

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, January 9, 2007

Members in attendance: Roger Allaire (Chairman), Roland Legere, Lauren Meek, Diane Srebnick (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, December 12th were accepted as read.

GROWTH PERMIT(S) - 2007 Review

NAME	Map / Lot	Address	More Info Needed / Other	Growth Permit
1. Kevin Cockburn	7 / 35B-4	Jones Road		1-07
2. Scott Martel	22 / 13-7A	Kato's Nose (off 23 rd Street)		2-07
3. William Bowden	6 / 53	County Road		3-07
4. James Noel	8 / 69	Ross Corner Road	<i>Withdrawn per Telephone Conversation</i>	
5. Philip Bargioni	12 / 34-3	South Side of Granny Kent Pond Road		4-07
6. Harold Danis	5 / 18	21 st Street		5-07
7. Pauline Huntress	6 / 7	347 Back Road	Lot dimensions not clear - tabled	(Possible 6-07)
8. William & Eileen Mageary	5 / 16A	21 st Street		7-07
9. Edward Baker	3 / 43	Hooper Road		8-07
10. Ronald Burke – Transferred to Jackson	2 / 15B	Corner of Hooper & Back Road		9-07
11. Joseph & Denise Boisvert – Transferred to Fagen	8 / 68B	121 Ross Corner Road		10-07
12. Brian Desrochers	6 / 12	Back Road		11-07
13. Frank Collins	17 / 27 or 53?	30 th Street	Called 1/5/07 - tabled - Certified Mail	(Possible 13-07)
14. Keith & Nancy Morgan	22 / 13*	37 Kato's Nose		12-07
15. Charles & Roberta Bickford	7 / 5B	Shapleigh Corner Road	<i>Withdrawn per Telephone Conversation</i>	

NAME	Map / Lot	Address	More Info Needed / Other	Growth Permit
16. Jeffrey Bergart	24 / 19*	51 Channel Circle		14-07
17. Ronald Tranchmontagne	33 / 94	Treasure Island		15-07
18. George & Michelle Landry	6/26	275 Nason Road		16-07
19. Carl & Trudy Maddalone	7 / 53	Shapleigh Corner Road	Need more information - tabled	(Possible 17-07)
20. Michael Dubois	11 / 10B	Newfield Road		18-07
21. Norman Perron	12 / 35B	Pine Springs Road		19-07
22. Isaac Clark	Part of 5 / 44	14 th Street		20-07
23. Isaac Clark	Part of 5 / 44	14 th Street	Denied – Need Subdivision	
24. Cecile Boulet	4 / 19A	Cross Road	<i>Withdrawn per Telephone Conversation</i>	
25. Raymond & Deborah Sanborn	3 / 11	Shapleigh Corner Road		21-07
26. Pat Frasier	3 / 19A	Simon Ricker Road		22-07
27. Pat Frasier	3 / 19A	Simon Ricker Road		23-07
28. John & Maxine Crouch	7 / 1B	Route 11		24-07
29. Sarah Angeltun	2 / 34A	Off Walnut Hill Road		25-07
30. William A. Small	Part of 10 / 2-2	Town Farm Road		26-07
31. William A. Small	Part of 10 / 2-2	Town Farm Road		27-07
32. William A. Small	Part of 10 / 2-2	Town Farm Road	Hold until Feb.	(Possible 28-07)
33. Mike & Kathy Travis	8 / 65A-1	235 Ross Corner Road		29-07
34. Michael Maroni	6 / 33C	Nason Road	Invalid Phone # - tabled – Certified Mail	(Possible 34-07)
1. Nick Richardson	11 / 28F	Newfield Road		30-07
2. Earl Murray / Transferred to Bond	1 / 14	Murray Road	Need to make certain no subdivision req.	(Possible 31-07)
3. John & Susan Hludik	7 / 16-1	Town Farm Road		32-07
4. Mathew Gagne	6 / 29B	145 Owl's Nest Road		33-07

Certified letters will be mailed to applicants where more information is required as well as those that the board did not receive the \$50 waiting list fee. The review of any additional Growth Permit application information will be at the next Planning Board meeting on Tuesday, January 23rd, along with all other applications received.

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

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

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, February 13, 2007

Members in attendance: Roger Allaire (Chairman), Roland Legere, Lauren Meek (Vice Chairman), Madge Baker (Alternate), Diane Srebnick (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 – Upholstery Business – Map 20, Lot 20 (148 Shapleigh Corner Road) – Russell Cutting

Mr. Cutting was present for the Public Hearing.

Mr. Cutting began by stating that he was before the Planning Board in order to be able to open an upholstery business. The business would consist of auto upholstery repair, marine upholstery repair as well as canvas repairs for boats. Mr. Cutting explained that the operation would have very little waste products, all of which he would dispose of at the transfer station.

Roger A. stated that the Planning Board had done a site inspection of this business.

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

The Public Hearing was closed at 7:04 p.m.

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

The minutes from Tuesday, January 23rd were accepted as read.

Conditional Use Permit – Upholstery Business – Map 20, Lot 20 (148 Shapleigh Corner Road) – Russell Cutting

Mr. Cutting was present for the review of his application.

Mr. Cutting stated previously that he wanted to operate a small upholstery business, out of his existing garage, for the repair of boat covers and automobile upholstery. He stated that he would occasionally do some furniture but this would not be the bulk of his business. Mr. Cutting stated the only equipment he would be using would be a sewing machine and there would not be a large volume of waste material, all of which he would bring to the transfer station.

Mr. Cutting provided the Planning Board a sketch plan of his property showing the location of the existing house, garage to be used for the business, the circular driveway, the parking area and the relationship of these to the lot lines.

Roger A. asked if there were any questions for Mr. Cutting. There were none at this time.

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

- 105-17 - Land Uses. *An upholstery business is a permitted use in the General Purpose district with a Conditional Use Permit. (It was noted by the CEO that this lot was a split lot with the garage being in the General Purpose District.)*
- 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 minimal emissions created by this business, from glue, and the odors will not go beyond the property lines.*
- 105-24 – Odors. *There will be no odors emitted from this business beyond the property lines.*
- 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 are in existence and are adequate.*
- 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. *All waste will be taken to the transfer station by the applicant.*
- 105-34. Access control on Routes 109 and 11. *Access onto Route 11 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 state approved septic system on site.*
- 105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

Roger A. reviewed the parking plan and noted there was adequate parking for patrons and Mr. Cutting. There was a minimum of five parking spaces required and Mr. Cutting had enough square footage for at least twice that amount. Although Roger noted that in order to be able to move boats around safely, a larger area would be necessary so Roger felt the Planning Board should limit the amount of customer parking, which included boats, in order to keep the area safe. Mr. Cutting agreed and stated that he would not be opposed to limiting the number of customer vehicles on site to seven. The board members agreed.

Roger A. asked Mr. Cutting what the hours of operation would be. Mr. Cutting stated that after careful consideration he would be having the hours of operation as 8:00 a.m. to 8:00 p.m., seven days a week.

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. ***There are no changes being made that affect the shoreline or access to the water.***
- 3) The use is consistent with the Comprehensive Plan. ***It is, the Comprehensive Plan encourages businesses along Rte. 11.***
- 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 is situated well above the high water line.***
- 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 is only minimal hazardous waste to be produced. The only hazardous waste will be glue. It will be contained and disposed of in the proper containment.***
- 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 site to affect stormwater runoff. 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. ***There are no changes being made to the site to affect soil erosion. 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.***

Lauren M. made the motion to approve the Conditional Use Permit to open an upholstery business in the existing garage with the following conditions:

- 1) ***The hours of operation shall be 8:00 a.m. thru 8:00 p.m., seven days a week.***
- 2) ***There shall be no more than seven customer vehicles, including boats and automobiles, allowed on site at any one time.***
- 3) ***Any signage shall be permitted through the Code Enforcement Office.***

Roland L. 2nd the motion. All members were in favor.

Note to file: The existing garage to be used for the business is located in the General Purpose Zone. 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.

Mr. Frasier presented the board members with copies of an engineered road plan into his property.

Roger A. asked Mr. Frasier if the DEP had been to the site to review it because there was a large amount of wetland involved. Mr. Frasier stated that the area he was developing was not over 40 square feet so DEP approval was not required. All that was required was a Permit by Rule from their office which he would be filing for immediately. This was for the culvert he would be putting in.

Roland L. asked what the distance of the roadway was? Mr. Frasier stated 1500 feet in length.

Roland L. asked the other board members what type of turnaround the road commissioners preferred? He thought it was a hammerhead turnaround. Lauren M. believed this was true as well. Mr. Frasier stated he would put in whatever type of turnaround was called for by the town. Roger A. noted that the turnaround depicted on Mr. Frasier's plan exceeded the minimum requirement of 24 feet of surface area.

Roger A. stated that because the roadway was going to be so close to the existing lot line a survey would need to be done. Mr. Frasier stated that a survey was done and this was reflected on the engineered plan. Roger stated that the roadway needed to be 10 feet from the existing property line. CEO Steve M. noted that this 10 feet was from the top of a cut or the bottom of a fill.

Roger A. and CEO Steve M. both believed, due to the amount of wetland in the area, the DEP needed to be notified for this project.

Madge B. asked why the roadway was going to be so wide (26' wide)? Mr. Frasier and Roger A. stated that by doing this, the road will meet subdivision standards should Mr. Frasier wish to proceed in this direction in the future.

Diane S. and Roger A. both noted that a road maintenance agreement was required and it would need to be recorded in the York County Registry of Deeds. Mr. Frasier stated that he understood and he noted that this was referred to on the plan he presented to the board, Note #18, page 2 of the plan. He will have one drafted for the final review.

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

Roger A. stated that this application would be tabled until the Planning Board received information from Mr. Frasier that the DEP had been notified of this project; and that a road maintenance agreement needed to be drafted for the private way noting the Town of Shapleigh was not responsible for the maintenance of this roadway.

Nothing further was discussed.

Construct a Private Way – Map 1, Lot 43A (Emery Mills Rd.) – Guilford Berube

Mr. Berube had a representative for this project as he was unable to attend the meeting.

Engineered road plans were presented to the Planning Board.

Roger A. noted that there was no mention of a road maintenance agreement on the plan. Roger stated that one must be drafted prior to Planning Board approval. All board members agreed.

Roger A. stated that DOT approval of the entrance needed to be obtained. Roger did not think there would be a problem because the roadway was already in existence so it would only be a formality but a letter of approval must be obtained for the file.

Roger A. asked board members if they had any questions? Several board members could not remember the site so Roger suggested members do a site inspection prior to the final review. The board members agreed this would be a good idea.

Roger stated that this application would be tabled until Tuesday, March 27th, so Mr. Berube could attend the meeting. The time for the site inspection would be set at a later date.

Nothing further was discussed.

Roger Roy – Questions regarding ATV Club building and land associated with it. Can it be divided from what was formerly a restaurant on the same parcel of land?

Mr. Roy explained to board members that the ATV Club was considering purchasing the existing club building along with the minimum acreage required. Mr. Roy stated that he knew there needed to be 200' of road frontage but he wanted to know what else would be required.

Roger A. stated that the lot would need to be 80,000 square feet and that the lot frontage would need to be from the right-of-way, not Route 11. Roger stated that this would be an amendment to a subdivision because the parent lot was part of a subdivision plan. Roger stated that it would be best to go to the person that originally surveyed the lot and have them break out the lot for the club.

Board members thought that the owner at this time might need to do this as Mr. Roy did not have an interest in the property. CEO Steve M. stated that Mr. Roy could get a letter from the current owner stating that he was acting on the owner's behalf. Roger A. agreed.

Roger A. also told Mr. Roy to be certain when creating the new lot that the amount of land be 80,000 square feet or greater. Not 'plus or minus (\pm)'. Minus would not be accepted as the minimum required is 80,000 sq. ft. Roger stated that this would be true for the road frontage as well. It needed to be a minimum of 200 feet so if plus or minus (\pm) were put on the plan, it would be rejected.

Roger A. stated that the new lot would need to be approved as an Amendment to a Subdivision. A parking plan might be necessary on the plan as well.

Roger A. told Mr. Roy that when he was ready to proceed to get an application filled out, bring it to Secretary Barbara G. and she would put him on the agenda.

Nothing further was discussed.

Amendment to a Conditional Use Permit – Change Real Estate Office into a Daycare - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube

Mr. Berube was present for review of the application, along with Eva Sawtelle, the women who would run the Day Care facility.

Ms. Sawtelle stated she would like to open a child care facility in Mr. Berube's building. She would be caring for up to 40 children ranging in age from 6 weeks to 10 years. The hours of operation would be 6:30 a.m. to 6:00 p.m., five days a week.

Ms. Sawtelle stated there would be five full time employees and 2 part time.

Roland L. asked if there would be enough square footage for what she was proposing. Ms. Sawtelle stated that yes there would be. She said the State mandates the minimum required and this building meets the States requirements. Mr. Berube stated that Ms. Sawtelle would be using both the area formerly used by the Real Estate office, as well as the Tutoring Center.

Roland L. asked if there needed to be a laundry facility on site? Ms. Sawtelle stated no.

Roland L. asked if there were enough bathrooms on site? Ms. Sawtelle stated that one bathroom was required for every 20 children. There were two available.

Roland L. asked if this facility would be open year round including holidays? Ms. Sawtelle stated yes.

Madge B. asked if there would be an outside play area? Ms. Sawtelle stated yes, that there would be a fenced in area by the existing oak tree. The children would be going out twice daily weather permitting. A new access door was going to be put in if this application was approved.

Roger A. asked if the Fire Marshall had been notified or the local Fire Dept.? Mr. Berube and Ms. Sawtelle stated that there was going to be a State mandated fire system put in. A company called Wire Pro would be doing the work. Ms. Sawtelle stated that there would also be State mandated monthly fire drills where the alarm would be set off so the children would hear what it would be like and be shown how to properly and safely exit the building.

Ms. Sawtelle stated that this facility would have to be State licensed and inspected prior to opening. Then once the day care was open, the State sends inspectors randomly, without notice, to make certain all the State's criteria was being met.

Roland L. asked how many children could be watched by each adult? Ms. Sawtelle stated that it was age dependent. She showed the book that she used to set up her facility. She said that she would have separate rooms for each age group; this made it easier to staff the facility as a whole correctly.

Roger A. asked Ms. Sawtelle if she knew when the State would be coming to the site? Ms. Sawtelle stated that they would not come until she had an approved Conditional Use Permit and Fire Marshall approval. Ms. Sawtelle stated that she has filed the necessary paperwork with the State but it could take up to two months to schedule the final inspection.

Roger A. asked Mr. Berube if there was going to be anymore tutoring done on site? Mr. Berube stated no, the entire area would be used for the child care facility.

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

Roger A. scheduled a site inspection for 6:30 p.m. on Tuesday, February 27th. A Public Hearing will be held at 7:00 p.m. the same evening and a Notice to Abutters will be mailed.

Nothing further was discussed.

GROWTH PERMIT(S) –

- 1) Permit #28-07 - William Small – Map 10, Part of Lot 2-2**

The Planning Board meeting ended at 8:40 p.m.

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

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, February 13, 2007

Members in attendance: Roger Allaire (Chairman), Roland Legere, Lauren Meek (Vice Chairman), Madge Baker (Alternate), Diane Srebnick (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 – Upholstery Business – Map 20, Lot 20 (148 Shapleigh Corner Road) – Russell Cutting

Mr. Cutting was present for the Public Hearing.

Mr. Cutting began by stating that he was before the Planning Board in order to be able to open an upholstery business. The business would consist of auto upholstery repair, marine upholstery repair as well as canvas repairs for boats. Mr. Cutting explained that the operation would have very little waste products, all of which he would dispose of at the transfer station.

Roger A. stated that the Planning Board had done a site inspection of this business.

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

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Mr. Cutting provided the Planning Board a sketch plan of his property showing the location of the existing house, garage to be used for the business, the circular driveway, the parking area and the relationship of these to the lot lines.

Roger A. asked if there were any questions for Mr. Cutting. There were none at this time.

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

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Roger A. reviewed the parking plan and noted there was adequate parking for patrons and Mr. Cutting. There was a minimum of five parking spaces required and Mr. Cutting had enough square footage for at least twice that amount. Although Roger noted that in order to be able to move boats around safely, a larger area would be necessary so Roger felt the Planning Board should limit the amount of customer parking, which included boats, in order to keep the area safe. Mr. Cutting agreed and stated that he would not be opposed to limiting the number of customer vehicles on site to seven. The board members agreed.

Roger A. asked Mr. Cutting what the hours of operation would be. Mr. Cutting stated that after careful consideration he would be having the hours of operation as 8:00 a.m. to 8:00 p.m., seven days a week.

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”.

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- 9) Adequate provisions to control soil erosion and sedimentation have been made. *There are no changes being made to the site to affect soil erosion. 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.*

Lauren M. made the motion to approve the Conditional Use Permit to open an upholstery business in the existing garage with the following conditions:

- 1) *The hours of operation shall be 8:00 a.m. thru 8:00 p.m., seven days a week.*
- 2) *There shall be no more than seven customer vehicles, including boats and automobiles, allowed on site at any one time.*
- 3) *Any signage shall be permitted through the Code Enforcement Office.*

Roland L. 2nd the motion. All members were in favor.

Note to file: The existing garage to be used for the business is located in the General Purpose Zone. 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.

Mr. Frasier presented the board members with copies of an engineered road plan into his property.

Roger A. asked Mr. Frasier if the DEP had been to the site to review it because there was a large amount of wetland involved. Mr. Frasier stated that the area he was developing was not over 40 square feet so DEP approval was not required. All that was required was a Permit by Rule from their office which he would be filing for immediately. This was for the culvert he would be putting in.

Roland L. asked what the distance of the roadway was? Mr. Frasier stated 1500 feet in length.

Roland L. asked the other board members what type of turnaround the road commissioners preferred? He thought it was a hammerhead turnaround. Lauren M. believed this was true as well. Mr. Frasier stated he would put in whatever type of turnaround was called for by the town. Roger A. noted that the turnaround depicted on Mr. Frasier's plan exceeded the minimum requirement of 24 feet of surface area.

Roger A. stated that because the roadway was going to be so close to the existing lot line a survey would need to be done. Mr. Frasier stated that a survey was done and this was reflected on the engineered plan. Roger stated that the roadway needed to be 10 feet from the existing property line. CEO Steve M. noted that this 10 feet was from the top of a cut or the bottom of a fill.

Roger A. and CEO Steve M. both believed, due to the amount of wetland in the area, the DEP needed to be notified for this project.

Madge B. asked why the roadway was going to be so wide (26' wide)? Mr. Frasier and Roger A. stated that by doing this, the road will meet subdivision standards should Mr. Frasier wish to proceed in this direction in the future.

Diane S. and Roger A. both noted that a road maintenance agreement was required and it would need to be recorded in the York County Registry of Deeds. Mr. Frasier stated that he understood and he noted that this was referred to on the plan he presented to the board, Note #18, page 2 of the plan. He will have one drafted for the final review.

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

Roger A. stated that this application would be tabled until the Planning Board received information from Mr. Frasier that the DEP had been notified of this project; and that a road maintenance agreement needed to be drafted for the private way noting the Town of Shapleigh was not responsible for the maintenance of this roadway.

Nothing further was discussed.

Construct a Private Way – Map 1, Lot 43A (Emery Mills Rd.) – Guilford Berube

Mr. Berube had a representative for this project as he was unable to attend the meeting.

Engineered road plans were presented to the Planning Board.

Roger A. noted that there was no mention of a road maintenance agreement on the plan. Roger stated that one must be drafted prior to Planning Board approval. All board members agreed.

Roger A. stated that DOT approval of the entrance needed to be obtained. Roger did not think there would be a problem because the roadway was already in existence so it would only be a formality but a letter of approval must be obtained for the file.

Roger A. asked board members if they had any questions? Several board members could not remember the site so Roger suggested members do a site inspection prior to the final review. The board members agreed this would be a good idea.

Roger stated that this application would be tabled until Tuesday, March 27th, so Mr. Berube could attend the meeting. The time for the site inspection would be set at a later date.

Nothing further was discussed.

Roger Roy – Questions regarding ATV Club building and land associated with it. Can it be divided from what was formerly a restaurant on the same parcel of land?

Mr. Roy explained to board members that the ATV Club was considering purchasing the existing club building along with the minimum acreage required. Mr. Roy stated that he knew there needed to be 200' of road frontage but he wanted to know what else would be required.

Roger A. stated that the lot would need to be 80,000 square feet and that the lot frontage would need to be from the right-of-way, not Route 11. Roger stated that this would be an amendment to a subdivision because the parent lot was part of a subdivision plan. Roger stated that it would be best to go to the person that originally surveyed the lot and have them break out the lot for the club.

Board members thought that the owner at this time might need to do this as Mr. Roy did not have an interest in the property. CEO Steve M. stated that Mr. Roy could get a letter from the current owner stating that he was acting on the owner's behalf. Roger A. agreed.

Roger A. also told Mr. Roy to be certain when creating the new lot that the amount of land be 80,000 square feet or greater. Not 'plus or minus (\pm)'. Minus would not be accepted as the minimum required is 80,000 sq. ft. Roger stated that this would be true for the road frontage as well. It needed to be a minimum of 200 feet so if plus or minus (\pm) were put on the plan, it would be rejected.

Roger A. stated that the new lot would need to be approved as an Amendment to a Subdivision. A parking plan might be necessary on the plan as well.

Roger A. told Mr. Roy that when he was ready to proceed to get an application filled out, bring it to Secretary Barbara G. and she would put him on the agenda.

Nothing further was discussed.

Amendment to a Conditional Use Permit – Change Real Estate Office into a Daycare - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube

Mr. Berube was present for review of the application, along with Eva Sawtelle, the women who would run the Day Care facility.

Ms. Sawtelle stated she would like to open a child care facility in Mr. Berube's building. She would be caring for up to 40 children ranging in age from 6 weeks to 10 years. The hours of operation would be 6:30 a.m. to 6:00 p.m., five days a week.

Ms. Sawtelle stated there would be five full time employees and 2 part time.

Roland L. asked if there would be enough square footage for what she was proposing. Ms. Sawtelle stated that yes there would be. She said the State mandates the minimum required and this building meets the States requirements. Mr. Berube stated that Ms. Sawtelle would be using both the area formerly used by the Real Estate office, as well as the Tutoring Center.

Roland L. asked if there needed to be a laundry facility on site? Ms. Sawtelle stated no.

Roland L. asked if there were enough bathrooms on site? Ms. Sawtelle stated that one bathroom was required for every 20 children. There were two available.

Roland L. asked if this facility would be open year round including holidays? Ms. Sawtelle stated yes.

Madge B. asked if there would be an outside play area? Ms. Sawtelle stated yes, that there would be a fenced in area by the existing oak tree. The children would be going out twice daily weather permitting. A new access door was going to be put in if this application was approved.

Roger A. asked if the Fire Marshall had been notified or the local Fire Dept.? Mr. Berube and Ms. Sawtelle stated that there was going to be a State mandated fire system put in. A company called Wire Pro would be doing the work. Ms. Sawtelle stated that there would also be State mandated monthly fire drills where the alarm would be set off so the children would hear what it would be like and be shown how to properly and safely exit the building.

Ms. Sawtelle stated that this facility would have to be State licensed and inspected prior to opening. Then once the day care was open, the State sends inspectors randomly, without notice, to make certain all the State's criteria was being met.

Roland L. asked how many children could be watched by each adult? Ms. Sawtelle stated that it was age dependent. She showed the book that she used to set up her facility. She said that she would have separate rooms for each age group; this made it easier to staff the facility as a whole correctly.

Roger A. asked Ms. Sawtelle if she knew when the State would be coming to the site? Ms. Sawtelle stated that they would not come until she had an approved Conditional Use Permit and Fire Marshall approval. Ms. Sawtelle stated that she has filed the necessary paperwork with the State but it could take up to two months to schedule the final inspection.

Roger A. asked Mr. Berube if there was going to be anymore tutoring done on site? Mr. Berube stated no, the entire area would be used for the child care facility.

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

Roger A. scheduled a site inspection for 6:30 p.m. on Tuesday, February 27th. A Public Hearing will be held at 7:00 p.m. the same evening and a Notice to Abutters will be mailed.

Nothing further was discussed.

GROWTH PERMIT(S) –

- 1) Permit #28-07 - William Small – Map 10, Part of Lot 2-2**

The Planning Board meeting ended at 8:40 p.m.

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

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, February 27, 2007

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.

Public Hearing Began at 7:15 p.m.

Amendment to a Conditional Use Permit – Change Real Estate Office into a Child Day Care Center - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube

Mr. Berube was present for the Public Hearing, as was Ms. Sawtelle, the person that would be running the day care facility.

Ms. Sawtelle stated that she would be operating a day care facility for up to 40 children between the ages of 6 weeks and 10 years. The hours of operation would be 6:30 a.m. thru 6:00 p.m., five days a week. The business would be operated out of Mr. Berube's existing building on Rte 109.

Roger A. stated that there was a site inspection prior to this Public Hearing and with the scheduled improvements the board members had no issues with the use of the existing building.

Roger A. asked if there were any questions for Ms. Sawtelle or Mr. Berube? There were none.

The Public Hearing was closed at 7:20 p.m.

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

The minutes from Tuesday, February 13th were accepted as read.

Amendment to a Conditional Use Permit – Change Real Estate Office into a Child Day Care Center - Map 19, Lot 13 (63 Emery Mills Road) – Roger Berube

Mr. Berube was present for the review of his application, along with Ms. Sawtelle the person that would be operating the day care facility.

Roger A. began the final review of the application by stating that the previously approved Conditional Use Permits for the Real Estate office and Tutoring office that were operation in the proposed space for the day care, would now be null and void. Roger Berube agreed.

Roger A. after reviewing the application noted one error on the application and that was the fact it was written there would be no changes to the exterior of the structure; Roger noted there were be a window removed and an outside door put in to access the play area. Ms. Sawtelle stated this was correct. Roger made note of this on the application.

At the previous meeting Ms. Sawtelle stated there would be five full time employees and 2 part time.

Roger A. asked board members if they had any questions at this time. There were none.

Roger A. reminded board members that the existing parking area, which was approved on the original CUP was sufficient in size to accommodate this new business. The septic system was also adequate and the well was being tested on a monthly basis for the coffee shop, due to a State variance for the septic system, so water quality should not be an issue. In addition a State approved fire alarm system would be put in, tested on a regular basis, and the facility would not open until after the State Fire Marshall inspected the building and a Child Care License was obtained.

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

- 105-17 - Land Uses.** *A child day care facility 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 will meet all state and federal law regulations prior to beginning operation.*
- 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; most activity will take place inside the existing building. The children's play area will only be used during daylight hours.*
- 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 and no changes are being made to the exterior of the building or surrounding parking area that would affect stormwater runoff.*
- 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 that would cause erosion.*
- 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 Chapter 21 in the Shapleigh Ordinance entitled “Child Day Care” and noted that this establishment would meet the ordinance requirements.

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. A dumpster is located on site for use and contracted for pick up.***
- 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 that would affect stormwater runoff.***
- 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 that would cause erosion.***
- 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 other than children playing during daylight hours and the noise will not exceed what is acceptable in the ordinance.***
- 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.

Roland L. made the motion to approve the Amendment to a Conditional Use Permit to open a child day care facility for up to 40 children with the following condition(s):

- 1) The hours of operation shall be 6:30 a.m. thru 6:00 p.m., five days a week.*
- 2) The day care facility shall not open until the Fire Alarm System is put into place and it shall be maintained per the State's requirements.*
- 3) The day care facility shall not open until there is approval from the State's Fire Marshall's office and the State License for a Child Care Facility is received. A copy of the approval and license needs to be given to the Planning Board Secretary for the file.*
- 4) The fencing for the children's play area must be put into place prior to opening the day care facility.*
- 5) Water testing shall be conducted as per the Variance Approval from the State for the Coffee Shop. Should the water test fail, the child day care facility shall have to be closed until the problem is remedied.*
- 6) Any signage must be approved through the Code Enforcement Office prior to being put into place.*

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

Nothing further was discussed.

Best Possible Location – Replace Existing Structure – Map 34, Lot 41 (34 Chestnut Road) – Richard Billings

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

Mr. Billings stated that the existing cottage on the property was built in the 1950's and was purchased by his parents in 1963. The cottage is a 2-story wood frame cape style cottage with an attached 1-story fully enclosed porch. Mr. Billings stated they wanted to replace this building with a 2-story log cabin home.

Roland L. asked the applicants if there was a cellar under the existing structure? Mr. Billing stated there was not, only several rows of cement blocks on a footing. Mr. Billings stated that he was proposing a poured concrete foundation with an elevation of no more than 3 feet higher than the existing structure. This would create a crawl space under the new building.

Roland L. asked if the was going to be a year round home or seasonal? Mr. Billings stated it was seasonal to be used summers only.

Roger A. reviewed the material received along with the application and noted that the existing structure had 1080 square feet of living space and the new building would have 1242 square feet, this being a 15% expansion of living space. Roger stated that it was also noted that the volume of the structure would be increased by 27.6%.

Roger A. also reviewed the lot coverage and Mr. Billings calculated the current lot coverage was 13.1% and the new lot coverage would be 12.3%. Mr. Billings stated that this was due in part because he would not be replacing the existing 80 square foot concrete patio.

Roger A. stated that the foundation placement, once approved by the Planning Board, would need to be placed on the property by a licensed surveyor. Mr. Billings stated that he understood.

Roland L. asked what the existing septic system was? Roger A. showed him the information received by the applicant which stated that in 2004 a White Knight Leachfield Recovery System was installed and a letter was attached from James Webster, President of J.A. Webster & Son, Inc. that stated the existing septic system was working as it was designed to do and there was not any liquid level above the outlet. The letter further stated it was his opinion the septic system would continue to handle the septic waste from the building or any other replacement building with the same amount of use.

Roland L. asked what type of material would be used for the building, what type of logs? Mr. Billings stated white pine and it would be manufactured by Northeastern Log Homes.

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

Roger A. stated a Notice to Abutters would be mailed and a site inspection was scheduled for 6:30 p.m. on Tuesday, March 13th, prior to the next Planning Board meeting.

Nothing further was discussed.

GROWTH PERMIT(S) – 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

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, March 13, 2007

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.

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

The minutes from Tuesday, February 27th were accepted as read.

Best Possible Location – Replace Existing Structure – Map 34, Lot 41 (34 Chestnut Road) – Richard Billings

Mrs. Billings were present for review of the application.

Roger A. stated that Planning Board members had done a site inspection of this property prior to the meeting.

At the previous Planning Board meeting Mr. Billings stated the cottage was a 2-story wood frame cape style cottage with an attached 1-story fully enclosed porch. Mr. Billings stated they wanted to replace this building with a 2-story log cabin home.

The Planning Board reviewed the material received and noted that the existing structure had 1080 square feet of living space and the new building would have 1242 square feet, this being a 15% expansion of living space and that the volume of the structure would be increased by 27.6%. Also the lot coverage was calculated and the existing lot coverage was 13.1% and the new lot coverage would be 12.3%.

Information was received by the applicant which stated that in 2004 a White Knight Leachfield Recovery System was installed and a letter was attached from James Webster, President of J.A. Webster & Son, Inc. that stated the existing septic system was working as it was designed to do and there was not any liquid level above the outlet. The letter further stated it was his opinion the septic system would continue to handle the septic waste from the building or any other replacement building with the same amount of use.

Roger A. reviewed Zoning Ordinance 105-4.D “Nonconforming structures.”, (1) thru (7).

Roger A. stated that because of the location of the existing septic system the new structure could not be moved closer to the road. Also he noted that the structure will be moved farther from the high water mark.

Lauren M. asked what would be done with the area where the patio is to be removed? CEO Steve M. asked if it would be revegetated? Mrs. Billings stated that yes it would.

Roland L. asked if the existing structure would be removed from the site? Mrs. Billings stated that prior to any work being done the structure would be removed. Roger A. stated to Mrs. Billing that none of the old building could go to the Shapleigh Transfer Station.

Roger A. stated that the new structure would meet the Zoning Ordinance which states that the structure, due to its location in the Shoreland Zone, could not be expanded more than 30%. The proposal falls within that parameter and the CEO would verify the calculations when the applicant went for the building permit.

CEO Steve M. stated that silt fencing would probably be required during construction. Roger A. stated that at the site inspection he noted that it may not be needed due to the terrain and location of the building, but concluded that it would be at Steve's discretion as to whether or not it would be necessary.

The Planning Board members, after a site inspection and reviewing the material presented, believed the proposed new location for the structure was the best location on site.

Madge B. asked if the existing structure was seasonal and if the new structure would be as well? Mrs. Billings stated that the existing camp was seasonal and the new structure would be as well. She stated that should her and her husband want to stay there year round, they would apply for a Growth Permit.

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

Lauren M. made the motion to *approve* the Best Possible Location for replacing the existing structure with a new structure per the plans received with the following conditions:

- 1) Best Management Practices shall be used during the project, including silt fencing if required. The Code Enforcement Officer shall determine whether or not silt fencing is necessary.**
- 2) A licensed surveyor shall locate the footing location, based on the plan presented and approved by the Planning Board, drafted by Maine Boundary Consultants 1/29/2007, prior to the building being constructed. This information shall be given to the Code Enforcement Officer.**
- 3) The new building shall not be elevated more than three feet higher than the existing structure.**
- 4) A plan to revegetate the disturbed area shall be presented to the Code Enforcement Officer when applying for the building permit. The Code Enforcement Officer will expect a permit to be obtained after Labor Day 2007.**
- 5) The area disturbed during construction and the area where the patio will be removed shall be stabilized / revegetated by June 30, 2008, unless an extension is granted by the Code Enforcement Officer.**
- 6) The new dwelling is to be seasonal unless a Growth Permit is obtained to allow for year round use.**

Roland L. 2nd the motion. All members were in favor.

Nothing further was discussed.

Construct a Private Way – Map 3, Lot 19A (Simon Ricker Rd) – Pat Frasier

Mr. Frasier was present to discuss his application.

Mr. Frasier stated that he had applied for his DEP Permit by Rule to replace an existing culvert on the logging road and add an additional culvert. CEO Steve M. gave the Planning Board a copy, it was dated 2/24/07.

Mr. Frasier stated that because of the existing wetland area on both sides of the logging road, which will become the Private Way, he could not meet the 10 foot setback to the side lot line. Mr. Frasier stated the neighbor on that lot line has agreed to give him whatever he needed to be able to place the road where it exists now. Mr. Frasier stated that he had spoken with CEO Steve M. and Steve said there would need to be a deeded easement so there would be no confusion in the future. Roger A. agreed. Mr. Frasier stated that he understood but was not sure how long this process would take.

Mr. Frasier stated he would have the final plans with him for signature along with the deed at his final review. Mr. Frasier asked if he would need a Mylar copy. Roger A. stated that no, not for the Planning Board but he may want one for the York County Registry of Deeds.

Mr. Frasier will contact Planning Board Secretary Barbara G. when he has the information needed for the final review, until that time this application is tabled.

Nothing further was discussed.

Best Possible Location – Replace Existing Structure – Map 28, Lot 22 (42 17th Street) - Stephen Nichols

Mr. Nichols was present for review of his application.

Mr. Nichols explained he wanted to remove the existing building and wooden deck and replace it with a new structure. He stated he was going to fix the drainage/erosion problem there is on site as well as create a vegetative buffer between the new structure and the water.

Mr. Nichols stated a new septic system was put in, he thought in 1995. He provided a copy of the Subsurface Wastewater Disposal System Application, dated 11/29/95, done by John Large, SE #7. Mr. Nichols also provided a copy of the new home he wanted to build and the square foot and cubic foot calculations for the existing structure and new structure.

Roger A. asked Mr. Nichols how much area on site would need to be filled? Mr. Nichols stated there wasn't a large area to be filled. He just wanted to level an area for parking behind the new structure so he would not need to park within 100 feet of the water.

Mr. Nichols stated that he also wanted to add vegetation next to his neighbor's lot line to prevent the erosion that is taking place there. He stated that his neighbor agreed with this plan.

Roland L. asked what type of retaining wall was at the waters edge? Mr. Nichols stated it was an old railroad tie retaining wall in need of repair, but he was not prepared with plans or financially to repair it at this time.

Mr. Nichols stated that he would like to keep the existing structure in place until the new structure is built so it can be used during the summer months this year.

Madge B. asked if the existing structure was seasonal? Madge also asked if the new structure would be seasonal? Mr. Nichols stated that yes the existing was seasonal as is the new structure. Mr. Nichols stated that in the future, when he wanted to use the structure for a retirement home, he would apply for a Growth Permit.

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

Roger A. scheduled a site inspection for Tuesday, March 27th at approximately 6:15 p.m. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

Conditional Use Permit – General Repair Business – Map 1, Lot 29 (196 Deering Ridge Road) – Robert Harding

Mr. Harding was present to review his application.

Mr. Harding stated that the existing building on the property had been used for a repair shop at one time by Wilbur Stanley. He said he has purchased the property and wants to use it for that as well. CEO Steve M. stated there was no record on file with the Town Hall that it was permitted as a business.

Roger A. asked what type of business Mr. Harding would be operating? Mr. Harding stated he would be doing mechanical repairs on automobiles and the occasional motor cycle.

Roger A. asked what Mr. Harding would be doing with any hazardous waste such as antifreeze, oil, gasoline, etc. Mr. Harding stated that he had the proper containers as he acquired them at a business he operated in Massachusetts. Mr. Harding added that he had a 55 gallon drum in containment within the existing building for waste oil. He stated that the containment held 150 times the amount of the drum. He also stated that he didn't deal with antifreeze or use it.

Roger A. asked what he would do with the used oil, batteries, etc. Roger stated that the Planning Board would need letters from the companies he would be using to remove the items from the site or that he would send it to.

Roger A. stated that the Planning Board would need a parking plan, showing the size of the area and the number of parking spaces. CEO Steve M. added that the board members would need to know how many vehicles would be on site and where they would be located. How many vehicles Mr. Harding expected would be waiting for repair, the board members needed a number.

Roger A. asked if Mr. Harding would also be selling vehicles? Mr. Harding stated yes. Roger stated that the board members would need to know how many vehicles would be for sale.

Roger A. stated Mr. Harding would need to give the board members his hours of operation. Mr. Harding stated the hours would be from 7:30 to 6:00 p.m., Monday thru Saturday.

Roger A. asked if there was going to be any auto body work done on site? Mr. Harding stated, no, just mechanical.

Madge B. asked Mr. Harding if there would be any outside lighting? Mr. Harding stated there would be a light over the entryway, on an electric eye that would come on when someone drove onto the property. Madge stated it was important that this light did not shine onto the neighbor's property or into the roadway.

Diane S. told Mr. Harding that he needed 200 square feet of parking per vehicle. CEO Steve M. stated that this equated to a 10 foot by 20 foot area for each vehicle.

Roger A. stated that Mr. Harding needed to have a parking plan for the next meeting. He also needed the number of vehicles that would be parked on site for repair and sale.

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

Roger A. stated a Notice to Abutter would be mailed and there would be a Public Hearing on Tuesday, March 27th at 7:00 p.m. Prior to this hearing there would be a site inspection at approximately 6:00 p.m.

Nothing further was discussed.

Best Possible Location – Remove Existing Camp and Replace with a Garage – Map 31, Lot 5 (Cillie Road) – Roland Legere

Mr. Legere stepped down as a board member for the review of his application.

Mr. Legere stated that he wanted to tear down the existing cottage on site and replace it with a 28' x 28' garage with a full daylight basement.

Mr. Legere provided the Planning Board members with pictures of the existing cottage, as well as a plan showing the location of the existing camps footprint and the proposed location of the garage. Distances from the existing and proposed building to the lot lines were also on the plan.

Mr. Legere stated that the expansion to the structure would be less than 30% and the lot coverage would be under the 10% maximum allowed.

Mr. Legere stated that he would like to begin the project by mid June of this year.

Mr. Legere stated that the exterior of the proposed garage would match the exterior of his home which is located on the abutting property. It would be clapboard siding so it would blend well with what is there now.

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

Roger A. stated that a site inspection would be held on Tuesday, March 27th. A Notice to Abutters would be mailed as well.

Nothing further was discussed.

GROWTH PERMIT(S) – 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, March 27, 2007

(Amended on Page 1 and Page 5)

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

Note: Diane Srebnick and Madge Baker were regular members this evening.

Public Hearing Began at 7:00 p.m.

Conditional Use Permit – General Repair Business – Map 1, Lot 29 (196 Deering Ridge Road) – Robert Harding

Mr. Harding was present for the Public Hearing.

Mr. Harding began by stating he wanted to open a repair shop at 196 Deering Ridge Road. It would be for general repairs.

Roger A. asked if Mr. Harding had a parking plan? Mr. Harding gave Roger a sketch depicting 13 parking spaces on site. Four in the front of the building and the remaining to the right of the building.

Madge B. asked how many vehicles were on site now? (There was a site inspection earlier in the evening.) Madge asked if the ATV, lawnmowers, automobiles that were on site were going to be removed? Mr. Harding stated that many of the vehicles were going to be scrapped and the other items would be placed behind the garage. He would clear a larger area behind the garage if needed.

Roland L. asked what type of repairs would be done on site? Mr. Harding stated that he would do any type of mechanical repair. He would work on automobiles, motor cycles, and also would do small engine repairs such as lawnmowers and lawn trimmers.

Diane S. noted that when pulling out of the existing driveway there was very limited visibility in one direction and she had to pull out fast just in case a car was coming that she could not see. This concerned her. Roger A. agreed. He stated that the existing oak tree and mailbox blocked the visibility so you had to pull out onto the road in order to see, which was very dangerous.

A member of the audience noted that the road should be posted at 35 mph as vehicles go much too fast. Roger A. stated that was not something the Planning Board had jurisdiction over. The Planning Board had to deal with the posted speed limit when doing site distance calculations. Roger stated that in this location the posted speed limit was 40 mph so the site distance should be a minimum of 280 feet. Roger stated he paced it off to be only 225 feet in the southerly direction. The northerly direction was adequate. Roger also noted that the recommended site distance at 40 mph was 400 feet.

Roger A. asked if the hours of operation would remain 7:30 a.m. thru 6:00 p.m., Monday thru Saturday. Mr. Harding stated, "Yes".

Roger A. asked Mr. Harding if he had any letters that stated where he would be bringing his hazardous waste, as the Planning Board asked for at the last meeting. Mr. Harding stated he could not get a company to give him a letter until he actually had waste to be removed. He stated he would continue to try to provide the board with a letter from someone. He said he contacted Clean Harbors and Environmental

Technologies in Massachusetts but again neither would give him the letter he requested. Several board members suggested he contact Scott Cudworth at Lakeside Marina or Steve DeoJay at Rte. 11 Auto as both had presented letters from hazardous waste companies to the board prior to their approval.

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

The Public Hearing closed at 7:11 p.m.

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

The minutes from Tuesday, March 13th were accepted as read.

Construct a Private Way – Map 3, Lot 19A (Simon Ricker Rd) – Pat Frasier

Mr. Frasier was present to discuss his application.

Mr. Frasier had the final engineered plan to construct a Private Way to present to the board members. The road specifications exceeded what was required for a Private Way. Mr. Frasier also had culverts that exceeded the minimum required. DEP notification was done with respect to the culverts that were located in the wetland area. This had been required by the Planning Board at a previous meeting.

Mr. Frasier also presented a deeded easement from the abutter, Mr. William Elwell, which allows Mr. Frasier to encroach with the Private Way closer to the abutters land than normally allowed. The easement had been recorded at York County Registry of Deeds on 3/26/07 in Book 15114, Page 828-829.

Madge B. noted that it appeared there was some type of rock to be placed at the entrance to the Private Way; she asked what this material was for? Mr. Frasier stated that where a dirt road meets a paved road, you usually place this stone at the entrance to prevent sand from going onto the paved road. Mr. Frasier stated that it also was a good road stabilizer which was why he was going to put it in, even though it was not a requirement.

Roland L. asked about the number of turnarounds required for a Private Way. Mr. Frasier only had one and Roland thought more were necessary. Roger A. stated that because Mr. Frasier made the road in excess of the minimum requirement of 16 feet, there was more than enough room for two vehicles to pass so only one turnaround was necessary. Roger noted that the hammerhead turnaround that Mr. Frasier put into place was larger than what was required as well.

Roger A. asked Mr. Frasier if he had a copy of the road maintenance agreement as required. Mr. Frasier stated that no he didn't but would get one to the Secretary as soon as possible. He said he could have it drafted in a day.

Madge B., while reviewing the subdivision ordinance's reference to internal roads, stated that the ordinance requires a cul-de-sac instead of a hammerhead turnaround. Madge was referring to Subdivision Ordinance 89-36 "Street design standards"; K "Dead-end streets. "In addition to the design standards

above, dead-end streets shall be constructed to provide a cul-de-sac turnaround with the following requirements for radii:” Board members noted that the Road Commissioners preferred a hammerhead turnaround for snow removal. CEO Steve M. stated that this probably should say “may” instead of “shall” so the Planning Board had the option to waive this requirement in the future. Roger A. agreed this needed to be addressed before the next Town Meeting in March of 2008.

Roger A. read Zoning Ordinance 105-60.1 “Private ways”; C. “The plan shall bear notes that the Town of Shapleigh will not be responsible for the maintenance, repair, or plowing of the private way and that further lot divisions utilizing the private way are prohibited without prior approval of the Shapleigh Planning Board.” Also, G. “After a private way has been approved by the Planning Board to provide access to a lot or lots, no further lots shall be created which are to be provided access by means of the private way without the prior approval of the use of the private way for access to such lots by the Planning Board.”

Roger A. stated that both of the above ordinances he felt needed to be noted on the final plan. Roger asked the opinion of the other board members.

CEO Steve M. asked if another division could be made on this property? Mr. Frasier stated that due to the amount of wetland he did not believe so. But he added that if he were to do so he would come before the Planning Board regardless.

The board members were in agreement with Rogers’s opinion of putting a notation of item 105-60.1.C & G on the final plan. Members worried that down the road what took place during this approval could be overlooked. A copy of the Private Way Ordinance was given to Mr. Frasier for his review. Mr. Frasier had no problem with making the necessary changes. He will contact Secretary Barbara G. when this has been completed.

Roger A. noted again that Mr. Frasier would need to bring a copy of the Maintenance Agreement to the Planning Board and this document would also need to get recorded at York County Registry of Deeds after approval.

Roger A. asked if there were any additional questions for Mr. Frasier. There were none.

Roland L. made the motion to approve the plan for a Private Way with the following conditions:

- 1) Shapleigh Zoning Ordinance 105-60.1.C & G will be noted on the final plan.**
- 2) A Road Maintenance Agreement shall be drafted for the Private Way and recorded at York County Registry of Deeds.**

Madge B. 2nd the motion. All members were in favor.

Roger A. stated that the final plan will be signed by members as soon as the above is completed.

Nothing further was discussed.

Construct a Private Way – Map 1, Lot 43A (Emery Mills Rd.) – Guilford Berube

Mr. Berube did not attend the meeting so his application was tabled.

Best Possible Location – Replace Existing Structure – Map 28, Lot 22 (42 17th Street) - Stephen Nichols

Mr. Nichols was present for review of his application.

Roger A. noted that a site inspection has taken place prior to this evenings meeting.

Mr. Nichols stated he was before the board members because he wanted to remove the existing building and wooden deck and replace it with a new structure. He stated he wanted to fix the drainage/erosion problem by adding more vegetation along the lot line between himself and neighbor Mr. Sherman (who was present at the meeting as well). Mr. Nichols also wanted to create a buffer strip of vegetation between the new structure and the water.

At the previous meeting Mr. Nichols presented the Planning Board with a sketch plan depicting the existing camps location and the proposed location of the new building; the existing septic tank / leach field and well in relation to the lot lines and lake; as well as the location of trees to be removed and proposed area to be revegetated. In addition, proposed building plans were received, as well as the Subsurface Wastewater Disposal System Application, dated 11/29/95, done by John Large, SE #7.

Roland L. asked Mr. Nichols if he still wanted to be able to keep the existing camp on site until the new structure is built? Mr. Nichols stated that was correct.

A direct abutter, Mrs. Joyal, stated there was a fence dispute going on at this time between Mr. Nichols and herself. There was a discrepancy of approximately 23' in question and this problem carries from their property to the other properties along the lake. Everyone has had their property lines moved by 23 feet.

Madge B. stated that the town could not do anything about property line disputes; this was a civil matter and had to be taken care of in court.

Mrs. Joyal continued to talk about the property line issue. Stating there were surveys that showed different things. There is one map that states there is a post between the properties but now the post is gone but the map shows it was there. Mrs. Joyal stated that there was a wall built and that the property line was in a different location than is being depicted now and this change has affected everyone down the road. The original property owner's daughter that once owned Mr. Nichols property, was present and agreed.

Roger A. asked Mrs. Joyal if Mr. Nichols septic system was adjacent to her property line? Mrs. Joyal stated she did not know where his septic system was located.

Mr. Nichols stated that he hired the same surveyor that Mrs. Joyal used and the other abutter Mr. Sherman used them as well.

Mrs. Joyal spoke more of how everyone's property lines are encroaching on someone else's building. She said that she had lived there 30 years and now there is a problem. She said she had no problem with him building as long as the property line dispute was solved.

Another abutter, Rita Moody, spoke to the board members. She began by stating that as most people

know, the property lines are often not what the property owner thinks they are. She said that when she had to put in a new septic system and artesian well, she was told by the Code Enforcement Officer at the time, she would need to hire a surveyor to have her property lines documented. Once this was done it would need to be accepted by the neighbors. She stated that she had to get permission from the neighbors for her septic tank installation due to the location. Mrs. Moody stated she had lived on this property over 30 years, and she made sure she put the new septic system and well in legally. Mrs. Moody stated that she was told that once she had her lot lines surveyed and recorded at York County Registry of Deeds, that this would have to be accepted as her property.

The original property owner's daughter, of Mr. Nichols property, spoke to board members. She stated that her father bought the property back in 1937. She stated he sold the property in 1975. She did not understand how there could be such a discrepancy in the lot line locations. She stated her father and brother built the retaining wall within the boundary lines. She could not understand how this change could have happened. How all the people down the road could have built on land that was not theirs. These buildings should have had to have permits from the town to be built. She did not understand how someone could come in and put up a fence on what was someone else's property. She continued to say that her mother gave a sworn deposition as to where she believed the property line was and there was a post on the property that marked the boundary line that is no longer there. She said there is definitely a problem that needs to be looked into.

Roger A. stated that as far as the town is concerned the applicant has to provide the town with as much information as possible. Roger stated that he understood that when it came to camp property, much of the time the boundary description would say it went from this tree to that pin and that is how property was purchased. A deed was drawn up stating how many feet in each direction but now because of legal issues, they use GPS to determine exact points on the earth to mark boundary lines. The town does not decide boundary disputes. They are a civil matter between respective parties. The court determines what is correct. The Planning Board can only decide if the project will meet the criteria of the town's ordinance. It either gets approved or denied based on this. The findings of fact dictate how the decision was made. After the Planning Board decision is made, any disputes are between the parties involved.

Mrs. Moody spoke again. She stated that she was not against Mr. Nichols doing his project. She said that the little she knew about him she felt it would be done legally.

Roger A. stated that the board members did a site inspection of the property prior to the meeting and they were aware of the proposed location of the building. Roger stated that he recognized the fence in question while on site. Roger said he also asked Mr. Nichols where the septic system was located, so that is why Roger said he asked Mrs. Joyal if the septic system was on her land.

Roger A. noted that the new building location would actually be closer toward Mr. Sherman's property than the Joyal property. Roger also stated that there was a provision in the ordinance that once Mr. Nichols gets ready to set the foundation location, he had to survey the exact location to ensure this building is physically on his property. Roger stated that once he met this criteria he would meet the town's requirements.

Another abutter, Mr. Paul Burbank, stated that he had come before the town several years ago for a Best Possible Location. He was granted his location, but after he had the lot surveyed he was told the occupation points were different than the actual survey. Mr. Burbank stated that when he found this out,

he was told he could build on what was legally his property. At that time Mr. Burbank stated he went to a surveyor and that he needed to pin what was legally his property. Mr. Burbank stated that the surveyor said he could not do what Mr. Burbank requested. The surveyor said that he could only state that the occupation pins vs. the legal lot lines were off. The surveyor Mr. Burbank used said to take this information to a lawyer to straighten it out. Mr. Burbank stated that he spoke with two different lawyers and they said that this problem was done probably 60 years ago. They said that if Mr. Burbank could establish he had been occupying this property by these occupation points for 20 years then the adverse possession law states that this becomes your property in front of a judge.

Mr. Burbank stated that perhaps this needs to be taken to the town or CEO Steve M. so it can be shown there is a problem that needs to be resolved. Mr. Burbank stated that he was not against Mr. Nichols rebuilding his camp. Mr. Burbank stated that he wanted to rebuild his camp as well but this needs to be resolved. There is a property two camps down from his where the occupation line goes thru the middle of their camp. Mr. Burbank stated that he has spoken with the Joyal's and Mr. Nichols. Also his other neighbor. Mr. Burbank felt that if it was taken under advisement between the CEO and the town that this land is under dispute, then maybe some compromise can be made so he could move forward and the neighbor's property lines could be resolved. He felt everyone was in a stalemate. Mr. Burbank stated that if Mr. Nichols put his new structure so it is not near the Joyal's property line then this could possibly get resolved. Again Mr. Burbank stated that the lawyers that he spoke with stated that if everyone could agree it could be resolved easier than trying to do it individually.

Abutter Mr. Sherman spoke to the board members. He stated that he was aware of the existing problem so he had Corner Stone Surveyors survey the property. At that time he was made aware of the property line issue. He stated that on his property there was a 10 foot discrepancy. Mr. Sherman stated that his lawyer made him aware that it was a risk he was taking buying the property because there was an issue. Mr. Sherman stated that he had spoken with Mr. Nichols on this issue and so he was aware there is a problem. Mr. Sherman stated that the existing Nichols camp sits either directly adjacent to his property line or on top of it. Mr. Sherman believed the new structure would be coming off of his property line at the setback requirement, a minimum of 10 feet. Mr. Sherman stated that because Mr. Nichols is aware there is a problem he is putting the new structure closer to Mr. Sherman's property line. Mr. Sherman stated that he was also aware that if there was any problem it would be a legal matter not a matter for the town to decide.

Madge B. stated that in her opinion as long as Mr. Nichols got a surveyor to show that the building is going to go where he states it will go and that it is on his property, then that is all the town can look at.

Mr. Nichols stated he did have a survey of his property. He stated the same company that did Mr. Sherman's property also did his. Mr. Nichols stated that the new structure will meet the side setback requirements.

Mr. Nichols asked if he could have the same surveyors that did his property also survey for his building placement. Roger A. stated that yes, that was fine.

Roger A. noted that what the Planning Board was basing their decision on, was the information provided by Mr. Nichols. Roger added that once approved, there would once again need to be a survey done to actually place where the new structure would be on the property to be certain it would be located within the dimensions Mr. Nichols provided to the Planning Board.

Diane S. read part of Zoning Ordinance 105-4 (7) (a) "A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board," and she read 105-4 (7) (c) "All approved plans shall require conformation in writing by a licensed surveyor that the placement of the structure is correct per the specifications approved by the Planning Board." She stated that these were some of the parameters that the Planning Board worked within to review this application.

Roger A., while reviewing the plan provided again, noted that the new structure would be approximately 15 feet from Mr. Sherman's property line and 35 feet from the Joyal's property line.

Mrs. Moody asked if this was the case, why was there a problem, other than the legal issue, with him rebuilding? Roger A. replied that he didn't know.

Mr. Burbank stated that the property line that is in question, he just wanted to see if something could be done to get it legally resolved.

There was continued discussion on property line locations and how very often unless you have a survey you don't know for sure where it is. Also the fact that people needed to respect each others property and did in the past but now things are changing.

Roger A. stated that when the existing structure is torn down part of the foundation will stay in place that abuts the cement patio, in order to retain the soil behind it. Additional blocks will be put into place, where a wooden door exists now to make a solid wall. Mr. Nichols was told at the site visit that a railing would need to be placed on top of the retaining wall in order to prevent anyone from falling onto the cement patio. Mr. Nichols stated he had no problem with doing this.

Roger A. stated with respect to the proposed size of the new structure, in part because only nine feet of the new structure will be within one hundred feet of the high water mark; the criteria for 30% expansion will be met. CEO Steve M. will take the final measurements with the applicant.

Mr. Nichols asked if he included repairing the waterfront retaining wall with this permit, would there be a time limit to begin the project and complete it? CEO Steve M. stated that the building permit time limit is one year to start and two years to finish. Steve stated that the Planning Board also imposed time limits in a fragile environment. Steve stated that when removing a retaining wall the area must be stabilized as soon as possible.

Roger A. stated that Mr. Nichols said the well would be located toward the road, and the septic system was put into place in 1997. The area where the new building will be is fairly flat. There are no trees that need to be taken down for the building but two need to be removed for the new parking area and two dead trees will be removed as well.

Mr. Nichols stated that the drain lines to the septic system from the existing camp will need to be cut while putting up the new structure. Mr. Nichols wanted to know if he could use a temporary holding tank until the lines for the new structure are put into place. CEO Steve M. stated that Mr. Nichols would have to get a licensed site evaluator to state that he could do it and that it was not a common practice.

Roger A. reviewed Zoning Ordinance 105-4(7) (a) thru (c) "Nonconforming structures; Relocation".

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Madge B. asked if the stumps from the tree removal will be left on site? Mr. Nichols stated that they would have to be removed for the parking area. Madge stated that she was asking because it made a difference why the tree was being removed. If it was because of the construction you may leave the stump but if it is in your way, you would want to remove it. Roger A. added that due to the slope of the property where the trees to be removed are, there should not be a problem with erosion if the stumps are removed. In addition, Roger said that the new structure will be between the Shoreland and the area where the trees will be removed and Mr. Nichols will be creating a vegetative barrier between the new structure and the lake.

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

Diane S. made the motion to approve the Best Possible Location for replacing the existing structure with a new structure with the following conditions:

- 1) A licensed surveyor shall locate the footing location, prior to the building being constructed. This information shall be given to the Code Enforcement Officer.**
- 2) Best Management Practices shall be used during the project, including silt fencing.**
- 3) The new building shall be placed per the approved plan and it shall not be any closer than 91' from the high water mark, 35.3' from the Joyal's property line (Map 28, Lot 21) and no closer than 10' from the Sherman property line (Map 28, Lot 23).**
- 4) The area disturbed during construction shall be stabilized / revegetated as soon as possible after construction is completed.**
- 5) The existing camp may remain on site until construction of the new building is completed but no occupancy permit can be received for the new seasonal structure until the existing building is completely removed.**
- 6) A handrail shall be constructed on the top of the concrete wall that will remain next to the existing patio. This handrail shall be constructed per the building code.**

Roland L. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – General Repair Business – Map 1, Lot 29 (196 Deering Ridge Road) – Robert Harding

Mr. Harding was present to review his application.

Roger A. stated that the Planning Board received a parking plan from Mr. Harding and there were 13 parking spaces depicted. Roger asked Mr. Harding how many of these parking spaces would be allotted for vehicles for sale? Mr. Harding stated two.

Roger A. stated that the board members noted there was a light on the front of the building, during the site visit. Roger told Mr. Harding that he needed to be certain this light pointed toward the ground as no light can extend beyond the property lines.

Madge B. stated that it was imperative that Mr. Harding not allow any customers to back out onto the paved road. Visibility was limited and this is a problem. Diane S. stated there should not be any parking allowed on the road as well. The other board members agreed with both.

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Roger A. reviewed the following ordinances:

- 105-17 - Land Uses. *A mechanical repair business is a permitted use in the General Purpose district with a Conditional Use Permit.***
- 105-20 – Applicability of standards; prohibited uses. *This application is a permitted use within the zoning ordinance and it will meet all state and federal law regulations prior to opening the business.***
- 105-21 – Traffic. *Traffic will have safe access with the condition no vehicles shall be allowed to park on or back onto Deering Ridge Road. The existing oak tree blocking the visibility to the south shall be removed. The existing mailbox shall be moved to a more northerly location so it does not block visibility of oncoming traffic from the south. The site distances are adequate from the north but do not meet the minimum of 280' from the south.***
- 105-22 – Noise. *This business shall not create excessive noise; most activity will take place inside the existing building during the permitted hours of operation.***
- 105-23 – Dust, fumes, vapors and gases. *All hazardous materials shall be stored in the proper containers. The Planning Board or CEO must receive a letter from the companies to be used to remove the hazardous waste prior to approval. Emissions created by this business will not go beyond the property lines.***
- 105-24 – Odors. *There shall be no odors emitted from this business beyond the property lines as all hazardous materials shall be stored in the proper containers.***
- 105-25 – Glare. *The lighting on the building shall be pointed toward the ground so it will not shine onto adjacent property.***
- 105-26 – Stormwater runoff. *This structure is already in existence. Changes being made to the parking area should not hinder the proper runoff of stormwater.***
- 105-27 – Erosion control. *This structure is already in existence and no changes are being made to the exterior of the building.***
- 105-28 – Setbacks and screening. *Any areas that will be used to store material outside must be screened with vegetation, otherwise no outside storage of materials shall be allowed. No junk vehicles shall be stored on site.***
- 105-30 – Water quality. *No hazardous waste shall be stored outside of the building. All hazardous materials on site shall be stored in the proper containment and removed from site by a licensed hazardous waste removal company. A letter must be received by the Planning Board or CEO prior to the business being allowed to operate.***
- 105-31 – Preservation of landscape; landscaping of parking and storage areas. *The surrounding landscape, which is trees and shrubs, shall not be disturbed beyond the parking area so there is an adequate buffer between the business and the lot lines.***
- 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 will be taken to the transfer station by the applicant. All hazardous waste shall be removed by a licensed hazardous waste removal company.***
- 105-43 – Off-street parking and loading. *The parking area is adequate for the number of employees and patrons of this business. No vehicles shall be allowed to back onto Deering Ridge Road. There shall be no parking allowed on Deering Ridge Road.***
- 105-46 – Sanitary provisions. *There is no septic system for this facility at this time.***

Roland L. asked Mr. Harding if he was going to have a water supply? Mr. Harding stated he wanted to put in a well in the future.

Roger A. asked if he would be putting in a septic system as well? Mr. Harding stated he wanted to.

105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

Roger A. asked if there were any additional questions at this time? 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. ***It will not per the plan presented that all work shall be performed inside the building and all hazardous waste placed in proper containers and removed from site by licensed waste companies.***
- 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. ***The Comprehensive Plan encourages small businesses.***
- 4) Traffic access to the site is safe. ***It will be once the oak tree is removed, the mailbox is moved to a more northerly location and no vehicles are allowed to back onto Deering Ridge Road or park along this road.***
- 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. ***All waste shall be placed in proper containers and removed from site from a licensed waste removal companies. Letters must be received from the company to be used to remove waste oil, antifreeze, and batteries from the site, prior to the business being approved to open.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***All waste shall be placed in proper containers and removed from site from a licensed waste removal companies. Letters must be received from the company to be used to remove waste oil, antifreeze, and batteries from the site, prior to the business being approved to open.***
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. ***There have been no changes to the existing site that would affect the flow of stormwater to the extent the water will leave the property lines.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There have been no changes to the site that would cause erosion. The area has adequate ground cover in existence.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is easy access to the fire hydrant near 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. ***There is existing vegetation surrounding the property which***

shall not be disturbed. The existing light on the building shall be pointed toward the ground so it does not glare onto the road or neighboring property.

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Madge B. asked about the new building on the property adjacent to the garage. She said it appeared to be too close to the roadway. CEO Steve M. showed the Planning Board the building permit which clearly states that the new building can be no closer to the road than the existing building (garage). Madge did not see how the board members could approve a business with a violation on the property. Roger A. agreed that this needed to be taken care of prior to any approval by the Planning Board.

Roger continued to review 105-73:

12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall once all the required conditions have been met. They are as follows:***

- 1) Letter required from a hazardous waste company that will be removing your waste from site, including oil, antifreeze, batteries, etc.
- 2) The existing oak tree that is blocking the view of traffic coming from the southerly side of Deering Ridge Road must be removed.
- 3) The existing mailbox that is blocking the view of traffic while exiting the property must be moved more northerly on the property so it does not block the view of oncoming traffic from the south.
- 4) The newly permitted shed must be moved back so it is no closer than the existing structure (garage) to Deering Ridge Road, as permitted by the Code Enforcement Officer in January 2007.
- 5) An area must be created so vehicles can turn around on the property. There is to be no vehicles allowed to back onto Deering Ridge Road or park on the roadside.
- 6) All junk vehicles will be removed from the site.

Roger A. stated that the board could not approve the Conditional Use Permit until the above criteria had been met. Roger stated that the members must therefore wait for a final motion until Mr. Harding brings in the information required to either CEO Steve M. or the Planning Board. At that time the board members can move on the application. Roger stated that Mr. Harding did not have to come back before the Planning Board once he completed the conditions list, the board could vote without him present if all conditions were met.

Nothing further was discussed.

Best Possible Location – Remove Existing Camp and Replace with a Garage – Map 31, Lot 5 (Cillie Road) – Roland Legere

Mr. Legere stepped down as a board member for the review of his application.

Planning Board members did a site inspection prior to the meeting this evening. At the site inspection Mr. Legere showed board members the pin locations where the new 28' x 28' garage was to be built. He also pointed out the trees he wished to have removed from the site. Several had notable damage to them and several others he believed would be damaged from the construction that would take place. Madge B. was not certain that all the trees Mr. Legere wanted to have removed were necessary.

Diane S. asked if the new building would be within 100 feet of the high water mark? Mr. Legere stated yes, and that he would meet the 30% expansion rule but could not meet the front and rear setback. Only the side setbacks would be met. Mr. Legere did note that the new building would be farther away from the high water mark than the existing.

Madge B. asked why the new building would be 28' x 28'? Mr. Legere stated it was because this is the most he could increase it in size. He added that the size was also determined by the most cost effective way to build and four foot increments are easier to build in. This size building would create a roof pitch that matches his existing home as well.

Madge B. asked Mr. Legere if he was going to have the same type of drainage system as he had around his home? Mr. Legere stated that he would be creating diversionary berms and plantings to prevent water runoff. Mr. Legere stated that he could add additional vegetation if the board members found his plan to be inadequate.

Diane S. asked if Mr. Legere was going to have water in the building? Mr. Legere stated not at this time. Diane asked if Mr. Legere was going to use the existing well in the future? Mr. Legere stated that he would most probably drive a new point in the future; he did not know the condition of the existing well on the property.

Mr. Legere stated he was going to have a daylight basement. He said that because of the existing slope this would be the best use of the foundation area.

Mr. Legere stated at this time he was not certain what type of flooring he was going to put in the garage. Mr. Legere stated he wanted a concrete floor but did not know if he was going with metal floor joist or a concrete slab system he was looking into that is usually used in commercial applications where floor joist and lolly columns would not be required. Roger A. stated any final decision would need to be brought to CEO Steve M. during the building permit process.

Diane S. asked where he would be bringing the debris created by the removal of the existing cottage? Mr. Legere stated that he was going to be bringing it to Simpsons. He was not certain if he would be getting a dumpster or just bring it in a dump truck to them. Either way all debris will be removed from the site and not taken to the transfer station.

Madge B. asked what would be done with the trees that would be removed? Will the stumps remain on site? Mr. Legere stated he would be cutting and splitting the wood himself and using it for firewood. Mr. Legere stated that he could keep the stumps that would be close to the road but the stumps near the garage he would like to remove.

Madge B. still was not certain that the number of trees to be removed was necessary. Mr. Legere stated that with respect to the trees within 10 feet of the new foundation, he felt the tree roots would be damaged during construction and eventually these trees might fall onto the new garage. Roger A. stated that he noted several of the trees Roland wanted to remove definitely showed signs of dying and he had no issue with them being taken down. Roger also did not have a problem removing the stumps from the trees closest to the roadway as the new garage would act as protection against erosion or water entering the lake as it was between these trees to be removed and the high water mark. Roger added that Mr. Legere was

going to create a berm and add vegetation between the roadway and the high water mark so this would also help the flow of water.

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Roger A. reviewed Zoning Ordinance 105-4.D "Nonconforming structures". Roger stated that the reconstruction plan met all the criteria.

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

Madge B. made the motion to approve the Best Possible Location for replacing the existing structure with a new structure per the plans received with the following conditions:

- 1) A licensed surveyor shall locate the footing location, prior to the building being constructed. This information shall be given to the Code Enforcement Officer.**
- 2) Best Management Practices shall be used during the project, including silt fencing.**
- 3) The new building shall not be any closer than 51' 8 1/4" from the high water mark per the approved plan, drafted at the Sanford Regional Vocational Center on 3/7/07.**
- 4) The area disturbed during construction shall be stabilized / revegetated as soon as possible after construction is completed, and per the Code Enforcement Officers recommendations.**

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

Nothing further was discussed.

Nick Richardson – Coming in to discuss a possible division of his property.

Mr. Richardson spoke to the Planning Board regarding property he owned, Tax Map 11, Lot 28F. Mr. Richardson wanted to know if he divided his lot, where he was part of an existing subdivision, would this division be considered a major or minor division? Mr. Richardson stated there were four lots part of this subdivision at this time. His division would create a fifth lot, which he believed normally would make this a major subdivision. Mr. Richardson stated that the original subdivision was a minor, done about 17 years ago, and he did not feel an internal road should have to be created just by adding one more lot.

Roger A. stated that the Planning Board could not state what criteria would be necessary for this division until they had at least a preliminary plan in front of them to review. All the board members agreed.

Mr. Richardson stated he understood and would get an application to the Planning Board.

Nothing further was discussed.

GROWTH PERMIT(S) – None available at this time.

The Planning Board meeting ended at 9:50 p.m.

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

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, April 10, 2007

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 Baker was a regular member this evening.

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

The minutes from Tuesday, March 27th were accepted as amended. The changes were as follows:

Page 1 of 13; Roger stated he paced it off to be only **225** feet in the southerly direction.

Page 5 of 13; **Mrs.** Moody spoke again.

Construct a Private Way – Map 1, Lot 43A (Emery Mills Rd.) – Guilford Berube

Mr. Berube was in attendance to review his application.

Mr. Berube provided the Planning Board with a copy of the Maine DOT Driveway/Entrance Permit, dated 4/3/07. In addition he provided a copy of the Road Maintenance Agreement he will establish and file with the York County Registry of Deeds, as required in the Zoning Ordinance under “Private Ways”.

Roland L. asked Mr. Berube if the detention pond next to the private way was on Mr. Berube’s property or the neighbors? Mr. Berube stated it was on the neighbor’s property and that the water has always accumulated in that area when the water table is high.

Roland L. told Mr. Berube that on the site inspection the sides of the private way were very soft and unstable under foot. Roland did not think a vehicle would fare well should it go next to the shoulder of the road. The other board members agreed.

CEO Steve M. asked if the engineered plan addressed this problem? Steve stated that if so, it did not sound like the road was built to the plan. Roger A. agreed. Roger asked Mr. Berube if the plan presented to the Planning Board was a new plan and was the existing road built to this plan because it did not appear the road was the same as what was engineered. If it was it would be stable.

Mr. Berube stated that the road was built to the engineered plan. Mr. Berube added that the road used to get washed out but he added a trench for the water to follow so it does not do this anymore.

Roger A. reviewed the engineered plan, along with Roland L. Roger noted that from 500’ out to 700’, the grade indicated was 15.5% to a grade of 13.7% and the maximum allowed is 8%.

Mr. Berube spoke of how the lot was able to be split originally without an engineered road plan? CEO Steve M. asked how long ago the lot was divided? Steve looked at an old town map and stated that the lot was a grandfathered lot of record. It was divided prior to the private way zoning requirement and possibly prior to zoning.

Roger A. read from the notes on the engineered plan which stated an erosion control blanket must be

installed along the drainage ways where the slope was greater than 3%. Roger stated that at the site inspection no blanket was noted. Roger asked Mr. Berube if there was a blanket there at this time along the drainage way? Mr. Berube stated no but that he could put one down. Roger stated that there must be one placed down per the plan and that because there is not one down, the road is not built to the plan. Roger stated that the road had to be built to the plan.

CEO Steve M. stated that there should be a letter provided by an engineer stating the road is built to the plan approved by the Planning Board.

Roger A. reviewed the road maintenance agreement provided and found it to be acceptable.

Roland L. asked if the road maintenance agreement should have the map and lot on it so when someone was reading it they would know which lot was being addressed and who was responsible. Mr. Berube noted that the names of the responsible parties were on the agreement. Roland stated that property owners could change, so shouldn't something more be added to the agreement? Madge B. believed it would be best to put the book and page of the deed on the agreement. CEO Steve M. agreed stating that although it would not be as convenient for the Planning Board to have book and page, it would be best for everyone as you can look up the book and page in the registry. Madge agreed and Roland stated that he felt it was important to do something additional.

Roger A. stated that as CEO Steve M. said earlier it is also very important that an engineer write a letter stating that the road was built to the engineered plan. Mr. Berube did not seem to understand. He said that he had an engineered plan that was stamped by an engineer and that is what the Planning Board required was an engineered plan. Mr. Berube stated that now the Planning Board was looking for something additional. Roger stated that the engineered plan shows what the road needs to be built to but it is not built to the plan at this time. Roger stated the blanket is not in the ditch way but the plan says it needs to have one. Roger read from the plan which states "the contractor will install all the equipment and material in accordance with the manufacturer's recommendations and the owner's requirement unless otherwise indicated". Roger said again, there are things that have not been done as stated on the plan.

Roger A. read other notes on the plan which did not appear to be addressed yet; therefore the road was not built to the engineered plan as presented.

Roger A. stated again that a letter must be received from a licensed engineer stating the road was actually built to the plan standards. The other board members agreed.

Roger A. stated that other than that, there is no reason not to approve the application for a Private Way.

Mr. Berube asked why the entire road must be engineered when the driveway for the new lot would be accessed from the lower end of the road not the upper end of the road? Roger A. didn't quite understand what Mr. Berube was asking. Roger stated the Planning Board was looking at the engineered plan before them, was there something different Mr. Berube wanted approved?

Roger A. stated that there needed to be road frontage for each lot being accessed. Therefore the private way must be long enough to accommodate all the lots involved. Roger asked Mr. Berube where the road frontage was for each lot on the plan? Mr. Berube stated it was the private way depicted on the plan. Roger stated this is why the road must be built to the plan. You cannot build only part of the road to the plan.

CEO Steve M. stated that if the Private Way is built to the specifications on the plan, then Mr. Berube will be able to get a building permit for the new house lot (Steve noted a Growth Permit was required as well).

Roland L. stated that the Planning Board could not approve a road that was not built to the engineered plan provided. The Planning Board can approve the engineered plan then it was up to Mr. Berube to have an engineer approve the road so he could get a building permit in the future.

Roger A. reiterated what had been discussed earlier that the book and page associated with each lot needed to be on the road maintenance agreement, prior to the agreement being recorded at YCRD. Mr. Berube stated that he understood. Roger added that the Planning Board wanted a copy of the agreement after it gets recorded, for the file. Mr. Berube stated he understood.

Madge B. made the motion to approve the engineered plans for the Private Way as presented, with the following conditions:

- 1) The Maintenance Agreement shall be recorded at York County Registry of Deeds and a copy given to the Planning Board for the file. Prior to this document being recorded the Book and Page of each lot accessing the Private Way shall be written on the maintenance agreement.**
- 2) No Growth Permit and/or Building Permit shall be issued for any vacant lots accessing this private way, until a letter from a licensed engineer, stating that the road was built to the specifications on the engineered plan presented, is received by the Code Enforcement Officer and the Planning Board for the file.**

Roland L. 2nd the motion. All members were in favor.

Nothing further was discussed.

Amendment to a Subdivision (Red Pine Estates) – Sketch Plan – Map 11, Lot 28F (Newfield Road) – Nick Richardson

Mr. Richardson was present for the review of his application.

Roger A. asked Mr. Richardson if he was only adding one more lot to this subdivision? Mr. Richardson stated yes. Mr. Richardson had a copy of one of the original subdivision proposals for what would become “Red Pine Estates”. Mr. Richardson showed the board members where he wanted to place a 200’ x 400’ lot along the Newfield Road.

Roger A. asked where the driveway was going to be placed? Mr. Richardson showed him on the original subdivision plan.

CEO Steve M. asked if there was a house on the parcel of land at this time? Mr. Richardson stated, no.

Roger A. thought that during the original review process there were only four lots approved because there was an issue with a lot of water in the area on the parent property? Mr. Richardson showed Roger where existing water was but stated most of the lot was dry. Mr. Pat Frasier was also present at the review and agreed with Mr. Richardson stating he had walked the property in the past as he was thinking of buying it at one time. Mr. Richardson showed that where the proposed lot would be was dry.

Roger A. stated that creating a fifth lot would make this application an amendment to a “major” subdivision. Mr. Richardson wanted to know what would be applied to this one lot from the subdivision ordinance? Roger stated that one thing that would need to be addressed was fire protection, such as a fire pond. Madge B. stated that all major subdivision criteria would need to be reviewed. But all the criteria may not apply for this one additional lot.

Mr. Richardson asked what he would need for the next review? Roger A. stated that an engineered plan showing this new lot would be required. Mr. Richardson asked if the Planning Board was going to require an internal road for the one lot? Roger A. stated probably not but any additional lots would require the internal road so Mr. Richardson needed to think about that while drawing up his plans for this lot to be certain there is enough room for a road right-of-way in the future if he plans on additional divisions.

Mr. Richardson asked what the next step would be? Roger A. stated that the board members would need an engineered plan. If received, Roger stated that a site inspection could be set up, and a Public Hearing held. Roger asked Mr. Richardson if he could have the plan ready for the next Planning Board meeting. Mr. Richardson stated he believed he could.

Roger A. stated a site inspection would be done on Tuesday, April 24th at 6:30 p.m. Members would meet at the town hall. A Public Hearing would be held at 7:00 p.m. that same night prior to the Planning Board meeting.

CEO Steve M. stated that it was very important Mr. Richardson have noted on the plan that any additional division of this property would require access through an internal road. The board members agreed.

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

Nothing further was discussed.

Construct a Private Way – Map 3, Lot 19A (Simon Ricker Rd) – Pat Frasier

Mr. Frasier was present to discuss his application.

Mr. Frasier presented the final engineered plan for a private way, with all required additions from the last meeting; 1) *a notation for Shapleigh Zoning Ordinance 105-60.1.C & G to be placed on the plan;* 2) *a road maintenance agreement was presented.*

There were no additional questions for Mr. Frasier. The Planning Board members signed the plan for a Private Way and the Road Maintenance Agreement.

Nothing further was discussed.

GROWTH PERMIT(S) – 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, April 24, 2007

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

Public Hearing Began at 7:15 p.m.

Amendment to a Subdivision – Preliminary Plan – Map 11, Lot 28F (Newfield Road) – Nick Richardson

Mr. Richardson was in attendance for the Public Hearing but did not have any plans with him to review with board members.

Prior to the Public Hearing was a site inspection. During the site inspection Mr. Richardson mentioned that he may break off one or two more lots instead of the one he spoke of at the first meeting. Mr. Richardson also spoke of putting a duplex on one of the lots along with a home for himself.

There were no citizens in attendance at the meeting.

Roger A. briefly discussed with Mr. Richardson some of the major subdivision requirements and it would depend on what he planned to do whether or not they would apply to his application. Roger told Mr. Richardson it would be in his best interest to acquire a subdivision ordinance so that he would be familiar with the requirements of subdivision, how to submit a plan, what should be on a plan, etc.

There were no questions at this time because there were no plans to review.

Nothing further was discussed.

The Public Hearing closed at 7:20 p.m.

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

The minutes from Tuesday, April 10th were accepted as read.

Amendment to a Subdivision – Preliminary Plan – Map 11, Lot 28F (Newfield Road) – Nick Richardson

Mr. Richardson was in attendance but had no information for the Planning Board to review.

Mr. Richardson's application will be tabled until he has a preliminary plan for members to review.

Mr. Richardson was told he needed to have plans in to the Planning Board at least seven days prior to the meeting he wished to attend.

GROWTH PERMIT(S) – The following Growth Permits were reviewed and accepted:

- 1) Richard **Ogden** – **Map 20, Lot 18** (Shapleigh Corner Road) – G.P. #13A-07
- 2) Cornelius **Stewart** – **Map 9, Lot 12B** (Town Farm Road) – G.P. #17A-07
- 3) Anthony & Melanie **Papa** – **Map 1, Lot 5** (Grant Road) – G.P. #26A-07
- 4) Joseph T. **Ridley** – **Map 6, Lot 30A** (Nason Road) – G.P. #27A-07

The following Growth Permits Expired:

- 1) John Mavrakos – Map 1, Lot 42 (Emery Mills Road) – G.P. #13-07
- 2) Warren Cummings – Map 25, Lot 12 (Sachem's Way) – G.P. #17-07
- 3/4) William Small – Map 10, Part of Lot 2-2 (Town Farm Road) – G. P. #26-07 & #27-07

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, May 8, 2007

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

Note: Diane Srebnick is now a regular member.

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

The minutes from Tuesday, April 24th were accepted as read.

Best Possible Location – Replace Camp & Expand – Lot Line Adjustment on Approved Application - Map 44, Lot 24 (Silver Lake Road) – Kevin Cash

Mr. Cash came before the board members to explain a change to his final plan approval.

Mr. Cash explained that he had been approved to build a 24' x 32' structure in January of this year. The conditions of the approval were as follows:

- 1) A licensed surveyor shall locate the footing location, prior to the building being constructed. This information shall be given to the Code Enforcement Officer.
- 2) Best Management Practices shall be used during the project, including silt fencing.
- 3) The new building shall not be any closer than 47' 5" from the high water mark, and the accumulated site lot line distance shall not be less than 25' per the approved plan.
- 4) The area disturbed during construction shall be stabilized / revegetated as soon as possible after construction is completed, and per the Code Enforcement Officers recommendations.

Mr. Cash stated that after he had the final survey done to locate the footing on the plan, the surveyor stated his property was not 50 feet in width along the entire length. This being the case, the new building could not meet the 25' accumulated side lot distance that was approved.

Mr. Cash stated that on the final surveyed plan, the building would be able to have an accumulated side lot distance of 23' 5". Mr. Cash added that he would like to move the new building even farther than the approved 47' 5" from the high water mark, to 50 feet, if that met with the board approval.

Planning Board members review the new Boundary Survey and Site Plan, dated 4/26/07, prepared by Michael Peverett, State of Maine Licensed Surveyor #2362. Board members did not have a problem with the new setbacks as the building would be farther from the high water mark than approved and it would still be farther from the side lot line than the original building.

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

Diane S. made the motion to approve the final site plan dated 4/26/07 with the following conditions:

- 1) **The new building shall not be any closer than 50 feet from the high water mark, and the accumulated site lot line distance shall not be less than 23 feet.**
- 2) **Conditions #2 and #4 from the original approval dated January 26, 2007, remain in effect.**

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

Nothing further was discussed.

Conditional Use Permit – Outdoor Flea Market – Map 7, Lot 3-2 (926 Shapleigh Corner Road) – Janet Dow (Applicant)

Ms. Dow was present to review the application, along with the owner of the property, James Correggio.

Ms. Dow stated that she would like to open an outdoor flea market on the weekends. Ms. Dow stated that the inside of the building was in need of repair so they would not be using that area, but she and Mr. Correggio want to open the flea market in order to make money to finish the necessary repairs to the building.

Madge B. asked if there would be any construction involved or a new building? Ms. Dow stated no.

Ms. Dow stated they would like to rent tables on one side of the building and park on the other side, along with using the back field for additional parking. Ms. Dow stated that patrons could use the rest room in the ATV club house. Ms. Dow said Mr. Correggio was still going to allow the ATV club to use their clubhouse for their meetings.

Madge B. asked if people would bring their own tables? Ms. Dow stated yes they could. Mr. Correggio said he would also have some tables available, and he would store them in the building at night and during the week.

Ms. Dow stated that she would also like to be able to sell steamed hot dogs outside, along with drinks and possibly small bags of potato chips. She said she would not be adding anything else to the menu like hamburgers. She said hotdogs were easy to store and cook. Ms. Dow stated they would have picnic tables near the ATV club for people to sit on while eating.

Roger A. asked what the hours of operation would be? Ms. Dow stated that to start she would be open one day on the weekend but then would like to be open both Saturday and Sunday if it was a success. The hours would probably be 9:00 am thru 4:00 pm. Ms. Dow said she did not want to be open late in the evening because she understood it would take time to close things up.

Roger A. reviewed Shapleigh's Zoning Ordinance 105-57.C "Garage sale businesses" which reads in part "All display tables shall be cleared and removed to a location not visible from the road at the end of each business day." Mr. Correggio stated he did not feel that would be a problem.

Roger A. asked if there would be a dumpster on site? Ms. Dow stated she would prefer barrels and she would take the trash to the transfer station several times a day if needed. Mr. Correggio stated that when you have a dumpster on site people use it for trash on other days of the week when you aren't around. He said he was having a problem with that now, with a dumpster still on site from the previous owner of the property.

Ms. Dow asked if it would be o.k. to put up a temporary sign stating there would be a flea market coming

to the site, prior to approval? The board members did not have a problem with that as long as she did not open her business until it was approved. Board members noted that she should speak with the CEO to make sure she acquired the necessary permit.

Roger A. asked if there were anymore questions? There were none.

Roger A. scheduled a Public Hearing for Tuesday, May 22nd at 7:00 p.m. Roger stated a Notice to Abutters would be mailed as well.

Nothing further was discussed.

(CEO, Steve M. noted later in the evening to the board members that there was a definition for a flea market in the ordinance as well as garage sale, so he was not sure you could apply the conditions for a garage sale to a flea market. They were two different businesses. Steve stated therefore he believed the Planning Board would have the authority to allow Ms. Dow to keep tables outside for one night. The condition could be to allow tables to be out on Saturday night only. Diane S. agreed that because there are two different definitions, both uses are not the same. Steve did also note that because there were no individual standards for a flea market at this time it does make it more difficult to regulate it specifically, outside of the usual conditions for a CUP.

Roger A. noted that in Zoning Ordinance 105-17 both flea markets and garage sales require a CUP. Roger believed flea markets and garage sales were similar in nature and therefore similar conditions and criteria should be used for their review.)

Best Possible Location – Install Full Foundation – Map 36, Lot 6 (104 Indian Village Road) – Jay Oswell

Mr. Oswell was present for the review of his application, along with the contractor he will be using for the project.

Mr. Oswell presented along with his application a copy of his Permit by Rule Notification Form, dated 8/28/06 by the DEP; a Well Setback Release Form, dated 6/1998; the Subsurface Wastewater Disposal System Application, dated 5/22/98 by John Large SE #7; and the Replacement System Variance Request, dated 6/9/98, by Shapleigh CEO, Paul Demers.

Mr. Oswell stated that he wanted to put in a full foundation under the existing structure. He said because of the septic system location the building could not be moved any farther back from the high water mark. Mr. Oswell stated the septic system was a chamber system but he could not place the building over it. Board members agreed that you cannot build over the septic system.

Mr. Oswell stated approximately four trees would need to be removed. One because it was dead, one was ant infested, and two because of the construction. He was willing to replant as necessary.

Roger A. asked how much higher the building would be after the new foundation was put in place. Mr. Oswell stated that he did not believe it would be raised more than one foot about the existing elevation. Board members noted to Mr. Oswell that the building could not be raised more than three feet from the existing elevation. Mr. Oswell stated he understood and again did not believe this would be the case. Mr. Oswell stated that the board members would better understand when they did a site visit.

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

Roger A. scheduled a site inspection for Tuesday, May 22nd at 6:15 p.m. (Members will meet at the Town Hall at 6:00 p.m.) A Notice to Abutters would be mailed as well.

Nothing further was discussed.

Election of Officers

Diane S. nominated **Roger A. for Planning Board Chairman**. Lauren M. 2nd the motion. All members were in favor. (Roger A. abstained from voting on this position due to his nomination; Madge B. was appointed a regular member and voted in his place.)

Diane S. nominated **Lauren M. for Planning Board Vice Chairman**. Roland L. 2nd the motion. All members were in favor.

Diane S. nominated **Barbara G. for Planning Board Secretary**. Roger A. 2nd the motion. All members were in favor.

GROWTH PERMIT(S) – The following Growth Permits were reviewed and accepted:

- 1) Paul, Alan, Judith & Stephen **Freehan – Map 11, Lot 26A** (Seagull Lane) – G.P. 29A-07
- 2) **Isaiah Knox – Map 5, Part of Lot 31A** (Coley Trafton Road) – G.P. #8A-07

The following Growth Permits Expired:

- 1) Edward Baker – Map 3, Lot 43 (Hooper Road) – G.P. #08-07
- 2) Michael & Kathy Travis – Map 8, Lot 65A-1 (Ross Corner Road) – G.P. #29-07

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, May 22, 2007

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

Note: Madge Baker sat in as a regular member this evening.

Public Hearing Began at 7:00 p.m.

Conditional Use Permit – Outdoor Flea Market – Map 7, Lot 3-2 (926 Shapleigh Corner Road) – Janet Dow (Applicant)

Ms. Dow was present for the Public Hearing.

Note: These minutes are not verbatim and not all conversation is written. Names of citizens are transcribed as best possible.

Ms. Dow began by stating that the property purchased was formerly Kelsey Lynn's restaurant and there was a lot of work that needed to be done to the inside of the building. She said she wanted to have a flea market outside, one day on the weekend, to see how it goes over. Ms. Dow stated that they were aware (her and Mr. Correggio the owner of the building) that Kettle Pond Condo's were behind this property and she wanted feedback from the property owners as to what their concerns might be.

Mike Doughty, Resident of Kettle Pond Condo's – One concern we have is that it becomes a carnival atmosphere.

Ms. Dow - Ms. Dow said she understood and she didn't want that. She said if there were certain things that they felt would bother them, then perhaps those things will not take place.

Nancy Coughlin, Resident of Kettle Pond Condo's - What kind of vendors will be present, what is the source of these vendors? Have you already looked into what type of flea market you will be having? Another concern is the traffic flow. Have there been any studies of the traffic flow? Looking at the proposed plan, it looked like there would be a lot of parking on grassy areas. This is another concern with respect to the environmental impact being so close to Kettle Pond Condo's.

Ms. Dow - Ms. Dow said that a majority of the vendors that had called her with interest are people that are from the Shapleigh area. Basically those people told Ms. Dow that they now have to travel quite a distance and will be glad to see something closer to home. They also told Ms. Dow that they would like to be repeat tables.

Nancy Coughlin – Has the board looked into any traffic studies or environmental impact?

Roger A., P.B. Chairman – The traffic study and environmental impact was done when the original CUP was approved, there has been none done since then.

Nancy Coughlin – In the original building what was the capacity? Was there a limit for what it would hold? There seems there will be a much larger population of people on site with a flea market.

Steve M., CEO – There wouldn't have been a capacity calculated like you would see in a hall, but there would have been limitations on the amount of patrons allowed.

Gail Beaudoin, Resident of Kettle Pond Condo's – This is how I enter into Kettle Pond, using one of the entrances. Also, people went into the restaurant and parking was outside. Now there will be vendors outside taking up some of the parking space. I also think there will be more cars coming and going. Speaking to Ms. Dow, Gail asked if the amount of vendors would be limited.

Ms. Dow – Yes, absolutely.

Gail Beaudoin – Will the town limit the amount of vendors?

Roger A. – We will ask the applicant how many vendors they wish to have and then from there we evaluate whether or not we believe this is a good amount. If not, then the board makes a decision on how many would be allowed.

Gail Beaudoin – Speaking to Ms. Dow, she asked if vendors were going to be allowed to keep their tables up, until the next week?

Ms. Dow – Everything will be cleaned up and removed at the end of the day. The area will look as it did the day before with nothing in the parking lot.

Gail Beaudoin – I enter this driveway to go to Kettle Pond, and I also exit that way. That is my number one concern that it will become a problem to do so.

Ms. Dow – That is a concern of ours as well. There will be someone at the entryway during the entire time of the flea market. There will also be certain sections roped off. There can be signs put up as well, if this is what everyone would like.

Francois Padovani, Resident of Kettle Pond Condo's – Mr. Padovani was concerned with the increased traffic and the liability with respect to people walking down to the pond. Mr. Padovani did not want to be liable for anyone getting hurt on site and also he was concerned with the fact that there is no police force in Shapleigh should there be an issue.

Ms. Dow – Everything is going to be roped off.

Francois Padovani – Speaking to Ms. Dow, if it is roped off how do you prevent someone from climbing over the rope? You cannot rope everything off, and there needs to be an opening for cars. So how do you control this? There will be an opening for people to wander around the association land.

Roger A. – Roger stated that the board members had a similar concern. He stated a site inspection was conducted prior to the meeting and the board wanted to be sure that the residents of the condos have access at all times without hindrance.

Nancy Coughlin – This is a private road that the residents maintain. There is lots of concern with no police force to make sure that no one wanders down the road out of curiosity. She also stated that there were a lot of children that can safely ride bikes currently and they want to be sure that continues.

Mary Murphy, Resident of Kettle Pond Condo's – What can the residents do to make sure this doesn't happen?

Roger A. – If the applicant complies with all the provisions of the ordinance we cannot deny the permit per State law. But they do have to comply with all the provisions. If we find there are issues that need to be addressed we will put a condition that it needs to be addressed. Once we review this at our regular meeting we will review all the standards applicable.

If there are trespassers onto Kettle Pond property that is going to be a personal matter and that must be handled with the Sheriff's department. We cannot dictate what might happen, if someone will trespass on your property. We can limit the chances of it happening but there is no guarantee. I don't think anyone can. But if there are trespassers, then the owners will need to call the Sheriff and have him respond.

Mike Doughty – This scenario is completely different from having the restaurant. Now there will be people milling around outside. People going into a restaurant just go inside then go back to their cars.

Mike Doughty – How many tables will be on site?

Ms. Dow – I think at this point I cannot give an exact answer because I haven't measured the area yet. I believe it may be 30 but again the area needs to be measured.

Mike Doughty – Can you put the tables on the other side of the restaurant and park on the side closest to the entrance of Kettle Pond?

Ms. Dow – I could if it is that big of an issue. I am not here to upset anyone.

Mike Doughty – Our concern is this will be very close to the homes on site; families want to have peace and quiet on the weekends. Maybe moving the tables to the other side of the building would reduce the noise coming toward the Condo's.

Ms. Dow – If this flea market were to get out of hand, I would close it down. Also, the music if it is an issue, it can be nixed. She stated she was trying to make it a family day having music and things for children to do. But she said she didn't want things to get out of hand either.

Ms. Dow was asked what there were for bathrooms. She stated there were two located in the ATV clubhouse that would be open to the public.

Roger Roy, Affiliated with the ATV Club – He stated that he supported what Ms. Dow was proposing to do. He said that he understood the expenses incurred by the applicants to purchase the property and so bringing in some money this way until they can utilize the building was a good idea in his opinion. Mr. Roy stated that members of this club would help Ms. Dow make certain people attending the flea market did not go onto the private property of the Kettle Pond residents. He stated that the ATV club members never

wander down the Kettle Pond road and that Kettle Pond residents never complain about the ATV members. Mr. Roy felt that if you have the same people helping with the flea market they will come to know who belongs on the Kettle Pond private way and who does not.

David Mount, Resident of Cilia Road – Mr. Mount stated he and his wife had submitted a letter to the Planning Board voicing their concerns. (In the letter, dated May 22, 2007, Katherine and David Mount noted concerns with #1 – The likelihood of a noise problem.; #2 – The large amount of trash that will be generated by the flea market.; #3 – If using live animals for pony rides, does this require additional permitting?; #4 – Where will the tables be during the week when the flea market isn't opened?; and #5 – What will be done about overflow parking?)

David Mount – Mr. Mount stated that he was worried about an uncertain outcome. He stated he enjoyed the quietness of the area and was worried what kind of noise this would generate. Mr. Mount also posed his concern with the additional traffic the flea market would generate.

Jack Munro, Resident of Kettle Pond Condo's – Mr. Munroe was concerned with the parking, that there would be a need for a lot of area for parking and also he was concerned with the possibility of people parking along Route 11.

Roger A. – Roger stated that Route 11 would be off limits to parking. Roger stated that this was a concern of the Planning Board as well and that no parking would be allowed at any time on Route 11. All parking had to be onsite.

Dereck Cate, Resident of Kettle Pond Condo's – Mr. Cate stated that he lived in Boston and came up every weekend to his condo as it was a sanctuary. "It is a very peaceful place. I also don't want to have to drive through a carnival atmosphere. I am very concerned with the noise level. Many of the condos are less than three hundred feet from where this will take place. The pine trees that exist between the flea market and the condos won't cut down on the noise. Even if there isn't any music, just general noise will be heard." Mr. Cate stated that at this time all you hear is wind and birds. Mr. Cate said he didn't want this to turn out noisy like Boston. Mr. Cate stated that he was also concerned with the trash. He did not want to see any left on site. Would there be a cleanup crew?

Ms. Dow - Ms. Dow stated she would have barrels on site and they would be changed several times a day. The trash would be brought to the dump before the dump closes. Nothing would be left outside after hours. Ms. Dow added that she would like this space to be used for things like the girl scouts to raise money, boy scouts, etc. in addition to the regular flea market tables. She said she did not know at this time what the building would be used for in the future. She said there is no electric or plumbing inside the building and the flea market profits would be used to update the building.

Ms. Dow - Ms. Dow stated that traffic was also a concern of hers and she would do anything necessary to make certain the area was safe and traffic did not go into the Kettle Pond Condo area. Ms. Dow stated that parking would be limited so if the parking lot was full, people would have to return at a later time.

Dereck Cate – Mr. Cate was worried someone would try to use the Kettle Pond Condo overflow parking area. Mr. Cate stated this parking area looks like it is a public area because it is large. He also mentioned the docks; they were large and perhaps if people saw them they might think there was public use at them, even though it is private.

Ms. Dow – Ms. Dow stated that she intended to control the flea market and parking. She stated that she wanted to have people there that were repeat tables of local people.

Mr. Roy – He wanted to make the Kettle Pond residents aware that he and Ms. Dow had been cleaning up the area, including trails that were on the Kettle Pond Condo property. He stated that there was a lot of trash on the association property and that he and Ms. Dow found trash that belonged to residents of Kettle Pond Condo's. Mr. Roy stated the ATV club members cleaned up the entire area, not just Ms. Dow's property.

Kettle Pond Residents did not believe Mr. Roy statement that there was trash generated from any residents that were there at this time. Mr. Roy stated that he did not know if these people lived there now, just that there were Kettle Pond Condo's addresses on the papers. Mr. Roy stated that this was not the point he was trying to make, it was that Ms. Dow and himself wanted to make sure the area was clean and neat and that Ms. Dow wanted to help locals in the town as well as the ATV club.

Roger A. asked Mr. Roy what impact the flea market would have on the ATV club? Where would members park?

Mr. Roy – He stated that he had a calendar and that there would be no functions in the ATV club when the flea market was operating. Any fund raisers for the ATV club in which they needed the clubhouse would be done on off weekends. In addition, Mr. Roy stated the ATV club members would park in the Boonies parking lot across the street when the flea market was operating.

Francois Padovani – Mr. Padovani wanted to know what the frequency would be of the flea market? What time would it be operating?

Ms. Dow – At this time the flea market would be operating every other Sunday from 8:00 a.m. thru 3:00 p.m. Ms. Dow stated she would like to have her first day June 10th. But if this does not get approved this evening it would be toward the end of June going thru the beginning of October.

A question was asked when she would open next year? Ms. Dow stated she would like to open the end of May, probably Memorial Day weekend and go through October. Ms. Dow stated that the vendors would probably be setting up at 7:00 a.m.

Roger A. – Roger stated that it was important Ms. Dow put down the hours she truly wants as she would be held to those hours of operation. The hours would be enforced thru the Code Enforcement Office.

Ms. Dow – Ms. Dow stated that she was flexible with the hours if there was an objection to the time frame she would talk about it.

Roland L. – Roland asked Ms. Dow about the 30 table spaces she mentioned at the Public Hearing. Roland asked what the size of a table would be?

Ms. Dow – She replied the average table was 8' x 3' in size.

Carol Legere, Cillie Road – Mrs. Legere stated that she was very concerned with the noise generated. She asked if there were going to be food vendors on site and picnic tables?

Ms. Dow - She replied that the only food served would be steamed hot dogs that she would be in charge of. There would be picnic tables on the grass so people could sit while eating, along with barrels for the trash.

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Carol Legere – Mrs. Legere asked if the flea market would operate if it rained?

Ms. Dow – Ms. Dow stated the rain date would be the following Saturday. Normally the flea market would operate every other Sunday but on the off weekend would be the Saturday rain date.

Roland L. – Roland stated that having visited flea markets, he noted that many vendors are commercial operations. He said they come in with a canopy, with sides and the amount of space on site does not seem it would be compatible with what the vendors will have. Roland felt that there would not be enough space for vendors to hang items, have the display table, etc. Roland also worried that 30 spaces would require at least 30 vehicles just for the vendors and that would limit the parking for patrons.

Steve M., CEO – The amount of parking required on site is regulated by the amount of retail space on site. Steve stated that the Planning Board would need to know how much space will be taken up by the vendor tables in order to dictate how many parking spaces would be required on site as a minimum. Steve stated that Ms. Dow would have to provide this information to the board because the required parking area would be dictated by the zoning ordinance.

Ms. Dow – She said that perhaps Boonies would allow some parking of the vendor's vehicles at their location. Ms. Dow stated that at this time, because she has not measured the area, she didn't know exactly what she had and if she would need more area. Ms. Dow stated that she would follow whatever the ordinance dictated.

Nancy Coughlin – Ms. Coughlin wanted to know if there were counterfeit items sold on site, who was responsible for this? Was this a State issue? Ms. Coughlin asked since there are no local officers if the Sheriff would come to the site to enforce it?

Ms. Dow – Ms. Dow stated she would screen vendors as best she could. She stated again most of the vendors were not going to be big commercial vendors but local citizens. She thought there would be a lot of crafts sold. Ms. Dow stated that if items looked suspicious she would not have them as repeat vendors.

Nancy Coughlin – Ms. Coughlin asked if the revenue generated was monitored by the town or if it brought any revenue to the town?

Roger A. – Roger stated that no, the town did not issue any licenses for business. Roger stated that the only revenue collected by the town was the resident's real estate tax.

Mr. Roy – Mr. Roy asked if during Pride Day for the town, held at the Commons, there was a limitation to the number of vendors or the size of the area the vendors used? Mr. Roy stated that he has held a spot on site for the past three years and it is an area about 10' x 10' in size.

Roger A. stated that there was no Conditional Use Permit for this activity.

Ms. Dow – Ms. Dow stated she did not want any tents on site as their poles would ruin the pavement. Ms. Dow stated there would be a rain date so there was no need for a tent in her opinion.

Dereck Cate – Mr. Cate stated again he would like to see more details written down so in the future should something change, citizens could determine if the change had been approved or not.

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Ms. Dow – Ms. Dow stated that after this evenings meeting she understood that she needed to bring in more information.

Roger A. – Roger stated that any permit that was granted had stipulations / conditions attached to it upon approval. Roger said that any changes to those conditions would need to come back before the Planning Board as an amendment to get approval. Roger stated that even changing her hours of operation would need to come back before the board for approval prior to any change taking place. Roger added that there would also be another Public Hearing held on those proposed amended changes when requested by the applicant.

Jackie Munro – Mrs. Munro asked for more information about the music mentioned in the application. Would there be bands on site?

Ms. Dow – Ms. Dow stated that originally she thought she would make it a family day and have some country bands once in awhile on site. Ms. Dow stated that if music would be a problem she would not have it. Ms. Dow could see how this could bother residents of Kettle Pond Condo's.

A Kettle Pond resident asked if the conditions of the approval would be made public?

Roger A. – Roger stated that yes they would. Roger said that at this time this is the public hearing. During the regular meeting board members would go through the ordinance and at that time specific items would be reviewed to see what does and does not apply to this application. Also, at that time conditions may be attached. Roger also stated that if the board feels it needs more information prior to approval it will ask the applicant during this part of the review process. Depending on the type of information needed, the board may or may not approve the application this evening.

A Kettle Pond resident asked that since there was no firm business plan at this time, would this application be voted on at this time or would more information be required? The citizen felt there was not enough information at this time for the Planning Board to make a decision.

Roger A. – Roger explained once again the board would review the ordinance during the regular meeting and at that time determine if more information was needed. Roger stated Ms. Dow did have a business plan, which is the application stating what her intentions are.

A Kettle Pond resident asked if the plan was revised would another notice be sent to nearby residents?

Roger A. – Roger stated a letter of approval, stating findings of fact, would be created and placed on file. Roger also noted that the Conditional Use Permit runs with the property, so no matter who owned the property the approval went with the property.

Francois Padovani – Mr. Padovani stated that he never received notification by mail of the meeting.

Barbara G., Land Use Secretary – Barbara asked Mr. Padovani if he was the gentlemen that emailed her stating he did not receive his letter? Mr. Padovani stated yes. Barbara stated that she had told Mr.

Padovani what address his letter was mailed to and he stated this was the correct address. Mr. Padovani agreed.

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Steven M., CEO – Steven asked who the lead contact was for Kettle Pond Condo's? They replied that John Shirley was the President of Kettle Pond Association.

Francois Padovani – Mr. Padovani was very concerned with the issue of liability. He stated that someone could walk down to the boat dock and there could be an accident on site. Mr. Padovani asked if there needed to be a change in insurance for the Kettle Pond Condo Association residents?

Madge B., Board Member – The State of Maine has a law that protects landowners from liability on their property. Madge stated it was because of the tradition that private land owners have opened their land to the public. Madge state it was very important protection because if we didn't have it most of northern Maine would not be open to the public. Madge stated she could not guarantee someone would not sue you, but you would not be held liable. Madge stated that it was a longstanding State law that has always held up.

A Kettle Pond resident asked what would happen if vendors decided to stay longer than allowed?

Roger A. – Roger stated that Ms. Dow would need to call the Sheriff's department. Roger added that if Ms. Dow allowed this to happen then she would be exceeding her hours of operation, the Town would have to take enforcement on this. Roger stated that a Conditional Use Permit can be rescinded if conditions approved on the CUP are not followed or corrected.

Francois Padovani – Is there going to be a time of day that the place will be back to how it was before the flea market opened?

Steve M., CEO – Steve stated that by State law reasonable work hours are from 7:00 a.m. to 10:00 p.m., six days a week. He said it applied to anything that was allowable.

Roger A. – Roger said the condition of what the allowed hours of operation would be would be stipulated and if these hours change the applicant would have to come back before the Planning Board.

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

The Public Hearing closed at 8:00 p.m.

Roger noted that this application would be taken up again during the regular meeting this evening. Roger told everyone who attended the Public Hearing that they were welcome to stay for that review.

Nothing further was discussed.

The Planning Board meeting started at 8:15 p.m.

The minutes from Tuesday, May 8th were accepted as read.

Best Possible Location – Install Full Foundation – Map 36, Lot 6 (104 Indian Village Road) – Jay Oswell - Mr. Oswell was present for the review of his application. A site inspection took place prior to this evenings meeting.

Roger A. began by stating that this application was being reviewed under Zoning Ordinance 105-4.D “Nonconforming structures”.

At the previous Planning Board meeting, Mr. Oswell presented along with the application a copy of his Permit by Rule Notification Form, dated 8/28/06 by the DEP; a Well Setback Release Form, dated 6/1998; the Subsurface Wastewater Disposal System Application, dated 5/22/98 by John Large SE #7; and the Replacement System Variance Request, dated 6/9/98, by Shapleigh CEO, Paul Demers. Mr. Oswell was before the board to put in a full foundation under the existing structure, keeping the structure in the same location. The structure would not be raised above the three feet allowed. Mr. Oswell added that he thought the building would not be raised more than a foot higher than what exists at this time.

Roger A. stated that during the site inspection he felt that after the tree removal and grading of the property, looking at the camp from the lakeside, the soils grade could be tilted toward the road instead of the lake to alleviate concerns with erosion of soil into the lake.

Roland L. stated that if gutters were put onto the camp much of the stormwater runoff could also be diverted toward the roadway. Roland stated that at his home he did this and it worked extremely well. Roland felt that this benefited everyone on the lake to minimize the runoff.

Lauren M. agreed with Roger and Roland.

Roland L. asked if an outside source was needed to be certain the land was graded toward the road.

Roger A. stated that the CEO could uphold the plan. Steve M., CEO could determine if the property was graded as approved when the project gets its final approval. Steve M. agreed but stated he would need a landscaping plan to follow as well.

Madge B. asked if the plan needed to be created with the help of York County Soils and Water Conservation Commission?

Mr. Oswell stated that he already contacted them and they gave him a copy of a document named “Paths and Walkways” which is provided to the board with his application. Mr. Oswell stated that he has not created an actual final landscaping plan however.

Steve M., CEO, stated that Mr. Oswell could create a revegetation plan and schedule. Steve stated that the board has never required documentation for the grade of land, but they could do so.

Lauren M. stated that Mr. Oswell could show where the high point would be on his property and where the water would go on a sketch plan. Mr. Oswell asked if she was referring to post construction? Lauren stated yes. Mr. Oswell stated that at this time he did not know.

Roland L. stated again that a gutter system on the home, directing the water from the back yard toward the roadway would work well. Roland stated the less water going toward the lake the better.

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Mr. Oswell asked about perimeter drains? Roland L. and Madge B. stated they work well.

Roger A. noted that per Zoning Ordinance 105-4.D(7)(c) a survey, done by a licensed surveyor, would be required to place the home on the property where it sits now so it can be determined after the new foundation is in that the building remained in its current location. Upon completion the surveyor must state that the home is in the location approved by the Planning Board.

The board members and the CEO continued to discuss ideas to prevent soil erosion once the project was completed with Mr. Oswell.

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

Madge B. made the motion to approve the Best Possible Location to install a new foundation under the existing home, keeping the home in its current location with the following conditions:

- 1) A Survey must be done showing the current location and height of the existing structure, prior to receiving a building permit. A copy of this survey must be given to the Code Enforcement Officer.**
- 2) A planting plan must be presented to the Code Enforcement Officer prior to receiving a building plan.**
- 3) Best Management Practices shall be used during the project, including silt fencing.**
- 4) The area shall be revegetated by June 30, 2008 unless the Code Enforcement Officer issues an extension.**
- 5) Gutters shall be placed on the home to direct water toward the roadway.**
- 6) The area shall be graded toward the roadway as best possible. The Code Enforcement Officer shall have final approval on the final grade.**

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

Mr. Oswell asked the board members who was responsible for making certain Best Management Practices were used. Steve M., CEO, stated that both the homeowner and the contractor were responsible.

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

Nothing further was discussed.

Conditional Use Permit – Outdoor Flea Market – Map 7, Lot 3-2 (926 Shapleigh Corner Road) – Janet Dow (Applicant)

Ms. Dow was present for the review of her application.

Note: The Planning Board received letters of concern from the following residents of Shapleigh:

Douglas & Cornelia Rotter; Janet Dooley; Elizabeth McDowell; Francois Padovani; Diane and David Santoro; David & Katherine Mount; and Ellen & William Stanton

Some of their concerns with this proposed business are as follows:

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- 1) Traffic Congestion on Rte 11 and Lack of Adequate Parking*
- 2) Parking on the Grassy Area Possibly Affecting Water Supply and Wildlife*
- 3) Trash / Possible Unsanitary Conditions*
- 4) Noise Level of the Flea Market with the Possibility of Live Music on Site*
- 5) Property Trespassing and Liability of Homeowners*

Roger A. began by asking Ms. Dow if she wanted to make any changes to her application?

Ms. Dow replied that she might change the time of operation in the morning to 9:00 a.m. so as not to disturb anyone. Madge B. replied stating that it should be earlier because people need time to setup their tables. Ms. Dow stated that perhaps 8:00 a.m. for setup. Roger A. stated that the hours of operation would be 9:00 a.m. to 3:00 p.m. with setup an hour before and cleanup an hour after. Ms. Dow stated yes.

Ms. Dow stated that she would like to keep the tables on the same side of the building as the ATV club. She felt it would be more advantageous if the automobiles were coming in and going out on the far side of the building. Ms. Dow stated also that the bathrooms would be closer to the vendor area. She felt she could keep more of an eye on the people attending because there would be people in the ATV building at all times helping out with the flea market. Ms. Dow stated she therefore wanted to leave the tables in her original location.

Barbara G. asked if she intended for the patrons to enter and exit by the Marina? Ms. Dow stated that she did not mind if the vehicles entered by the main entryway but she thought it best they exit by the Marina. This would make it less congested.

Ms. Dow stated she would not have music. Madge B. thought that was best.

Roland L. stated that no where in the earlier discussion was there mention of renting out the function hall though it was mentioned on the application. Roland wanted to know if Ms. Dow still planned on doing that? Ms. Dow stated that yes she would like to have it available for functions, such as a child's birthday party, wedding shower, etc. Barbara G. asked if it would be used the same day as the flea market? Ms. Dow replied, no, it would be available to rent at other times.

Madge B. stated that because it was a separate use the board must make certain it is factored in when imposing conditions.

Lauren M. stated that one of the conditions would be no parking along Route 11. Lauren stated she also had a concern with people parking at Boonies and walking to the flea market location. Lauren stated she did not feel it would be safe for anyone to walk along Route 11. She wanted all parking to remain on site.

Ms. Dow stated that she understood.

Madge B. asked how many parking spaces there were at this time? Ms. Dow stated that she did not know. She would have to measure the area.

Darren Rogers asked how this would be enforced? Roger A. stated that it was easy to enforce. If the

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applicant did not comply with the conditions on the approved CUP the approved permit would be rescinded. She would no longer be able to hold the flea market. Ms. Dow would be informed she was in violation of her approval and if she did not comply she would not be able to continue.

Madge B., talking about the number of tables and automobiles allowed on site, stated one of the advantages about limiting the number would give the Planning Board a mechanism, if the flea market got too big, to require the applicant to come back before the board so the plan could be modified. Madge noted that there was concern of this becoming very successful and sprawling out. Also Madge felt it was essential to see how much parking would be required for the number of tables and if there is enough area.

Steve M., CEO stated that there needed to be a plan submitted showing the number of tables and the area the board will require, and how many parking spaces there will be on site. Madge agreed. The size is needed. Lauren M. stated that the grass parking area needed to be included as well.

Madge B. stated that there should be some signs showing which way to the flea market and 'no entrance', 'private way' for the KPC. Roland L. stated there was talk about limiting entry and exit points. Board members would prefer all automobiles for the flea market to enter and exit on the right hand side of the building (boat storage / marina side).

Members discussed the location of the fire hydrant on site. It was noted there would be access to it as it can be accessed from the Kettle Pond roadway which will remain open at all times.

Lauren M. asked if the pony rides were still an option? Ms. Dow stated she would like to have them a few times, such as opening day. Madge B. suggested it might be best to contact the local Alpaca farm and have them display their animals on site. She said it would make it more of a community day and the Alpacas are very good around children and adults alike. The board members gave Ms. Dow the name of the owners of the Alpaca farm on Route 11. Madge added that the local 4H club had shown them in the past, perhaps they could be involved again as well.

Lauren M. asked again what days of the week the flea market would be open. Ms. Dow stated every other Sunday and the off Saturday will be the rain date.

Steve M., CEO, stated it was important to make it a condition that there will be no simultaneous functions going on because of the limited parking. Board members agreed.

Roger A. reviewed the following ordinances:

- 105-17 - Land Uses. *A flea market is a permitted use. At this time the CUP for the main building has expired (non-use of the approved permits greater than one year) but the ATV club is a viable use for that building at this time (approved and continuing use).***
- 105-19 – Notes to table on dimensional requirements. *The building meets the required road frontage and meets the required setbacks as approved on the original CUP for the buildings on site.***

- 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. ***The site distances are well in excess of the minimum required which is 315'. The parking plan will need to be reviewed for this new use prior to approval. The number of vendors will need to be limited to the number of parking spaces available on site.***

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Roland L. was concerned with the potential for problems on Route 11 due to people looking at the flea market while driving by.

- 105-22 – Noise. ***This business shall not create excessive noise; hours of operation shall be limited and there will be no outdoor bands playing.***

Roger reviewed the noise decibel allowed between the hours of 7:00 a.m. and 10:00 p.m. He did not believe this would be exceeded.

- 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 proposed as the flea market will only take place during daylight hours.***
- 105-26 – Stormwater runoff. ***There are no changes being made to the parking area to affect stormwater runoff.***
- 105-27 – Erosion control. ***There is no change being made to the parking area or land that would create an erosion problem.***
- 105-28 – Setbacks and screening. ***Setbacks and screening are in existence..***
- 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. All trash will be removed from the site the day of the flea market.***

Roger A. asked Ms. Dow what would happen with the trash if the transfer station were closed? Ms. Dow stated it would be stored inside the existing building until the transfer station was opened again.

Roland L. was concerned with the amount of refuse to be created by the flea market. Also what would happen with things vendors left behind? Ms. Dow stated that anything left behind she would get rid of.

Steve M., CEO, asked Roland L. what he would like to see happen to the trash? Roland stated that if the trash became a problem he would like to have a dumpster on site. Roger agreed. Lauren M. and Madge B. disagreed stating a dumpster would be fair game for anyone to use and also there was usually an odor emitted from them. Barbara G. agreed with Madge and Lauren. Ms. Dow stated she had problems when there was a dumpster on site with people using it when the dump was closed. Roland L. thought if it was behind the building and locked it wouldn't be a problem. Lauren and Barbara stated then people would just leave their trash beside the dumpster. Everyone attending the flea market would know the location of the dumpster.

- 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 buildings fit in well with the surrounding area.*
- 105-33 – Refuse disposal. *The applicant has stated no refuse will remain on site in the parking area. Any refuse not taken to the dump will be stored inside the building until the transfer station is open.*

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- 105-34 - Access control on Routes 109 and 11. *Access onto Route 11 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 will be discussed when the board members have more information from the applicant.*
- 105-46 – Sanitary provisions. *There is a new septic system on site approved for the ATV club it is on file in the CEO's office.*
- 105-47 – Signs and billboards. *There is an approved sign on site at this time. Any additional signage must go thru the Code Enforcement Office.*

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

Roger stated that the final review of this application would be on Wednesday, June 13th at 7:30 p.m. Roger stated the board members would need the number of tables for vendors that will be on site and the size of the existing parking area.

Nothing further was discussed.

Best Possible Location – Replace Existing Concrete Patio and Walls Around Patio – Map 39, Lot 57 (52 Swan Circle) – Darren Rogers, Applicant; Susan Condon, Owner

Darren Rogers was present to review the application.

Mr. Rogers stated he would be the contractor replacing the existing patio on Ms. Condon's property that was breaking up and going into the water. Mr. Rogers said he needed to do more than just pour a concrete slab on top of the existing structure as this would make the patio higher than the existing abutting basement floor. Mr. Rogers stated the existing patio would need to be removed and replaced with either poured concrete or pavers. Mr. Rogers stated he would prefer concrete but he was not certain what the owner of the property would like to do. Mr. Rogers thought pavers might move over time if they were used.

Roland L. asked what the size of the patio was, how many square feet? Mr. Rogers stated approximately 240 sq. ft.

Mr. Rogers stated there was a concrete wall that was on the side of the existing patio that may need to be replaced as well. If so, it would be the same size as the existing wall and concrete locking blocks would be used.

Roger A. asked if there was going to be a change to the grade of the property? Mr. Rogers stated no, the grade / level would remain the same.

Mr. Rogers stated that he would put up a silt fence as soon as the project began and it would remain in place until the project was completed.

Steve M., CEO, told Mr. Rogers he would need to obtain a DEP Permit by Rule Notification Form and mail it to the DEP as soon as possible. He explained to Mr. Rogers that it was a 14 day process from the time he mailed it in. Steve gave Mr. Rogers the contact telephone number to obtain the form.

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

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Roger A. scheduled a site inspection for Wednesday, June 13th at 6:30 p.m. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

Best Possible Location – Replace Existing Concrete Patio and Walls – Map 41, Lot 5 (312 Pine Springs Road) – Darren Rogers, Applicant; Vince Gillis, Owner

Mr. Rogers was present to review the application.

Mr. Rogers stated that the owner had a concrete patio approximately 27’ from the lake that needed to be replaced, along with an adjacent wall. Mr. Rogers stated the replacement would be identical to what was in existence at this time. The area is 17’ x 26’ and there is a 7’ x 9’ jog that comes out on one side of the patio. The existing fire pit would be removed as well. Mr. Rogers stated there was also one wall that would probably need to be replaced and landscape blocks would be used for the new steps. There would be filter fabric behind the new wall and steps for drainage purposes.

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

Roger A. scheduled a site inspection of the property to begin after the inspection for Susan Condon. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

GROWTH PERMIT(S) – There are no Growth Permits available at this time.

The Planning Board meeting ended at 9:35 p.m.

Respectively submitted,
Barbara Gilbride
Land Use Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Wednesday, June 13, 2007

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

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

The minutes from Tuesday, May 22nd were accepted as read.

Note: These minutes are not verbatim and not all conversation is written. Names of citizens are transcribed as best possible.

Conditional Use Permit – General Repair Business – Map 1, Lot 29 (196 Deering Ridge Road) – Robert Harding

Mr. Harding was present for the final review of his application.

Roger A. began by stating that Mr. Harding had received a list of items that needed to be completed prior to the Planning Board making their final decision on his application to open a mechanical repair business. The items were as follows:

- 1) Letter required from a hazardous waste company that will be removing your waste from site, including oil, antifreeze, batteries, etc.
- 2) The existing oak tree that is blocking the view of traffic coming from the southerly side of Deering Ridge Road must be removed.
- 3) The existing mailbox that is blocking the view of traffic while exiting the property must be moved more northerly on the property so it does not block the view of oncoming traffic from the south.
- 4) The newly permitted shed must be moved back so it is no closer than the existing structure (garage) to Deering Ridge Road, as permitted by the Code Enforcement Officer in January 2007.
- 5) An area must be created so vehicles can turn around on the property. There is to be no vehicles allowed to back onto Deering Ridge Road or park on the roadside.
- 6) All junk vehicles will be removed from the site.

Roger A. stated that he drove by the sight and did note that the oak tree had been removed, the mailbox had been moved, and the shed was moved back in accordance with his building permit. Roger added that Mr. Harding also had a letter from CleanHarbors Environmental Services, Inc. which stated they would remove the oil and antifreeze from his property. Roger stated that it looked like Mr. Hardy had met all the imposed conditions.

Mr. Hardy stated that he had removed the junk vehicles from his property.

Diane S. stated that it was very important no one backed out onto Deering Ridge Road.

Roger A. asked if there were any additional questions at this time for Mr. Hardy? None were presented.

Roger A. stated that all other criteria was reviewed at the previous meeting on this project except for Shapleigh Zoning Ordinance 105-73.G “Standards applicable to conditional uses”. Roger then reviewed this ordinance.

- 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 building, all work shall be done in the existing building, and the surrounding trees and shrubs that border the lot lines will remain in place.***
- 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 small businesses.***
- 4) Traffic access to the site is safe. ***It is, with the condition that no traffic shall back out onto Deering Ridge Road or park on Deering Ridge Road. There shall be a place for all vehicles to turn around on site at all times.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, there is an approved building on site and it is not in a flood zone.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***There is currently no septic system on site and all solid waste that is not considered hazardous shall be removed by the applicant. No waste shall be stored outside of the existing building(s).***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***Hazardous waste shall be stored in the proper containment and removed from the site by CleanHarbors Environmental Services, Inc. Should this change the applicant must go to the Code Enforcement Officer to tell him what new company will be used. A copy of the documentation will be placed in the Planning Board file.***
- 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 site to affect stormwater runoff. There are no changes being made to the exterior of the building and the parking area is surrounded by vegetation which will keep the water on site.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There are no changes being made to the site to affect soil erosion. There are no changes being made to the exterior of the building and the parking area is surrounded by vegetation which will keep the water on site.***
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. ***There is, a fire hydrant is located near the site.***
- 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. ***All work will be done inside the existing building, there will be no odor going beyond the lot lines, the exterior light on the building will point downward, and the existing vegetation along the lot lines will remain in place to act as a buffer.***
- 12) All performance standards in this chapter applicable to the proposed use will be met. ***They shall with all the imposed conditions.***

Roger A. stated this business was for the repair of small engines as well as larger vehicles. He noted the following conditions would need to be met by the applicant:

- 1) The hours of operation not to exceed 7:30 a.m. thru 6:00 p.m., Monday thru Saturday.
- 2) There shall be no more than 13 vehicles allowed on site, including two vehicles for sale.
- 3) No more than two vehicles shall be for sale on site at any one time.
- 4) There shall be an area to turn around on site, and at no time shall a vehicle be allowed to back onto Deering Ridge Road or park on Deering Ridge Road.
- 5) There shall be no junk cars / unregistered vehicles allowed on site.

Roger A. asked if there were anymore questions or comments from board members or the audience?

Mr. Earl Murray asked where the 13 parking spaces were located? Roger A. replied that if you were facing the garage from the road they would be on the right hand side.

Mr. Murray asked if there would be no junk cars on site? Roger A. replied, right. Mr. Murray asked, "What if there is"? Roger defined junk cars as not registered vehicles and if there were any more than two on site there would have to be enforcement action taken on it through the Code Enforcement Office.

Mr. Murray stated he owned the property diagonally across from Mr. Hardy's business. Mr. Murray asked that a fence be put up so he would not see the cars.

Mr. Murray asked also about the hours of operation, if there would be no work after 6:00 p.m. and if the neighbors would be able to hear the noise. Roger stated that it would be possible to hear some noise during operating hours depending on what was being done for mechanical work but all work should stop at 6:00 p.m.

Mr. Murray asked if there could only be two vehicles for sale at one time. Roger A. stated yes, that is what Mr. Hardy requested. Mr. Murray wanted to know if the vehicles would be new or old vehicles? Roger stated they would be used vehicles.

A citizen pointed out that he was closer to Mr. Hardy's property than Mr. Murray and he could not see the building or the vehicles because of the existing vegetation.

Mr. Murray asked about the vehicles he saw on the opposite side of the road from Mr. Hardy's property, he wanted to know if they belonged to Mr. Hardy. Mr. Hardy stated they were not his vehicles and it was not his property. He had no idea. The gentlemen who owned the vehicles spoke up saying they were his and they had nothing to do with Mr. Hardy.

Roger A. speaking to Mr. Murray wanted to know where his property was located and where he was suggesting a fence be placed? Mr. Murray stated he was closer to the left hand side of the property. Roger stated that the parking would be on the opposite side of Mr. Murray's property.

Steve M., CEO, stated that Zoning Ordinance 105-28 states that there needed to be visual screening from automobiles, and that this screening could be vegetation. Steve stated that he believed there was a vegetative screen along the property lines and he asked Mr. Hardy if he would be opposed to making certain this vegetation remained in place? Mr. Hardy replied, no.

Roger A. asked if there were anymore questions? There were none.

Lauren M. stated she did not want to vote on this application because she was not at the initial review.

Roland L. made the motion to approve the Conditional Use Permit to open a mechanical repair business for small engines and automobiles with the following condition(s):

- 1) The hours of operation shall be 7:30 a.m. thru 6:00 p.m., Monday thru Saturday.**
- 2) There shall be no more than 13 vehicles on site, including the two vehicles allowed for sale, at any one time.**

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- 3) There shall be no more than two vehicles allowed for sale on site.**

- 4) *There shall be no vehicles allowed to back onto Deering Ridge Road or park on Deering Ridge Road.*
- 5) *There shall be no junk / unregistered vehicles allowed on site.*
- 6) *Hazardous waste such as gasoline / oil / antifreeze shall be removed by CleanHarbors Environment Services, Inc. Should this change the Code Enforcement Officer shall be notified of the company to be used.*
- 7) *All existing vegetation along the adjacent lot lines shall not be removed in order to provide a visual screen to the neighboring properties.*
- 8) *Any signage shall be permitted through the Code Enforcement Office.*

Diane S. 2nd the motion. All members were in favor (3). 1 Abstained.

Nothing further was discussed.

Conditional Use Permit – Outdoor Flea Market – Map 7, Lot 3-2 (926 Shapleigh Corner Road) – Janet Dow (Applicant)

Ms. Dow was present to review the application.

Ms. Dow presented a new description of the proposed plan for the flea market and a sketch plan showing the proposed parking area, flea market area, etc. The sketch plan included the square footage of all the areas to be used. Ms. Dow stated that she felt this new plan would satisfy both the requirements of the Planning Board and the Kettle Pond Condo community.

Roger A. noted that the parking requirements for this business were described in Zoning Ordinance 105-43 “Off-street parking and loading.”, under (2), which read “Adequate spaces shall be provided to accommodate customers, patrons and employees at automobile service stations, drive-in establishments, open-air retail business and amusements and other permitted uses not specifically enumerated.”

Ms. Dow stated that when doing her parking area calculations she used 300 sq. ft. per vehicle instead of the required 200 sq. ft. Ms. Dow noted that per her calculations there was parking for 272 vehicles and she only needed 198 per the ordinance.

Diane S. asked what “Renter’s Parking” referred to? Ms. Dow stated it was the area for the vendors to use. It is an area behind the ATV club.

Diane asked what the area called “Expansion Area” was for? Ms. Dow stated that at this time there is an area that could comfortably fit 50 10’ x 10’ tables, with 8 feet between them. She said that if she wanted to use the entire area, which included the ‘expansion area’, then there could be a total of 70 vendor tables. Ms. Dow stated that to begin with she didn’t think there would be more than 20 tables but she wanted the option for the future to be able to use the entire area.

Diane asked if the area called “Extra Parking” on the left hand side of the sketch was grass or paved? Ms. Dow stated that it was grass.

Attorney Chris Chandler, representing members of Kettle Pond Condo's, did not think Ms. Dow owned all of this area, he believed there was a buffer between the grass and the road to Kettle Pond Condo's. Atty. Chandler was not certain as he did not have the Kettle Pond Condo' plan in front of him.

Atty. Chandler was also concerned with the fact the water holding tank on site was located in the grassy area, and he wasn't sure if it would be safe to park on it or not? Roger A. didn't know of the exact location of the tank or how much weight it could hold. Darren Rogers, a member of Fire and Rescue, was in the audience and he did not have an answer for them. He believed the water holding tanks were concrete chambers but did not know if you could park on them or not.

Steve M., CEO, asked Ms. Dow if she needed this parking area at this time? Ms. Dow said she didn't need this area; she just wanted to have it for possible future use. Steve asked her if it would be acceptable to cut this area in half so there would be no parking on the water holding tanks? She did not have a problem with this suggestion. Atty. Chandler didn't mind this idea but wanted to be sure no one was going to park on top of the tank. Roger A. agreed that there shouldn't be cars parking on the water holding tank.

Atty. Chandler stated that if Ms. Dow didn't need this parking area at this time, why can't it be removed from the plan. Roger stated that it would be best if this area wasn't used to help keep vehicles from driving toward the Kettle Pond Condo's or near the vendor area. Ms. Dow stated she had enough parking without this area and she agreed to remove this area from the final plan.

Steve M., CEO, asked Ms. Dow if the 198 parking spaces noted as being required included the renter parking area? Ms. Dow stated yes and it also included the expansion area.

Roger A. asked again about how the table area was calculated. Ms. Dow stated the tables are 10' x 10' with eight feet between them. This area fits 50 tables comfortably. Roger was concerned with having enough space for parking, referring to the ordinance which stated "Adequate spaces shall be provided to accommodate customers..." Roger stated that depending on the weekend turnout, there may not be enough parking spaces as calculated.

Steve M., CEO, stated that Ms. Dow did not use the 200 sq. ft. calculation as referred to in the ordinance; she used 300 sq. ft. so she really had 272 parking spaces if using 200 sq. ft., not 198. Diane S. stated that because the grassed area was removed she has 210 parking spaces including the vendor parking. Steve stated that was using the 300 sq. ft. If the 200 sq. ft. calculation was used she still had 276, subtract the 40 for the renters there are 236 available for patron parking.

Roger A. stated that at the prior meeting it was stated the flea market would only be opened every other Sunday. Roger said in the new plan provided the third paragraph stated "The hours of operation will not begin before 8:00 AM at anytime and be only used on weekends and *special occasions*." Ms. Dow stated that it was written incorrectly. It will only be every other weekend.

Ms. Dow stated the hours of operation would be 8:00 a.m. thru 3:00 p.m. Leaving an hour to clean up before the transfer station closes.

Lauren M. asked if there would be an hour to set up and an hour to break down the tables. Ms. Dow stated yes.

Atty. Chandler wanted to know where the tables would be when the flea market was not open? Ms. Dow stated they would be removed from site and/or put in the building. There will be no tables left outside.

Atty. Chandler stated that it was important the driveway to the condominiums remained clear so the residents would like it if there was perhaps a sawhorse put into place or a sign indicating 'private way no entrance' to anyone other than those who lived there. Atty. Chandler stated it was important the whole area remained clear, including the easement to the water holding tank for fire protection purposes. Atty. Chandler didn't know if there needed to be sawhorses along the easement area and road? Atty. Chandler did not want any vehicles parking in the condo residents parking area either.

Steve M., CEO, stated that the entrance couldn't be blocked to the extent Kettle Pond residents couldn't get into it. Atty. Chandler stated that it should be something removable. Ms. Dow stated that perhaps something they could drive around could be used.

Ms. Dow stated that the flea market traffic was going to be directed with signs and people. Atty. Chandler stated that as the flea market expands there may need to be something that delineates the private way. Diane S. stated the condo association might want to consider putting up their own signs stating the area is private property, no entrance. Atty. Chandler agreed. Several residents stated there were signs at this time stating it was private property.

Steve M., CEO, asked if the right-of-way coming off of Rte. 11 was for both parties, the condo association and Ms. Dow's property? Atty. Chandler stated that yes it was. Atty. Chandler stated he wasn't concerned about the entrance off of Rte 11 but the roadway to the left that was used to enter the condo area. Atty. Chandler wanted to make sure that cars didn't park along the right-of-way to the condo area cutting off the roadway. Roger A. agreed. Roger stated this is why he doesn't want parking on the grassy area on the left, because this would put people closer to the condo road.

Atty. Chandler stated the condo owners were also concerned with trash removal. Ms. Dow stated that there would be minimal trash. This would be a carry items in carry items out flea market. Ms. Dow stated there would be trash from the hot dog stand. She said there will be trash cans and people to keep the area clean.

Atty. Chandler asked if there would be a food service on site. Ms. Dow stated that no there would not. She would be having a small hot dog stand with soda. But that was all for food.

A citizen asked about items that might be left behind? What would be done? Ms. Dow stated it was her responsibility to remove any items left on site, either by taking it to the transfer station or putting it inside the building.

Ms. Dow was asked if she was going to have any outside bands? She stated no. Roger A. stated that the noise allowance was 60 decibels only.

Atty. Chandler asked if there was going to be pony rides? Ms. Dow stated yes. Ms. Dow was asked by a resident where the pony rides would be held? She stated on the property in the grassy area in the back most probably.

Diane S. asked Ms. Dow how she was going to insure no one would park on Rte. 11? Ms. Dow stated all she could do is ask them to move. She said she can't control Rte. 11. Diane suggested possibly a sign

stating no parking. Steve M., CEO, stated that signage or parking on Rte. 11 would be DOT jurisdiction. They would need to be contacted if there was a problem.

Atty. Chandler asked what the start date might be? Ms. Dow stated most probably July 8th. He asked how long it would run. Ms. Dow stated thru mid October.

Roger A. asked what the earliest date would be next year to open. Ms. Dow stated she would like to open mid-May and remain open until mid-October.

Roger asked if there were any additional comments? There were none.

Roger A. reviewed the following ordinance standards:

- 105-17** - Land Uses. *A flea market 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 will meet 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 as approved on the original CUP for this location (the former approved business CUP is now expired).*
- 105-22** – Noise. *This business shall not create excessive noise; there shall be no outdoor bands allowed on site. The hours of operation are minimal and the flea market will only be open during daylight hours.*
- 105-23** – Dust, fumes, vapors and gases. *There will be no emissions created by this business.*

Atty. Chandler asked that there be a condition that no vehicles be allowed to idle for long periods of time preventing both a noise issue and an emissions issue. Board members agreed to this condition.
- 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 and the flea market will only operate during daylight hours.*
- 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 that would affect stormwater runoff.*
- 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 that would cause erosion.*

Roger A. did state that if the grassy parking area in the back started to have an erosion problem this would have to be addressed.
- 105-29** – Explosive Materials. *There will be none on site.*
- 105-28** – Setbacks and screening. *Setbacks and screening were put into place under the original approved CUP. There will be no lot line vegetation removed from site. The roadside will not be screened so patrons will be able to see the flea market is in existence.*

- 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. *The applicant will remove refuse from the site and take it to the transfer station. Should waste removal become a problem, as in terms of volume, the applicant will have to come back before the Planning Board to make further provisions for waste removal.*
- 105-34. Access control on Routes 109 and 11. *Access onto Route 11 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.*

Atty. Chandler asked the location of the bathrooms? Roger A. stated they were located in the ATV club.

- 105-46 – Sanitary provisions. *There is an approved septic system on site and two bathrooms located in the ATV clubhouse that will be used.*
- 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 that would impact the surrounding wildlife. There are very limited hours of operation.*
- 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. 11.*
- 4) Traffic access to the site is safe. *It is, the site distances exceed the 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 (the original approved CUP for the building has expired).*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A state approved septic system is existing. All solid waste from this business will be removed by the applicant. Should there be a problem with removal in the future the applicant will have to come back before the Planning Board to make other provisions.*
- 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 that would affect stormwater runoff.

- 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 business location. There are no changes being made to the exterior of the building or parking area that would cause erosion. However, should the grassy parking area show erosion problems the applicant would need to come back before the Planning Board with provisions showing ways to eliminate the problem.*
- 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 is on the 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. Landscaping is in existence surrounding the area. Lighting on the building is in existence and no additional will be added, there is no noise emitted from this business activity other than vehicle traffic and people talking, no live bands are to be allowed. Also there are limited hours of operation.*
- 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 operate an outdoor flea market with the following condition(s):

- 1) *The actual hours of operation shall be 8:00 a.m. thru 3:00 p.m., with an hour allowed prior to for set-up and an hour after for clean-up, every other Sunday, beginning mid-May and going thru mid-October of each year.*
- 2) *There shall be an allowed rain date being the following Saturday, should the flea market not be able to open.*
- 3) *There shall be no parking allowed on Route 11. Should parking become an issue the applicant shall have to come back to the Planning Board for further review.*
- 4) *All vehicles must be parked in the designated areas per the plan and these areas must be clearly marked for patrons. Should parking become an issue the applicant shall have to come back to the Planning Board for further review.*
- 5) *There shall be appropriate signage on site directing traffic, and designating that there shall be no entrance to Kettle Pond Condominiums other than the residents of that community.*
- 6) *No vehicles shall be allowed to idle for long periods of time to prevent fumes and additional noise on site.*
- 7) *There shall be no live music allowed.*
- 8) *Refuse shall be removed the day of the flea market by the applicant. Should refuse become an issue the applicant shall have to come back to the Planning Board for further review.*
- 9) *All tables shall be cleared from the site by 4:00 p.m. Tables are only allowed outside of the building during the allowed operating hours.*
- 10) *All locations for parking and tables depicted on the final plan submitted shall be adhered to.*

Roland 2nd the motion. All members were in favor.

Nothing further was discussed.

Best Possible Location – Replace Existing Concrete Patio and Walls Around Patio – Map 39, Lot 57 (52 Swan Circle) – Darren Rogers, Applicant; Susan Condon, Owner

Mr. Rogers was present for the final review of the application. A site inspection was done prior to this evening's meeting.

Roger A. stated that the patio / walls were in close proximity to the lake. Roland L. recommended that the owner use poured concrete instead of pavers because of the erosion potential because it is so close to the water. Roger agreed because of the water action and the possible undermining of the area, the board should make a motion or a condition that the new wall be poured concrete. Darren agreed that it would be best.

Roger A. reviewed Zoning Ordinance 105-4.D(2) "Patios, steps, decks." Roger stated that there would be no expansion, this was a one for one replacement. Roger noted that relocation of the structures would not be a benefit. He felt the size of the structure was appropriate for the use. The wall would not exceed the limit of 3'6" in height, therefore no engineered plan was required.

Roger A. stated there would be minimal ground disturbance in the area. Darren agreed. Darren stated that the area would be stabilized as soon as possible. Roger noted that a silt fence would be required because of the location. Darren stated it would be put up as soon as the project began.

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

Lauren M. made the motion to approve the Best Possible Location for replacing the existing patio and adjacent walls with the following conditions:

- 1) Best Management Practices shall be used during the project, including silt fencing.**
- 2) The material used for the patio shall be poured concrete.**
- 3) Walls to be stackable concrete blocks as per the plan submitted. Height of walls not to exceed 3'6".**
- 4) The area shall be revegetated by October 15, 2007. The Code Enforcement Officer can extend this deadline if he feels it is necessary.**

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

Nothing further was discussed.

Best Possible Location – Replace Existing Concrete Patio and Wall – Map 41, Lot 5 (312 Pine Springs Road) – Darren Rogers, Applicant; Vince Gillis, Owner

Mr. Rogers was present for the review of the application. Board members did a site visit prior to the meeting.

Roger A. stated that the patio and wall was disintegrating. Roger noted that the building on site was also in need of repair. Roger stated this application fell under the same criteria as the previous application reviewed.

Lauren M. asked if the columns for the deck would be resting on the new patio? Roger A. stated that the

columns would have to set on sono tubes for support. Roger stated that if there was a foundation under them that would also work but if not sono tubes would be required. Roger stated that this would be something the CEO would need to look into during the permitting process.

Roger A. stated that this location, even though it wasn't as close to the high water mark would still require silt fencing.

Roger A. stated this was a one for one replacement. There may be minimal changes but overall nothing is changed.

Roland L. made the motion to approve the Best Possible Location for replacing the existing patio and adjacent wall with the following conditions:

- 1) Best Management Practices shall be used during the project, including silt fencing.**
- 2) Wall to be stackable concrete blocks as per the plan submitted. Height of wall not to exceed 3'6".**
- 3) The area shall be revegetated by October 15, 2007. The Code Enforcement Officer can extend this deadline if he feels it is necessary.**

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

Nothing further was discussed.

Best Possible Location – Replace Existing Walls & Patio – Map 17, Lot 36 (166 30th Street) – Robert Thompson

Mr. Thompson was present for review of the application.

Mr. Thompson stated he would like to replace two patios and several walls. He stated he was very concerned with the condition. He said he would like to change the current layout of the upper patio and walls because you actually have to go thru the house to go from the walkway to the patio area. Mr. Thompson said the new patio would be further away from the water and it would not be as wide as the existing. There would be some rearrangement of the existing patios but there is no expansion as far as area. He wanted to create an easier traffic flow.

Mr. Thompson would be replacing an existing 6' wall, which is becoming a safety issue with two 3' walls. Mr. Thompson said he would be using what is called Highland Stone. He stated it came in three widths, 6", 12" and 18". He would be using the 18", which is 72 lbs. each. Mr. Thompson would be doing the work himself but he did not think he would complete the entire project this year. He said the property was steep and he was going to see if he would be able to access the project by going over his neighbor's property but if this wasn't possible then it would add to the time to complete because of the grade.

Roger A. asked if he had his DEP Permit by Rule Application? Barbara G. stated she had just given Mr. Thompson the information he needed to contact DEP. Mr. Thompson said he would be getting pictures for the DEP tomorrow and would be mailing it out tomorrow as well.

Roland L. asked what was the material the existing patios were made of? Mr. Thompson replied concrete.

Roland asked if it was block? Mr. Thompson replied it was poured and much was done by hand which is why it is deteriorating. He stated in places it was just sand falling away now because it wasn't mixed well to begin with.

Mr. Thompson stated there was a wall along the high water mark that he believed was either three or four feet above the water line. He stated this wall would not be replaced.

Lauren M. asked if there was an increase in square footage of the upper patio. Mr. Thompson stated no, just the configuration of the patio changed. The board members reviewed the print, Mr. Thompson explained the sketch. Members then could see that what he was saying was true, the size will not be increased.

Mr. Thompson noted the location of the well and that he wanted to build a new wall beside it to protect the well. Mr. Thompson explained the terrain again and how he wanted to use the new walls to flatten some of the area and prevent erosion as well.

Roger A. stated that because the DEP notice had not been filed at this time, the final review would be schedule for Tuesday, July 10th. Roger stated a site inspection would be scheduled for that evening at 6:30 p.m. A Notice to Abutters would be mailed as well.

Nothing further was discussed.

Conditional Use Permit – Replace Retaining Walls – Map 28, Lot 33 (957 Goose Pond Road) – Terry Pearsall

Mr. Pearsall was present for the review of his application.

Mr. Pearsall presented the Planning Board with an engineered plan to replace the existing railroad tie walls, which were put in place to prevent the site from collapsing into the lake. The plan showed one very long wall running more than half the length of the property and four staggered walls running parallel to the lake, which Mr. Pearsall stated were about two feet apart. He stated the biggest concern was the fact the longest wall has collapsed. This is a 10' wall. Mr. Pearsall stated that should these walls completely let go the entire site would wash into the lake.

Mr. Pearsall stated that a crane had already been on site to drive steel H-beams into the ground bout 17' deep and they are tied into the wall to keep it from falling away completely. Mr. Pearsall stated now the wall needed to be replaced. He also said it did not make sense to do only the one long wall without replacing the four smaller walls which were also rotting out.

Mr. Pearsall stated the walls were not going to change in configuration. They are going to be made out of stackable blocks. Mr. Pearsall stated many trees would have to be removed to complete the project. He showed the trees on the plan to be removed.

Mr. Pearsall stated that currently there is also a metal fence on site to prevent automobiles from going too far from the driveway. Because this fence is falling down, there will be a two foot high block wall placed where necessary.

Mr. Pearsall stated the steps by the house would be replaced with granite to replace the existing wooden ones which have deteriorated.

Mr. Pearsall stated the existing concrete retaining wall at the waters edge would stay in place.

Mr. Pearsall discussed the replanting plan. He was not certain at this time exactly what trees would be used but he did state they would be what will grow well in the area. He would also like to use arborvitaes. He did not want to use only white pine.

Mr. Pearsall talked about the drainage plan, what was existing and what would be done during the project. He said Land Care of Durham, New Hampshire, would be doing the project. Mr. Pearsall stated that he would probably be the one to replant the trees.

Roger A. asked if he had notified the DEP? Mr. Pearsall stated that he had not done that at this time. Roger stated it would need to be filed before the final review.

Mr. Pearsall stated he did not plan on starting the project until fall because his family would not be able to use the site once the project began.

Roger A. scheduled the site inspection for Tuesday, July 10th. It will be done after Mr. Thompson's inspection. The final review of this application would also be heard at that time. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

Construct Private Way – Map 1, Lot 43A (Emery Mills Road – Guilford Berube - Need signatures on Mylar copy of plan for recording purposes.

Mr. Berube was not present. He left a set of Mylar's for the board members to sign of his engineered road plan.

Mr. Berube also left a copy of a "Roadway Testing" report of his private way, done by Geotechnical & Environmental Engineering, dated June 11, 2007.

Steve M., CEO, stated Mr. Berube left him the Mylar copies of his plan as well as the roadway testing report. Steve did not think the report was what the board members wanted from Mr. Berube. The report was not a letter from an engineer stating the road was done to the plan presented to the board.

Steve M., CEO, stated Mr. Berube said that he and the engineer agreed that what was in existence was fine and the road did not need to be modified to the plan. Steve asked the board members why they would sign a plan and have it recorded when the road was not made to this plan?

Lauren M. stated she believed there needed to be an 'as-built' engineered plan created, which shows what does exist and that it is done to the private way standard. Board members agreed.

Steve M., CEO, stated he tried to get Mr. Berube to attend the meeting due to a medical reason.

Roger A. reviewed Mr. Berube's approval letter, which had the following conditions:

- 1) The Road Maintenance Agreement shall be recorded at York County Registry of Deeds and a copy given to the Planning Board for the file. Prior to this document being recorded the Book and Page of each lot accessing the Private Way shall be written on the maintenance agreement.
- 2) No Growth Permit and/or Building Permit shall be issued for any vacant lots accessing this private way, until a letter from a licensed engineer, stating that the road was built to the specifications on the engineered plan presented, is received by the Code Enforcement Officer and the Planning Board for the file.
- 3) The engineered plan shall be recorded at York County Registry of Deeds within 90 days of the date of the Planning Board approval otherwise the plan shall be null and void.

Steve M., CEO, reiterated that because the road is not done to the plan presented, he did not feel the plan should be signed or recorded. Steve felt that if Mr. Berube did not want to build the road to the existing plan then he needed to have an as-built plan created, and that plan would need to be recorded.

Roger A. stated that the Planning Board at this time needed a letter from an engineer stating the road was built to the approved plan. Roger stated that Mr. Berube could build the road to the approved plan and that would be acceptable.

Lauren M. did not see how an engineer could state that an already built road, which was not built to the approved plan, could state that it had been built to the plan. Roger A. stated that an engineer would have to state it was done per the plan or not. Lauren said that would place the ownership of the quality of the road on the engineer? Roger stated, correct. Lauren said the road would become the engineer's liability. Steve M., CEO, stated, right.

Roger A. and Steve M. both agreed this could push the engineer into telling Mr. Berube the road had to be built to the standard before he signed that it was. Roger did not believe the existing road could even hold up to an as-built plan at this time because it did not meet the standards of the ordinance.

While reviewing the document from Geotechnical & Environmental Engineering the third paragraph was noted, it read as follows:

“Common private way construction requirements indicate that the road section base consist of at least 15 inches of MDOT Type D gravel (MDOT Section 703.06). Comparison of the laboratory test results given in Figure 2 with the Type D Gravel specification indicate the sieved material does not meet this material specification as the silt content is high.”

Steve M., CEO, stated he would try to contact an engineer from the above engineering company. He would tell Barbara what was expressed and the Planning Board could then make a decision based on the information.

Nothing further was discussed.

Note: Steve M., CEO, was unable to contact the engineering firm. He made two attempts. Because of this, Barbara G. drafted a letter to Mr. Berube asking him to attend the next Planning Board meeting to further discuss this situation.

GROWTH PERMIT(S) – The following Growth Permit was reviewed but more information was needed:

- 1) **Kurt Howgate– Part of Map 4, Lot 7P (Coley Trafton Road)**

The following Growth Permit Expired:

- 1) William Small – Map 10, Part of Lot 2-2 (Town Farm Road) – G.P. #28-07

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

Respectively submitted,
Barbara Gilbride
Land Use Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, June 26, 2007

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

Note: Madge Baker was a regular member for this evenings meeting.

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

The minutes from Wednesday, June 13, 2007 were accepted as read.

Construct Private Way – Map 1, Lot 43A (Emery Mills Road) – Guilford Berube

Mr. Berube was present for the review of his Private Way plan.

Mr. Berube presented Mylar plans for his Private Way for the Planning Board members to sign. Mr. Berube also presented a letter from Terradyn Consultants of New Gloucester, Maine. Jeffrey D. Amos, P.E. from Terradyn stated that his firm would certify Mr. Berube's Private Way was constructed in general compliance with the approved Private Way Plan presented to the Planning Board. The letter also stated the road met the minimum standards of Shapleigh's Private Way Ordinance. Geotechnical Partnership, Inc. in Sanford Maine actually did the testing of the soils on site. A letter had been received from them at the previous meeting.

Roger A. wanted to know where pages 2 of 3 and 3 of 3 were of the plan. Mr. Berube supplied only page 1 of 3 for signature. Mr. Berube did not know but would make certain the Planning Board received the other two pages of the plan.

Madge B. asked if the areas of concern on the Private Way were checked to be certain the road was in compliance with the ordinance. Roger A., referring to the letters from both Terradyn Consultants and Geotechnical Partnership, Inc. (who actually tested the road surface) both stated the road was in compliance with Shapleigh's ordinance.

Madge B. made the motion to accept the plan presented, based on the engineering report received from Terradyn Consultants. Roland L. 2nd the motion. All members were in favor.

Roger A. told Mr. Berube to please be certain the engineered plan and maintenance agreement are recorded at York County Registry of Deeds within 90 days of the date of the Planning Board signature of approval, otherwise the plan shall be null and void. Mr. Berube also was required to return (1) copy of each to the Town Of Shapleigh, including the missing pages of the plan (2 & 3), with the book and page number of the recording on them.

Nothing further was discussed.

Conditional Use Permit – Correct Erosion Problem on Site – Map 36, Lot 25 (248 Indian Village Road) – Lawrence & Estelle Skodis

Mr. Paul Powers, a neighbor of Mr. & Mrs. Skodis represented the applicants for the initial review of their application because they were unable to attend.

Mr. Powers presented the board members with pictures of what the beach front looked like prior to the Patriot's Day storm of this year and pictures showing what it looked like at this time.

Mr. Powers stated that John Lord would be working with the Skodis's on this project. He was putting together a plan on what should take place to repair the damage to the area as well as prevent future erosion.

Mr. Powers noted on one of the pictures a wall that had been washed away next to the house. This area needed to be repaired as well.

Mr. Powers was asked if this property was seasonal? He replied that yes it was.

Mr. Powers stated that the owners only wanted to restore the area to the way it was before the washout and stop future erosion. Mr. Powers stated they would be using the existing beach sand, moving it around, to do the project. He did not believe any new soil would be brought to the site.

Madge B. asked if there would be a drainage plan? She also asked board members if a drainage plan would be required at the final review? Roger A. stated that yes a drainage plan would be needed. The board needed more details of how this area would be reclaimed.

Mr. Powers stated that he would tell the applicants that the Planning Board required a written plan of how the area would be reclaimed. Roger A. stated the members would need this plan for the final review. If this wasn't possible to have the applicant contact Barbara G. and she would delay the final review. Mr. Powers stated he understood.

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

Roger A. scheduled a site inspection of this property for Tuesday, July 10th at 6:00 p.m. A Notice to Abutters would be mailed as well.

Nothing further was discussed.

Note: Mr. Skodis emailed Barbara G. stating he would have a plan ready for the members to review at the site inspection.

Possible Amendment to the Subdivision Known as the Cook Subdivision – Map 12, Lot 32-7 (Silver Lake Road) – Frasier Property Development, LLC, Applicant

Mr. Patrick Frasier attended the board meeting to discuss his subdivision options for the above property.

Mr. Frasier presented the Planning Board with a sketch plan showing a proposed right-of-way to access a newly created back lot. As a result two lots would be created out of 32-7. Mr. Frasier pointed out that originally this lot was two lots that were part of the original Cook subdivision, lots known as #10 & 11 on the original plan. Mr. Frasier stated that these two lots got joined but he did not know for what reason. Then a back lot was combined with the original two lots, thus becoming lot 32-7.

Mr. Frasier discussed the possibility of creating three lots out of 32-7, one front lot along Silver Lake Road

and two back lots accessed by the new private way. Mr. Frasier believed he had enough square footage to do this since the original two lots were grandfathered lots of record. Mr. Frasier wanted the board members opinion. He did not want to draw up a three lot plan if it would not be acceptable, he would do only the two lot split.

Roger A. stated the board members could not make a decision until they had an actual application presented to them.

The board members, reviewing the deed, did not know why lots 10 & 11 had been merged originally because it was an approved subdivision they did not believe this could be done, even though they were now non-conforming lots by today's standards.

It was noted that a home was on the property at this time and it was placed mostly on the back lot, not on the original two front lots. Mr. Frasier was asked if this home was going to remain. He stated it was a mobile home and was going to be removed.

Roger A. wondered if, because the back lot was merged with the two front lots, and never came before the Planning Board for an amendment to a subdivision, if the newly created lot was even part of the Cook subdivision at this time because the lot has changed in dimensions entirely.

Because of the confusion of the two merged lots, #10 & 11, and Mr. Frasier wanting to know if he could in fact create a third lot, Madge B. suggested once plans were presented to the board the town attorney should be asked whether or not a three lot split would be allowed per case law.

Madge B. also asked Barbara to asked Town Assessor Ruth Ham if she could tell the Planning Board how the Town of Shapleigh has fared in past cases when it came to the merging of lots in town. What has the ruling been when the town was challenged with its decision on merging a lot. She also thought it would be helpful to ask when and why lots #10 & 11 were merged. Had the owner requested it?

It was concluded that Mr. Frasier would need to draft a preliminary plan for the Planning Board to review, then a decision would be made as to whether or not his plans would be acceptable. If the town's attorney was needed to help in the decision making process, he would be contacted. Mr. Frasier stated that he understood and wanted to know what could legally be done as well.

Nothing further was discussed.

GROWTH PERMIT(S) – The following Growth Permit was reviewed and accepted:

- 1) **Kurt Howgate– Part of Map 4, Lot 7P (Coley Trafton Road) – 28A-07**

The following Growth Permit Expired:

- 1) William Small – Map 10, Part of Lot 2-2 (Town Farm Road) – G.P. #28-07

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 10, 2007

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

Note: Madge Baker was a regular member for this evenings meeting.

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

The minutes from Wednesday, June 26, 2007 were accepted as read.

Best Possible Location – Replace Existing Walls & Patio – Map 17, Lot 36 (166 30th Street) – Robert Thompson

Mr. Thompson was present for the review of his application.

The Planning Board did a site inspection of the property prior to the meeting.

Mr. Thompson provided the board members with a new plan which had been approved by the DEP. The Permit by Rule Notification was also received, signed and dated 7/09/07 by the DEP.

Roger A. explained the walls and patios needed to be repaired as noted at the site inspection. Roger stated the patios would have the same square footage as the original, just a new configuration. In addition, two walls would be created, and would be more efficient than the one existing wall.

Mr. Thompson noted the new structures would be farther back from the high water mark than the original structures.

Mr. Paul Brindle, a neighbor of Mr. Thompson, spoke saying that the weather had taken its toll on the walls and patios and he felt it would be best that it got repaired. He was much in favor of it.

Roland L. asked where the material that was going to be removed would be taken? Mr. Thompson said he was going to contact the highway department and ask if they knew anyone that needed clean solid fill.

Roland L. asked if the neighbor allowed Mr. Thompson to travel over his land, would Mr. Thompson be revegetating the area that got disturbed? Mr. Thompson stated that yes he would replant the area and he was also going to remove the old wood pile for his neighbor. Mr. Thompson said that several bushes would need to be replaced and he had discussed this with the neighbor as well.

Roland L. asked if there were going to be any trees removed from the site? Mr. Thompson stated that no, no trees would need to be removed. Mr. Thompson added that there would probably be more vegetation on site after the project is completed than what is there now. Mr. Thompson talked about putting in some grass. Madge B. stated that the board was not highly in favor of grass as it was hard to maintain and you can't use fertilizer close to the water. She said plants were a better idea. Mr. Thompson agreed and said there would be new plants in most of the area as mowing grass would be difficult.

Roger A. read from Attachment 1 of 3 provided by Mr. Thompson and it stated "The areas between the new walls and patios will be planted with perennials and shrubbery where possible."

Madge B. asked if the board needed to impose a completion date with respect to replanting? Mr. Thompson stated that he would not have the project finished until next year as it would be done in stages because of the scope of the project and the fact he was doing it himself.

Madge B. stated that Best Management Practices would need to be followed which would include using hay bales to prevent erosion. Mr. Thompson stated that he understood that to be the case and he planned on using hay bales. Roger A. stated that hay bales *must* be in place at all times so the area would not wash away. Roger added that the placement of these bales was important as well. Mr. Thompson stated that he was going to place the bales of hay along the existing fence. Roger agreed this would be a good idea.

Roger A. stated he felt a replanting date of September 15, 2008 would be appropriate with the clause that the Code Enforcement Officer could extend the date if he felt it was necessary. The other board members agreed.

Roger A. reviewed Zoning Ordinance 105-4.D "Nonconforming structures" and stated (1) and (2) of that chapter applied and Mr. Thompson met the criteria of the ordinance with his plans.

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

Madge B. made the motion to approve the Best Possible Location to replace the existing wall and patios per the plan received with the following conditions:

- 1) Best Management Practices shall be used.**
- 2) The area shall be revegetated by September 15, 2008. The Code Enforcement Officer can extend this deadline if he feels it is necessary.**
- 3) The location of where existing material from walls and patios to be removed from site will be brought shall be given to the Code Enforcement Officer for his approval.**

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

Nothing further was discussed.

Conditional Use Permit – Replace Retaining Walls – Map 28, Lot 33 (957 Goose Pond Road) – Terry Pearsall

Mr. Pearsall was present for the review of his application.

Mr. Pearsall stated to the Planning Board he had an engineered plan to replace the existing railroad tie walls, which were about to collapse into the lake. The plan showed one very long wall running more than half the length of the property and four staggered walls running parallel to the lake. Mr. Pearsall stated that the walls would be replaced with stackable block. Planning Board members agreed this wall definitely needed to be replaced, not only because it was deteriorated but it did keep the embankment from going into the lake. A site inspection of this property was done prior to the meeting this evening.

Mr. Pearsall stated that the existing trees along the wall needed to be removed but they would be replaced.

Planning Board members reviewed Mr. Pearsall's engineered plan. The plan included an existing conditions plan (page 1 of 5), a site plan (page 2 of 5), a demolition plan (page 3 of 5), a landscape plan (page 4 of 5) and the construction details (page 5 of 5). Mr. Pearsall noted that on page two and page four the 40" double concrete wall noted would not be built because the DEP did not approve it. Instead a wrought iron fence would be placed there.

Mr. Pearsall stated that Best Management Practices would be used. He thought the start time would be in September but he did not have a concrete date yet. Mr. Pearsall did not believe he would be doing the replanting plan until next year if the project took longer than expected. He stated he wanted to put in some of the shrubs this fall because it would give them a good start.

Lauren M. asked about the drainage plan, how the water would run after the project was completed. Mr. Pearsall stated there would be a block approximately six inches high on the top of the new wall and this wall would divert the water to a drainage ditch made of gravel. Mr. Pearsall also noted in the construction details there was a sketch showing the ditch as well as the drain pipes that would be incorporated behind the new wall.

Mr. Pearsall stated he did not want to replace the trees with all White Pines as depicted on the landscape plan. He would be using plants indigenous to the area but he wanted to also use plants such as arborvitae as he believed they would work better in the area and not disturb the new wall.

Roger A. asked Mr. Pearsall what was going to happen to the existing railroad ties, where would they be taken? Mr. Pearsall stated that he was hoping the company building the new wall would take care of the old wall removal. Roger stated that when he knew what the plan would be that Mr. Pearsall needed to tell the Code Enforcement Officer the location. Roger said the CEO must approve the location as well.

Roland L. stated that the area in front of the wall was an existing snowmobile trail and he did not know how well any plants would survive the traffic when they are small and fragile. Roland thought the White Pine might fare better than arborvitae in this location but he was not sure. Initially any new plant might not make it with the traffic pressure. Mr. Pearsall stated he was concerned as well and was thinking about putting up a gate when there wasn't enough snow to protect the plants. He said he thought he could place arborvitae closer to the new wall than he could pine trees. Roland stated that arborvitae might be affected by the water that leaches around the new concrete blocks so he wasn't sure they would survive. Roger A. didn't think a gate would work as the traffic would either go around it or remove it, like they have in other locations. Mr. Pearsall agreed there was no easy answer but he needed to do something to protect his property.

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, the new walls will protect the lake and aquatic life by keeping soil from washing into the lake.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***The new wall and vegetation will improve the shore cover and visual appearance of the waterfront.***

- 3) The use is consistent with the Comprehensive Plan. *It is, the Comprehensive Plan encourages any projects that will protect the waterfront.*
- 4) Traffic access to the site is safe. *N/A*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *It is, the engineered plan will stabilize the area.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *It has, the railroad ties will be disposed of off site in a location approved by the Code Enforcement Officer.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *There is, the railroad ties will be disposed of off site in a location approved by the Code Enforcement Officer.*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. *There is an engineered plan on site as to how the stormwater will be diverted in order to protect the property, neighbors and lake.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *There is an engineered plan on site as to how the stormwater will be diverted in order to protect the property, neighbors and lake.*
- 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 is a replanting plan provided. The trees and other vegetation will be replaced by June 15, 2008.*
- 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 Conditional Use Permit to replace the existing retaining walls per the engineered plan provided by Crown Point Survey and Engineers and Land Surveyors, dated 3/21/2007 with the following conditions:

- 1) **Best Management Practices shall be used during the project, including silt fencing.**
- 2) **The disposal location of the existing railroad ties will be approved by the Code Enforcement Officer prior to removal.**
- 3) **The area shall be revegetated by June 15, 2008. The Code Enforcement Officer can extend this deadline if he feels it is necessary.**
- 4) **On the replanting plan provided, some of the White Pine trees noted will be replaced with other plants indigenous to the area.**

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

Nothing further was discussed.

Conditional Use Permit – Correct Erosion Problem on Site – Map 36, Lot 25 (248 Indian Village Road) – Lawrence & Estelle Skodis

Mr. Paul Powers, a neighbor of Mr. & Mrs. Skodis was present along with the applicant, Mr. Skodis, for the review of the application.

The Planning Board members did a site inspection of this property prior to the meeting.

Mr. Skodis stated he wanted to put the beach back to the way it was prior to the Patriot's Day storm. It was noted on the site inspection that much of the beach had washed into the lake.

Roger A. began by reading the letter provided by Mr. Skodis from J. Lord, the gentlemen he was going to have do the project. The letter read as follows:

I Jon Lord agree to re-establish the beach using what materials have washed into the water. I also think that it would be a good idea to lay an erosion fabric in heavily washed out areas.

Roger A. stated the letter does speak of filter fabric but says nothing about how the area would be stabilized to prevent this from happening again. Roger asked if bark mulch would be used next to the driveway to slow the water shed coming from the paved area? Roger said there needed to be a way to prevent the water from sheeting across the driveway and going across the beach. Roger also did not feel the filter fabric would prevent the sand above the fabric from washing into the water.

Mr. Skodis thought the Patriot's Day storm was an extreme storm that was unlikely to happen again any time soon. He stated that in 37 years there had not been a problem like this on site. He thought the plan provided by Mr. Lord was sufficient.

Madge B. thought it would be best for Mr. Skodis to contact York County Soil & Water Conservation District and have them come look at the project to give ideas on what might work best. Madge did not feel that with a project such as this, that the Planning Board or Mr. Skodis had the expertise to do it correctly without expert help. Mr. Skodis was not opposed to the idea.

Roger A. reviewed 105-73.G(8) and it read as follows: "A stormwater drainage system capable of handling a fifty-year storm without adverse impact on adjacent properties has been designed." Roger stated that the board had not received a plan that would address this issue. Roger believed there needed to be a design per the ordinance. Roger said the material on site needed to be stabilized. Mr. Skodis stated the contractor would be using filter fabric to stabilize the area as stated. Roger did not believe this would work and the other board members agreed. In this case, this would not be sufficient. CEO Steve M. stated that although filter fabric would be allowed for use by the DEP, he did not feel it would hold up in this circumstance. Steve believed, as did the Planning Board, that technical assistance would be required to come up with the appropriate stabilization plan for this area. Steve added that York County Soil and Water provided a free service and he agreed that is who Mr. Skodis should contact. Mr. Skodis stated he would contact them.

An abutter, Jan Daring, was present and asked how she could protect her property from Mr. Skodis's erosion problem. She stated that Mr. Skodis placed a building over a dry stream bed (with permission from the CEO over 10 years ago) and replaced a large culvert that directed the water with a smaller culvert. Ms. Daring stated that since that was done the water, during a heavy storm, overflowed and it not only affects his property but hers as well. She said this was the 2nd time her property was affected. She said the first time, 9 years ago, the water actually flooded her basement, eroded her driveway and beach. She said during the Patriots Day storm it eroded her beach and driveway again but thankfully did not enter her home. Ms. Daring wanted to know how she could protect her home and property from this happening in

the future. She said she could not put a barrier between the two properties because she believed she would be liable if the water washed his property away because of the wall. She said when the garage was put in over the dry streambed the problem was created.

Road Commissioner John Burnell was present and he stated that the small culvert was a big part of the problem. He stated that because this is private property the town could not do anything about it. He said something should be done with Indian Village Road such as ditching, but this part of Indian Village Road did not have a town easement so again the town could not work in this area of the road. RC Burnell explained how the water shed in this area could be extreme and there definitely needed to be something done with ditching and a larger culvert in order to correct the problem.

CEO Steve M. agreed with RC Burnell. Steve thought that perhaps another culvert could be added in a different location and have it empty into the same location as the existing culvert because the area below the culvert seemed to be stable. RC Burnell explained how water pressure affected culverts and again he thought a much larger one was needed if the water continued to flow in its present direction.

Madge B. stated that in light of this, York County Soil & Water needed to be contacted because they not only may have a plan that would help but they may provide some financial support to correct the problem. Mr. Skodis agreed to contact York County Soil & Water as soon as possible.

Roger A. stated that this application would be tabled until Mr. Skodis met with YCSWC and had a stabilization plan for the board members to review.

Nothing further was discussed.

Note: Heather Dionne of York County Soils & Water Conservation Commission met with Mr. Skodis and several neighbors on July 14th. YCSWC will make a recommendation as soon as possible. Diane Srebnick also attended this meeting. The next review of this application is tentatively scheduled for August 14th pending the information is received from YCSWC.

Possible Amendment to the Subdivision Known as the Cook Subdivision – Map 12, Lot 32-7 (Silver Lake Road) – Frasier Property Development, LLC, Applicant

Mr. Patrick Frasier attended the board meeting to discuss how he planned to divide the above property.

Mr. Frasier presented the Planning Board with a new sketch plan showing a proposed right-of-way to access two newly created back lots. Board members reviewed the plan and agreed this plan looked acceptable per the subdivision code.

Roger A. stated the next step would be to have the preliminary plan to review; this needed to include the soil test pit locations and land contours. Mr. Frasier stated that he understood and would have the preliminary plan ready for the next meeting.

Roger A. scheduled a site visit for Tuesday, July 24th at 6:30 p.m. The Notice to Abutters and Public Hearing will not be held until the review of the final plan.

Nothing further was discussed.

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

The Planning Board meeting ended at 9:15 p.m.

Respectively submitted,

Barbara Gilbride

Land Use Secretary planningboard@shapleigh.net

Shapleigh Planning Board Minutes
August 28, 2007
Shapleigh Town Hall

Members in attendance: Roger Allaire, Lauren Meek, Roland Legere, and Madge Baker. Also attending was CEO Steve McDonough.

Public Hearing at 7 pm.

Amendment to a CUP: Steve Quartarone was present to explain that he wanted to add convenience items to the store on his property at 146 Emery Mills Market. Map 18, Lot 28C. An abutter, Pat Baldwin, stated she was in favor of Mr. Quartarone's application.

Amendment to a CUP: Janet Dow was present to explain she wants to change the days of her weekend flea market business at 926 Shapleigh Corner Road to every Sunday. There was one clarifying question and one comment in favor because the Flea Market is having no negative impact on the ATV club that shares the property.

Amendment to a CUP: Tony Philips, owner of a store at 566 Newfield Road, was there to explain he is trying to enlarge the parking area as well as install a new leach field. There were no questions or comments.

Regular Meeting at 7:30 pm.

Madge Baker was appointed to act as a regular member for this meeting, and to assume the job of Acting Secretary.

There were two changes to the minutes of August 14. William Nohr's name was misspelled on one occasion, and the words "of the public" were added at the end of the first sentence under the category **CUP of Margaret Harriman**.

Unfinished Business:

Amendment to a CUP requested by Tony Philips for his store on Newfield Road, Map 12, Lot 23E. Mr. Philips asked the Board to table his application until he had a more detailed excavation plan prepared. On motion of Baker, second Meek, the Board agreed unanimously to table the application until he asked the Board to reopen the amendment application.

Amendment to a subdivision requested by Nick Richardson for his property on the Newfield Road, Map 11, Lot 28F. After reviewing his preliminary plan for a while and learning that although test pits were done for the proposed road the results had not been submitted, it became clear to the Board that what Mr. Richardson had in mind was to put three dwellings on a large, undivided lot. Mr. Richardson did not think his proposal would constitute a division of land, but the Planning Board and the CEO informed him that his proposal would create a functional division of land, and would result in a major subdivision. Mr. Richardson asked the Board to table his project until he decided how to proceed. On motion of Meek, second Legere, the Board unanimously agreed to table.

Amendment to a CUP requested by John Mavrakos for his restaurant, Map 1, Lot 42, on Rte. 109. Jeff Amos presented the plan but Mr. Mavrakos was present as well. After studying the property, Mr. Amos concluded it made more sense to expand the parking to the rear of the restaurant. There are now 49 parking spaces. The plan calls for 96. A new septic system will be located on the east side of the restaurant under the parking area. The

old one will continue to be used as well, but the plan called for more bathrooms. The current grease trap meets standards; stormwater runoff will increase by less than 5%; and the new parking area will be less than 4000 sq. ft. in size so no DEP permits are required. They will add some greenery along Rt. 109 to the east of the restaurant.

The Board asked about the time frame for construction. Mr. Mavrakos wants to begin before the restaurant closes for the season and finish this fall. Construction will commence behind the restaurant once the project is approved.

Another site visit will be conducted September 11, and another public hearing will be scheduled for that evening.

CUP to repair an existing retaining wall requested by Ron Demers for his property at 1 Narrows Lane, Map 27, Lot 3C. A 45-foot section of his 60 foot wall is leaning toward the water. Mr. Demers wants to replace this 8-foot high wall with a new poured concrete wall. He submitted the engineered drawings, which call for placing new footings 3 feet into the ground. There are no footings for the current wall, which was built in 1971 and is being undermined.

After a site visit the Board agreed the replacement wall should be placed where the current one is. Thus section 105.4D, subsections 3, 5, and 7 of the zoning ordinance are being met with the proposed new wall.

Since the owner will be moving at least 10 cu. yds. of material in the Shoreland district section 105.39 of the zoning ordinance must be complied with. A silt fence must be in place during the construction period. There will be no planting as the area behind the wall will consist of gravel.

On motion of Meek, second Legere, the Board unanimously approved the permit with the following conditions: (1) Mr. Demers will give the CEO the information as to where the old concrete will be disposed of; (2) BMP's will be used during the duration of the construction; (3) Mr. Demers will give the CEO a copy of the DEP permit; (4) construction must be completed by December 1, 2007.

CUP to repair an existing retaining wall requested by John Mangio for his property on Totte Road Map 30, Lot 14. Twenty-two feet of wall have fallen over. Mr. Mangio wants to replace the fallen wall with a block wall 4 feet high. The old wall was made of rock and concrete and was higher. The steps will be removed. The Board visited the site and determined the replacement wall was in the best possible location to meet the requirements of the zoning ordinance Sec. 105.4.D. The Board also required Mr. Mangio to meet the requirements of section 105.39 of the zoning ordinance. The work will be done by hand and as soon as possible. On motion of Legere, second Meek, the CU was approved with the following conditions: (1) BMPs must be followed, which include silt fencing; and (2) the planting of junipers must be completed by July 1, 2008.

Amendment to a CUP requested by Stephen Quartarone for his property on Emery Mills Road, Map 18, Lot 28C. No changes to the property are requested. Mr. Quartarone wants to add convenience store items, like pizza and subs, and to amend his hours of operation so he can be open from 6 am to 11 pm seven days/week. He submitted a list of items he intends to offer for sale. When asked about additional lighting, he said he might add lights on the building. He was reminded they must not throw glare beyond his property lines, as stated in section 105.25 of the zoning ordinance.

Roger went through the standards in section 105-73 of the ordinance. Since there are no changes to the property the change in use meets all local ordinance requirements. Selling of new food items may require state review.

On motion of Legere, second Meek the CU amendment was unanimously approved with the request that if he makes changes to the list of items for sale that he notify the Town Office of the changes.

Amendment to a CUP requested by Janet Dow for the Flea Market business at Map 7, Lot 3-2. The only request is that the Flea Market be allowed every Sunday rather than every other Sunday. There being no ordinance provisions prohibiting the change or conditioning it, on motion of Baker, second Legere, the Board unanimously approved the change to the CUP.

Application for Best Possible Location for a foundation requested by Jeffrey and Jaclyn Chaplin on Map 24, Lot 20, 53 Channel Circle. The Chaplins propose to dig 5 feet into the ground for a foundation, and to raise the existing camp no more than 3 feet. They have not proposed moving the camp.

Jeff and Marlene Bergart, neighbors, submitted a letter of concern. They abut Lot 20 on one side. Mr. Bergart appeared in person and read a statement into the record. The Bergart's maintain that a foundation cannot be placed under the camp at its current location without actually digging on their property and driving equipment on their property. The Bergarts believe the Chaplin's camp needs to be moved to the left and back from the water.

The Planning Board had visited the site. Roger thought the camp could be moved about 10 feet to the left without impacting the septic system. He agreed with Mr. Bergart digging a foundation at the present location of the camp would result in encroachment onto the Bergarts property if the property line is where the Bergarts say it is. Roger also reminded the Chaplins they need to get the lines surveyed, and they need a point of elevation so the CEO can confirm the new height of the camp meets ordinance requirements.

The Chaplins asked the Board to table until they could reconsider. The Board unanimously agreed on motion of Meek, second Legere. Mr. Bergart requested notification when the application comes back before the Planning Board.

A public comment from Dave McKechnie who lives on Simon Ricker Road. He asked about all the trucks traveling that road. Since Pat Frasier was in attendance, and it is from his property the trucks emanate, Mr. Frasier responded to Mr. McKechnie. The trucks are hauling materials in connection with the private road building project Mr. Frasier is doing on his property on the Simon Ricker Road. Mr. Frasier has all required permits for his construction.

Subdivision Amendment, Map 12, Lot 32-7 of Frasier Property Development LLC.

Pat Frasier appeared with the Board requested soils' information and a revised plan showing riprap along the westerly side of the proposed road. He also submitted a road maintenance agreement. He requested two waivers: a routinely waived requirement that boundary markers be made of granite; and waiver of the requirement that the new private road be paved because it provides access to three houses. On motion of Meek, Legere second, the Board unanimously approved the two waivers. The reason for the second is Pat Frasier said that in order to avoid paving he would have an access for the third house be Silver Lake Road rather than the new private road. Therefore, the waiver was needed

to achieve the safer result of having the subdivision dwellings access Silver Lake Road at just one place rather than two. Mr. Frasier was told to put both waivers on the Mylar's.

The meeting was adjourned at 10 pm.

Respectfully submitted,
Madge Baker, Acting Secretary

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, September 11, 2007

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

Public Hearing Began at 7:00 p.m.

Conditional Use Permit – *Restaurant Expansion and Addition of an Ice Cream Stand* – Map 1, Lot 42 (Rte 109) – John Mavrakos

Mr. Mavrakos was in attendance for the Public Hearing. Mr. Jeffrey Amos, PE, of Terradyn Consultants, LLC was also in attendance to represent Mr. Mavrakos with respect to the detailed plans for the additions.

Mr. Amos stated that the application was submitted to get permission from the Town of Shapleigh to expand the structure known as Ted's Fried Clams which would include a 960 square foot expansion to the existing restaurant as well as a new 1,232 square foot ice cream stand. The parking lot which now contains 49 parking spaces would also be expanded to a total of 96 spaces. The parking lot will be located in two areas; one area will be where it is located now and the other behind the existing restaurant. There will be a fence placed between the outdoor seating area and the parking area. Mr. Amos stated there would also be a new septic system added for the additional restaurant seating; it would be located under the lower parking area. Mr. Amos stated that because the anticipated area to be disturbed was less than 40,000 square feet there was no need for a MDEP Stormwater Permit by Rule. Mr. Amos concluded by stating the existing historic building that once was the original Ted's Fried Clams would remain on site; it would just be moved back farther from its current location.

Roger A. asked if there were any questions from the audience or Planning Board members at this time. There were none.

The Public Hearing closed at 7:10 p.m.

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

The minutes from Tuesday, August 28, 2007 were accepted as amended.

Conditional Use Permit – *Restaurant Expansion and Addition of an Ice Cream Stand* – Map 1, Lot 42 (Rte 109) – John Mavrakos

Mr. Mavrakos attended the review of his application as did Mr. Amos of Terradyn Consultants, LLC. The board members did a site inspection of this location prior to the start of the meeting.

Mr. Amos began by once again describing what the project would entail.

Board members reviewed the Stormwater Calculations provided as well as the plans for the project. Roger A. noted that there was a copy of the Subsurface Wastewater Disposal System Application done by Albert Frick, SE #163 on 8/15/07 provided. The system would be a chamber system large enough to accommodate 150 seats and would serve the new rest rooms only. Mr. Mavrakos stated there was a separate state approved system for the existing seating capacity and it would remain in place.

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

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

- 105-17 - Land Uses.** *A restaurant is a permitted use in this district with a Conditional Use Permit. This an expansion of an existing restaurant.*
- 105-19 - Notes to table on dimensional requirements.** *The building meets the required road frontage and 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 245', as approved on the original CUP.*
- 105-22 - Noise.** *The changes proposed to this business shall not create any additional noise.*
- 105-23 - Dust, fumes, vapors and gases.** *There will be no emissions created by this business outside of the existing building that would be a detriment to the surrounding area.*
- 105-24 - Odors.** *The will be no odors emitted from this business other than vapors from the kitchen and this does not pose a hazard to the area. Also the ventilation was approved on the original CUP and will it not be affected by the changes proposed.*
- 105-25 - Glare.** *Any additional lighting will be placed by an engineer and shall not glare onto the neighboring property or State Rte. 109.*
- 105-26 - Stormwater runoff.** *There was an engineered stormwater calculation report provided which shows the changes will meet the local and state standards.*
- 105-27 - Erosion control.** *There was an engineered stormwater calculation report provided which shows the changes will meet the local and state standards. Best Management practices shall be used during construction in all areas necessary including around the manhole area during construction.*
- 105-28 - Setbacks and screening.** *Setbacks and Screening were approved on the original CUP and the changes being made shall not affect the existing screening. There are no exposed storage areas.*
- 105-29 - Explosive materials.** *There are no changes being proposed to the existing propane storage area that was approved on the original CUP. There are no additional explosive gases, liquids or solids on site.*
- 105-30 - Water quality.** *There shall be no outside storage of any materials that could affect water quality.*
- 105-31 - Preservation of landscape; landscaping of parking and storage areas.** *There shall be minimal disturbance to the surrounding landscape, which are trees and shrubs. The additional parking area, which in large part will be behind the existing building will not need additional screening.*
- 105-32 - Relation of proposed building to the environment.** *The existing building fits in well with the surrounding area and the addition to this building will be aesthetically pleasing when built per the plan presented.*
- 105-33 - Refuse disposal.** *All waste shall continue to be removed from the site as contracted at this time; this includes the kitchen waste, septic and waste from patrons.*
- 105-34 - Access control on Routes 109 and 11.** *The access to Rte. 109 will not change and has been approved on the original CUP.*
- 105-43 - Off-street parking and loading.** *The parking / turnaround area is adequate for the number of employees and patrons of this business; it exceeds the minimum requirement in the ordinance.*

105-47 – Signs and billboards. *Any signage shall be obtained through the Code Enforcement Office.*

105-52 - Water quality protection. *There is no hazardous waste created by this business. There shall be an additional septic system added to the site which will meet all the state and local standards to provide for the additional seating.*

Roger A. asked Mr. Mavrakos if there would be any changes to the hours of operation. Mr. Mavrakos stated no.

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, the plans and stormwater report show minimal impact on the surrounding area.*
- 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 109.*
- 4) Traffic access to the site is safe. *It is, the site distances, which were approved on the original CUP, 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 engineered stormwater plan presented.*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. *A state approved septic system is in existence and an additional system will be installed for the added seating capacity. Solid waste including grease and consumer trash will continue to be removed by the companies being used at this time.*
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. *There are no hazardous materials produced by this business.*
- 8) A stormwater drainage system capable of handling twenty-five-year storm without adverse impact on adjacent properties has been designed. *There is an engineered stormwater report which shows the area will not have any detrimental impact from stormwater after the changes have been made.*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. *There is an engineered stormwater report which shows how the changes will be made and that adequate provisions will be put into place to be certain no erosion takes place during and after the project is completed.*
- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *There is an existing water source within 500 feet of this business and the business has state approvals with respect to fire protection.*
- 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 and any additional lighting shall not go onto neighboring properties or glare onto Rte. 109. There shall not be an increase in noise from what exists at this time. There are no fumes or odors generated that would be a detriment to the surrounding area.*
- 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.

Roland L. made the motion to approve the Conditional Use Permit to put two additions onto the existing restaurant and expand the parking area and septic system for the business known as Ted's Fried Clams, per the plans presented. The same hours of operation will remain in effect. Lauren M. 2nd the Motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Preschool & Daycare – Map 6, Lot 53B-1 (85 County Road) – Margaret Harriman

Mrs. Harriman was present for the final review of her application. *Note: Mrs. Harriman had previously stated she wanted to rescind her application due to a concern by her neighbor, Mr. Gallant, stating she did not want to upset her neighbor by opening a preschool. She then contacted the Town Office and spoke with CEO McDonough stating she had worked things out with her neighbor and wanted to have the board re-review and approve her application to hold a preschool / daycare.*

Mrs. Harriman began by stating she had spoken with her neighbor, Mr. Ronald Gallant, and he now gave his blessing for opening the preschool. Mrs. Harriman presented the Planning Board with a copy of the State Fire Marshall's report for Group Day-care, dated 9/7/07. The reports only comment was there was a "Door between level of exit and the story below requires 20 min. door". Mrs. Harriman stated the Fire Marshall did not seem extremely concerned with the door not being in place but she would be putting one in as soon as possible.

Mrs. Harriman stated she and her husband were working on fencing but it was not finished at this time. She understood it needed to be up prior to opening the day care.

Lauren M. asked if the Planning Board should require a letter from Mr. Gallant making certain he had no objection to the day care since he had a list of concerns at the public hearing? Roger A. felt that yes, this should be a requirement of the approval.

The board asked Mrs. Harriman how many children she would be having in her home. She said the State approved her for up to 12 children. She would like to have that option, and the 12 children would include her own two children. She said that she may need an aid depending on the number of children she had in the home and the ages. There were State guidelines for this that she must adhere to.

Roger A. stated that at the site inspection he believed the downstairs area was almost ready for the preschool. Mrs. Harriman stated that yes, except for the 20 minute door that area was ready.

Roger A. stated he had a concern with respect to the parking area. He did not want people having to back out of the driveway and he did not remember a place to turn around at the site inspection. Mrs. Harriman said at this time there is a trailer next to the home that they are going to move. By doing this that area can be used as an area to turn around. She said that she would also speak to her clients and have them turn around and face the exit prior to parking, that way the turn around would always be available for use. Roger stated it was important this area be clear year round, so it would need to be plowed in the winter.

Roger A. stated again that the fencing for the play area would need to be up prior to her accepting children in the day care. Mrs. Harriman stated she understood and they were working on that. She told the board members where there would be a gate and where an additional gate would be added in the future, so there would be two ways to enter and exit.

Roger A. asked what her hours of operation would be. Mrs. Harriman stated initially she believed they would be Tuesday and Thursday from 9:00 a.m. thru 11:45 a.m. She did want the opportunity in the future to have extended hours from 8:00 a.m. thru 5:00 p.m. Roger said that she needed to state what the hours might be now and in the future otherwise she would need to come back before the board for an amendment to her Conditional Use Permit. Mrs. Harriman requested 6:00 a.m. thru 6:00 p.m., Monday through Friday. Diane S. if she would be open on Saturday's? She stated no.

Roger A. reviewed Shapleigh Zoning Ordinance 105-40 "Home occupations." Roger stated that all the provisions in this ordinance could be met. Zoning Ordinance 105-40.1 "Child day care." would also be met once the fencing was put into place and the turn-around area was created.

Roland L. stated again that he wanted to be sure the neighbor, Mr. Gallant, did in fact put his blessing on this application. Diane S. asked if there should be another public hearing for this application? Roger A. stated he did not feel it was necessary as long as Mr. Gallant stated in writing he had no issue with this application, since he was the only opposition at the original public hearing. The other members agreed this would suffice.

Roger A. asked if there were any additional questions for Mrs. Harriman? 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, the home is in existence and no changes are being made to the outside area that would affect the wildlife in the area.***
- 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, this business is located on a private right-of-way which receives minimal traffic.***
- 5) The site design is in conformance with all municipal flood hazard protection regulations. ***It is, the home is in existence and has all the appropriate building permits in place.***
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***A state approved septic system is in existence and any trash produced will be minimal and removed by the applicant.***
- 7) Adequate provision for the transportation, storage and disposal of any hazardous materials has been made. ***There are no hazardous materials produced by 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 to the existing home or property that would affect stormwater drainage.***
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***There are no changes being made to the existing home or property that would create an erosion problem.***

- 10) There is adequate water supply to meet the demands of the proposed use and for fire protection purposes. *The home has State Fire Marshall approval.*
- 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 and any additional lighting shall not go onto neighboring properties. The only noise shall be when children are playing outside and there are limited hours of operation.*
- 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 operate an in-home preschool & day care facility for up to 12 children (including Mrs. Harriman's own children) with the following conditions:

- 1) *The maximum allowed hours of operation shall be 6:00 a.m. thru 6:00 p.m., Monday through Friday.*
- 2) *Adequate fencing shall be in place in the yard prior to opening the day care.*
- 3) *A letter shall be obtained by the Planning Board and/or Code Enforcement Officer from the neighbor, Mr. Gallant, stating he has no objection to the opening of the day care facility. This shall be done prior to the opening of the day care facility.*
- 4) *At all times an area needs to be available on site for automobiles to turn around. At no time shall automobiles have to back out of the driveway onto the existing right-of-way or adjacent roadway.*
- 5) *Any signage shall be permitted through the Code Enforcement Office.*

Roland L. 2nd the motion. All members were in favor.

Roger A. noted this was a tentative approval based on the fact that if the board does not receive an approval letter from Mr. Gallant, the approval is null and void and Mrs. Harriman will have to come back before the board for final approval.

Nothing further was discussed.

Best Possible Location – Remove two Camps & Replace with a Manufactured 28 x 64' Home – Map 43, Lot 20 (12 Breezy Cover) – Nancy Page

Mrs. Page was present for the review of her application along with her son Frederick Page. Mrs. Page asked if it was o.k. for her son to speak for her and the board members said that was not a problem.

Mr. Page stated that currently his mother owned two camps that were much in need of repair. She would like to have these camps removed and in their place bring in a double wide mobile home (28' x 64').

Roger A. asked if they knew the location of the existing septic system because it was not marked on the sketch plan presented. Mr. Page stated there was a holding tank located behind the buildings near the road. Mr. Page stated his mother provided the leach field design with the application and it was located across the street from the camps. CEO Steve M. noted that there was a Subsurface Wastewater Disposal System Application which showed a replacement system went in in 1987 which was used for both cottages.

On this application it shows the leach field location as being across the street on another property owned by the applicant. It also showed the location of the existing tank and well. Steve showed Roger that in 2003 the septic tank itself was replaced.

Diane S. asked how many bedrooms the septic system was rated for. CEO Steve M. noted, while looking at the SWDS application, that it was able to accommodate four bedrooms. Diane S. asked how many bedrooms would be in the new structure? Mr. Page stated three.

Roland L. asked if the mobile home would be on a foundation or a slab? Mr. Page stated a slab.

Roger A. asked if the mobile home would be seasonal or year round? Mr. Page stated seasonal.

Lauren M. asked if the board members needed the dimensions of the existing buildings since only the proposed structure was drawn on the sketch provided? Roger A. stated the board members could measure the cottages during the site inspection. Roger added that CEO Steve M. would be the one doing the 30% expansion calculations for the new structure prior to giving out the building permit.

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

Roger A. scheduled a site inspection for Tuesday, September 25th. Roger said board members would meet at the Town Hall at 6:30 p.m. then proceed to the site inspection.

Nothing further was discussed.

Conditional Use Permit – Replace Retaining Wall – Map 19, Lot 11 (Emery Mills Road) – Roger Berube

Mr. Berube was present for the review of his application.

Mr. Berube began by stating he was before the Planning Board to replace an existing retaining wall that was falling into the lake. Mr. Berube said he had already obtained his DEP Permit by Rule Notification approval and he gave the board a copy of the approval, it was dated as accepted by the DEP on 8/15/07.

Mr. Berube stated that Heather Dionne of York County Soil and Water Conservation helped him with his plan and she was the one who in fact did the sketch plan for him. He provided a copy of the sketch plan along with pictures of the existing wall.

Roland L. asked what the length of the existing wall was? Mr. Berube was not certain but stated he had only 50' of shore frontage so it would not be longer than 50'. Lauren M. asked how high the existing wall was? Mr. Berube said only a few feet.

Roland L. asked if the new wall would be made out of concrete locking blocks? Mr. Berube stated that yes, he would be using the small locking blocks.

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

Roger A. scheduled a site inspection of the property for approximately 7:15 p.m. on Tuesday the 25th of September. They will go to this site after the first site inspection.

Shapleigh Planning Board Meeting, September 11, 2007

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Nothing further was discussed.

Other:

Roger A. stated that he had received a fax from Mr. William Small. This fax was requested by Roger for more information with respect to the road Mr. Small was putting in on his subdivision on Town Farm Road. Mr. Small was requesting to have the Town release his performance guaranty for the road in the amount of \$17,000. Roger told Mr. Small the Town had not received a paving schedule from him or the contractor doing the work, or a date of completion. Roger also asked Mr. Small if the survey pins for the four subdivision lots were in and if so the board would need some kind of proof in writing to that fact.

Roger A. said the fax received was a quote from Dayton Sand & Gravel Co., Inc, dated 8/21/07, which showed the work scheduled for 2007 was at cost of \$11,065 and the work scheduled for 2008, which was the paving, was at a cost of \$6,475. Mr. Small told Roger that he was going to try to have all the work completed in September of this year.

Also in the fax was a letter written by Mr. Small which read as follows:

“This is to certify that to the best of my knowledge survey pins have been installed on all four (4) lots approved for this subdivision.”

Roger A. did not feel the above statement from Mr. Small was adequate proof that the pins had been installed. The other board members agreed.

Roger A. said that with respect to the performance guaranty, he believed that when the road was paved and Road Commissioner John Burnell states the road was done per the approved plan, then the performance guaranty for the road could be released. The board members agreed with Roger on this as well.

Roger A. concluded that nothing would be done with respect to the performance guaranty at this time.

Nothing further was discussed.

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

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

Respectively submitted,
Barbara Gilbride
Land Use Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, September 25, 2007

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

Note: Madge B. was a regular member for this meeting.

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

The minutes from Tuesday, September 11, 2007 were accepted as read.

Best Possible Location – Remove two Camps & Replace with a Manufactured 28' x 60' Home – Map 43, Lot 20 (12 Breezy Cove) – Nancy Page

Mrs. Page was present for the review of her application along with her son Frederick Page.

Roger A. noted that the board members did a site inspection prior to this evenings meeting. Roger said there were stakes in place to show where the new building would be located.

Roger A. stated the Planning Board received a telephone call from an abutter, June Childs, which voiced her opposition to the mobile home, believing it might reduce property values in the area. She did agree the old cottages should be removed.

Robert Ellis, a neighbor, stated he was in support of Mrs. Page's proposal to remove the existing buildings and replace them with one new structure. He believed it would be much safer than what exists.

Roger A. agreed stating it would not only be safer but look much better as well. Also, Roger liked the fact the new structure would be farther from the high water mark than what exists so it was better for the environment. He added that the site lot setbacks would be increased as well.

Robert Ellis wanted the board members to know that he believed Mrs. Page would need a wheelchair ramp in the future. Mr. Ellis reviewed the plans, which proposed a set of stairs to access the new home but he said knowing the health of Mrs. Page a wheelchair ramp was something that would be necessary.

Roger A. noted that the sketch plan stated the new home would be 64' long but in fact it would only be 60' long. Mr. Page stated he had drawn the sketch with the dimensions he was given by the manufacturer not knowing the extra four feet were for the hitch used to tow the new structure. That in fact the actually home was 60' in length.

Lauren M. asked the applicant when the project would begin, i.e. the demolition of the existing structures. Lauren also wanted to know if the area where the existing camps are located would be vegetated and with what type of vegetation? Mr. Page stated that the demolition of the camps would happen as soon as possible and the area would be reseeded with grass seed.

Roger A. asked if the existing cottages were seasonal and if anyone was living in them at this time? Mr. Page stated yes they were seasonal and no one was in the structures at this time.

Madge B. asked if the new structure was going to be seasonal? Mr. Page stated yes. Madge asked if the new building was going to be built so it could be used year round? Mr. Page stated yes. Roger A. noted that if they planned on living in the structure year round they would need to obtain a Growth Permit.

Madge B. asked if the structure was going to be on a slab? Mr. Page stated yes, a monolithic slab. Mr. Page showed the board members pictures of the new home that will be placed on site and the plans for the foundation.

Madge B. asked if grass was a good idea for a planting because this was in the Shoreland zone? Roger A. stated because the lot was very level and what was in existence was grass, in this case it would be a good idea. The other board members that did the site inspection agreed.

Roger A. reviewed Shapleigh Zoning Ordinance 105-4.D(5) "Removal, reconstruction or replacement" of a nonconforming structure. Roger noted that the new structure would be in the best practical location and the proposal met all the criteria of the ordinance as presented. Roger noted to Mrs. Page that a survey would need to be done to make certain the new structure was placed in the correct location per the plan presented. Mr. Page stated he understood and asked if he could remove the existing buildings prior to having the survey done. CEO Steve M. stated that yes the buildings could be removed. Roger told Mr. Page it would be best to go into Steve's office to discuss what protocol needed to take place for this project. Steve agreed and told Mr. Page to make an appointment as soon as possible.

Madge B. asked if prior to the building permit being issued for the new structure would all the conditions imposed per the ordinance and Planning Board be met? Roger A. and CEO Steve M. stated yes.

Roger A. asked the board members what their opinion was with respect to moving the structure on the plan since the sketch plan before them showed the new building being four feet longer than it actually will be. Board members agreed to move the structure back four feet from the high water mark, making the new structure 52' from the high water mark instead of 48' feet as presented on the plan. Roger made the necessary change to the plan, with the agreement of the applicant.

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

Roland L. made the motion to *approve* the application to remove two existing buildings and replace them with one new 28' x 60' mobile home with the following conditions:

- 1) A licensed surveyor shall locate the footing location, prior to the building being constructed. This information shall be given to the Code Enforcement Officer.**
- 2) Best Management Practices shall be used during the project, including silt fencing.**
- 3) The new building shall be placed per the approved plan and it shall not be any closer than 52' from the high water mark, 47' from the center of Breezy Cove Road and no closer than 35' to the side lot lines.**
- 4) The area disturbed during construction shall be stabilized / revegetated as soon as possible after construction is completed.**
- 5) The location of where the demo debris is to be hauled shall be given to the Code Enforcement Officer prior to the demolition of the existing camps.**

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

Nothing further was discussed.

Conditional Use Permit – Replace Retaining Wall – Map 19, Lot 11 (Emery Mills Road) – Roger Berube

Mr. Berube was not present for the review of his application. Chris Guay represented him.

Roger A. noted board members did a site inspection prior to this evenings meeting. Roger stated the board members saw the area where the catch basin is proposed. It is to try to prevent all the water that runs around the home toward the lake and to try to stop some of it before it reaches the water.

Mr. Berube had obtained his DEP Permit by Rule Notification approval and he gave the board a copy of the approval, it was dated as accepted by the DEP on 8/15/07. He also had a sketch plan done by Heather Dionne of York County Soil and Water Conservation along with pictures of the existing wall.

Roland L. asked about the proposed railing Ms. Guay spoke about at the site inspection for the retaining wall? What would it be made of? Ms. Guay stated they wanted the railing on top of the retaining wall to prevent anyone from tripping on the wall and going into the water. She was thinking about a metal railing but was not certain what Mr. Berube had decided.

Lauren M. asked if the existing wall was 2' high? Ms. Guay stated yes. Roger A. believed the wall was about 20" based on what he observed on the site inspection.

Roger A. reviewed the planting plan and noted all the plans on the list were very hardy. Madge B. agreed, she knew them all and believed they would do well in this location. Ms. Guay stated they were all suggestions made by Heather Dionne and admitted she was not familiar with all of them.

Ms. Guay spoke about the amount of rainwater that drains from the driveway, around the house, and toward the lake. She said it was a major concern of theirs and thought another dry basin would need to be created to slow it down.

Ms. Guay stated she was also worried about the location of the stairs on the plan. She felt the water would run right down into the lake, because of their location. She suggested placing stairs on the side of the wall and making them curved, therefore preventing some of the sheeting action. She asked the board members opinion. She said she could not bring in any additional soil to prevent erosion so again moving the stairs might help.

Madge B. agreed the location of the stairs was a problem based on her explanation of how the water ran on the property. Roger A. also agreed stating that at the site inspection he could see the terrain would create an opportunity for water to run down the stairs.

Board members discussed the plan before them and concluded they would need a new plan, moving the stairs to a better location. Roger A. stated the board would also like the exact dimensions of the wall to be placed on the plan. He showed Ms. Guay on the existing sketch plan how she could accomplish this. Madge B. thought it would be to CEO Steve M.'s advantage. He agreed.

Madge B. asked if the height of the wall should be on the final plan? Roger A. said he believed the wall to be 20" in height.

Roger A. concluded this application would be tabled until the next meeting where a new sketch plan would be presented showing the dimensions of the wall to be replaced as well as a better location for the stairs leading to the water.

Nothing further was discussed.

Best Possible Location – Put New Foundation under Cottage and add Addition – Map 37, Lot 17 (392 Indian Village Road) - Nancy & William Larson

Mrs. Larson was present for the review of her application.

Mrs. Larson began by stating her cottage was 112' from the lake but there was an inlet mentioned on the Shapleigh tax map, which placed the cottage within the 100' setback. She stated the inlet itself has been filled in years ago by a previous neighbor, but there was still a small stream that existed at certain times of the year. Mrs. Larson showed the board members the Shapleigh tax map that depicts an inlet, as well as photos taken from the internet which show no inlet exists at this time.

Mrs. Larson asked the board whether or not her cottage would be considered to be within the 100' Shoreland Zoning mark with respect to the inlet? She said that if water was not an issue the placement of the cottage would be different than if it was and she just needed to know what plan to present. The board members agreed the stream was an issue, even though it was not running at this time, it was a stream.

Mrs. Larson had no problem with this and showed the Planning Board a proposal she put together which moves the home away from the stream and the neighbor's lot line. She showed what they would like to do, the addition of a 2nd story over part of the building, make existing screen porch weather tight to become part of the main house, add 20' to each side of the existing porch to square it up, and several other changes, which include moving the cottage and adding a foundation.

Roger A. asked if there were any stakes on site showing the proposed location of the cottage? Mrs. Larson talked about several boundary stakes that existed but there were no pins in place for the new home at this time.

Lauren M. asked if there was going to be a new septic system put in? Mrs. Larson stated that there was one in existence so she did not have to put in a new one, but she was going to regardless.

Roger A. stated a site inspection would need to be done. Board members agreed, due to light constraints, they would do it on an individual basis.

Nothing further was discussed.

Other:

Roger A. stated Mr. William Small had contacted him again via the telephone with respect to his Performance Guaranty and the fact the base coat had been put down on the subdivision road off of Town Farm Road. Roger stated Mr. Small was looking for the release of part of the funds (\$11,065) to pay for work to date, and the final top coat would be done in 2008.

Roger reviewed a letter from Project Manager H. Craig Higgins of Development Services, Inc. dated 10/17/05, where it notes that "Mr. Small must have the road completed, which includes top coat, within two years of the approval date in order for the funds to be released. If this is not accomplished, the funds can then be utilized by the Town of Shapleigh to complete the project."

Roger stated that he looked at the subdivision road and it is not complete *in its entirety* at this time. The final surface has not been laid down. Roger said in the Findings of Fact it was stated that all the roadwork had to be completed by 11/9/07 of this year. Again, this has not been done.

Roger A. believed Mr. Small had two options; either finish the subdivision road or ask for an extension of time and a partial release of the escrowed funds.

Madge B. made note that the Planning Board could not act on Mr. Small's request at this time as they only had a telephone conversation regarding this matter, no formal request. Madge said Mr. Small would either need to come before the Planning Board and ask for an amendment to the approved subdivision or he could do so in writing.

The board members agreed they could not act on Mr. Small's request without either a *written* request to release funds to pay for the work to date or a formal request by him or a representative at a scheduled Planning Board meeting asking for an amendment to a subdivision approval to extend the date of completion.

Nothing further was discussed.

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

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

Respectively submitted,
Barbara Gilbride
Land Use Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, October 9, 2007

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

Note: Madge B. was a regular member for this meeting.

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

The minutes from Tuesday, September 25, 2007 were accepted as read.

Conditional Use Permit – Replace Retaining Wall – Map 19, Lot 11 (Emery Mills Road) – Roger Berube

Mr. Berube was present for the review of his application.

At the last meeting, Chris Guay representing Mr. Berube, was asked to bring in a new sketch plan, moving the stairs to a better location to minimize water runoff into the lake. Roger A. had stated to Ms. Guay that the board would also like the exact dimensions of the existing wall to be placed on the plan.

Mr. Berube began by stating the wall was approximately 38' in width, if going in a straight line, and 24" in height. Mr. Berube stated he did not want to move the stairs, instead he would like to place a second catch basin close to the house because this is where the largest volume of stormwater comes from that sheds toward the lake. He showed the board members the area he was talking about, using pictures he had submitted to the board.

Lauren M. asked what the catch basin / drywell would be made of? Mr. Berube stated it would be a concrete container he purchased from Genest concrete. It would have drainage holes in the bottom, stone would be placed under it and in it, and it would be 1000 gallons in size.

Diane S. asked about the vegetation between the catch basin and the lake, what would it be? Mr. Berube stated it would be grass and the area would be pitched toward the catch basin. Roger A. noted that the area near the wall would be a variety of plants as depicted on the planting plan received by the board. Heather Dionne of York County Soil and Water Conservation created the plan and it was comprised of plants indigenous and hardy for the area.

Madge B. asked if there would be silt fencing in place during the project? Roger A. stated yes, there would have to be. Madge B. asked when the project would be done? Mr. Berube stated he would be starting it within a week or so and he expected it to be completed in only a few days. Lauren M. asked if a completion deadline of November 1st would work? Mr. Berube stated, yes, he could have it completed by that time.

Roger A. noted there was DEP approval for the project, including the planting schedule.

Roger A. reviewed Zoning Ordinance 105-4.(D) “Nonconforming structures”, (3) “Foundations”. He also reviewed 105-39 “Earth removal and filling”. Roger noted the applicant’s proposal met all the required criteria.

Roger A. asked board members if they had any additional questions? There were none.

Roland L. made the motion to approve the Conditional Use Permit to replace the existing wall, add a set of stairs, and put in two catch basins per the plan presented with the following conditions:

- 1) Best Management Practices shall be used, including silt fencing. The silt fencing shall remain in place until the grass and plantings have been established.**
- 2) The submitted planting plan for revegetation next to the water, done by Heather Dionne of YCSWC, shall be followed as close as possible.**
- 3) The new wall shall be no higher than 24” and shall be completed by 11/1/07.**

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

Nothing further was discussed.

Best Possible Location – Put New Foundation under Cottage and add Addition – Map 37, Lot 17 (392 Indian Village Road) - Nancy & William Larson

Mrs. Larson was present for the review of the application.

At the last meeting Mrs. Larson had presented two plans, depending on whether or not board members considered an existing stream as requiring Shoreland setbacks would determine which plan would be used. The board members agreed the stream was an issue. After having that decided, Mrs. Larson showed what she and her husband would like to do, the addition of a 2nd story over part of the building, make the existing screen porch weather tight to become part of the main house, add 20’ to each side of the existing porch to square it up, and several other changes, which includes moving the cottage and adding a foundation.

Board members once again reviewed the sketch plans before them. Roger A. noted that the new home could not be raised more than additional three feet from its existing elevation so he told Mrs. Larson it would be best if somewhere near the home the site elevation was marked for future reference.

Diane S. asked if there was a plan for a new septic system. Mrs. Larson stated she did not have one for the Planning Board to review but they were going to put in a new system and would have the plans for CEO Steve M.

Board members were in agreement on the placement of the cottage, believing it was in the best possible location with respect to the lot lines, right-of-way and the layout of the land.

Roger A. reviewed Zoning Ordinance 105-4.(D) “Nonconforming structures”. Mrs. Larson asked if it would be a problem to square up her foundation so the new structure would not have any jogs in the foundation. CEO Steve M. stated, because of the new location of the cottage and the fact only a small

portion of the structure would be in the Shoreland zone, he did not believe it would be a problem to square up the building as long as it fell under the 30% expansion allowed. He told Mrs. Larson he would review it when she came in for her building permit. Mrs. Larson stated she did the 30% expansion calculation and she believed she would have no problem.

Roger A. stated there would be a minimal amount of change to the landscape based on what the board members observed at the site inspection.

Madge B. stated that if a driveway was going to be put in (as stated on the plan) there would be no need to use the right-of-way, which is best. Lauren M. asked if the size of the driveway needed to be limited? Roger A. replied no, the driveway would be beyond the 100' Shoreland zoning mark.

Roger A. stated that even though the cottage would be almost 100' from the high water mark, he believed because of the location of the property itself Best Management Practices should be use. The other board members agreed.

Lauren M. asked about the 30% expansion rule. Was the applicant allowed 30% expansion of what is non-conforming at this time? Roger A. stated yes, and added that CEO Steve M. would do the final calculation as to what would be allowed.

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

Lauren M. made the motion to approve the Best Possible Location for moving the existing structure and making several additions, per the plans provided, with the following conditions:

- 1) A licensed surveyor shall locate the footing location, prior to the building being constructed. This information shall be given to the Code Enforcement Officer.**
- 2) Best Management Practices shall be used during the project, including silt fencing.**
- 3) The new building shall be placed per the approved plan and it shall not be any closer than 20' to the lot line of Map 37, Lot 18 (Kelley), and 13' to the right-of-way (Map 37, Lot 16A).**
- 4) The area disturbed during construction shall be stabilized / revegetated as soon as possible after construction is completed.**

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

Nothing further was discussed.

Conditional Use Permit – Rebuild Retaining Wall – Map 44, Lot 29 (198 Silver Lake Road) – Roland Lapointe

Mr. Lapointe was present for the review of his application.

Mr. Lapointe showed the board members pictures of the existing retaining wall. These pictures showed the wall was leaning toward the lake and also it was evident one of the existing trees on the property was part of the problem. Mr. Lapointe stated he wanted to remove one tree, understanding he would need to replant several smaller trees, and he wanted to put up a new wall.

Madge B. asked if he was going to use cement locking blocks? Mr. Lapointe stated he wanted to use American Granite.

Roland L. asked how much of the wall would be replaced? Mr. Lapointe stated 50'. Diane S. asked how high the existing wall was? Mr. Lapointe replied the wall ranged in size from 40" to 34". He would like the new wall to be approximately 38" in height.

Lauren M. asked if the steps shown in the picture would also be replaced. Mr. Lapointe stated yes, they were collapsing.

Madge B. asked if only one tree would be removed because the pictures showed two trees near the wall. Mr. Lapointe stated he would only be removing one tree, the one closest to the wall. He stated an arborist said the other tree was at its fullest with respect to size and root structure, so it should do no further damage. Mr. Lapointe stated also, he would like to keep the other tree for shade.

The board members asked if Mr. Lapointe had done his Permit by Rule Notification? He stated he had and CEO Steve M. confirmed it as he had a copy of the signed form in his office.

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

Roger A. stated he thought it might be best to do the site inspection on an individual basis due to light constraints. The board members agreed.

Nothing further was discussed.

Conditional Use Permit – Replace Retaining Wall – Map 28, Lot 46 (33 Carpenter's Cove Road) – Russell & Joyanne Lowe (Owners), Mike Gullikson Applicant

Mr. Gullikson was present for the review of the application. He is a relative of the owners of the property.

Mr. Gullikson began by stating he had an engineered plan for the replacement wall, done by Civil Consultants, dated 9/24/07. He provided the plan along with pictures of the existing railroad tie / telephone pole wall. Board members could clearly see the wall was deteriorating and it appeared to be very old.

Roland L. asked how the existing material would be removed and where it would be taken? Mr. Gullikson stated he would be using an excavator or backhoe to remove the wall but at this time he did not know exactly where the existing material would be taken. He said he would be doing some inquiring as to what would be the best way to remove the material from site and to where. Roger A. told Mr. Gullikson that the Shapleigh Transfer Station would not accept the debris so he had to find another avenue to dispose of it.

Diane S. asked Mr. Gullikson if this project was going to be done this fall. Mr. Gullikson stated yes, he wanted to start as soon as possible.

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

Roger A. stated site inspections would be done on an individual basis due to light constraints.
Shapleigh Planning Board Meeting, October 9, 2007

Nothing further was discussed.

Other:

Mr. Pat Frasier attended the meeting stating he would like to represent Nick Richardson with respect to his Amendment to a Subdivision application. Mr. Frasier asked what the board members would need from Mr. Richardson to proceed?

Roger A. stated the Planning Board needed to know exactly what Mr. Richardson wanted to do. Presently the board had a plan showing Mr. Richardson wanting 3 dwellings on the “remaining land”. Roger stated that would require much more information as this is a major subdivision. It would require a paved internal road.

Mr. Frasier stated there was a new plan being drafted which would only show one lot being broken off from the parent lot and no additional dwellings on the remaining land.

Roger A. stated a road maintenance agreement was needed and any requested waivers would need to be on the plan. Mr. Frasier asked if the private road would need to be paved, Roger stated no.

CEO Steve M. asked that the test pits needed to be removed from the plan except for the new lot, that way someone looking at the plan in the future would not assume other houses would be allowed on the property. Roger A. agreed.

Roger A. stated any requested subdivision waivers would need to be placed on the plan such as granite markers, underground utilities, etc.

CEO Steve M. asked if the board needed an engineered road plan? Roger A. stated they would need a standard road design.

Mr. Frasier was told the board members would need a copy of the subdivision plans seven days prior to the meeting he wished to attend. The plans could be on an 8 1/2” x 11” sheet.

There was nothing further discussed.

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

The Planning Board meeting ended at 8:40 p.m.

Respectively submitted,
Barbara Gilbride
Land Use Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, October 23, 2007

These minutes have been amended per the 11-13-07 Planning Board meeting.

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

Note: Madge B. was a regular member for this meeting.

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

The minutes from Tuesday, October 9, 2007 were accepted as read.

Conditional Use Permit – Rebuild Retaining Wall – Map 44, Lot 29 (198 Silver Lake Road) – Roland Lapointe

Mr. Lapointe was present for the review of his application. The Planning Board members did individual site inspections of the property.

Roger A. stated that at the site inspection he and Mr. Lapointe talked about the fact there would be a change in the footing under the new wall to make it more stable. Roger said that the silt fencing is up at this time and would remain in place until after the project was completed. Roger noted that the new wall would be placed in the exact same location as the existing wall. Mr. Lapointe agreed that was correct.

Roger A. reviewed Zoning Ordinance 105-4.D “Nonconforming structures” and stated that the new wall would not be more non-conforming than the existing wall and that the new wall would help to stabilize the area. Roger stated there would need to be one large tree removed as it was destabilizing the existing wall and would do so to the new wall if it remained in place.

Roger A. stated that per the application the new wall would be made out of Granite as would the new stairs. The wall would be 50’ in length and no more than 38” in height.

Roland L. asked where the material that made up the existing wall would be placed after removal? Mr. Lapointe said some would be used as fill behind the new wall and the rest would be brought to his home.

Roger A. stated there was a DEP Permit by Rule received, dated as accepted on 9/20/07.

Roger A. asked the board members if they had any questions. There were none.

Roland L. made the motion to approve the Conditional Use Permit to replace the existing stairs to the water and retaining wall per the plan received with the following conditions:

- 1) Best Management Practices shall be used, and the existing silt fence shall remain in place for the duration of the project.**
- 2) The wall shall be completed by 11/30/07. Should an extension of time be needed Mr. Lapointe will have to contact the Code Enforcement Officer.**

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

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Nothing further was discussed.

Conditional Use Permit – Replace Retaining Wall – Map 28, Lot 46 (33 Carpenter’s Cove Road) – Russell & Jovanne Lowe (Owners), Mike Gullikson Applicant

Mr. Gullikson was present for the review of the application. He is a relative of the owners of the property. Planning Board members did individual site inspections of the property.

Lauren M. noted at the site inspection there was a cart that went from the back of the property to the cottage and she asked Mr. Gullikson if that was how he was going to move material for the wall? Mr. Gullikson stated no, the cart had been there a long time and was only capable of being used for things such as groceries.

Roger A., looking at the plans presented, stated the new wall would be 10’ 8” tall with 18” of it buried beneath grade. Roger stated there was an engineered plan for the new wall done by Civil Consultants, dated 9/24/07.

Mr. Gullikson stated the blocks being used for the wall would be 3 ½’ wide by 18” in height.

Roger A. stated there would be several trees lost because of the scope of the project, a pine and several birches. Roger said Mr. Gullikson wanted to remove as few trees as possible but Roger believed several would be disturbed during the project and would need to be removed as they would not live.

Diane S. asked how equipment would be brought to the site as the terrain was extremely steep and she did not see a way to access the wall? Mr. Gullikson stated there was an old skidder trail on the property on the right hand side. Roger A. noted that he had seen the trail during the site inspection.

Roland L. asked where the septic system was located? Mr. Gullikson stated there was not a septic system on site, instead there was a compost system in the basement that handled the waste products.

Roland L. asked where the telephone poles will be placed that make up the existing wall? Mr. Gullikson stated some would be brought to his home in Denmark and the remaining would be brought to the Rochester Landfill in Rochester, New Hampshire.

Roger A. asked if the wall was 100 feet in length? Mr. Gullikson stated yes.

Diane S. asked if there would be any concrete slabs placed on site, Diane noted a board during the site inspection and thought that might be an area they were going to put concrete in the future? Mr. Gullikson stated no, the board is a temporary structure once the wall is built it will be removed.

Roland L. asked if there would be a railing placed on top of the new wall because of the height? Mr. Gullikson stated that he had planned to put a fence up but was not sure what type. He would be making holes in the concrete on the top row of blocks to use for the fence rails. Diane S asked CEO Steve M. if there were specifications Mr. Gullikson would have to follow with respect to the railing? CEO Steve M. stated the type of fence was not an issue; it needed to be 36” high with a four inch hole for the vertical poles. Madge B. asked Roger A. about a fence he had discussed with her. Roger said he had seen a 5/16 cable that runs 4” apart so you can look thru and it doesn’t harm the view. It appears to be safe and is made out of stainless steel so it last for a long period of time. Mr. Gullikson stated he would look into

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this type of fence. Roger added there were turnbuckles on the ends so you can tighten the cable. Roland stated he had seen a fence of this type and it appeared to work very well for crowd control.

Roger A. reviewed Zoning Ordinance 105-4.D "Nonconforming structures" and stated the plans as presented met all the criteria of the ordinance.

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

Lauren M. made the motion to approve the Conditional Use Permit for replacing the existing retaining wall with precast concrete blocks per the engineered plan received, with the following conditions:

- 1) Best Management Practices shall be used.**
- 2) A replanting plan shall be directed by the Code Enforcement Officer, which will be based on the number of trees to be removed.**
- 3) A railing shall be placed on top of the new retaining wall, due to the height of the wall, for safety reasons. The railing must be approved by the Code Enforcement Officer.**
- 4) The existing telephone pole wall shall be removed from site. Disposal shall be to Mr. Gullikson's home in Denmark or the Rochester Landfill in Rochester, NH. Should these locations change the applicant will need to notify the Code Enforcement Officer of the new location to be used.**
- 5) The new wall shall be completed by January 15, 2008.**

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

Note: The DEP Permit by Rule was received by the Planning Board, dated as accepted by the DEP on 10/24/07.

Nothing further was discussed.

Best Possible Location – Remove two Camps & Replace with a Manufactured 28 x 64' Home – Location for Camp Changed After Survey - Map 43, Lot 20 (12 Breezy Cove) – Nancy Page
Mrs. Page and her son Frederick Page were present.

Mr. Page stated that they had a copy of the survey that was required by the Planning Board and the survey showed the new home could not be placed on the property per the Planning Board approval with respect to the following:

The new building shall be placed per the approved plan and it shall not be any closer than 52' from the high water mark, **47' from the center of Breezy Cove Road and no closer than 35' to the side lot lines.**

Mr. Page stated as written on the plan, the new centerline road setback would be 28' and the side setback would be 32'. Mr. Page stated that this would leave the new home 52' from the high water line as originally approved.

Board members reviewed the new survey plan and agreed it would be best to keep the greatest distance possible from the high water mark leaving it at 52'.

Lauren M. made the motion to amend the approval of the Best Possible Location for replacing the existing structures with one new structure with the following condition:

- 1) Using the survey by Lewis & Wasina, Inc., dated 10/22/07, the new building shall not be placed any closer than 52' from the high water mark, 28' from the centerline of Breezy Cove Road and 32' to the side lot lines.**

Conditions 2, 4 & 5 of the original approval letter dated September 26, 2007 shall remain in effect.

Nothing further was discussed.

Amendment to a Subdivision (Red Pine Estates) – Single Division of Existing Lot - Map 11, Lot 28F (Newfield Road) – Nick Richardson Owner, Patrick Frasier Representative

Mr. Frasier was unable to attend so Thomas Milligan, the gentlemen who drafted / engineered plans for Mr. Richardson, was present to review the application.

Planning Board members reviewed the plans for the Private Way and new lot.

Barbara G. asked why the new lot was named "Lot 4A" when it appeared to be broken from Lot 28F. Shouldn't it be 28F-1? Roger A. stated the 4A was for reference only, it was likely the Assessor would rename the lot when it was placed on the town maps. Mr. Milligan stated that for clarity he would rename the parent lot and new lot if the Planning Board thought this would be best. Roger said it might be easier for future reference.

Roger A. reviewed the notes on the Private Way Plan. Roger read aloud the following notes:

- 16) No further subdivision of parcel without Planning Board approval.
- 18) 'Not-a-road' to remain a private road until acceptance by the Town of Shapleigh and is subject to a maintenance agreement and homeowner association agreement.
- 19) The Town of Shapleigh will not be responsible for the maintenance, repair, plowing or similar services for the private way shown here on.

Roger A. asked about the waivers requested. Roger stated the waivers for granite monuments appeared to be only for the roadway as written. Roger asked Mr. Milligan if that meant granite markers would be placed on the lot? Mr. Milligan believed Mr. Richardson did not want to use granite markers on any of the property. Roger stated the waiver should be changed to read: 21) Waivers: A) Setting of granite monuments ~~on roadway~~ (#5 rebar w/cap #2127 to be set), striking the words "on roadway".

Roger A. noted that showing the land to be conveyed to an abutter was good for reference but it wasn't necessary to place it on the plan. Upon second thought Roger believed any change to the original subdivision should be noted on the new plan.

Roger A. reviewed the road maintenance agreement presented and stated it was adequate.

Roger A. reviewed the test pit profile for the new road. CEO Steve M. reviewed the plans and asked where the test pit was for the new lot and if the Planning Board had a copy of the test pit results for this lot? Mr. Mulligan stated that he believed there was already a septic design/system for the new lot. Steve stated the Planning Board would need a copy of this. Roger agreed.

Madge B. asked why there were still five test pits shown on the parent lot? Madge stated that at the last meeting the board members had asked Mr. Frasier to remove the test pits on the plan per CEO Steve M.'s request. Mr. Mulligan stated he could remove them. Steve stated it was fine to leave one on the parent lot.

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

Roger A. scheduled a Public Hearing for the final plan on Tuesday, November 13th at 7:00 p.m.

Roger A. told Mr. Mulligan he could either have the final Mylar and paper plans ready for that meeting or wait to see if there were any objections from abutters prior to printing of the final plan, just in case any changes might be requested.

Nothing further was discussed.

Other:

CEO Steve M. reviewed Zoning Ordinance 105-47 "Signs and billboards."

Steve M. specifically wanted to review 105-47 (3) which reads as follows:

"Home occupations exempt from a conditional use permit may display a single sign not over eight square feet in area with their name on it, with information about goods or services rendered on the premises or with information concerning the sale, rental or lease of the premises."

Steve asked board members what home occupations were exempt from a CUP? Steve believed the only business he could find was commercial agriculture in the general purpose district. Steve stated he would like some clarity. Steve didn't know if there needed to be a new definition of Home Occupation or would it be best to remove it from the sign ordinance.

(Current definition of Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes. Real estate office and resale of purchased merchandise will not be considered as home occupations.)

Madge B. asked if it would be best to require all businesses to need a Conditional Use Permit and not separate a home business from a regular business. Steve M. stated that a CUP could have a sign 32 square feet in size vs. a home occupation which could not have a sign over 8 square feet in size.

The Planning Board and CEO concluded the best way to differentiate between a home occupation and regular business at this time would be to change the ordinance as follows:

105-47. Signs and billboards.

- (3) Home occupations ~~exempt from a conditional use permit~~ may display a single sign not over eight square feet in area with their name on it, with information about goods or services rendered on the premises or with information concerning the sale, rental or lease of the premises.

Roger A. stated a Public Hearing would be held on Tuesday, November 13th at 7:00 p.m. for the possible Zoning change.

There was nothing further discussed.

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

The Planning Board meeting ended at 8:40 p.m.

Respectively submitted,
Barbara Gilbride
Land Use Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, November 13, 2007

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

Public Hearing Began at 7:00 p.m.

- **Amendment to a Subdivision (Red Pine Estates) – *Single Division of Existing Lot - Map 11, Lot 28F (Newfield Road) – Nick Richardson Owner, Patrick Frasier Representative***

Mr. Frasier was present to represent Mr. Richardson.

Mr. Frasier began by showing the final plans. The plans showed the new lot and the private way, as well as all other lots that comprised the original subdivision. Roger A. noted the test pits on the parent lot had been removed as requested at the last meeting. Roger stated that the notation to waive granite markers was also on the plan with respect to the new lot.

Roger A. asked if a road maintenance agreement was received. Barbara G. noted the agreement was on file and had been received at the last meeting.

Roger A. asked if anyone had any questions at this time. There were no questions.

The Public Hearing for Mr. Richardson was closed at 7:07 p.m.

- **Proposed Zoning Change to 105.47 (3) “Signs and billboards”**

Roger A. read the proposed change to the sign ordinance, it read as follows:

§ 105-47 Signs and billboards.

- (3) Home occupations ~~exempt from a conditional use permit~~ may display a single sign not over eight square feet in area with their name on it, with information about goods or services rendered on the premises or with information concerning the sale, rental or lease of the premises.

Roger A. noted the change was to clear up confusion with respect to the definition of a home occupation. Roger stated presently the only business exempt from a CUP was an agricultural business.

Roger A. asked if anyone had any questions regarding the ordinance change? There were none.

The Public Hearing for the ordinance change was closed at 7:10 p.m.

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

The minutes from Tuesday, October 23, 2007 were accepted as amended.

Amendment to a Subdivision (Red Pine Estates) – Single Division of Existing Lot - Map 11, Lot 28F (Newfield Road) – Nick Richardson Owner, Patrick Frasier Representative

Mr. Frasier was present for the review of the final plan.

Roger A. stated all the requested waivers were now listed on the plan. They included a waiver for the setting of granite monuments, for paving the roadway and for the hydrogeological study. Roger stated he had no issue with any of the requested waivers, he asked if any other board members did. No one had a problem with the waivers.

Roger A. noted that any additional house lots on the property would need Planning Board approval and that the paving of the roadway would be addressed at that time.

Roger A. stated both the parent lot and new lot were fairly level, and that having a gravel private way to access either lot would be sufficient at this time. The other board members agreed.

Roger A. asked if there were anymore questions with respect to the new lot or private way? There were none.

Roland L. made the motion to approve the Amendment to the Subdivision for one additional lot and private way to access the lot, with the waivers requested, per the final plans presented (Re-division of Lot 4 & Land Exchange dated 8/10/07 done by John E. Perry Jr. PLS #2127, of Biddeford ME and the Private Way Plan dated 6/1/07 done by Thomas Milligan Jr. PE #3544 of Saco, ME). Lauren M. 2nd the motion. All members were in favor.

The findings of fact were as follows:

Findings of Fact

1. The owner of the property is Nickolas Richardson.
2. The property is located at Shapleigh Map 11, Lot 28F (Newfield Road), in the General Purpose district.
3. The applicant is Nickolas Richardson, and he demonstrated a legal interest in the property by Title Reference of Deed Book 14748, Page 340-341, registered at the York County Registry of Deeds on 2/6/2006.
4. The applicant proposes to create one additional lot; being 80,171 sq. ft. and the remaining will be open land. The lot will have its road frontage on a newly built private road and all Zoning setbacks shall be met.
5. Test pits were presented for the new private way, done by Thomas Milligan, SE #11, dated 5/12/07. The private way is to remain a private road until acceptance by the Town of Shapleigh and is subject to a road maintenance agreement and homeowner association agreement.
6. A road maintenance agreement was drafted for the new private way to be known as "Not-a-Road" and it will be recorded at the YCRD.
7. The Town of Shapleigh shall not be responsible for the maintenance, repair, plowing or similar services for the private way.
8. Subsurface Wastewater Disposal System Applications were presented for the new lot, done by Brian Howard, SE #196 on 3/17/07.
9. A final plan was presented on November 13, 2007 and a Public Hearing for the final plan was held on that date.
10. 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.
11. The Planning Board finds that the request to waive the requirement, Article 89-37(4), "Pavements"; **shall be granted** and it is noted that any future changes to this plan shall be brought back to the Planning Board for re-review.

12. The Planning Board finds that the request to waive the requirement for a hydrogeological study; **shall be granted** due to the topography and soils in the area.
13. Any further division shall have to come back before the Planning Board.
14. 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.
15. 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.

Conclusions

The standards of the Town's Subdivision Ordinance have been met.

Decision

Based on the above facts and conclusions, on November 13, 2007, the Planning Board voted to approve the application for an amendment to the subdivision known as the Cook Subdivision, per the final plan presented known as Re-division of Land of Lot 4 & Land Exchange for Nickolas Richardson, dated 8/10/07, done by John E. Perry, JR., PLS #2127, 6 Graham Street, Biddeford, Maine 04005 and the Private Way Plan, dated 6/1/07, done by Thomas Milligan Jr., PE #3544, 8 Skyline Drive, Saco, ME 04072.

Nothing further was discussed.

Proposed Zoning Change to 105-47 (3) "Sign and billboards" – Home Occupations

Roger A. noted that there were no comments with respect to the sign change during the Public Hearing. (Mr. Roger Berube stopped in prior to the meeting and requested to see what the proposed sign change would be. He was given a copy to read. He had no comment and did not stay for the meeting.)

Roger A. stated there would be one additional Public Hearing held for the proposed change and then it would be presented to the voters at the Town Meeting in March 2008.

Nothing further was discussed.

Construction of a Private Way – Map 12, Lot 32 - Patrick Frasier

Mr. Frasier was present for the review of his application.

Board members reviewed a proposed plan presented by Mr. Frasier, which included a boundary survey and a preliminary road plan. Mr. Frasier explained the lot did have road frontage on Silver Lake road but he would prefer to extend the private way of the neighboring property into this new lot because eventually in the future he would again extend the road creating an internal road for a subdivision and at that time he said he knew he would need to have the roadway paved.

Roger A., while looking at the boundary plan asked what the tie line shown represented, if it was just done for the survey? Mr. Frasier stated yes, it was done for the survey and for Waterboro Barrens a conservation area.

Roger A. asked about the centerline on the plan for the woods road, was this part of the boundary? Mr. Frasier stated yes, he owned to the center of the road. Roger asked if this was a road that was

reverted back to the landowner? Mr. Frasier stated he only knew that he owned to the center. Roger asked if this was an easement from an abandoned road? Mr. Frasier stated that he believed the road was just a fire lane at one time, he did not believe it was anyone's right-of-way but he would look into it. As far as he knew he owned to that line. Mr. Frasier added that the conservation group has it as a walking path and he intended to leave it as an area for people to use.

Roger A. stated that if Mr. Frasier owned to the center of the woods road, it may be the Town of Shapleigh abandoned the road then gave it back to the landowner. Mr. Frasier stated he did not know if it was ever a town road. Mr. Frasier thought that perhaps Mr. Cameron made the road at one time or Mr. Cook the previous owner.

Mr. Frasier stated that he had the ability to come in off of Silver Lake Road to access this lot but it would be better all around to keep an internal road and place it where he has it on the plan. Roger A. stated that his plan was fine; he had no issue with this location.

Mr. Frasier stated that the previously approved right-of-way has been partially done (this new road would connect to the approved right-of-way coming off of Silver Lake Road) and Road Commissioner John Burnell has been to the site and has approved of the progress to date.

CEO Steve M. asked if the mobile home that was on site near the approved private way was going to be moved and if so where? Mr. Frasier stated that it was usable so he may move it and use it at another location or he may have it disposed of. He said it had no value so he wouldn't be selling it.

Members discussed the fact they had done a site inspection for the approved private way that would abut this new proposal so they did not feel another site inspection was warranted. Roger A. agreed.

CEO Steve M. noted that a drainage plan would be needed for the final review. Mr. Frasier stated that would not be a problem.

Roger A. stated a Notice to Abutters would be mailed and the application would be reviewed again at the next meeting on November 27th.

Nothing further was discussed.

Conditional Use Permit – Replace a Retaining Wall – Map 16, Lot 46 (129 32nd Street) – Robert Day Applicant, Roger & Alice Carignan, Owners

Mr. Day was present to discuss the application.

Mr. Day stated the DEP Permit by Rule had been filed. He was not aware that he also needed a CUP for this project but CEO Steve M. told him it was necessary which was why he was before the board this evening.

Mr. Day had pictures of the existing wall and he stated it ran from 2 feet to 3 feet in height. He said the owners wanted to replace it with an anchor locking block system from Genest concrete. The new wall would be the same size as the existing wall.

Mr. Day had a sketch of the proposed new wall which appeared to be 100 feet in length which included a set of granite stairs to the water. There was also a sketch provided that showed the location of the camp, deck and shed on the property.

Roger A. asked if there were any additional questions for Mr. Day at this time? There were none.

Roger A. stated a site inspection would be done on an individual basis due to light constraints. Also a Notice to Abutters would be mailed. The final review would be done on November 27th.

There was nothing further 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
Land Use Secretary planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, November 27, 2007

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

Note: Lauren Meek was Acting Chairman and Madge Baker a regular member for this evenings meeting.

The Planning Board meeting started at 7:45 p.m.

The minutes from Tuesday, November 13, 2007 were accepted as read.

Construction of a Private Way – Map 12, Lot 32 (Silver Lake Road) - Patrick Frasier

Mr. Frasier was present for the review of his application.

Board members reviewed the final plan presented by Mr. Frasier, which included a boundary survey and the engineering for the new road. Lauren M. reviewed Zoning Ordinance 105-60-1 in its entirety. Lauren asked Mr. Frasier if he had a road maintenance agreement for the planning board file? Mr. Frasier thought he had presented one, but after looking thru his file there was not one on file. Mr. Frasier stated he would bring a copy in for the board. Lauren stated he would need to do so to meet all the requirements of the ordinance.

Board members agreed that the proposed road plan exceeded the minimum requirements for a private way. Board members also noted that by putting in this private way it would make the existing lot a conforming lot by creating the necessary road frontage to meet Shapleigh's 200' minimum requirement.

Mr. Frasier stated that in the future, when he wanted to further develop this lot with additional house lots, he knew he would have to pave the road which is why he was exceeding the minimum private way requirements. He also stated he knew any additional plans for this lot would have to be reviewed by the Planning Board.

Lauren M. asked if there were any additional questions? There were none.

Roland L. made the motion to approve the application for the Construction of a Private Way on Map 12, Lot 32 per the plans presented with the following conditions:

- 1) The Road Maintenance Agreement shall be recorded at the York County Registry of Deeds and a copy given to the Planning Board for the file.**
- 2) The approved road plan shall be recorded at the York County Registry of Deeds within 90 days of the date of the Planning Board approval otherwise the plan shall be null and void.**

Madge B. 2nd the motion. All members were in favor.

Nothing further was discussed.

Conditional Use Permit – Replace a Retaining Wall – Map 16, Lot 46 (129 32nd Street) – Robert Day Applicant; Roger & Alice Carignan, Owners

Mr. Day was present to discuss the application.

Mr. Day stated the height of the existing wall did not exceed 32” and the new wall would not as well. He said the length of the wall was 100’ and the new wall would be the same and it would be made out of interlocking concrete blocks.

Roland L. asked if the existing steps would be replaced as well? Mr. Day stated yes, they would be replaced with granite steps. The new steps would be placed in the same location as the existing.

Roland L. asked if the brush that existed along the wall was going to be removed? Mr. Day stated yes, it was scrub brush and was growing thru the existing wall so it would be removed during construction. Mr. Day stated the one tree near the wall would remain in place.

CEO Steve M. asked Mr. Day what he was going to replace the existing vegetation with? Steve stated that although the vegetation was considered “scrub brush” the root system was keeping the soil in place and preventing erosion. Steve also stated that plants such as blueberries and Juniper were much more efficient at preventing erosion than a lawn.

Mr. Day stated there was a lawn in place at this time but the brush was growing thru it. He thought the owners would prefer him to re-establish the lawn up to the new wall. CEO Steve M. stated he did not mind some lawn but also would like to see native shrubbery just behind the new wall because he said again it was best for preventing erosion. The board members agreed as well.

Board members concluded Mr. Day would need a planting plan to bring to the CEO prior to him receiving the building permit for the new wall.

Lauren M. asked board members what would be the best time line to give Mr. Day for the planting plan? Board members decided on June 15, 2008.

Roland L. asked Mr. Day where he was going to place the material used for the existing wall? Mr. Day stated the material would be left on site and placed along the property line to use for a wall to help prevent the neighbor’s dog from entering the property. CEO Steve M. stated this would not be a problem as long as Mr. Day made certain all the stones did remain on the Carignan’s property.

Madge B. stated it was important Best Management Practices were used including silt fencing and mulch until the wall was up and the new vegetation was established. All board members agreed.

Planning Board members 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 and a new wall and re-vegetation will help to protect the lake.***
- 2) The use will conserve shore cover and visual, as well as actual, access to water bodies. ***The new wall protects the shoreline as will the new plantings and it will be aesthetically pleasing.***

- 3) The use is consistent with the Comprehensive Plan. ***The Comprehensive Plan encourages practices that protect the Shoreland zone.***
- 4) Traffic access to the site is safe. *N/A*
- 5) The site design is in conformance with all municipal flood hazard protection regulations. *N/A*
- 6) Adequate provision for the disposal of all wastewater and solid waste has been made. ***The only solid waste is the existing wall and it will remain on site.***
- 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. *N/A*
- 9) Adequate provisions to control soil erosion and sedimentation have been made. ***Best Management Practices shall be used during the project and until new vegetation is established on site. The new wall and vegetation should prevent future erosion.***
- 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.***

Lauren M. made the motion to approve the Conditional Use Permit to replace the existing wall and stairs per the plan provided with the following conditions:

- 1) **Best Management Practices shall be used, including silt fencing and mulch. The silt fencing and mulch shall remain in place until the grass and plantings have been re-established.**
- 2) **No building permit shall be issued until a planting plan is presented to the Code Enforcement Officer, and he must approve of the plan.**
- 3) **The new wall shall be no higher than 32”.**
- 4) **The new wall shall be done as soon as possible and the plantings must be in by June 15, 2008. The Code Enforcement Officer can extend this time period if he feels it is necessary.**

Madge B. 2nd the motion. All members were in favor.

There was nothing further discussed.

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

The Planning Board meeting ended at 8:15 p.m.

Respectively submitted,

Barbara Gilbride, Land Use Secretary

planningboard@shapleigh.net

SHAPLEIGH PLANNING BOARD MINUTES

Tuesday, December 11, 2007

Members in attendance: Roland Legere, Lauren Meek (Vice Chairman), Diane Srebnick and Barbara Gilbride (Secretary). Code Enforcement Officer, Steven McDonough also attended the meeting.

Note: Lauren Meek was Acting Chairman for this evenings meeting.

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

The minutes from Tuesday, November 27, 2007 were accepted as read.

Conditional Use Permit – Hair, Nail & Tanning Salon – Map 18, Lot 32A (120 Emery Mills Road) – Dawna Dumont, Applicant; Paul Muse, Owner

Ms. Dumont was present for the review of her application.

Lauren M. began by asking Ms. Dumont to explain her business plan to the board members.

Ms. Dumont stated she would like to open a salon at 120 Emery Mills Road, in the building owned by Paul Muse. She showed board members a sketch plan which depicted the layout for the inside of the building. Contained within the building would be four stations for doing hair. Lauren M. asked if she would be renting booths? Ms. Dumont stated yes, she would use one of them and rent the other three to other beauticians. Ms. Dumont stated there would also be an area for a tanning bed, an area for a massage table, and an area for manicures and pedicures.

Ms. Dumont explained that there was already a bathroom on site and what was a small kitchen area used by the previous tenant. In this area she would be putting in a small stackable washer and dryer so she could clean the linens on site.

Roland L. asked what the hours of operation would be? Ms. Dumont stated Monday, Tuesday and Wednesday 9:00 a.m. thru 6:00 p.m.; Thursday and Friday 9:00 a.m. thru 7:00 p.m.; Saturday 9:00 a.m. to 2:00 p.m. and she stated Sunday would be a flexible day with each beautician working one Sunday a month.

Lauren M. stated the board would need some idea of what the hours would be. Lauren stated Ms. Dumont should have the hours of operation the earliest and latest she thought someone would be there on Sunday. Ms. Dumont stated 10:00 a.m. thru 2:00 p.m.

Diane S. asked what type of septic system was on site and if it would handle the water used for this type of business? Ms. Dumont stated the owner, Mr. Muse, had a licensed plumber inspect the system and Mr. Muse had a written receipt stating it was in good working order. The letter was attached to her application; it was written by Don-Rite Plumbing, Inc. and dated 10/10/05.

Lauren M. asked Ms. Dumont what type of license she would need to operate? Ms. Dumont stated she would need a salon license, which she would obtain from the State of Maine. Ms. Dumont stated

that each beautician renting a booth would also need to have their cosmetology license in order to be able to practice. Ms. Dumont added that she could not obtain the state license until after she had approval by the Planning Board.

Lauren M. asked Ms. Dumont if she would have any hazardous waste on site? Ms. Dumont stated the only thing she could think of was possibly the lights used for the tanning beds. She would be disposing of these lights herself at the transfer station as directed.

Lauren M. asked Ms. Dumont if she would be selling any products? Ms. Dumont stated she would be selling products for hair care.

Ms. Dumont gave the board members a copy of a flyer she made which depicted the name of the business, Country Dezigns, and it was advertised that available for the patrons would be services for hair, manicure, pedicure, massage and tanning.

Roland L. asked if a site visit was necessary? Barbara G. and Diane S. stated that one had already taken place at this location and the parking and site distances were adequate. Barbara also said that because the board members all knew of the location of the building she did not feel another site visit would be necessary. Everyone agreed.

Lauren M. asked if there were any additional questions at this time? There were none.

Lauren M. stated a Public Hearing would be held on Tuesday, January 8th at 7:00 p.m. and the final review of the application would be during the regular meeting at 7:30 p.m. A Notice to Abutters will be mailed as well.

Nothing further was discussed.

Conditional Use Permit – Replace Wood Retaining Wall – Map 28, Lot 44 (27 18th Street – Richard & Anna Griffin

There were no applicants present for the review of this application so it was tabled until the next meeting.

OTHER:

Letter to CEO Ken Paul, Town of Acton, regarding solid waste facility proposal in Acton from the Town of Sanford.

Diane S. asked board members if they believed the Town of Shapleigh should address the proposed solid waste facility because the trucks would be driving through Shapleigh, which may not only be a traffic issue but also an issue due to the noise and smell created by these trucks.

Board members believed Shapleigh should be involved on some level but the letter should come from the Board of Selectmen, not the Planning Board. Board members asked Barbara G. to draft a memo to the Board of Selectmen asking them to address the application, attaching a letter from the Town of Sanford for them to review.

Diane S. asked if the memo could address the issue of traffic, noise and odor? Lauren M. agreed these were her biggest concerns as well.

Diane S. asked if the memo should address asking for a traffic study for Shapleigh? Lauren M. stated based on her attendance at the previous meetings in Acton regarding the solid waste facility and the fact she has done traffic impact studies and permits for the State, she said it is a matter of how many trips are generated in a peak hour that pushes an applicant into one category or another. The most extreme is the traffic impact study. Lauren said with the DOT you establish an area of intersections that have to be identified and studied. Lauren believed the intersection of Shapleigh Corner Road and Rte. 109 at the foot of the lake would be one such area. Lauren did not believe they would study Sanford based on other studies she has seen done.

Lauren M. added that the applicant will need to determine how many trucks would be arriving and leaving in a certain amount of time, how many will go in each direction, and what routes they will take.

Diane S. stated an area of concern for Sanford were the intersections of Route 202 and Route 109, and Route 11 and 109 in Springvale. Lauren stated the problems with those intersections was a geometric problem regarding the layout of the intersection itself and this isn't usually addressed with an impact study that the State would require.

Lauren M. stated at one of the meetings the Chairman of the Planning Board in Acton asked about the affect on the bridge for the Upper and Lower Mousam Lake, and it was stated the impact study would address that. Lauren stated it would not. Diane asked what type of study would address this issue? Lauren believed you could put a condition that the applicant would have to contact the DOT to see if there was a weight restriction on the bridge.

Diane S. asked if the Town of Shapleigh should recommend any conditions? Lauren M. asked who owned the bridge? The other members believed it was a state road.

Diane S. thought one condition might be no trucks during school pick-up and drop off hours. Lauren M. stated she had heard that argument for Rte 236 for oversized loads but the argument the truckers have is it is hard to time when they will traveling through the area. They can't do that. Where do they go for a few hours? A member of the audience, Pat Frasier, commented that the last thing a truck driver wants to do is be behind a school bus with all the starting and stopping so they try to avoid it if possible. Lauren agreed that this would most probably be a self regulation on their part.

Lauren M. stated from her experience working on the turnpike, the problem being behind the trash trucks was that they smelled extremely bad and the odor lingers. Lauren stated these odors will be going through people's yards because the road is narrow and the trucks will be driving through residential areas. Diane S. stated she was worried about how far the odor would go on a hot muggy day in the summer. Would the odor travel across the lake if there is a small breeze? How far will the odor travel, five miles?

Lauren M. stated it would be good to get input from towns that have existing facilities that the applicant has built. Diane S. thought instead of the applicant's facilities perhaps do a study of facilities that are the same size he is going to build, not the applicant's facilities. Diane though it would be best to do an independent study. Lauren agreed.

Lauren M. and Diane S. agreed odor, traffic, and water quality were the key issues of concern. Diane stated that members of the Mousam Lake & Square Pond Associations expressed concerns with both air and water pollution. She would like this mentioned to the Board of Selectmen.

Roland L. stated he would like to go on record as stating the Planning Board has concerns with the waste facility proposal that may be going in on Rte. 109 in Acton. All board members agreed.

Board members asked Barbara G. to type a memo to the Board of Selectmen with their concerns on this issue.

Nothing further was discussed.

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

The Planning Board meeting ended at 8:15 p.m.

Respectively submitted,

Barbara Gilbride, Land Use Secretary

planningboard@shapleigh.net