

Town of Phippsburg
Planning Board – Regular Meeting
MINUTES
11 September 2007

PRESENT: Marie Varian, Chairman; Steven Thayer; Clifford Newell; Robert Smith

MEETING is called to order at 6:00 PM. A Quorum is declared.

HOUGHTON TROTT , 331 Small Point Road, Tax Map 25, Lot 11 – Request for a more than 30% expansion of a non-conforming structure.

Chair Varian elucidates the applicants wish to expand the square footage of their property beyond what is allowable based upon the remainder of footage available after a 2004 Permit. She states that the allowable constructible amounts are 101.8 sq. ft. and 138.679 cubic feet and that the requested amounts are 182.5 sq. ft. and 1825 cubic ft. Chair Varian states that per Section 2.11 of the Land Use Ordinance, the Planning Board is able to grant building applications that imply no more than an up to 30% increase to the total dimensions of a structure. As such, when there is an application asking to be granted the ability to increase the size of a structure beyond the 30% feasibly grantable by the Planning Board, the Planning Board does not retain the ability to approve such an application.

Motion to deny the application is made by Steve Thayer. Motion is seconded by Robert Smith. Motion is unanimously denied.

BATES COLLEGE, 74 Popham Road, Tax Map 45, Lot 57, Resource Conservation District – Continuation of discussion of an application to change the use of a structure from a residential to educational and scientific: Reviewed under Section 12.C4 and Section 14 Table of Land Uses, Item 15 F, in the Shore Land Zoning Ordinance.

Chair Varian states that the Planning Board conducted a site-walk of the property on September 9th.

Robert Bremm, Director of Physical Planning, Bates College, addresses the Planning board as a representative of Bates College. It is made known that Bates College has notified all of their abutters of this meeting, even though such a course of action was not mandated by Ordinance. It is noted that no abutters attended.

Chair Varian cites Section 14, Item 15F in that it shows that the Planning Board retains the authority to permit science and/or education uses in the Resource Conservation District. Chair Varian states that, as

pertains to this item, the Planning Board retains the ability to grant Bates approval of their application, but that if Bates discovers that in order to complete their overall plan of use they also need to enlarge, or to build a new, septic system, they will have to keep the Planning Board informed and also appear before the Planning Board once more in order to tell the Board what they have decided.

Clifford Newell makes motion to conditionally approve the application, pending a finalized written application that will explicate Bates' intention regarding the nature of their septic system. Motion is seconded by Steven Thayer. Motion is unanimously approved. Bates will be posted on the October Planning Board agenda.

DOUGLAS JOHNSON, Surveyor, representing Stonehouse Hill Subdivision, owned by Thomas and Helena Wirth, Corner of Cox's Head and Parker Head Road, Tax Map 13, Lot 22 – amend the subdivision by changing a lot line, relocating a lot and creating more common land:

Mr. Johnson begins by stating that the Wirths originally allocated the locations of the subdivision lots so as to sell them as quickly as possible. In hind-sight, they now see that the decisions they made were not the right ones and that, as such, they desire to change the location of lot 6 from Parker Head Road access, moving it closer to lot 1, and having access from Schoolhouse Hill Road (the subdivision road). He lists other modifications as follows: the reconfiguration of a lot-line between lots 4 and 5 (providing better access to the subdivision road for lot 5), increase the size of the common area, and a new trail created between Lots 1 and 6 to provide access from Schoolhouse Hill Road to the common area, including an easement over Lot 7. Lot 6 will now share in the maintenance costs of the subdivision road and belong to the Homeowners' Association, per covenants.

Chair Varian states that the Planning Board addresses subdivision amendments under Section 4407 of the Maine Subdivision Law.

Clifford Newell states that he can find no reason for a site-walk to be held because of the fact that the Board has already been to the property multiple times. Members agreed.

Motion to accept the subdivision amendment, with necessary changes made to the covenants, is made by Robert Smith. Motion is seconded by Steve Thayer. Motion is unanimously approved. Board signed copies of the new map.

DWIGHT WALLACE - It is made known that the applicant apportioned to this time-slot is not present and that as such the item will be skipped over .

BRIAN DOUGHTY, REPRESENTING PEGGY AND WILLIAM OWEN, Map 23, Lot 40, 42 Grove Road – Expansion of a deck on a non-conforming structure:

The application is addressed under the Shoreland Zoning Ordinance, Section 12C1a, which states that a non-conforming structure shall not be expanded in floor area or volume 30% or more during the lifetime of the structure.

Chair Varian states that the new addition diagrammed within this application requires 159 sq. ft, while the remaining allowable sq. footage after a 2001 permit is 49 sq. ft. As such, it is made clear that the proposed necessary sq. footage exceeds the allowable sq. footage by 110 sq. ft, nullifying the Planning Board's ability to grant approval to the application.

Motion to deny the application is made by Steve Thayer. Motion is seconded by Clifford Newell. Motion to deny is unanimously approved.

REVIEW FINDINGS OF FACT RE Innovative Designs, A.K.A. Kai's Shop, owned by Kai Jacob, 606 Main Road, Tax Map 6, Lot 9 (hearings had concluded on June 27th wherein the Board of Selectmen and the Planning Board came to the decision that the business would be designated as a Home Business):

Chair Varian states that the Board of Selectmen have reviewed and approved the Findings of Fact document regarding the business application.

Clifford Newell makes motion to approve the Findings of Fact as written. Motion is seconded by Robert Smith. Motion is unanimously approved.

MINUTES

It is made known that the July and August Regular Meeting minutes have not yet been furnished.

Minutes for the Sept. 9th site-walk of Bates College are reviewed. Clifford Newell makes motion to approve the minutes as written. Motion is seconded by Robert Smith. Motion is unanimously approved.

ANNOUNCEMENTS

The final hearing regarding the North Creek Farm will be held at 9:00 AM on September 20th at the West Bath District Court.

An amendment to the Hubertus V. Sulkowski plan (Tax Map 37, Lot 17) regarding tree cutting has been agreed upon and a Consensual Agreement has been signed, all in accordance with the Planning Board vote at the August meeting.

Motion to Adjourn is made by Steve Thayer. Motion is seconded by Clifford Newell. Motion is unanimously approved.

MEETING IS ADJOURNED AT 7:23 PM

Scot Herrigel: Recorder

