

Shapleigh Planning Board

Minutes

Tuesday, August 14, 2018

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

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

The minutes from Tuesday, July 10, 2018 were accepted as read. Note: There was no meeting held on Tuesday, July 24, 2018.

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

Conditional Use Permit – Office for Property Maintenance & Excavation Business – Map 18, Lot 32 (112 Emery Mills Road) – Paul & Bob Muse, Applicants

Paul Muse was in attendance for the review of the application.

In addition to the application, provided was a sketch plan depicting the existing 26 x 40’ building, formerly used for Emery Mills Energy. The sketch plan depicted the distance from the building to the lot lines, the location of the well and septic system and the location of the existing sign.

On the application, the detailed description of the project is as follows: This is the old Emery Mills Energy. Replace existing sign with new sign for business. Muse Brothers – Property Maintenance & Excavation, Snow Plowing.

Roger A. opened the meeting asking Mr. Paul Muse to let the board know what his intentions were. Mr. Muse stated that he and his brother wanted to utilize his office for a billboard sign for their new business, Muse Brothers Property Maintenance, Excavation and Plowing. He said they wanted to take care of some of their old customers they had with Emery Mills Energy, who had been requesting them to do what they could. He said since Eastern Propane was moving out, they figured they would use that space and put a sign up. (Eastern Propane was utilizing the building after Energy Mills Energy.)

Mr. Muse stated that they were going to meet with customers by appointment only. He thought he may deal with customers on Saturday mornings by appointment.

Roger A. asked if it was just an office being used, there would be no equipment going in and out of the location? Mr. Muse stated, “That is correct.”

Roger A. asked if there were any other questions? He noted it was a change of use because there was an existing office, but the business is going from propane to property maintenance.

Madge B. stated there was no need for parking plans or planting plans because everything was in existence and no changes were being made. Roger A. agreed, the parking is already there. He said there is only a change of use. Madge added, “And a change of signage.” Roger agreed and stated once approved, the sign permit goes through the Code Enforcement Officer.

Roger A. stated the board should hold a public hearing because it is a change of use, but he saw no other issues. Madge B. agreed.

Mr. Muse asked if he had to come back again. Roger A. said, “Yes, in two weeks.” The board will hold a public hearing at 7:00 p.m. and take the application up at the meeting.” Mr. Muse asked if he had to wait to put up a sign for two weeks. Roger said, “Yes, you have to wait, otherwise the Code Enforcement Officer would have to tell you to take it down.”

Mr. Muse asked if someone else rented office space in the building, could he still leave his sign up? Roger said, “You could, but you may need to split the use of the sign.”

Roger A. stated the Public Hearing will be at 7:00 p.m. on Tuesday, August 28, 2018. A notice to abutters will be mailed as well.

Mr. Muse asked if there would be a site visit? Roger A. didn’t feel it was necessary because the board was well aware of the location.

Steve F. asked about how many offices are in the building? Mr. Muse stated it was previously used as one office, but there are four separate rooms. Steve asked if they had to come back if they rented out another office to someone else? Roger A. stated if he rented office space to another business it would be an amendment to the Conditional Use Permit for the additional use. Maggie M. stated there would have to be another public hearing. Madge B. noted the board would have to deal with the parking and amount of traffic, etc. Roger agreed, the board would have to look at this depending on what the business was, if there would be enough parking, because the board doesn’t know at this time what the new business would entail.

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

Nothing further was discussed.

Conditional Use Permit – Placing a Modular Home in the Shoreland District (§105-17) – Map 40, Lot 30A (Granny Kent Pond Road) – Lee Melvin – Arundel Homes, Applicant; Heather Hawkins, Elizabeth McDowell, Property Owners

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

In addition to the application, the applicant provided the board with a sketch plan depicting the proposed location of the modular home in relation to the lot lines, as well as where silt fencing will be placed, bank erosion control, a stone area for roof runoff, and the area for the new septic system. All new structures shall be beyond the 100 foot line to the high water mark.

Also provided was a letter from the property owners stating that Mr. Melvin could represent their interest, along with a copy of the Subsurface Wastewater Disposal System Application dated 8-29-16, drafted by Kenneth Gardener, SE #73.

On the application, the detailed description of the project is as follows: 1175 SF single family ranch style home, 2 bedroom, w/walkout basement, and 8' x 16' deck.

Roger A. asked Mr. Melvin to let the board know what they intended to do. Mr. Melvin stated they were putting in a 42' x 28' ranch with an 8' x 16' deck on the front. He stated there would be a walkout door underneath the deck and he noted that they would meet all the setbacks, included being beyond the 100 foot mark to the water. He believed they were at least 16 feet away from that, including the deck. Mr. Melvin stated that because of the septic location and the slopes, they will loam up to the back of the house and there will be a stone drip edge on the back. He stated the owners want plantings on either side of the house but they are not sure if they will do it in the fall or spring, because it will be late in the season before it is completed. He said there would be four or five shrubs, which are not on the plan, along the front of the house facing the road, where the stone is located. He said they also talked about ground cover and an herb garden.

Roger A. asked about the walkway going down to the lake? Mr. Melvin stated that it was already in existence. He said there were stairs and a dock on site now. He believed there were several owners over the last few years, and they all had the intention of building but no one ever did. He thought at one time there was a trailer on site, noting there was a temporary electric service.

Mr. Melvin stated that a survey of the property had been done by LinePro about a year ago.

Roger A. stated a site inspection would be done at 6:00 p.m. on August 28th. A notice to abutter will be mailed as well.

Steve F. asked if this was a steep lot. Mr. Melvin stated that it was relatively flat where the house would go but then it sloped off at about the 100 foot mark. Steve said his only concern was with measurements. Mr. Melvin stated that LinePro Land Surveyors did the measurements, he did not do them, and so they should be accurate. Steve stated that the board will require them to set the foundation in a certain location, based on measurements, so they need to be accurate. He said a surveyor will be required to take measurements to the foundation. He wanted to be sure they were 100 feet back. Mr. Melvin stated that they were at least 115 feet back from the high water mark.

Roland L. asked why the board was looking at this? Ann H. asked if it was a best possible location? Roger A. stated, "No, it is because a modular home in the Shoreland zone requires approval by the board."

Mr. Melvin asked why modular homes are picked out. Madge B. was not sure. He said he did not have to do this with other towns, they consider it a stick built. It is all wood construction. CEO Demers stated there was a definition of modular or manufactured housing unit in the ordinance, that it is why it is here tonight. The definition is as follows: Manufactured Housing Units – Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein.

Roger A. stated that in prior years, when the crane was brought in to set the house, people have come in and leveled the lot, clearing all the trees out, with no regards whatsoever that they are in the Shoreland District or what is going to happen due to the removal of the trees. Roger believed this is why this is in the ordinance and it has never been changed. Mr. Melvin thought that was an issue within 100 feet. Roger said it was about how they needed to get the house to the location and to be able to set it on the foundation. Mr. Melvin said in this case it wasn't an issue. Roger said he understood but this is why the ordinance is here. He said the board needs to be able to say it isn't going to be setting in the road before it is set on the lot, or that trees will be needlessly cleared where they should not be. Roger stated the board can't take each case as an individual case, the ordinance has to cover anyone bringing in a modular home to make sure it is brought in correctly. Roger did not see any environmental issues in this case, but the board still needs to look at it.

Mr. Melvin spoke about wanting to get this in as soon as possible, being able to line up the crane and crew was difficult. Roger A. stated the board could not have a special meeting for this application. He noted that as long as he was on the board, he may have held only one special meeting. It has to be a dire need. He stated this would have to be reviewed as it is typically done, and have the final review in two weeks. He added that a notice to abutters must be done by State law and the board needed the two weeks to be able to accomplish this, as there has to be a 10 day notice.

Roger A. stated that at the next meeting the board will be taking it up and voting on it. Mr. Melvin asked if the board was going to be doing a site visit before the meeting. Roger said the board will be on site at 6:00 p.m. before the meeting. Mr. Melvin wondered why he had to send the material to members prior to the meeting, he thought they would have already gone to the site. Roger said that it just gave members notification to what was going to be on the agenda and then the site inspection notification is put on the agenda, which also notifies the townspeople in case they want to attend.

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

Nothing further was discussed.

Best Possible Location – Replace Existing Structure in Shoreland District – Map 38, Lot 12 (13 Mill Pond Road) – James Fiske, Applicant; Patricia Ricciardi, Property Owner

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

Provided along with the application, was a conceptual plan drafted by Joseph Stanley of LinePro Land Surveyors, LLC, dated June 28, 2018, depicting the existing lot lines, and the existing house, 20'4" x 36'7" in size, in relation to the lots lines. Including the drip edge the measurements are 21'8" x 37'11."

Also shown on the sketch is the bulk head and deck location. The structure appears to be 55.7' to the edge of Mill Pond Road in one location and 42.3' in another.

Also provided, was an email from Patricia Ricciardi, dated 7/25/2018 that grants Mr. Fiske permission to represent her on this project; pictures of the existing house; a copy of the Subsurface Wastewater Disposal System Application, dated 3/16/1986, drafted by John Large, SE #7; and a letter from Mr. Fiske of Mousam Valley Builders, Inc., dated 8/6/2018 which stated in part as follows:

We are requesting a site for best location of a non-conforming structure to replace an existing house at 13 Mill Pond Road in North Shapleigh Village. Existing house was built in the 1930's and has a failing concrete block foundation and substandard construction. We propose to tear down and remove existing 20' x 36' house and rebuild to existing codes. We hope to expand existing building from 8% to 10% lot coverage which could be accomplished with existing setbacks. Currently, lot is 9000 SF and existing house is approximately 750 SF. We are proposing to build a 24' x 36' house (900 SF).

There is an existing 2 bedroom state approved chambered septic system and well on the property. Joe Stanley from LinePro Surveying has researched deeds and has prepared a site plan including existing structures and markers.

On the application, the detailed description of the project is as follows: Tear down existing house and rebuild with new foundation.

Roger A. asked Mr. Fiske to tell the board what they were proposing. Mr. Fiske stated they wanted to replace an existing structure that was in rough shape, that was built in the 1930's. He said there is a failed concrete block foundation, it is caving in on one side allowing rodents to come in and out of the foundation. He said there wasn't anything on the house that is worth saving. He stated he was before the board to see what they can do. Currently the home is approximately 20' x 36' with a bulkhead to create one of the setbacks. He was hoping they would be able to make the house 24' x 36', which makes the house under the 10% lot coverage, barely under but under. Mr. Fiske said he was looking for the best possible location and asking if he could expand to the 24' x 36'. He said a 20 foot house makes it very hard to put in a set of stairs.

Roger A. asked from the deck to Mill Pond Road, is there any movement there? Mr. Fiske said if he was looking at the 55 feet to the road, that was the only area that he could shift it forward a little bit. He said that LinePro did this project, so that number is accurate. Mr. Fiske said this is a tight neighborhood, there are buildings everywhere. He said there is a barn very close to the back lot line. Ann H. looked at pictures and thought it looked like the barn was maybe 2 feet away. Joe Stanley of LinePro agreed.

Mr. Fiske stated that currently there is a little grass and shrubbery on the lot. He did not feel they would disturb alot because the septic system was already in. He stated they would put in a foundation but nothing else had to be disturbed.

Steve F. asked if they would be putting a deck back on the front? Mr. Fiske stated, "Yes, we will have to put that back it is actually a porch, it's how you get into the house, the front steps as well. Something has

to go back on.” He added that if the board allows him to expand the house, he will have to figure out how to get into the basement, probably another bulkhead.

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

Roger A. scheduled a site visit for 6:30 p.m. on Tuesday, August 28th. A notice to abutters will be mailed as well.

Nothing further was discussed.

Construction of a Private Way – Map 6, Lot 34E (Nason Road) – Brian White Applicant; Joseph Stanley of LinePro Land Surveyors, LLC Representing

Mr. Stanley was present for the review of the application. Mr. White was in attendance as well.

Provided along with the application, was an aerial view of the lot which depicted the abutting lots in relation to Lot 34E; a copy of the Warranty Deed from Albert H. Conrad of Shapleigh Maine to Brian R. White and Kerri E. White of Shapleigh Maine ownership, Plan Book 9690, Page 234-235 dated received at YCRD on 9/20/1999; and a Warranty Deed granting property from Albert H. Conrad of Shapleigh Maine to Brian R. White and Kerri E. White, Plan Book 17085, Pages 422-424, dated received at the YCRD on 8/26/15; and a Sample of a Road & Drainage Maintenance Agreement by Brian & Kerry White.

In addition, provided is a plan entitled ‘Plan of Private Way For Brian & Kerrie White, P.O. Box 106, Shapleigh, ME 04076 Of Property Located on Nason Road in Shapleigh, Maine’. The plan depicts the Road & Ditch Section, Sample of Typical Ditch Turnout & Level Spreader, a 1500’ x 50’ private way with a 50’ x 50’ turnaround at the end of the private way, two proposed five acre lots that will be gifted to family and a remaining 15.71 acre lot proposed to be gifted to family (13.93 excluding ROW area). The plan depicts (3) ditch turnouts with level spreaders. On the plan, Note 6 reads as follows: *“The Town of Shapleigh will not be responsible for the maintenance, repair, or plowing of the private way and further lot divisions utilizing the private way are prohibited without prior approval of the Shapleigh Planning Board.”* The private way is to provide access to three lots, a maintenance agreement shall be required by the Planning Board and recorded in the York County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way.

Roger A. asked Mr. Stanley what their intentions were? Mr. Stanley stated that the project was on Nason Road, just past Ridley’s farm, on the left hand side. He said that the applicants are seeking approval for a private way for a future family division. The private way is on the easterly side of the property, using an existing road that was used previously. They want approval for the maximum amount of 1500 feet. He said the slopes of the roadway all run back toward the client’s property, so the road will be pitched to the left and any runoff will go into a ditch, evenly spreading it out with a level spreader to channel the rainwater from the ditch, spreading it out on to the applicant’s property. At present they are proposing one toward the low spot and one toward the end of the road. He pointed to the location on the plan he provided. Steve F. asked if there were three water turnouts? Mr. Stanley said, “Yes, that is what I am proposing at this point.”

Roger A. asked when the lots would get divided? Mr. Stanley thought it would be dictated when the family members were ready. He was not sure, they wanted to get the road in first. Mr. White stated that he had a child that was 2½ and he wanted to build before he starts school. Roger said that in the ordinance it states the road is to be put in for access to the lots, so if the lot is not divided then we are putting in a road for what? Roger was concerned with them circumventing subdivision. Other members noted it was going to family which is exempt. Roger said that they could sell to anyone. Steve said it could not be sold to someone else for five years. Mr. Stanley stated that it is written on the plan that they have to keep them for five years or come back to the Planning Board or gift them to family. He said the State law is on the plan which will get recorded. Roger stated that under Section 105-60.1 it states a private way is to be made specifically to provide access to those lots but at this time there are no lots, and may not be for 10 or 15 years. Mr. White stated they could create the lots now if that is what the board wants. He said that once the road is up to specs he can give his brother the land. Roger did not see that they needed to create the entire 1500 feet to get to the lots he was referring to.

Ann H. asked if it could be a condition to allow the whole road with a condition that the lots ‘will’ be divided later. Roger A. was concerned with the sale of future lots if the whole road was created. Mr. White stated that the land would be staying in the White family. Mr. White stated that he wanted to create the turnaround in what would be his son’s lot 18 years from now. He said they could create the lot now.

Maggie M. asked if there was a law that allowed for a private way, even if the lot was not being broken up. The chart on 105-60.1 does address one lot but it is a lesser standard. The Whites were going to build to the standard for 2 or more lots. Maggie said if they were building at the end they would need a driveway to the road. Roger said in that case they would just build a driveway. Madge B. noted the difference between the number of lots and the difference with what was required. Steve F. read the requirements. The requirements in part are as follows:

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

Madge B. asked what the issue was, if they sell to someone other than family then they would have to come back to the board. Roger A. was concerned about the future sales. Steve F. thought the board would pick it up at Growth Permit time. Mr. Stanley said he believed the applicants would agree to any condition, and that if it wasn't conveyed to family they would automatically have to come back to the board. Mr. White agreed.

Mr. Stanley stated that in the spirit of the Private Way ordinance, it asks that all the lots be depicted on the plan or it has to come back for additional approval, which is why the lots are on the plan. Roger said once the Private Way is created any additional lots have to come back to the board. The applicants stated that they understood. Roland L. stated that the ordinance requires a maintenance agreement, where it is family is it still required? Roger A. said, "Yes." Mr. Stanley said he would always recommend a maintenance agreement, because sometimes family can have the most difficult issues. Ann H. asked, with respect to the maintenance agreement, it says where there are 2 or more lots a maintenance agreement shall be required, are there 2 or more lots at this time? Roger said the plan was showing 3 lots presently. Ann said that right now it is one lot, but the intent is 3 lots. Roger agreed.

Roland L. asked if the board needed to do a site visit. Roger A. stated yes, because the road is going on natural soil, no excavation is being done, 15 inches of gravel is going on what exist today, the board needs to see what that looks like. Mr. Stanley agreed, only trees have been cut. Roger wanted to be sure there were no wet areas that need to be addressed. Mr. Stanley said there was natural grade but he welcomed the board to look at it.

Roger A. stated a site inspection would be done at 5:30 p.m. on Tuesday, August 28, 2018. A notice to abutters will be mailed as well.

Nothing further was discussed.

Amendment to a Major Subdivision / Hidden Cove – Adding Restrictions to Approved Subdivision Plan – Hidden Cove, LLC, Applicant; Joe Stanley of LinePro Land Surveyors, LLC Representing

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

Mr. Stanley stated that the Town of Acton was presented with some resistance to the approved subdivision after it was approved, and he was requested to attend several meetings with the Acton Selectmen. At those meetings the Selectmen had requested several changes to the approved plan to ease those concerns, but as of today he was advised the Selectmen voted to remove the requirement.

Mr. Stanley stated that his client was ready to begin marketing the properties, and therefore he was withdrawing his request for an amendment to the subdivision. The board members accepted his withdrawal.

Nothing further was discussed.

Other:

Board members agreed that it would be best to hold a workshop on any proposed ordinance changes, to be able to discuss it at length if needed. A date was not set but members agreed that either prior to a meeting or another day may work. When a date is agreed upon it will be posted at the Town Hall.

Growth Permits

Map 42, Lot 28E (Emily Lane) – New Home

GP #09-18

Board members reviewed the application and agreed it was a lot of record from a subdivision entitled ‘Subdivision of Land in Shapleigh, Maine owned by Albert J. Cameron’ dated July, 1971 and recorded in the YCRD as Plan Book 55, Page 9, when it originated.

Map 12, Lot 22-4 (Archer Street) – New Home

GP #10-18

Board members reviewed the lot and approved the Growth Permit, as the lot was recently before the board and obtained approval for a Private Way to obtain the required road frontage for the lot, which had not been created when this lot was approved as part of the Sandy Point Subdivision.

The Planning Board meeting ended at 9:00 p.m.

NOTE: The summers hours are in effect thru October 31st, the meetings begin at 7:30 p.m. and any scheduled public hearings begin at 7:00 p.m.

The next meeting will be held **Tuesday, August 28, 2018** at 7:30 p.m. The Planning Board meets the 2nd and 4th Tuesday of each month unless it falls on a holiday or Election Day. Should there be a cancellation due to a storm event, holiday or Election, the meeting will typically be held the following Wednesday, also at 7:30 p.m. Please contact the Land Use Secretary if there is a question in scheduling, 207-636-2844, x404.

Respectfully submitted,
Barbara Felong
Land Use Secretary
planningboard@shapleigh.net