

Town of Phippsburg
Planning Board – Regular Meeting
9 October 2007 at Town Hall

Present: Marie Varian, Chairman; Clifford Newell; Robert Smith; Mark Hawkes

1. CALL TO ORDER AT 6:00PM. A Quorum is declared.

Chair Varian begins by making an announcement that items 6 and 7 of the Agenda will not be covered during the present meeting as the applicants are not ready to be heard.

2. ROGER THERRIAULT, 228 West Point Road, Tax Map 27 Lot 11 (may be represented by Richard Lemont) – Construct ways.

Chair Varian elucidates the fact that the application is for the extension of two wooden rails from an area of shore frontage into an inter-tidal area - extending about halfway to the low tide line. It is made known that application is pursuant to Section 14, Table 1, Item 17 and Sec. 15.C of the Shoreland Zoning Ordinance. The purpose of the construction is to allow for a seasonal float and ramp to be hauled out from the water and stored on a ledge. The rails will be 6" x 6" timbers, each approximately 32 feet long – 1/3 of which will be on the ledge and 2/3 of which will extend into the water. It is made known that the shore area on which the construction is to take place is ledge and contains no growth that would, or could, be disturbed by the construction. It is also made known that the proposed area is not an existent beach as well as that there are no fisheries in the area and that also the actual manifestation of the intended construction will pose no threat to the existing navigability of the area.

Chair Varian asks applicant if he has been in contact with the Harbor Master, Douglas Alexander. The applicant replies that he has not. Chair Varian educates the applicant as to the existence of a form that must be filled out by the Harbor Master illustrating his non-objection to the construction, and such signed form must be presented with the application to the Planning Board.

Chair Varian asks for questions and comments. Mr. Therriault explained that time is pressing to get the ways built before bad weather. Robert Smith offers the fact that the Board needs the Harbor Master's approval in order to process the application. Chair

Varian then offers, with no objection from the Board, to allow verbal approval if the Harbor Master can be reached. The Therriaults' Contractor, Richard Lemont, is instructed to telephone the Harbor Master.

It is decided that whilst Mr. Lemont is engaged in contacting the Harbor Master, the Planning Board will temporarily table the matter and move on to the next item.

3. DAVE COFFIN representing CHRISTINE COFFIN, 463 Sebasco Road, Tax Map 44 Lot 35 – Expand structure more than 30%

Chair Varian asks Mr. Coffin if he has his application form with him. Applicant informs Chair Varian that as far as he knows the application is within Lee Rainey's (Code Enforcement Officer) possession. There is discussion over which applications have been filled out and which ones have been furnished and contradictorily which ones have yet to be furnished and as such need to be furnished in order for the application process to continue. Chair Varian provides the applicant with the regular Planning Board application form and then instructs him to complete it.

It is decided that whilst the applicant is engaged in completing the form the Planning Board will temporarily table the matter and move on to the next item.

4. ELISABETH VON HUENE, 28 Main Road, Winnegance, Tax Map 01 Lot 32 – Expand shed using the 30% Rule.

Applicant states her intention of keeping the footprint of the building exactly the same. She explains her reasons for wanting to construct as being resultant of the fact that the building, as it stands now, is highly dilapidated and structurally deformed and that as such she desires to rectify these deformities by renovating the structure. Applicant also states her intention of keeping the high point of the building the same. The only increase in size will be an increase in volume by about 20%. Chair Varian asks applicant if there is anything different within her plans then what has already been designated as occurring within a group of designs furnished the Board by Lee Rainey, CEO. Applicant tells Chair Varian that there has been no change.

Chair Varian states that the applicant's shed is situated within the Village District conforming to a 50' setback rule. She states that the application is being considered under Section 12.C.1.a. of the Shoreland Zoning Ordinance.

Chair Varian states the calculations of the intended and allowable dimensions for the structure. The CEO, Lee Rainey, has made a note that there may be a discrepancy over the exactitude of the property lines. Ms. Von Huene responded that the CEO's

statement is based on hearsay. Chair Varian declared that the application does not change the footprint of the shed and that the Board can act on this expansion proposal.

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

2. Cont'd. Planning Board Re-establishes Discussion Pertaining to Item 2 – Roger Therriault.

Mr. Lemont reports that the Harbor Master is out of Town. Chair Varian then states that in such cases, per the Town's Harbor Ordinance, any member of the Harbor Commission has the power to provide approval to proposed construction contingent upon a belated approval by the Harbor Master. She instructs Mr. Lemont to telephone one Dave Power, Chairman of the Harbor Commission, to try to procure said temporary approval.

Mr. Lemont returns and states that Dave Power had no objection to granting the probationary approval.

Chair Varian cites Section 15C of the Shoreland Zoning Ordinance, elucidating the authority of said section as being the determinable power regarding any construction involving piers, docks, walls, bridges and other structures extending over or beyond the normal high water line of a water body or within a wetland. It is made known that the soil on which the construction is to take place is of a quality and capacity that shall enable for it to be able to adequately support the given mass of the structure resulting from the anticipated substantial dimensions of the structure, as well as that the construction will not interfere with beach areas as there are no beaches in the proposed location. It is also made known that the construction will cause no adverse effects to any fisheries within the area or to the existing navigable quality of the area.

Clifford Newell makes motion that the application be approved as written – with the condition that the probationary approval granted by Dave Power be verified and re-approved by the Harbor Master upon his return to the area. Motion is seconded by Mark Hawkes. Motion is unanimously approved.

3. Cont'd. Planning Board Re-establishes Discussion Pertaining to Item 3 – Dave Coffin

Chair Varian states the fact that the applicant is applying for a permit to increase the dimensions of his building beyond the allowable of up to 30%. She further goes on to say that the Planning Board does not retain the authority to provide such ability, and that this issue is being considered under Section 2.11 of the Land Use Ordinance.

Chair Varian asks the applicant if he has realized this. The applicant replies that he has, and that he has also understood the resultant need for him to appear before the Board of Appeals to seek approval for an expansion that is greater than the allowable 30%.

Clifford Newell makes motion to deny the application based upon the grounds that the Planning Board does not retain the ability to grant the expansion that the applicant is asking for. Motion is seconded by Robert Smith. Motion is unanimously approved.

5. EDWARD and PATRICIA SKILLIN, Timothy Lane, Tax Map 39 Lots 29 and 32 -- Present Sketch Plan for a Minor Subdivision on land off Timothy Lane

Chair Varian states that Mr. Skillin is going to provide a Sketch Plan for a minor subdivision he intends to build on land off of Timothy Lane. Mr. Skillin corrects the location to being off Loop Road.

Applicant hands over to the Planning Board a Sketch Plan and map and states his intention as being the creation of a 5 (+ or -) lot minor subdivision, making clear that he intends to create no more than 7 lots total. He also submits copies of the Town's Tax Map and a U.S.G.S. topographic map, both marked with the location of the proposed subdivision. Chair Varian cites Section 5.2 of the Subdivision Ordinance as pertains to the list of items that must accompany a proposal and these documents have been furnished. The Board acknowledges receipt of a complete Sketch Plan.

Chair Varian states that the next step in the process is to have the land surveyed. The Board instructed that the resultant map would show contour intervals of no greater than 20%. She asks the applicant if he objects. He does not. Mr. Skillin states that the surveyor will be Daniel Colby of Wiscasset and that Mr. Colby will also be the Soil Site Evaluator. The subdivision lot contains approximately 120 acres, part of which is a 100' Resource Protection District bordering on Winnegance Lake. The Skillins also own the land that abuts the proposed subdivision.

The Board discussed the application submissions required per Sec. 6.3. Chair Varian asks the applicant if he has filled out an application form. He replies that he has and then turns this document over to the Planning Board. It is made known that there will be some restrictive covenants and that they are in the process of being developed. It is also made known that the applicant intends to call the subdivision Perry Ridge. Mr. Skillin provided a copy of the deed showing that the Skillins do own the property in question.

Chair Varian states that Mr. Skillin has not provided enough of the necessary material to be considered a complete application per Sec. 6.3. She states that he must furnish a survey, a test pit analysis and a map illustrating the locations of the tests, a letter designating the water supply and guaranteeing it as potable, as well as all other typical

and necessary information (map scale, lot size, abutters' names, floodplain boundaries, and a road name approved by the 911 addressing officer) in order to be considered complete. A receipt for tonight's application documents was given to Mr. Skillin and a written list of the additional documents needed will be mailed.

Chair Varian states that per Sec. 12, the applicant also must provide some form of definitive insurance that he can and does retain the financial means necessary to complete the intended measures designated within the application.

Chair Varian informs the applicant that if he can provide a complete application at the November Board meeting, the Board can then schedule a site walk and most likely a public hearing. It is feasible that the total process can be completed at the December meeting.

8. SMALL POINT BAPTIST CHURCH, represented by Rev. Daniel Coffin, 1726 Main Road, Tax Map 45 Lot 07-01 – replace deck on rear of parsonage; enlarge the deck using the 30% rule

Chair Varian states that Lee Rainey, CEO, has been to the site and has calculated all of the footages pertaining to the construction. She states that the deck, at present, is 4' by 4' and will be renovated so as to encompass an area of 8' by 12' with stairs that are 5' wide. It is made known that the only dimensional increase involved with the proposed construction is one of square footage.

Rev. Coffin states that the purpose in creating and renovating the deck is to allow for more maneuverability to be available in order to better accommodate disabled individuals. Clifford Newell suggests to the applicant that he consider building a ramp instead of stairs. Applicant replies that, as to his understanding, the only way in which he would be able to build a ramp is if that ramp and the entire structure, of which it would be a part, conformed to certain ADA regulations. It is made known to the applicant that as long as he is not intending to specifically build an ADA certified ramp he does not have to conform to the standards or regulations existent within the construction of such a ramp. The applicant says that if he is able to build a non-ADA ramp, that as such does not have to conform to the standards implicit with ADA ramps, then that is the type of construction or renovation that he would like to enact, as opposed to simply widening the stairs and the base platform to which they are attached. Chair Varian states that, as to her knowledge, the type of ramp that the applicant now desires to build is not an ADA ramp – amending her comment to be contingent upon any pertinent information that CEO Rainey may have pertaining to building regulations governing ramps in general.

Clifford Newell makes motion that application be approved as written. Motion is seconded by Robert Smith. Motion is unanimously approved. \$20.00 Fee is paid.

8A. Consider Minutes of July 10th, August 14th , and September 11th

It is made known that minutes have not yet been completed.

9. Announcements

Chair Varian comments on the fact that all members of the Planning Board have received copies of the North Creek Farm final judgment, elucidating the decision and awards as follows: the Town of Phippsburg has been awarded \$18,000.00 in Attorney's Fees, as well as \$2,000.00 as a penalty; North Creek Farm must commence construction of a septic system by September 27th (The day after the decree had been issued, North Creek Farm applied for and received a permit to install the septic system.); as of September 21st the Judge has given North Creek Farm three weeks to fulfill all the necessary stipulations contained within the decree, maintaining the power to legal recourse and action should the conditions at that point not be met; North Creek Farm has been granted six months in which to make proper repairs to their hand-washing sink.

It is made known that upcoming seminars are as follows: Maine Stream Conference, Law of Easements, How To Read an Engineering Report, Financial Statements & Analysis, Fundamentals of Construction Contracts. A Board of Appeals meeting will be held October 17th.

10. There is no Other Business to come before the Board.

11. Motion to adjourn is made by Clifford Newell. Motion is seconded by Robert Smith. Motion is unanimously approved.

MEETING IS ADJOURNED AT 7:34 PM

Recorder: Scot Herrigel