

Town of Phippsburg – Planning Board
MINUTES
Regular Meeting – July 10, 2007

PRESENT: Marie Varian, Chairman; Steven Thayer; Clifford Newell; Mark Hawkes

Chairman called the meeting to order at 6:00 PM. A Quorum was declared.

SEBASCO HARBOR RESORT, Sebasco Road (Route 217), Box 75, Tax Map 29 Lot 11 – Continuing discussion on a three-lot Minor Subdivision, Long Cove Road Subdivision:

Chairman Varian announced that the Board had conducted a site walk on July 9th. A few neighbors were present, the map was viewed and questions were answered. A Public Hearing was held at the Town Hall immediately following the site walk; no members of the public attended nor had the Board received any comments by any other method, so the hearing subsequently closed.

Michael King, of Mohr & Seredin, represented the Resort. He presented the Final Plan which reflected changes as requested by the Board: (1) The well and the driveway locations are shown on the new lot, Lot #2; (2) FEMA Flood Zone is marked; (3) The new residential area calculation (1.64 acres) is shown; (4) Frontage on Round Cove has been adjusted to conform with the 150' required by the Subdivision Ordinance; and (5) Lot lines were adjusted to create straighter boundaries.

Mr. King also presented the Long Cove Road Maintenance Agreement covenants which detail Lot #2 owners' responsibility toward the maintenance of Long Cove Road. This responsibility is also reflected on Note #17 on the Final Plan. The Board had no objection to the wording of the covenants. Motion made by Clifford Newell, second by Steven Thayer and unanimously voted to accept the covenants as presented.

As proof of notification to the abutters of the proposed subdivision, Mr. King presented signed certified mail receipts and post office attempt-to-deliver receipts. Chairman verified that all abutters were accounted for.

The Board reviewed the List of Findings of Fact (to be part in the subdivision's file), addressing each item and voting in bloc at the end. Motion made by Steven Thayer, second by Mark Hawkes, and unanimously voted to approve the Findings of Fact.

Motion by Clifford Newell, second by Steven Thayer and unanimously voted to approve the Final Plan. Three paper copies of the Plan and one mylar were signed. The \$150.00 subdivision permit fee will be mailed to the Board.

HUBERTUS V. SULKOWSKI, 25 Lookout Point Road, Tax Map 37, Lot 13 – continuing 6/12/07 discussion to remodel and expand a non-conforming structure using the 30% rule:

The Board had conducted a site walk at 7:30 AM on June 24th (notes in file) to view the location of the structure, the condition, trees that would need to be cut to accommodate construction, and general layout of the property. Kevin Moriarty, Builder, had attended on behalf of the applicant.

The existing structure is located in a Resource Conservation District with a 125' setback; is non-conforming in that it is just a few feet from the New Meadows River; and is grandfathered under Section 12 of the Town's Shoreland Zoning Ordinance.

Discussion at the June meeting posed the questions of structural damage and actual recent occupancy. The site walk viewing showed the structure to be "spartan" but liveable. Tonight, Mr. Sulkowski testified that the structure has been occupied by his family each summer and sometimes at Christmas since its purchase in 1987. The structure continued to be occupied after the Sulkowski's built a new home on the property (beyond the RC setback) in 2001. Mr. Sulkowski presented copies of maintenance bills and a certified document of historical facts relating to his ownership of the structure and property in question. He also presented a letter from abutter, Charles Butler, attesting to the fact that occupancy has been continuous.

Mark Hawkes questioned the present and future septic facilities. The structure has a flush toilet, washer, and hot water heater located in the attached "shed" area. The present septic tank has functioned for many years but will be discontinued and all effluent will be pumped into the system connected to the home built in 2001; that system is large enough to serve both structures. Pipes will be via trenches with no blasting required.

Lengthy discussion on tree cutting and replanting. Mark Hawkes said that at the site walk, Mr. Moriarty thought that two or so trees would have to be removed, but tonight the applicant feels that more will have to be removed. The applicant stated that he intends to remove no more trees than necessary. It is the intent that the proposed structure will not be seen from the main house and that replanting and additional planting will occur in this endeavor. There is no intention of clear cutting.

Discussed house plans. The structure will have the same footprint as existing except that the "shed" will go on the back side (away from the water). No new construction will occur closer to the water. When razing the present structure, suitable material may be salvaged and reused. Mr. Hawkes questioned the existing grade in relation to a new foundation. Section 12.C.1.b. of the Shoreland Zoning Ordinance and the DEP's rule limits a foundation to three additional feet in elevation. Mr. Hawkes suggested the CEO place a benchmark verifying high and low. One early Board thought had been to move the structure back from its present location, but viewing at the site walk proved that due to the topography of the ledgy land, it would not be feasible to do so.

Discussion reverted to the CEO's question in June regarding two acres per dwelling required in a RC District per Section 15.B.6. Tonight's discussion determined that the parcel contains 2.52 acres on the mainland and two more acres on Bowker Island. However, the mainland acreage is sufficient for both structures. Section 15.B.6. governs and contains special rules for new construction within the RC District, but does not pertain to a same footprint replacement of a grandfathered structure. The home built in 2001 is beyond the 125' RC setback. Section 15.A.1. requires a minimum lot size of 40,000 sq. ft. per dwelling, making the 2.52 acres more than adequate for complying with this section. Section 12 deals with non-conforming situations. Granting approval of the application will not create a violation of the Shoreland Zoning Ordinance.

It was noted that Mr. Sulkowski will also need a permit from the DEP for this construction. Mr. Moriarty stated that Jeff Kalinich of the DEP has advised them to apply for a Permit by Rule, but to secure a permit from the Town first. The CEO also checked with the DEP and verified that a Permit by Rule would be given if the DEP received no objections within fourteen days.

The CEO has visited the site and has prepared a report of existing and proposed footages, noting that a stone terraced area under the overhang is not required to be included.

Motion by Clifford Newell, second by Steven Thayer and unanimously voted to accept the testimony and documentation proving habitation of the structure.

Motion by Clifford Newell, second by Steven Thayer and unanimously voted to permit the demolition and replacement of the existing non-conforming structure with the following comments and restrictions:

Approval is considered under Sec. 12; 12.C.1.a. and 15.B of the Shoreland Zoning Ordinance

Existing sq. ft 1019.635	cu. ft. 8259.957
Allowed expansion sq. ft. 305.8905	cu. ft. 2477.987
Requested under permit sq. ft. 16.865	cu. ft. 787.0307
Remaining for future use sq. ft. 289.0255	cu. ft. 1690.956

The CEO will make benchmark for foundation.
 The CEO will be notified before construction begins.
 The structure will use the same footprint as existing structure
 Tree cutting is to be minimal – three or four trees expected – cannot clearcut

Applicant was advised to record the permit in the County Registry of Deeds and secure proof of recording, per Ordinance, before applying to the CEO for a building permit. The \$20.00 Planning Board Permit fee was paid.

CURT SLOCUM, 60 Bartlett Drive, Tax Map 32, Lot 37-2 – Expand a non-conforming structure using the 30% rule:

The Slocums' residence is non-conforming in that it is too close to tidal water at the mouth of the New Meadows River.

Mrs. Slocum presented a sketch of the proposed construction. The expansion will go up and the footprint will not be changed. The height of the structure will be 32'3+" and will use all of the cubic feet available under the ordinance. CEO, Lee Rainey, has visited the site and reported on the existing and proposed footage uses.

Mrs. Slocum reported that the septic system is adequate for the expansion as there will be no increase in bedrooms, rather present bedrooms will be shifted around.

The application was considered under the Shoreland Zoning Ordinance Section 12, particularly Section 12.C.1.a. which deals with expansion of non-conforming structures.

Motion by Clifford Newell, second by Steven Thayer and unanimously voted to permit the application for expansion with the following comments:

Application was considered under Sec. 12 of the Phippsburg Shoreland Zoning Ordinance.

Existing Footages	sq. ft. 1374.00	cu. ft. 12,251.25
Allowed Expansion	sq. ft. 412.20	cu. ft. 3,675.375
Required by Permit	sq. ft. 366.00	cu. ft. 3,674.375
Remaining for Future	sq. ft. 46.2	cu. ft. ----

The \$20.00 Planning Board fee was paid.

WADE ANDERSON, 33 Meadowbrook Road, Tax Map 38, Lot 8 - Discuss whether his taking over the operation of the existing food preparation and take-out service at Meadowbrook Campground requires a New Business Permit:

Mr. Anderson testified that the food service has existed for approximately twenty years, under various operators. Meadowbrook owns the building and most of the equipment. Mr. Anderson has upgraded some at his own expense to meet State code, and presented his State Tax Certificate. He would continue the short-order cooking and take-out for the campers and would sell to others should they happen by.

The running of the service is totally Mr. Anderson's with no interference from the owners of the campground.

The Board referred to Section 5.2 of the Land Use Ordinance which gives criteria for the need of a New Business Permit. The Board discussed that this is simply a continuation of an on-going food service and that there are no plans to increase or change the method of operation

Motion by Clifford Newell, second by Steven Thayer, and unanimously voted that the continued operation of the food service will not require a New Business Permit. It is noted for the record that Mr. Anderson sought the Board's advice before opening.

Considered **MINUTES** of the May 15th meeting. Steven Thayer's name was not listed as being present. Motion made by Clifford Newell, second by Steven Thayer and unanimously voted to approve the minutes with the correction.

The **MINUTES** of the June 12th meeting will be considered at the August meeting.

Motion made by Clifford Newell, second by Mark Hawkes and unanimously voted to approve the **MINUTES** of the June 24th site walk at the Sulkowski property.

Reviewed **MINUTES AND FINDINGS OF FACT** of the June 27th Business Hearing for Innovative Design, a.k.a. Kai's Shop, owned by Kai Jacob. The Board clarified that parking will be totally on Mr. Jacob's property and that vehicles will not back out onto the Main Road (Route 209). Confirmed the list of activities to be carried on within this Home Business without unreasonable adverse impact to the property or to the neighborhood. The document will be passed on to the Board of Selectmen. This Board will hold off on approval until the Selectmen have had time to review and approve.

ANNOUNCEMENTS: (1) On July 17th, the Board of Appeals will hear an appeal on the 5/15/07 dock construction permit for J. Daniel Peacock, Small Point, as issued by the Planning Board; (2) The Maine Supreme Judicial Court voted 4-1 in favor of the Town in the long-standing land use appeal brought by Gregory and Kathleen Gensheimer; (3) several upcoming educational seminars are of interest to the Board.

As there was no other business to come before the Board, motion by Clifford Newell, second by Mark Hawkes and unanimously voted to adjourn.

ADJOURNED at 8:00 PM.

Minutes prepared by Marie Varian, Marie Varian, Chairman