

November 13, 2002

Phippsburg Planning Board

REGULAR MEETING

Board members present: Marie Varian, Chairman; Marion Hebert; Bruce Kaake; Clifford Newell, Alternate. Members Steve Thayer and Josh Bate were absent.

The meeting was called to order at 6:02pm. (a Public Hearing had been scheduled for 6:00pm, but as the presenter was going to be late, the Hearing was recessed). The Hearing was recessed. The regular Planning Board meeting convened until the applicants arrival.

The Board received an application from Jim Guidi, representative of the Parker Neck Colony Phase II Subdivision (Map 10, Lot 19, subdivision lot #16, zoned Resource Conservation with a 250' setback). The application requested a 190 foot minimum setback on Lot 16 as a result of a second survey of the property. The original application submitted in September requested a 150 foot setback. A site inspection was conducted on November 3 and was attended by four members of the Planning Board, the Codes Enforcement Officer, Guidi, and representative Ellen Fontaine. Varian stated that they saw the original flagged marks for 150' and 250' setback and, though there was no objection to the flagged location of the house, did want verification on the setback lines. Setback distances on the map appeared to have been taken from the east boundary line of Lot 16 and the Town's property (so called "Rising Sun"), rather than from the actual high water mark to the east of the "Rising Sun". Several members of the Board and the Codes Enforcement Officer have visited the site individually since the re-survey and viewed the corrected flagging. The Board gave unanimous approval to the application and it was signed by all members. The \$20 fee was paid.

Guidi next presented the Board with an application for the amendment of the Parker Head Point Subdivision (Map 11, Lot 58) by moving the hammerhead from Lot 3 to Lot 2 and end the minor subdivision road, Kindred Way, at the border of Lots 2 and 3. He provided an amended map depicting the revision of the hammerhead and shortening of the road. A site inspection of this area was conducted on November 3 and Varian advised of the points that were reviewed during that inspection. James Totman, Fire Chief, also attended that site visit and had no objection to the relocation of the hammerhead. Varian further advised that some of the neighbors questioned the standard of the road construction. It was stated that the road construction will be at least to the Town Ordinance standards and possibly more stringent. The Board gave unanimous approval to the amended plan and the application and mylar was signed by all members. Varian

reminded Guidi that a final recorded Deed for the property owned by Adah Ginn would be needed by the Board as required at time of Subdivision approval. Guidi paid the \$70 fee.

The regular meeting recessed at 6:23 to conduct the above mentioned Public Hearing.

November 13, 2002

Phippsburg Planning Board

PUBLIC HEARING

The Public Hearing was called to order at 6:00pm, recessed at 6:02pm and reconvened at 6:26pm.

Board members present were: Marie Varian, Chairman; Marion Hebert; Bruce Kaake; Clifford Newell, Alternate.

Varian announced that Steve Mohr had telephoned that he would be late and the Hearing recessed at 6:02 pending his arrival.

Mohr, presented the Board and interested parties with a sketch of the proposed road profile of Long Cove Road and an amendment to the Fairways Cottages, Phase I Subdivision, to create an additional lot.

He stated that public notification had been sent by Certified Mail and all card receipts had come back with the exception of two; one from Nancy Eaton Keefe and one from her brother, Richard Eaton. Eaton is the deeded owner of record of property on Long Cove Road. His siste, keefe, is a Trustee. Photocopies of all other certified mail cards were presented to the Board. He advised that Keefe and Eaton had been notified three times and the letters were unclaimed. He has spoken with their attorney.

Varian advised that two letters have been received from Keefe and Eaton stating their opposition to the road relocation.

Mohr stated that the Resort owner, Bob Smith, is not going to go ahead with the relocation of the road until signatures from all right-of-way owners are obtained.

Mohr showed changes from the map presented in September. He pointed out a reconfiguration of the proposed additional lot which will amount to approximately one acre as opposed to the original acre and a half. He added that the second change is the relocation of a small cottage with the owners (Carney's) wishes. This relocation conforms with setbacks. A new driveway off of Long Cove was also pointed out.

Mohr pointed out the proposed road relocation and stated that a reconfiguration had been done to flatten the road grade. Originally the plan called for a 3-1/2 to 4 percent at the steepest grade. The new proposal calls for a 2-1/2 percent grade. He advised that the Resort is going to build and maintain this road, that it would forever be a private road cared for by the Resort. He further pointed out that a snow fence would be installed and that issue would be part of the final plan.

Storrs Bigelow, a property owner on Long Cove Road, stated his concern over a dip in the new road. Mohr explained the engineering criteria for solving that the drainage and that the dip would better handle the drainage in that area. Bigelow then pointed out a drainage problem on Round Cove Road and asked if, in agreement with Smith, it will be adequately ditched. Mohr again explained that the situation has been looked at and pointed out the ditching remedies for fixing the problem. He added that those requirement notes will be added to the plan as part of the record. He agreed with abuttor, Ona Barnett's, concerns regarding visibility entering Route 217 and stated that this is being looked at and will be brought into compliance with the traffic recommendations that are part of the record and approval for the prior Fairway Cottages Subdivision. This will be documented prior to final submission.

Board member, Hebert, read the letters from Eaton and Keefe. Bruce Kaake stated the need for addressing each of the three points of concern in Keefe's letter. In her first point of concern, Keefe asserted her opposition to the relocation of the road, stressing the safety factor regarding winter travel hazards, etc. Mohr had previously addressed this issue and again stated that he would be liable for any problems incurred from designing an unsafe road. Her next point of concern was that, while the Resort may utilize the road for all purposes, right-of-way owners on the road may only use it for private purposes and asked in "non legalese" what that means. Mohr answered that he will get Atty. Larry Clough to respond to that question. Her third point of concern asked, if the road belongs to the Resort and is not maintained, who would be responsible. Mohr replied that, as spelled out in the Agreement, there is a point of contact and added that the avenue of first and last resort is the Resort. Kaake, reading from Keefe's letter, addressed her concern regarding the paving the road. Mohr stated that the ability is there for people to pave that road if they want to do so, but it is not a reflection that the road will not be maintained otherwise.

Kaake asked where the Board stands if Eaton and Keefe refuse to sign the document. Varian answered that it would be up to Eaton, Keefe, Smith and their Attorneys to work out an agreement. Until the Resort has signed agreement approvals from all of right-of-way owners, the application cannot move forward.

Varian advised that she would reply to Eaton and Keefe in writing. She added that, at this point, the Planning Board is just accepting information, that no action is taken at this hearing or will be taken until the Resort comes back with an application and complete accompanying paperwork.

The Public Hearing adjourned at 7:28pm.

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Planning Board Member

November 13, 2002

Phippsburg Planning Board

REGULAR MEETING

This meeting recessed at 6:23pm to conduct the above mentioned Public Hearing and reconvened at 7:30pm.

The Board heard from Dick Lemont regarding the construction of a permanent dock on the Von Hoyingen-Huene property in Cox's Head (Map 13, Lot 27, zoned 100' Resource Protection/150' Residential). Lemont provided a Harbor Master approval and photographs of the area. He explained that there is no proposal for a float or ramp, just a dock. No dimensions of this dock were provided and he was advised that those would be necessary before approval could be given. He stated that he has notified the DEP and Army Corps of Engineers, but has received nothing back from them at this time. He was advised that a sketch of the proposed dock should be submitted with the abutting property lines depicted. Lemont will be put on the agenda for the December meeting.

Varian advised the Board that a letter dated November 7, 2002 has been received from MMA regarding an interpretation of the Land Use and Shoreland Zoning Ordinances. This issue arose after Jeff Lozier of Popham Beach (Map 14, Lot 76) applied for an over 30% expansion at the September Board meeting. It was determined at that time that there was ample setback from the water, but the construction would not meet sideline restrictions. Lozier was referred to the Board of Appeals which was attended by Varian and Codes Enforcement Officer, Lee Rainey. The Appeals Board questioned the basis of the Planning Board's decision and Lozier's application was tabled. Varian contacted MMA for verification of the Planning Board's decision and MMA upheld the decision. Both letters are on file. Lozier will appear again before the Board of Appeals on November 19.

The October minutes were approved as written.

Varian announced that a Subdivision Review Training Session had been held on October 30 in Brunswick with Varian, Thayer, Hebert and Bate attending.

The meeting adjourned at 8:10pm.

Respectfully submitted,

Marion J. Hebert,
Recording Secretary/
Planning Board Member

