairman), Madge Baker (Alternate) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, September 12th were accepted as written.

Amendment to a Subdivision / Move Lot Line – Preliminary Discussion - Pump Box Brook Estates – Map 6, Lot 3-9 (Knox Road) – Kathleen Carpenter

Karen Cudworth, the representative for Ms. Carpenter, provided the Planning Board with the plan for the proposed lot line change. The plan was drafted by Northeast Civil Solutions of Scarborough Maine.

Ms. Cudworth had stated at the preliminary review of this application that the reason for the amendment to the subdivision was to move the lot line between Lot 9, Ms. Carpenter's property, and Lot 10, Mr. and Mrs. Larose's property. This change was necessary because the new home currently is partly on the Larose's property; therefore it does not meet setback requirements.

Planning Board members reviewed the lot line change and had no issues with it. Roger A. asked if there were any questions. There were none.

Roger A. scheduled a Public Hearing for Tuesday, October 10th at 7:00 p.m. A Notice to Abutters will be mailed as well.

There was nothing further discussed.

OTHER

Workshop on the new Shoreland Zoning Guidelines being mandated by the State

Planning Board members began discussion on the changes being made to the Shoreland Zoning Guidelines which towns will need to adopt by the year 2008.

Steve M., CEO, stated he spoke with Mike Morse of the Maine DEP, and Mr. Morse will mail a copy of the Guideline for Municipal Shoreland Zoning Ordinances, which will include amendments showing stricken and added language. Also there will be a workshop on Wednesday, October 25th at the North Berwick Community Center where Mr. Morse will discuss the upcoming changes. Steve thought it would be advantageous for Planning Board members to attend. Board members agreed.

There will be more workshops on this subject and there will be Public Hearings for the townspeople to attend prior to any final changes being made to Shapleigh's ordinance.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:05 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, October 10, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek (Vice-Chair), Diane Srebnick (Acting Secretary and Regular member for this meeting), CEO Steve McDonough.

Public Hearing Began at 7:00 p.m.

- **Amendment to a Subdivision / Move Lot Line – Final Plan - Pump Box Brook Estates – Map 6, Lot 3-9 (Knox Road) – Kathleen Carpenter**

Karen Cudworth represented Kathleen Carpenter for the Public Hearing.

Adrien Knox asked what the acreage of the lot was and could it be subdivided? Ms. Cudworth informed Knox that the lot was 5.51 acres and could not be subdivided as the lot is part of an existing subdivision.

Roger A. informed Mr. Knox that a home was built on property line so the lot line was being moved so the structure doesn't have to be torn down and relocated. The applicant is just swapping side line footage with the owner of Lot 10.

Roger A. asked if there were any additional questions? There were none.

Public Hearing closed at 7:05 p.m.

The Planning Board meeting started at 7:30 p.m.

Members in attendance: Roger Allaire (Chairman), Lauren Meek (Vice-Chair), Diane Srebnick (Acting Secretary and Regular member for this meeting), Roland Legere. CEO Steve McDonough was also present.

The minutes from Tuesday, September 26th were accepted with one change.

Amendment to a Subdivision / Move Lot Line – Final Plan - Pump Box Brook Estates – Map 6, Lot 3-9 (Knox Road) – Kathleen Carpenter

Karen Cudworth was present to represent Kathleen Carpenter for the final review.

Roger A. informed Ms. Cudworth that property markers / pins (5/8" rebar) must be set to delineate property line changes made in the lot line. When this is accomplished, a letter must be sent to Planning Board stipulating that the changed pins have been moved.

Lauren motioned to approve the lot line change to Lot 9 with the following condition:

- **Property markers / pins (5/8" rebar) must be set to delineate the property line changes made in the lot line. When this is accomplished, a letter must be sent to the Planning Board stipulating that the changed pins have been moved.**

It was seconded by Roland L. All in favor 4-0. Mylars and paper prints were signed.

Nothing further was discussed. *Note: The letter stating the boundary pins were in was received from the applicant on October 27th.*

Conditional Use Permit – Replace Existing Retaining Wall – Map 39, Lot 46 (26 Swan Circle) – Rheal Caron

Larry Caron was present to represent the applicant, Mrs. Rheal Caron.

Mr. Caron informed board members that the current wall is stacked cement blocks. Mr. Caron said the wall is leaning towards the lake and it is becoming a safety issue. Mrs. Caron wants to replace the existing wall with one the same size made up of interlocking blocks. The existing wall is 3 ½ feet high, 45 feet long and 23 feet from water.

Roland L. asked about the projection of the wall after looking at the photo provided. Mr. Caron said the wall is not protruding at an angle; it just looks that way in the photo. Roland also asked if some kind of structure was on top of wall. The owner replied that bench seats had been anchored on the wall at some point.

Roger A. asked if there were any additional questions. There were none.

The Planning Board set individual site inspections to view the wall prior to the next meeting. Roger A. stated a Notice to Abutters would be mailed and the application will be placed on next agenda.

Nothing further was discussed.

Conditional Use Permit – In-home Licensed Massage Therapy – Map 6, Lot 7A (309 Back Road) – Diane Huggard

Mrs. Huggard was present to review her application.

Mrs. Huggard informed board members that she will be performing massages by appointment in a room in her house, where plenty of parking is available. There will be no employees.

Roger A. informed Mrs. Huggard for the Conditional Use Permit approval, the board would need the number of days and specific hours the business would be open.

Roland L. asked if massages would be done on weekends? Mrs. Huggard said she would be having weekend appointments. Mrs. Huggard provided a copy of her massage license to the Planning Board for the file.

Mrs. Huggard informed board members that there would be no additional lighting or alterations to the building.

Roger A. scheduled a site inspection for 6:30 p.m. prior to the next meeting. A Notice to Abutters will be mailed and a Public Hearing scheduled for 7 p.m. on October 24th. This was rescheduled for November 1st.

Nothing further was discussed.

Conditional Use Permit – Tool Sharpening Service – Map 6, Lot 7A (309 Back Road) – Robert Huggard

Mr. Huggard was present to discuss his application.

Mr. Huggard informed board members that the hours of operation would be about the same as the massage business located on the same property. All equipment to be used is on site. Roger A. asked if any hazardous chemicals are used to clean the tools. Mr. Huggard informed board members that water diluted cleaning agents are used on tools and present no hazard. Roger informed Mr. Huggard that specific days and hours of operation are needed for the CUP approval at the next meeting.

Roger A. scheduled a site inspection for 6:30 p.m. prior to the next meeting. A Notice to Abutters will be mailed and a Public Hearing scheduled for 7 p.m. on October 24th. This was rescheduled for November 1st.

Nothing further was discussed.

Best Possible Location of a Non-Conforming Structure – Replace Existing Camp with a New 22' x 24' Structure – Map 22, Lot 11 (Kato's Nose) – Tom and Barbra Howland

Mr. Pierce, a contractor for the project, was present for the review of the application along with the contractor, Mr. White.

Mr. Pierce presented board members with a geotechnical engineering plan from S.W. Cole Engineering and a stormwater/soil erosion control site plan from Pinkham & Greer Consulting Engineers. Also presented to board members was a letter from the property owners, Barbara & Thomas Howland, Jodi McCusker and Brian Trefethen, agreeing to pay for any damage done to the road resulting from construction of the new camp. Mr. Pierce told board members that he has video tape of the existing road and that there was already damage to road prior to construction. Mr. Pierce said the upward grade of the hill has been blown out due to traffic. Mr. Pierce asked if board members wanted the video taped evidence. Roger A. informed Mr. Pierce to hold onto the tape and that the Town of Shapleigh would not become involved in a civil matter.

After reviewing the presented plan, Roger A. asked Mr. Pierce about the difference of 16 feet in height of the wall which needed to be drilled and pinned and is part of foundation. Lauren M. stated that an engineered plan is needed for any wall over 4 feet high.

Mr. Pierce inquired if an engineered design was needed for the foundation? Board members responded yes.

Roger A. told Mr. Pierce a two-tier design might be easier. Roger informed Mr. Pierce that a final lot line survey must be in place to ensure the new footprint of the foundation location was accurate before footings are put into place. The geotechnical plan suggests footings by the lake should be imbedded at least 6 ft. CEO, Steve M., informed Mr. Pierce that for a foundation of 9 ft high or greater a design is required by a professional engineer. Roger said the S.W. Cole plan says with a 1 to 1 slope it is necessary to install sheet pile shoring. Roger suggested to Mr. Pierce that when rebuilding the camp, piers might be a good option. Roger was concerned that the weight and height of the wall would be putting extra pressure on the sensitive area.

Roger A. reviewed Zoning Ordinances 105-4.D (3), (5), & (7). Lauren M. asked about the trees being removed. Roger had an issue with one large tree near the road. Roger stated that tree removal was
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incidental to construction and that one tree of concern would be undermined by construction and should be taken down. It was determined that as the plan was presented now, with a soil erosion control plan and debris removal plan on file, the board members can take motion.

Roger A. stated that the 30% expansion rule, foundation construction, excavating plans, silt fence and building permit will be handled by CEO, Steve M.

Roger A. expressed his reservations on the total project to Mr. Pierce. Roger stated the site was extremely tough and very close to road. Roger worried about the road collapsing because of the back pressure.

Roland L. commented that much of the responsibility of this project would fall on the CEO. Roger A. said the Planning Board could only decide the best possible location on which all criteria had been met by applicant for Best Possible Location.

Roland L. made the motion to approve the Best Possible Location application to replace the existing structure with a 22' x 24' structure with the following condition:

- **That the S.W. Cole Engineering Inc. and Pinkham Greer Consulting Engineering recommendations (double silt fence, sheet piling, etc.) shall be followed and five trees to be removed.**

Motion seconded by Lauren. All in favor 4-0.

Nothing further was discussed.

OTHER

- Board members will hold off discussion on the Shoreland Zoning changes until after the seminar to be presented by the Dept. of Environmental Protection. Roger A., Lauren M. and Roland L. will try to attend the Shoreland Zoning seminar in North Berwick on October 25. Barbara G. and Steve M. also stated at the previous meeting they would try to attend. *Meeting was rescheduled by the DEP for Wednesday, November 14th.*
- Roger A. to attend the 11 Town Group Meeting on October 16. (Roger was unable to attend due to other commitments.)
- Regarding change to subdivision ordinance – possibly adding Item #19 from the State Statute – Impact on adjoining municipality. Roger A. stated that for any subdivision or CUP within 250 feet of the Shapleigh town line, a town ordinance is already in place that covers this (Notice to Abutters).

For Item #20 – Liquidation timber harvesting – Roger A. stated that the State has more stringent guidelines than our ordinances.

- GIS Mapping – It was determined the Planning Board would hold off discussion on this until Madge is present since she is the person working with SMRPC to determine how our needs would best be met and the cost to implement.

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GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 9:00 p.m.

Respectively submitted,

Diane Srebnick

Acting Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Wednesday, November 1, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek (Vice-Chair), Roland Legere, Madge Baker (Alternate), and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. *Note: Madge B. sat in as a regular member for this meeting.*

Public Hearing Began at 7:00 p.m.

- **Conditional Use Permit – In-home Licensed Massage Therapy – Map 6, Lot 7A (309 Back Road) – Diane Huggard**

Mrs. Huggard was present for the Public Hearing.

Mrs. Huggard addressed the board members and audience and stated that her application was to be able to do massage therapy in her home. Mrs. Huggard stated she was a licensed massage therapist and had been for approximately 1 ½ years.

Mrs. Huggard stated that the hours of operation would be by appointment, 7:00 a.m. thru 10:00 p.m., seven days a week.

Roger A. asked if there were any questions. There were none.

The Public Hearing was closed at 7:05 p.m.

-
- **Conditional Use Permit – Tool Sharpening Service – Map 6, Lot 7A (309 Back Road) – Robert Huggard**

Mr. Huggard was present for the Public Hearing.

Mr. Huggard stated he wanted to open a tool sharpening business. He stated that in the past he had had one for about ten years. He wanted to again do this work from his home on a part time basis.

Roger A. stated that Planning Board members had done a site inspection at the Huggard's home prior to the Public Hearing. Roger stated that the home had a parking area / place for cars to turn around.

Roger A. asked if there were any questions. There were none.

The Public Hearing was closed at 7:09 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, October 10th were accepted as read.

Conditional Use Permit – Replace Existing Retaining Wall – Map 39, Lot 46 (26 Swan Circle) – Rheal Caron

Larry Caron was present to represent the applicant, Mr. Rheal Caron.

Roger A. stated that the Planning Board members had done a site inspection on an individual basis for this location prior to this evenings meeting.

Mr. Caron at the last meeting had stated that the existing wall was 3 ½ feet high, 45 feet long and 23 feet from water. The new wall will be made from interlocking blocks whereas the existing wall is cement blocks with mortar.

Mr. Caron asked if it would be possible to build the new wall in front of the existing wall. Mr. Caron stated there would be less disturbance of the earth by doing this. Mr. Caron stated the earth behind the existing wall is very sandy and he thought it would be best for stabilization to keep the existing wall and build the new in front of it.

Roger A. agreed that this would be the easiest way to build the new wall and probably disturb less earth, but because of Shoreland Zoning rules, the replacement of a non-conforming structure cannot further encroach closer to the lot lines or shorefront. The only choice for the new wall is to put it in the exact same location as the existing or move it farther away from the high water mark. Mr. Caron stated that he understood.

Roger A. asked what Mr. Caron would do with the old blocks from the wall? Mr. Caron stated they would be crushed and reused elsewhere, possible in someone's driveway.

Roger A. reviewed Zoning Ordinance 105-4.D(5) "Removal, reconstruction or replacement." (of non-conforming structures). Roger stated that it was this ordinance that determined the new retaining wall could not further encroach upon the high water mark. This ordinance read in part (a) "In no case shall the structure be constructed or replaced so as to increase its nonconformity."

Roger A. review Zoning Ordinance 105-39.D "Earthmoving in Shoreland District". Roger stated it was this ordinance that required this activity to be reviewed by the Planning Board through a Conditional Use Permit.

Roger A. stated the new wall was less than four feet in height so it did not require an engineered plan.

Lauren M. asked if there had been a DEP Permit by Rule submitted. Roger A. stated that yes one was submitted in 2004, and resubmitted in 2006, signed by the DEP with no comments.

Roger A. asked Mr. Caron if there was a start and completion date? Mr. Caron stated that the project would probably not be started until spring as he was very busy at this time. Lauren M. asked if a replanting plan was needed? Roger stated a date to replant was required.

Roger A. asked Mr. Caron if the existing vegetation would stay in place until the project began? Mr. Caron stated yes, he did not want to disturb the area.

Roger A. stated that he felt that if Mr. Caron began the project in the spring he should be able to have the area replanted by July of 2007. Mr. Caron agreed, stating there would be no problem with this time table.

Roger A. asked if there were any additional questions for Mr. Caron? There were none.

Lauren M. made the motion to approve the Conditional Use Permit to replace the existing wall, approximately 45 feet in length, with the following condition(s):

- 1) Best Management Practices shall be used during the project, including silt fencing.**
- 2) The area disturbed during construction shall be stabilized / revegetated by 7/31/2007.**

Roland L. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – In-home Licensed Massage Therapy – Map 6, Lot 7A (309 Back Road) – Diane Huggard and Tool Sharpening Service – Map 6, Lot 7A (309 Back Road) – Robert Huggard

Mrs. Huggard was present to review her application.

Mrs. Huggard's application was for an in-home business to perform massages by appointment in a room in her home. Mrs. Huggard had given the Planning Board a copy of her massage therapy license along with her application.

Roger A. stated he believed both businesses in this home could be reviewed at the same time because both were using the same location and same hours of operation. The other Planning Board members agreed.

Roger A. asked Mrs. Huggard what the hours of operation would be. She stated her hours would be by appointment only, seven days a week, from 7:00 a.m. up to 10:00 p.m. Mr. Huggard requested the same hours of operations for his business.

Roger A. stated the following ordinance standards have been met by both applications:

- 105-17 - Land Uses. *A home based business is a permitted use in the General Purpose district with a Conditional Use Permit.***
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.***
- 105-20 – Applicability of standards; prohibited uses. *These applications are permitted uses within the zoning ordinance and they meet all state and federal law regulations.***
- 105-21 – Traffic. *Traffic will have safe access. The site distances are within the minimum required which is 315'.***
- 105-22 – Noise. *These businesses shall not create excessive noise; all activity will take place inside the existing building.***
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created by the massage business and all dust created by the tool sharpening business will be collected with a vacuum.***

- 105-24 – Odors. *The will be no odors emitted from either business.*
- 105-25 – Glare. *There is no additional lighting being added to the existing building.*
- 105-26 – Stormwater runoff. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.*
- 105-27 – Erosion control. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.*
- 105-28 – Setbacks and screening. *There is no outside storage of materials or equipment.*
- 105-30 – Water quality. *There shall be no storage of hazardous materials for either business.*
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed. There is no additional parking area being created.*
- 105-32 – Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.*
- 105-33 – Refuse disposal. *All waste shall be removed from site by the applicants and it should be minimal.*
- 105-40 – Home occupations. *Both businesses shall be housed inside the existing home. The applicants are sole proprietors and the only employees. There shall be no offensive noise, waste, etc. generated by either business. The existing parking area is well vegetated along the side lot line.*
- 105-43 – Off-street parking and loading. *The parking / turnaround area is adequate for the number of employees and patrons of this business.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*
- 105-52 – Water quality protection. *There shall be no exterior storage of any materials for the tool sharpening business. N/A for massage therapy business.*

Roland L. asked if it would be possible to have different massage therapist on site, but allow only one therapist at a time due to the limitation of space in the home. Roger A. did not see why this would be a problem.

Lauren M. stated that she felt it should be a condition of the approval for the tool sharpening business that no clients be allowed into the basement where the tools are located for the tool sharpening business to prevent any injury to clients. Mr. Huggard agreed this was a good idea and he stated he did not allow anyone down there at this time.

Roger A. asked if there were any additional questions? There were none.

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not, there are no changes being made to the existing property.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages home based businesses.*
- 4) Traffic access to the site is safe. *It is, the site distances meets the minimum requirement in the ordinance of 315’.*

- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, per the building permit process.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A state approved septic system has been installed. Any waste generated by the tool sharpening business will be taken to the transfer station by the applicant.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There shall be no hazardous materials generated by these businesses.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is.***
- 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. ***These businesses will not produce anything detrimental to the neighboring properties. Lighting on the building is in existence. There shall be no noise generated outside of the building.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall with the conditions imposed.***

Roland L. made the motion to approve the Conditional Use Permit to open an in-home licensed massage therapy business with the following condition(s):

- 1) ***The hours of operation shall be 7:00 a.m. thru 10:00 p.m., seven days a week.***
- 2) ***There shall be only one licensed massage therapist performing massage at any one time in the home.***
- 3) ***Any signage shall be permitted through the Code Enforcement Office.***

And the motion was made to approve the Conditional Use Permit to open an in-home tool sharpening business with the following condition(s):

- 1) ***The hours of operation shall be 7:00 a.m. thru 10:00 p.m., seven days a week.***
- 2) ***There shall be no customers allowed in the basement where the work will be performed.***
- 3) ***Any signage shall be permitted through the Code Enforcement Office.***

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Construction of a Private Way – Map 10, Lot 6 (Town Farm Road) – Charles Fowler

Mr. Fowler and his son were present to review the application.

The applicant stated Middle Branch Surveyors had drawn up the location of the existing right-of-way along

with the newly created right-of-way, which would provide Mr. Fowler's sons property with the required amount of road frontage. Mr. Fowler's son stated the right of way was already in and done to the town specifications for a private way. The applicant stated he did not realize he had to come before the Planning Board in order to put in this right-of-way.

Planning Board members reviewed the plan Mr. Fowler provided. Roger A. was trying to determine the size of the lot the right-of-way intersected. The parent lot. On the plan it was written that the lot was 87,000 sq. feet but because of the right-of-way bisecting the lot he was concerned the lot didn't meet the minimum lot size requirement of 80,000 sq. ft.

Roger A. stated that it was important the surveyors get the size of all the lots being created on the plan so the Planning Board can determine that all lots will meet the zoning requirement. Roger noted that it appeared the lot noted as Lot A was being divided into two lots because of the right-of-way. He did not believe either lot would meet the minimum lot size requirement.

CEO Steve M. stated that more than half of the right-of-way existed prior to Mr. Fowler extending the right-of-way to create road frontage for the back lot. Steve did state the original ROW was not 50' in width. Steve also did not believe the ROW would create two lots because Mr. Fowler was the one who created the ROW to begin with so his son could access the back lot. Steve referred board members to the 2006 Planning and Land Use Law book, page 103, #6, which read as follows; "Tract or parcel of land. "Tract or parcel of land" means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road."

Steve M. was concerned that it is hard to know who created a right-of-way if there is no record on file and if the person creating the right-of-way does not come before the Planning Board, an illegal lot could be created not meeting minimum lot size requirements.

Madge B. asked if there were any records of Planning Board actions filed with the building permits? Steve M. stated that only since he and Planning Board Secretary Barbara Gilbride have been working at the Town Hall.

Roger A. asked the applicant who maintained the ROW? Mr. Fowler stated that he did as this was easier than trying to get the neighboring lot to help to maintain it, which Mr. Fowler believed also has deeded access to their property via the ROW.

Madge B. asked why this application was before the Planning Board. Steve M. stated it was because the back lot needed to create a ROW for road frontage and it needed to be done to town specifications in the Zoning Ordinance.

Madge B. reviewed Zoning Ordinance 105-60.1. Madge noted that under 105-60.1.D it states that "...a maintenance agreement shall be required by the Planning Board and recorded in the York County Registry of Deeds."

Roger A. also noted that under section B a street plan, cross section and drainage plan was required.

Lauren M. asked if a hammerhead or T turnaround was required? Roger A. did not believe so as the driveway was not over 500 feet in length where it accesses the two back lots. Steve M. thought one might be required since the ordinance states a turnaround is required at a dead end. Board members agreed they would need to do a site inspection to determine what was necessary.

Madge B. noted to the applicant that the road maintenance agreement would need to be notarized prior to being recorded.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated that the applicant would need to bring the following to the Planning Board prior to further review:

- 1. A street plan, cross section and drainage plan would need to be added to the existing ROW plan drawn up by Middle Branch Surveyors.**
- 2. A note shall be placed on the final plan noting 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.**
- 3. A maintenance agreement shall be required and recorded in the York County Registry of Deeds.**
- 4. An additional \$300 shall be paid to the Town of Shapleigh due to the fact this application is an after-the-fact permit. The ROW has already been put in.**

Roger A. stated that this application would be tabled until the required information was received by the Planning Board. At that time the application will be place back on the agenda for further review.

Nothing further was discussed.

Conditional Use Permit – Repair Existing Retaining Wall – Map 23, Lot 2-9 (11 Dancehall Drive) – Roland Batson

Mr. Batson was present to review his application.

Mr. Batson presented the Planning Board with a plan to repair the existing retaining wall. Mr. Batson began by stating that the DEP initially did not approve of his overall plan to repair/replace his existing retaining wall. The person he spoke with wanted all tree stumps to remain on site but Mr. Batson stated that he explained why at least one would need to be removed in order to repair the wall and stabilize the area. Mr. Batson stated that he believed he would have DEP approval within the next few days.

Roger A. stated that the Planning Board would need the approval from DEP prior to making their final determination. Mr. Batson stated that he understood. (*Note: The Planning Board received a copy of the DEP approval on Friday, November 3rd.*)

Roland L. asked Mr. Batson what he was going to use for material for the replacement wall? Mr. Batson stated he would be reusing the existing stone. He stated he would put in a drainage system behind the replacement wall, angle the new wall abit more toward the embankment, replace the stone and add new

mortar. Mr. Batson stated that he did not believe it would be necessary to bring in additional stone but if needed he would.

Mr. Batson stated he would like the project to begin on Monday, November 20th if possible. He would like the wall replaced prior to an impending surgery on his knee. Roger A. stated that the Planning Board could not rule on this application without the necessary DEP approval. Mr. Batson stated he understood and believed he would have the Permit by Rule in hand within a few days.

Roger A. asked if there were any additional questions from board members. There were none.

Roger A. scheduled a site inspection to be done on an individual basis due to the lack of daylight prior to the Planning Board meetings this time of year. Also a Notice to Abutters will be mailed.

Nothing further was discussed.

Conditional Use Permit – Sign Making Business – Map 12, Lot 21 (724 Newfield Road) – Robert MacDougall

Mr. MacDougall was present to review his application.

Mr. MacDougall stated he had been making wooden name signs for years for friends and relatives and has had so many request thought he would do it as a business. Mr. MacDougall stated it would not be a retail business where customers come to see a display, the signs would be made to order and the customers would come to pick them up at his home. Mr. MacDougall stated the signs were hand cut wooden signs that he would either leave as is or stain if the customer requested it. Mr. MacDougall stated stain lasted much longer to preserve the signs and there was no waste such as with paint. Mr. MacDougall stated he used mostly poplar and pine and called his signs “cottage signs” because most people put them on their cottages. He stated his signs were quite large so vandals had a hard time to destroy them which has been a problem in the past on vacant camps.

Roland L. asked how someone would access information about his signs? Would he advertise? Mr. MacDougall stated that he has used EBay in the past and may continue to do so. Also much of his business is word of mouth.

Roger A. asked if customers would be coming in to view examples of his signs? Mr. MacDougall stated that most of his business would be done via the telephone but customers could come in if they wanted to see an example of his signs.

Madge B. asked if there was any waste from this business? Mr. MacDougall stated that scrap wood he used as kindling for himself or he gave it away. He stated that there was sawdust that got bagged for disposal.

Madge B. asked if he was going to use any paint. Mr. MacDougall stated again that paint did not last long and was hard to dispose of so he intended to use stain. He stated the rags used would be brought to the transfer station.

Roger A. asked what the hours of operation would be? Mr. MacDougall stated seven days a week from 9:00 a.m. to 6:00 p.m.

Lauren M. asked if this was his work hours or hours customers could come to his home? Mr. MacDougall stated this was for customers to come to pick up their signs. He said there are times he likes to work on his signs later at night or early in the morning.

Lauren M. asked if customers would be able to turn around in his driveway? Mr. MacDougall stated that he did not believe so as there was only a driveway, no turn around area. He stated the customers would probably have to pull out onto the road.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated there would be a Public Hearing held on Wednesday, November 15th at 7:00 p.m. A Notice to Abutters would be mailed as well. The site inspection would be done on an individual basis.

Nothing further was discussed.

Best Possible Location – New Foundation & Move Cottage 9' Back from Shoreline – Map 28, Lot 35 (Goose Pond Road) – Victor Thomas, Owner; Fred Owen, Applicant

Mr. Owen, the contractor for this project was present as was the owner Mr. Thomas.

Mr. Owen stated that Mr. Thomas would like to put a foundation under the existing cottage as there isn't one at this time and also move the cottage nine feet back from the shoreline. Mr. Owen stated that he had spoken with the DEP and was in the process of submitting the Permit by Rule application.

Mr. Owen stated there would also be a new septic system put in and he had given the Planning Board a copy of the new septic system design.

Mr. Owen stated the cottage at this time did not meet the road setback or the setback to the water.

Roger A. asked if the cottage was going to be raised and by how much? Mr. Owen stated that he would not be raising the cottage more than three feet from its existing level. He stated that for the new foundation he would be digging five feet into the ground. Mr. Owen stated he could raise the cottage only two feet if that was preferred but would rather do three feet to avoid the high water table in this location.

Roland L. asked if any trees would be removed during this project? Mr. Owen stated that yes, some small trees and one large tree would need to be removed. He added that considering the amount of trees on this site, this would be a minimal amount being removed.

Roland L. asked if the retaining wall on site would remain in place? Mr. Owen stated that yes the brick retaining wall would remain.

Mr. Owen stated that a lot of erosion control would need to be done on site during the project and for stabilization after the project is completed.

Mr. Owen stated that by moving the cottage nine feet back it would center it on the property as well as move it farther from the high water mark.

Roger A. asked if there would be a frost wall? Mr. Owen stated that yes, there would be a four foot frost wall.

Roger A. reviewed 105-4.D "Nonconforming structures", 7 "Relocation, (c) which reads "All approved plans shall require confirmation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board." Roger stated that this is done after the location is approved by the Planning Board.

Roger A. stated that because the DEP Permit by Rule had not been filed yet, the next review would be tabled until Tuesday, November 28th. A Notice to Abutters will be mailed as well and the site inspection would be done on an individual basis.

Nothing further was discussed.

Amendment to a CUP – Increase Number of Seats in Coffee Shop – Map 19, Lot 13 (63 Emery Mills Road) – Paula Guay

Ms. Guay was present to review her application.

Ms. Guay stated that she would like to add an additional 15 seats to the existing approved coffee shop.

Roland L. asked if she was going to expand the area? Ms. Guay stated no, she just wanted to add additional seating where she had the room to do so. Ms. Guay stated that she wanted stools at the counter and four booths. She showed the Planning Board a sketch plan which showed there was ample room to do both in the coffee shop.

Ms. Guay stated that the existing septic system was large enough to accommodate more patrons but by expanding her business the state notes that the expansion makes the well into a public water system and at this time she needs a variance from the state as the septic system would be closer to the existing well than allowed. CEO, Steve M. agreed. Ms. Guay stated that she was filing for a variance from the State to be allowed to expand her business.

Ms. Guay stated that also at this time she is granted by the Dept. of Human Services 15 seats maximum indoors for her business. She is applying for an additional 15 seats inside her business and another 15 seats outdoors for the summer months.

CEO, Steve M. stated that he thought the Planning Board should wait until she had the States approval prior to acting on this application. Roger A. agreed.

The Planning Board agreed to table this application until Ms. Guay could provide the necessary State approvals for her expansion. Roger A. told Ms. Guay to contact Planning Board Secretary Barbara Gilbride when she was ready to proceed with her application.

Nothing further was discussed.

OTHER

- Madge B. stated that she had discussed the cost of a new Shoreland Zoning map for the Town of Shapleigh with the Board of Selectmen. Madge believed that this cost would be a minimum of \$6000 due to the work involved to have the map produced. She spoke to SMRPC to come up with this estimate. Madge stated that the Board of Selectmen realized this was something they would need to budget for but would like more information and a report after the Planning Board members attend the Shoreland Zoning Workshop on November 14th which may also provide more information on the map.
- Madge B. stated that she had attended the 11-Town Group meeting which discussed the possibility of a regional subdivision review board. Madge stated that after the lengthy meeting it was concluded that a regional board would be very difficult to pull together as the region was so large and a regional group would not be advantageous overall. Madge stated that there was the possibility of neighboring towns working together on large projects, towns that would be affected by the proposed development. The meeting concluded that a regional subdivision review board would not be effective at this time.
- Roger A. stated that the Lincoln Institute, of which he had attended in the past, had sent him some information on classes they were offering. Roger stated that he found the classes offered were very helpful to him on the Planning Board and at this time they are offering classes on line which makes it much more convenient than traveling a long distance to attend. Roger stated that he would give any Planning Board member interested more information. All board members asked he bring information to the next meeting if possible.

GROWTH PERMIT(S) – *There are none available at this time.*

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

Respectively submitted,
 Barbara Gilbride
 Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Wednesday, November 15, 2006

Members in attendance: Roger Allaire (Chairman), Lauren Meek (Vice-Chair), Roland Legere, Madge Baker (Alternate), Diane Srebnick (Alternate) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. *Note: Diane S. sat in as a regular member for this meeting.*

Public Hearing Began at 7:00 p.m.

- **Conditional Use Permit – *Sign Making Business* – Map 12, Lot 21 (724 Newfield Road) – Robert MacDougall**

Mr. MacDougall was present for the Public Hearing.

Roger A. began by stating he had done a site inspection, Roland L., Barbara G and CEO Steve M. had also visited the site.

Mr. MacDougall stated he was uncertain exactly what the hours of operation would be as there are days he would not be at his home. Roger A. stated that just because he had hours of operation listed as 9 to 6, seven days a week, it did not mean he had to be open all of those hours. By listing the hours of operation, this gives him permission to be open at those times if he decided to do so. Roger stated that if he listed only three or four days a week, then decided he wanted to be open five or six, he would need to come back before the Planning Board to change the hours of operation. Mr. MacDougall stated that he understood and he decided to leave the hours of operation as he previously stated which are 9 a.m. to 6 p.m., seven days a week.

Roger A. stated there would not be a great deal of waste with this business. The scrap wood would be used by Mr. MacDougall for kindling, as stated at the first review of this application. Mr. MacDougall agreed.

Roger A. stated there would be a minimal amount of rags of which Mr. MacDougall said he would dispose of at the transfer station. Mr. MacDougall agreed.

Roger A. asked if there were any questions? There were none.

The Public Hearing was closed at 7:05 p.m.

The Planning Board meeting started at 7:30 p.m.

The minutes from Wednesday, November 1st were accepted as read.

Conditional Use Permit – Sign Making Business – Map 12, Lot 21 (724 Newfield Road) – Robert MacDougall

Mr. MacDougall was present to review his application.

The Planning Board received along with the application, a sketch plan depicting the location of the existing home, the garage that will be used for the business, and the driveway to be used.

Mr. MacDougall had stated during the initial review of his application that this business would not be a retail business, the signs would be made to order and the customers would come to pick them up at his home. Mr. MacDougall stated the signs were hand cut wooden signs that he would either leave as is or stain if the customer requested it. Mr. MacDougall stated that most of his business would be done via the telephone but customers could come in if they wanted to see an example of his signs.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated the following ordinance standards have been met:

- 105-17 - Land Uses. *A home based business is a permitted use in the General Purpose district with a Conditional Use Permit.***
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks.***
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it meets all state and federal law regulations.***
- 105-21 – Traffic. *Traffic will have safe access. The site distances are within the minimum required which is 315’.***
- 105-22 – Noise. *This business shall not create excessive noise; all activity will take place inside the existing building.***
- 105-23 – Dust, fumes, vapors and gases. *There will be no emissions created outside of the building for this business, dust and vapors created by the business will be minimal.***
- 105-24 – Odors. *The only odor created by this business will be from the staining, which will be minimal.***
- 105-25 – Glare. *There is no additional lighting being added to the existing building.***
- 105-26 – Stormwater runoff. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.***
- 105-27 – Erosion control. *This structure is already in existence and no changes are being made to the exterior of the building or surrounding parking area.***
- 105-28 – Setbacks and screening. *There is no outside storage of materials or equipment.***
- 105-30 – Water quality. *There shall be no storage of hazardous materials for this business other than stain which will be kept in its container.***
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed. There is no additional parking area being created.***
- 105-32 - Relation of proposed building to the environment. *The existing building fits in well with the surrounding area.***
- 105-33 – Refuse disposal. *All waste shall be removed from site by the applicant and it should be minimal.***

- 105-40 – Home occupations. *The applicant is the sole proprietor and the only employee. There shall be no offensive noise, waste, etc. generated by this business*
- 105-43 – Off-street parking and loading. *The parking area is adequate for the number of employees and patrons of this business.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*
- 105-52 - Water quality protection. *There shall be no exterior storage of any materials for this business.*

Roger A. reviewed Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”.

- 1) The use will not have an adverse impact on spawning grounds, fish, aquatic life, birds or other wildlife habitat. *It will not, there are no changes being made to the existing property.*
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. *N/A*
- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages home based businesses.*
- 4) Traffic access to the site is safe. *It is, the site distances meets the minimum requirement in the ordinance of 315’.*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *It is, per the building permit process.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A state approved septic system has been installed. Any waste unable to be burned in the wood stove will be taken to the transfer station by the applicant.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *There shall be a very minimal amount of hazardous material stored on site for this business (wood stain).*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. *There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *There are no changes being made to the exterior of the building or parking area, so no additional impact will be created.*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *There is.*
- 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. *This business will not produce anything detrimental to the neighboring properties. Lighting on the building is in existence. There shall be no noise generated outside of the building.*
- 12) All performance standards in this chapter applicable to the proposed use will be met. *They shall.*

Roland L. made the motion to approve the Conditional Use Permit to open a sign making business (wooden signs only) with the following condition(s):

- 1) The hours of operation shall be 9:00 a.m. thru 6:00 p.m., seven days a week.**
- 2) Any signage shall be permitted through the Code Enforcement Office.**

Lauren M. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Repair Existing Retaining Wall – Map 23, Lot 2-9 (11 Dancehall Drive) – Roland Batson

Mr. Batson was unable to attend the meeting.

Roger A. stated this application would be tabled until the next Planning Board meeting which is Tuesday, November 28th at 7:30 p.m.

Nothing further was discussed.

Conditional Use Permit – Replace Retaining Wall – Map 26, Lot 27 (16th St. Loop) – Joyce Reed

Mr. Stephen Joyce, the contractor for this project, was present to represent the applicant.

The Planning Board members reviewed the application. The applicant provided board members with pictures of the existing retaining wall which appears to be falling into the lake, a sketch plan of the proposed new wall, and a copy of the DEP Permit by Rule which was submitted on November 1st. Roger A. noted the Planning Board had not received the signed DEP copy of the permit and would need one for the file. CEO Steve McDonough checked his file but had not received his copy yet.

Roger A. asked if the new wall was going to be a poured concrete wall. Mr. Joyce stated yes.

Roger A. asked Mr. Joyce if he had a time table to begin this project. Mr. Joyce stated he would like to begin the project the first week in December if the weather cooperates.

The board members asked how high the new wall would be? Mr. Joyce stated 40” in height.

Roger A. asked if there were any additional questions for Mr. Joyce at this time? There were none.

Roger A. stated a Notice to Abutters would be mailed and a site inspection conducted by members on an individual basis.

Nothing further was discussed.

OTHER

- Most of the Planning Board members attended the Shoreland Zoning Seminar held in North Berwick on Tuesday night. The members were briefed on the upcoming changes being presented to the Shoreland Zoning Guidelines by the DEP, which includes a change to Timber Harvesting and whether or not the town wants to adopt the new guidelines and enforce them or use the States guidelines and have them enforce the harvesting. There was also a briefing on the Shoreland Zoning mapping, that all towns need to have updated as soon as possible. It was concluded that Roger A. will speak with the Board of Selectmen on what was discussed at the seminar with respect to the mapping so they will have a clearer picture of what the map will cover and the estimated cost to complete.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:30 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, November 28, 2006

Members in attendance: Roger Allaire (Chairman), Roland Legere, Madge Baker (Alternate), Diane Srebnick (Alternate) and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. *Note: Diane S. and Madge B. sat in as regular members for this meeting.*

The Planning Board meeting started at 7:30 p.m.

The minutes from Wednesday, November 15th were accepted as read.

Conditional Use Permit – Repair Existing Retaining Wall – Map 23, Lot 2-9 (11 Dancehall Drive) – Roland Batson

Mr. Batson was present for the review of his application.

Mr. Batson's application is to repair the existing retaining wall by removing the wall and putting a new one up using the existing stones, adding new mortar and adding a drainage system behind the rebuilt wall. The Planning Board received along with the application, a site plan depicting the location of the property, the location and size of the existing wall, and the proposed new wall typical wall section. Also on the site plan were general notes which further described all aspects of the project to be completed. A picture of the existing wall was received and a copy of the Maine DEP Permit by Rule Notification Form, dated as reviewed by the DEP, on 11/2/06. DEP had originally denied the permit but after further review of plan with Mr. Batson approved the DEP permit.

CEO Steve M. stated to the Planning Board that he had written a permit for Mr. Batson to remove three trees on site prior to this approval. Steve stated that he told Mr. Batson the Planning Board would impose the replanting schedule.

Mr. Batson stated he would be keeping the stumps on site to help retain the earth. Tree removal and what is to take place with said trees is also written in the notes section of the retaining wall plan.

Roger A. asked Mr. Batson when the project was to begin. Mr. Batson stated the project would begin on Friday, December 1st. Mr. Batson believed the project would take approximately 10 days to complete. Mr. Batson stated he would be reseeding with a conservation grass mix in the spring and he said he did realize no fertilizer of any kind can be used in this location.

Roger A. asked CEO Steve M. how many trees would need to be replanted in this location. Steve stated that because of the number of trees on site, and the terrain, he did not feel there needed to be more than three trees replanted. He said Mr. Batson is welcome to plant more but he would not require it. Roger agreed with Steve's assessment.

Madge B. asked what type of trees had been removed? Mr. Batson said one white pine, one pitch pine and one scrub pine. CEO Steve M. noted that the trees planted to replace those taken would need to be indigenous to the area.

Roger A. asked Mr. Batson to draw the approximate location of the three new trees to be planted onto the wall plan given to the Planning Board. Roger stated that should Mr. Batson need to relocate the trees he would need to speak with the CEO prior to moving the location.

Roger A. asked if there were any additional questions? There were none.

Roger noted that a notice was mailed to all abutters within 500 feet of the property and a site inspection was done by Planning Board members.

Roland L. made the motion to approve the Conditional Use Permit to replace the existing wall per the site plan with the following condition(s):

- 1) Best Management Practices shall be used during the project, including silt fencing.**
- 2) The three trees removed shall be replaced by three trees indigenous to the area and located as drawn on the site plan. Should the tree location be changed, prior to planting the Code Enforcement Officer shall need to be notified and his approval is required for the new location.**
- 3) The area disturbed during construction shall be stabilized / revegetated by 6/15/2007.**

Madge B. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Replace Retaining Wall – Map 26, Lot 27 (16th St. Loop) – Joyce Reed

Stephen Joyce, the contractor for this project, was present to represent the applicant.

The application is to replace the existing retaining wall. The Planning Board received along with the application, a sketch plan depicting the proposed new wall typical wall section. Also, a picture of the existing wall was received and a copy of the Maine DEP Permit by Rule Notification Form.

Roger A. noted that the DEP application had been mailed November 1st and the applicant had not received a copy of it as of today's date so that should indicate the DEP had no issue with the project. CEO Steve M. will give the Planning Board a copy when he receives his copy of the Permit by Rule.

Roger A. stated that the new wall was going to be a poured concrete wall per the plans received. The wall would be 40" in height which is the same height at the existing and it would be approximately 90 feet in length.

Roger A. asked Mr. Joyce if he had a time table to begin this project. Mr. Joyce stated he believed the project would begin on December 11th and should be finished by December 31st. CEO Steve M. asked if the water was low enough to begin. Mr. Joyce stated that yes, the lake had been lowered.

Roland L. made the motion to approve the Conditional Use Permit to replace the existing wall per the sketch plan with the following condition(s):

- 4) Best Management Practices shall be used during the project, including silt fencing.**
- 5) The wall shall be completed by December 31, 2006.**
- 6) The area disturbed during construction shall be stabilized / revegetated by 6/15/2007.**

Madge B. 2nd the motion. All members were in favor.

Nothing further was discussed.

Best Possible Location – New Foundation & Move Cottage 9' Back from Shoreline – Map 28, Lot 35 (Goose Pond Road) – Victor Thomas, Owner; Fred Owen, Applicant

Mr. Owen, the contractor for this project was present as was the owner Mr. Thomas.

Mr. Owen stated the application was to put a new foundation under the existing cottage, move the cottage to a more central and appropriate location on the property and a new septic system would be placed on site.

Mr. Owen stated that he had spoken with the DEP about the nature of the project as he wanted to make certain the new location would meet all of their requirements and he said DEP would be sending someone to the site to discuss erosion control measures.

Diane S. asked if there would be a new septic system going in. Mr. Owen stated that yes there would and a copy of the septic plan had been given to the Planning Board.

Mr. Owen stated that the existing retaining wall in front of the cottage would remain in place. He and the owner believed the area would be less disturbed if the wall was not removed. Roger A. agreed. Mr. Owen added that the existing retaining wall was in fairly good shape. Mr. Owen said there would be approximately seven inches of earth placed behind the wall and there would be plantings added to further prevent erosion.

Mr. Owen stated there would be stone and mulch put in to stop the current erosion problem near the existing driveway. Also, there would need to be a temporary ramp created to bring in the concrete trucks for the new foundation. This ramp will be removed when the project is completed and used as backfill for the foundation and erosion control measures would be put into place.

Mr. Owen stated five trees would need to be removed from the site. He did not feel this was a problem because the site overall had many trees. Roger A. and CEO Steve M. agreed. Steve added that because of the amount of trees on site the applicant would not need to replant any trees.

Mr. Owen stated that the slate patio behind the retaining wall would be removed and not replaced. Again, soil would be added where the blocks were removed and plantings added.

Mr. Owen stated Heather Dionne of York County Soil and Conservation would be coming to the site to discuss soil erosion measures.

Mr. Owen stated the moved cottage would be three feet higher than its existing height in order to accommodate the new septic system. This would give the proper pitch to the tank and get the tank above the existing water table.

Roland L. asked board members if it is better to remove an existing retaining wall or keep it in place. Roger A. stated that usually it is best to keep it in place so the area has fewer disturbances. Only if the wall is collapsing, which could cause harm to someone or it no longer serves to keep erosion down, would it be best to remove it. Mr. Owen stated again the existing wall is stable.

Roger A. reviewed Zoning Ordinance 105-4.D(3) under “non-conforming structures”. Roger noted that it is under this provision that the cottage cannot be elevated more than three feet from the existing height.

Mr. Owen stated that Corner Post Land Surveyors would be placing the foundation location on the plan. Roger stated that they need to also take a reading of the existing height of the cottage and note where the new height should be so it does not exceed the three feet limit.

Roger A. asked if there were any additional questions from members? There were none.

Roland L. made the motion to approve the Best Possible Location for moving the cottage and placing a new foundation under the structure with the following conditions:

- 1) Corner Post Land Surveyors shall locate the footing location and proper height of the building which shall not exceed an additional three feet from its existing height, prior to the building being relocated.**
- 2) Heather Dionne’s (York County Soil and Conservation) recommendations for soil erosion control shall be followed.**
- 3) Best Management Practices shall be used during the project, including silt fencing.**
- 4) The area disturbed during construction shall be stabilized / revegetated by 6/15/07.**

Madge B. 2nd the motion. All members were in favor.

Nothing else was discussed.

OTHER

- Roger A. stated that he spoke with the Board of Selectmen with regard to the Shoreland Zoning mapping. He told them what he felt the cost to complete the project would be and that it might be best to put money aside as soon as possible to begin the project and put money away in the future for updates and changes that will be necessary.
- Madge B. spoke with members about tackling the Shoreland Zoning changes as soon as possible so the board would not be doing them during the summer months which can be very busy for the board. Board members agreed and Shoreland Zoning will be on the next agenda.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting ended at 8:55 p.m.

Respectively submitted,
Barbara Gilbride
Planning Board Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, December 12, 2006

Members in attendance: Roger Allaire (Chairman), Roland Legere, Madge Baker (Alternate), and Barbara Gilbride (Member / Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting. *Note: Madge B. sat in as a regular member for this meeting.*

The Planning Board meeting started at 7:30 p.m.

The minutes from Tuesday, November 28th were accepted as read.

Conditional Use Permit – Gravel Extraction – Map 7, Lot 7 (Square Pond Road / Cedar Drive) – Town of Shapleigh

Road Commissioners Richard Goodwin and John Burnell were present for the review of the application.

RC Goodwin stated that the property to be used was the old Ferguson property. He stated it was an old gravel pit that the town wanted to reclaim for future use. The gravel pit will be accessed from Square Pond Road.

RC Goodwin stated the town also wanted to be able to use this area to stockpile stumps, then grind them for mulch. RC Goodwin stated that at this time the town brought the stumps to the transfer station and had to pay to dispose of them. RC Goodwin stated that the town also wanted to use this area to stockpile gravel.

RC Goodwin stated the gravel used from this location would not be dug below the existing grade and any stormwater would naturally drain to the lower areas and would not be able to leave the property boundary lines.

RC Goodwin stated all activity would take place more than 100 feet from the road and he believed more than 1000 feet from the adjacent property lines.

Roger A. asked if there were any reclamation plans for the gravel pit at this time. RC Goodwin stated that all open area initially would be needed to stockpile gravel and as a storage area for the stumps. When the gravel area is large enough that reclamation is necessary it will be done but because this will not be an extremely active pit, RC Goodwin stated that he did not see that a plan was necessary at this time. Roger A. agreed. RC Goodwin added that much of the use of this pit would be for winter gravel for the town.

Roger A. noted that once the gravel pit is approved the approval is only good for three years per the zoning ordinance so at the next renewal there may be a need to address the reclamation plan. Roger stated that when the gravel pit is no longer used it will need to be reclaimed. RC Goodwin stated that he understood but did not see that happening for many years to come. RC Goodwin stated that at this time the land is owned by the Town of Shapleigh through the Town Forest, and when the gravel is no longer being used the Town Forest will once again manage the site.

RC Burnell stated that he had met with the DEP on site and they agreed that the proposed road location was the best location on site due to the topography and that the land drained well in this location.

Roger A. stated he knew of this location and believed that the location of the access road and site distances were well within the ordinance. Roger stated that provisions for drainage and erosion control would need to be address but Roger stated that the DEP approval of the site and road location showed this issue had been addressed.

RC Burnell stated he walked with a representative from the DEP and he believed there would be no stormwater issues but the stormwater plans were not on paper at this time.

Roger A. reviewed Zoning Ordinance 105-39 "Earth removal and filling", as well as 105-61 "Mineral exploration and extraction". Roger reminded the Road Commissioners that it was under 105-39.I "Surety and terms of permit." that it stated "(2) No permit shall be issued for a period to exceed three years, although such permits may be renewed for additional periods in the same manner."

RC Goodwin stated that the town was not sure exactly when they would start using the gravel pit. There needed to be more testing done to the site to determine the best plan of operation. Roland L. asked if the location of the gravel pit would effect the location of the gravel pit road? Both RC Goodwin and RC Burnell stated, "No."

RC Goodwin stated some tree harvesting would need to be done first. RC Goodwin stated they would like to start doing that in the winter.

RC Goodwin stated that no one would be able to see the gravel operation from the road. RC Goodwin stated the town is trying to determine how to address the ATV problem on site. There are no conclusions in that area at this time.

Madge B. asked what more was needed from the town at this time? Roger A. stated that the Planning Board would need to do a site inspection and hold a public hearing because it is town property. Roger stated that the DEP approved the project and they already did an on-site inspection. Roger noted the DEP put no conditions on the permit for the town to follow. RC Burnell agreed stating the DEP was pleased with the project plan as presented to them.

Roger A. read the letter from the DEP to Board of Selectman Ruth Ham. A copy is in the application file.

Roland L. asked if there was a time table as to when the town would be using the gravel pit? RC Goodwin stated the town wanted to remove the trees in the winter and begin to use the road in the spring. It was noted that the DEP did not believe tree removal was part of the gravel pit permit process. Roger A. agreed stating the tree removal was part of putting in the roadway, tied in with construction.

Roger A. asked if there were any additional questions at this time? There were none.

Roger A. scheduled a Public Hearing for Tuesday January 23rd. On Tuesday January 9th the board members will determine the best time for a site inspection and a Notice to Abutters will be mailed.

Nothing further was discussed.

Best Possible Location – Replace Existing Camp with Expansion – Map 44, Lot 24 (Silver Lake Road) – Kevin & Sheila Cash

Mr. and Mrs. Cash were present to review their application.

Mr. Cash stated that the property was originally owned by the Hooper's and it was located adjacent to a property he owns.

Mr. Cash stated that they would like to demolish the existing structure and rebuild. Mr. Cash supplied photos of the existing structure and it was clear it was not safe at this time. Mr. Cash stated the roof leaked, the foundation pilings were leaning (which you could see in the photos) and overall the place was not even rentable due to safety.

Mr. Cash stated the existing structure was 22' x 26'. Mr. Cash stated the existing structure covered approximately 10% of the lot at this time. Madge B. asked if the new structure would be the same size as the existing? Mr. Cash stated he wanted to expand the new structure to 24' x 32'. Madge noted that this could be a problem as any lot could not be covered by more than 10% according to the Zoning Ordinance. Roger A. agreed but stated that Mr. Cash may be able to go up with the structure, adding his additional 30% as a second floor. Roger stated that it would be best for CEO, Steve M. to do the building calculations to determine what the Cash's could do.

Roger A. asked when Mr. Cash expected to begin the project? Mr. Cash stated that he hoped it would be late spring of 2007. At this time they do not have a contractor for the project.

Roger A. asked if there were any additional questions? There were none.

Roger A. stated a site inspection would be scheduled at the next Planning Board meeting on Tuesday, January 9th. The Notice to Abutters would be mailed at that time as well. The application will be placed on the January 23rd agenda.

Nothing further was discussed.

Conditional Use Permit – Repair Existing Retaining Wall – Map 23, Lot 2-9 (11 Dancehall Drive) – Roland Batson

Mr. Batson came before the Planning Board to discuss his approved application to replace the existing retaining wall on his property.

The original approval, dated December 12, 2006, was as follows:

Roland L. made the motion to approve the Conditional Use Permit to replace the existing wall per the site plan with the following condition(s):

- 1) Best Management Practices shall be used during the project, including silt fencing.**
- 2) The three trees removed shall be replaced by three trees indigenous to the area and located as drawn on the site plan. Should the tree location be changed, prior to planting the Code Enforcement Officer shall need to be notified and his approval is required for the new location.**
- 3) The area disturbed during construction shall be stabilized / revegetated by 6/15/2007.**

Madge B. 2nd the motion. All members were in favor.

Mr. Batson told Planning Board members that while doing the excavation for the repair of the existing retaining wall it was noted that the existing wall was not built entirely as expected. There is a section that is only one block wide, vertical, and not wider at the base as it should be. Mr. Batson stated that there is approximately a 30 foot section like this and he did not feel it would hold up without collapsing either during the repair of the existing wall or in the near future just because of its poor construction. Mr. Batson asked board members if it would be hard for him to get an amendment for his Conditional Use Permit so that while the contractors are on site he could have them also repair this section of wall.

Mr. Batson brought pictures of the retaining wall showing the section in question. Roger A. noted that there was not any silt fencing near the waters edge shown in the picture and asked Mr. Batson why as this is a DEP requirement and a requirement of the Planning Board under Best Management Practices. Mr. Batson stated that the silt fence was in place at this time. Roger A. stated that the silt fencing must be in place at ALL times during this project until its completion.

Mr. Batson stated that the repair to this section of wall, approximately 30', would have a base wider than the 3'6" that was approved by the Planning Board. Mr. Batson stated that the contractor on the project at this time stated the wall repair would take four to six weeks to complete.

Roger A. and Madge B. both stated this project should be completed to protect the lake. Roger also noted that the equipment to complete the project is on site at this time and with the prospect of bad weather coming soon, it would be best for the Planning Board to take action on this now.

The Planning Board members reviewed the information on file for Mr. Batson and concluded that because the application was approved at the last Planning Board meeting and that repairing the entire wall was in the best interest of the lake and surrounding area, the board could grant an Amendment to the CUP.

Roger A. asked if there were any additional questions? There were none.

Madge B. made a motion to amend the CUP to allow another 30' of wall to be repaired, subject to all the previously approved conditions. Roland L. 2nd the motion. All members were in favor.

Nothing further was discussed.

OTHER

- **Workshop to Discuss Shoreland Zoning Changes**

Planning Board members reviewed the new Shoreland Zoning changes proposed by the State of Maine, and compared them to Shapleigh's existing ordinance. The Planning Board reviewed both the State guidelines which showed the "amendments, including stricken and added language", as well as the document that was "edited for inland municipalities with no coastal water that chose to repeal municipal regulation of timber harvesting in the Shoreland zone".

After careful review the Planning Board has come to the following conclusions:

- 1) The Planning Board, other than a few minor changes such as date changes, cannot find any reason why the existing town ordinance needs to be amended. The board members feel the existing ordinance is at least as restrictive with respect to Shoreland protection as what the State is suggesting; therefore the Planning Board does not feel any major change is necessary.
- 2) The Planning Board, because of the limited amount of land available for timber harvesting in the town and the lack of expertise with respect to monitoring the harvest, the board members will present to the townspeople the proposal to remove Timber Harvesting from the existing ordinance and direct the review and enforcement to the State. The Planning Board will ask townspeople to repeal the Timber Harvesting Ordinance at Town Meeting in 2008.

Due to the above conclusions, the Planning Board mailed a copy of the existing Zoning Ordinance dated September 2006 to Mike Morse, Shoreland Zoning Coordinator, Department of Environmental Protection. The board members requested that his department review the ordinance to make certain there was not any areas that needed to be changed in order to comply with the States requirements.

Nothing further was discussed.

GROWTH PERMIT(S) – *There are none available at this time.*

The Planning Board meeting and workshop ended at 9:25 p.m.

Respectively submitted,

Barbara Gilbride

Planning Board Secretary planningboard@shapleigh.net