

Sp. Master

PHIPPSBURG PLANNING BOARD

REGULAR MEETING

APRIL 8, 2008

The meeting was called to order at 5:02pm. Attendees were: Marie Varian, Chairman; Steve Thayer; Clifford Newell; Robert Smith; Marion Hebert, Alternate. A quorum was declared.

ISLAND VIEW & FAIRWIND COTTAGES SUBDIV. - SEBASCO HARBOR

The first order of business was to hear from Steve Mohr of Mohr & Seredin Landscape Architects Inc. and representing Sebasco Harbor Resort (Map 44, Lot 28). Mohr presented the Final Plan for the Island View and Fairwind Cottages Subdivision, a 3-lot Minor Subdivision

A site inspection had been conducted by the Planning Board, Codes Enforcement Officer Lee Rainey, Mohr, and abutters to the property on the property at 8 Merritt Mountain Road on March 11. Varian advised that she has had no comments from the public regarding the proposed Subdivision.

Mohr advised that the plans being presented are the same layout and configuration that the Board had seen previously and what was seen on the site walk. The 302 acre lot on the east side of the Sebasco Road embraces Merritt Mountain. In May of 2006, one small one acre lot was created and sold. A 1.01 acre is now proposed to be created on the Merritt Mountain Road, thus creating three lots and needing Subdivision approval.

The lot (Lot #2) viewed by the Planning Board fronts on Route 217 and Merritt Mountain Road. The pins were viewed at that time as well as the setbacks. The essential layout remains as seen by the Planning Board. The information was submitted into the record on soils, septic and water. The one question raised by the Board was the issue of drainage regarding the Resort-owned area between the lot line and the 12 foot right-of-way which creates the Merritt Mountain Road. The amended plan shows the creation of a 15-inch deep swale on the west side of the graveled parking lot in front of the relocated Fairwinds Cottage. This will allow the drainage to go into a 12-inch culvert below the parking lot and solve the issue of the drainage problem. The change is shown on the plan.

A complete application was submitted in March. The Planning Board referred to the criteria of approval (Finding of Facts) in Section 10, State -Law 30-A, Section 4404, of the Subdivision Ordinance. All of the required documentation has been received that is required to be submitted. Varian advised that there will be sufficient water available for



the foreseeable needs of the Subdivision. The small cottage will have its own private well and will not draw from any other property in the Subdivision. The Subdivision will not cause an unreasonable burden on the existing water supply. It will not cause an unreasonable soil erosion or reduction with the capacity of land to hold water so that a dangerous or unhealthy condition results.

The cottage will not cause unreasonable congestion or result in unsafe traffic conditions on the existing roads. There are no proposed new roads. It will provide adequate sewage waste disposal. At this time, a waste disposal system is installed designed by a licensed soils scientist.

The cottage will not have an adverse effect on the scenic or natural beauty of the area, significant wildlife habitat, historic sites, rare or natural areas, or public rights to the shoreline. There will be no change to the trees around the property or across the road. This is not a wildlife habitat. There are no historic sites or rare or irreplaceable natural areas where the cottage is located and no shoreline is involved.

The subdivision will conform to local regulations, ordinances, development plans and Comprehensive Plan. The applicant has provided documentation throughout the process to prove that they are obeying all the rules and regulations.

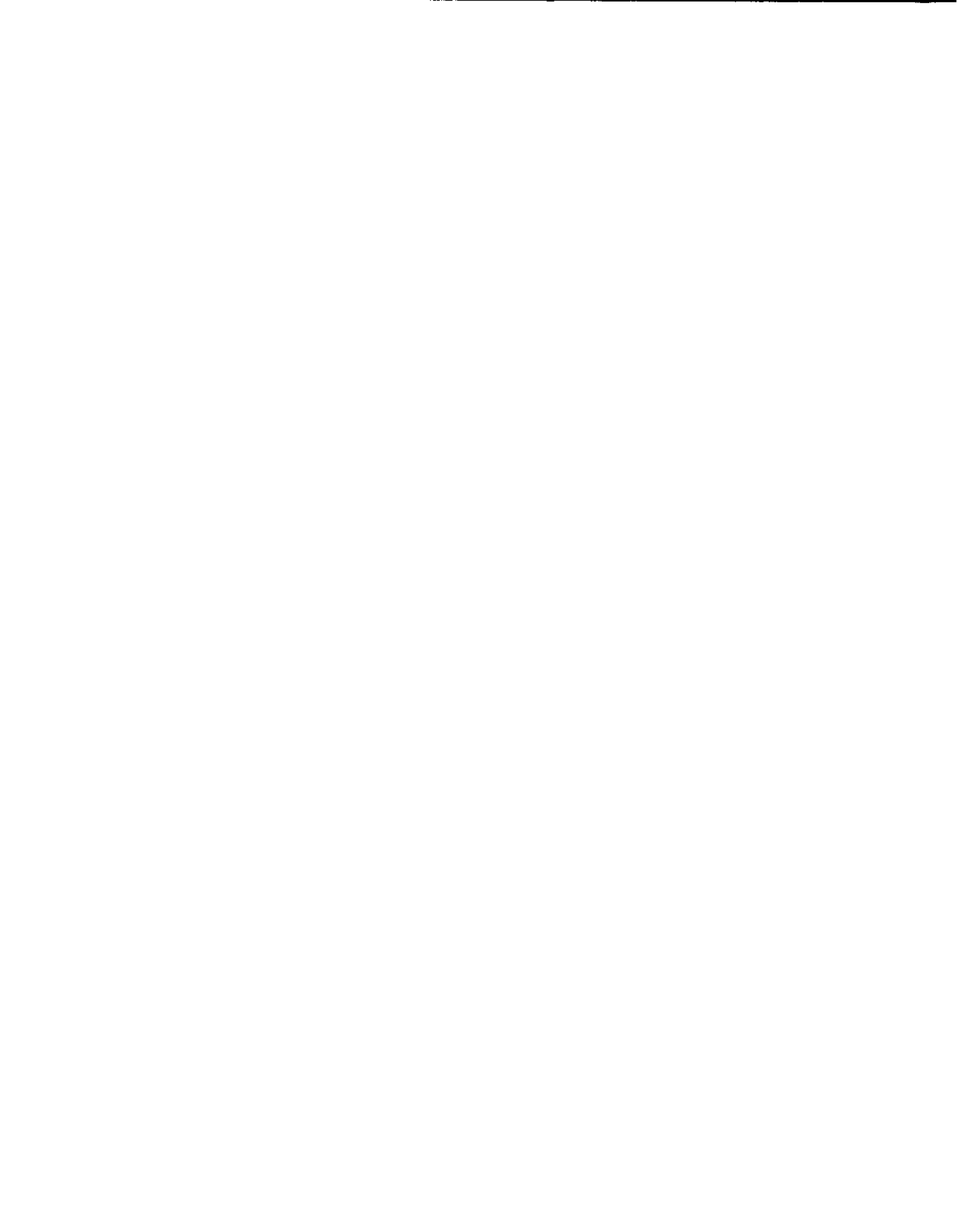
The Subdivision will not adversely affect the quality of surface water, shoreline, ponds or rivers, streams or tidal areas. It is the Boards opinion, based upon all of the documentation received, that there is no problem with any surface water, there are no ponds involved and that there are no streams or tidal areas. The Subdivision will not, or in conjunction with existing activities, adversely affect ground water quality or quantity.

The applicant has demonstrated adequate technical and financial capacity to meet all of the above. The cottage lot is completely finished and there is no need for future expenditure.

Mohr presented the Final Plan which was unanimously approved and signed by all Board members.

MCNEIL ENGINEERING - SETBACK REDUCTION

Varian announced the McNeil Engineering (Map 45, Lot 27) requesting a setback reduction in the Resource Conservation Zone, is not ready for this meeting and will be on the May agenda.



BRIAN DOUGHTY - WEST POINT

Brian Doughty of 29 Carrying Place Road in West Point (Map 27, Lot 89) applied to the Board to construct a roof over a 560 square foot existing deck and two 8' x 8' balconies to go in front of existing atrium doors. The Board denied the application with the comment: "The roof over the existing does not need a Planning Board permit. This structure has already used the entire 30% expansion under Section 12.C.1.a of the Phippsburg Shoreland Zoning Ordinance. This application is denied. Two 8x8 2nd floor balconies. No fee was involved.

JOHN/CYNTHIA TODD - MEADOWBROOK ROAD

The Board next received an application from John and Cynthia Todd of 512 Meadowbrook Road (Map 41, Lot 52.1). The application requested the addition of a dormer to the 2nd floor ell to match an existing dormer (replacing a current skylight) using 41 cubic feet of remaining 4956.25 cubic feet for future expansion. The Board unanimously approved the application with the comment: "Application considered under section 2.11 of the Phippsburg Land Use Ordinance. Non-conforming structure. This permit uses 41 cubic feet of an allowed 4956.25 cubic feet. No square feet will be used. There will be 4915.25 cubic feet remaining for future use. The \$20 fee was paid.

HERBERT THOMPSON/JULIE ERB - 192 CAPT. JOHN PARKER ROAD

A site walk was conducted on the property of Herbert Thompson and Julie Erb (Map 10, Lot 12) on the Capt. John Parker Road on March 30, 2008. They are requesting a 50' setback reduction in the Resource Conservation Zone. The site walk commenced at 8:35AM. The 250' setback line from the Kennebec River was viewed. Of the 50' setback reduction requested, the applicants propose using the rear 25 +/- feet for the main dwelling and the front (nearest the river) 25' +/- for decking and landscaping. A high steep ledge within the Resource Conservation Zone will not be disturbed. Trees have been marked that can be cut within the RC Zone. The flagged septic system was viewed as well as a second, back-up location in the rear of the parcel. It was noted that the field had room to accommodate encroachment by the building envelope.

As the Home Owners Association covenants require a 50' setback from boundary lines, the Board suggested that the applicants petition the Homeowners' Association for a reduction of 20' +/- if such authority is allowed by the covenants. It was determined that by moving the dwelling to the north, there would be no, or little, need for blasting and no need for a reduction in the RV setback.

Thompson and Erb were not ready for a vote at this evening's meeting.



GREGORY/KATHLEEN GENSHEIMER - WEST POINT

Mrs. Gensheimer (Map 27, Lot 20) next approached the Board and presented two applications, the first continued from the February meeting was for permission to construct a new driveway access which has been approved by the Newbury Point Association. A letter from Samuel Jones, a member of the Association, stated approval and added that the driveway is a private undertaking of the Gensheimers (for their exclusive use) and that the Association has no involvement with, or responsibility for, the driveway including its construction and maintenance. The driveway is to be constructed in full compliance with all applicable laws, ordinances and regulations including those of the Town of Phippsburg and Maine DEP. Board member, Steve Thayer, motioned that the Board approve the application. Unanimous approval.

Mrs. Gensheimer paid the \$58.36 for the application fee and reimbursement of the cost of advertising the January site walk.

Mrs. Gensheimer next presented the Board with a revised application for a walkway from the existing main house to the barn. The application stated that this enclosed walkway is not to be attached at either end to the house or barn. The atriums at both ends would be enclosed for weather protection, but no point of the walkway would be attached to either of the structures. The enclosed walkway would be a six (6) foot wide by average 45 foot in length. No foundation is proposed since the walkway would be elevated connecting the upper level of the residence to the second level of the barn. It would be built upon posts/columns with an elevation off the ground at the residence end of about eight (8) feet and at the barn end of about 12 feet. It will be built away from and not closer to the ocean. There will be no environmental impact and will not increase the nonconformity of the principal structure because it is to be detached. The application was accompanied by sketches of the proposed construction. The Board had tabled the proposal in February until the Gensheimers could come up with a new drawing - sketches of which were provided with the application,

Varian reiterated from the February meeting information that MMA had given a ruling on the matter and that she had also spoken with DEP to find out how far away an accessory structure would have to be to not be considered part of the primary structure. Neither MMA nor the DEP gave any particular measurements, but that it was MMA's opinion that if it were very close, it would be viewed as circumventing the intent of the 30% rule. Mike Morse, at the South Portland Office, had said essentially the same thing (and had also advised Mrs. Gensheimer when she had called him). He had also said that a person could not take the square and cubic footage from a building outside the zone, connect it to a building inside the zone and take the conforming building's footage and add it to the nonconforming building. He also asked if any part of the 30% has already been used,



which it all has. Morse replied that he could not approve an application because it would appear that the Gensheimer's were trying to circumvent the 30% rule. Varian stated that if it is not attached, it is not considered an expansion, but that if it is close (with no definition of close) we have to assume that it would be an attempt to circumvent the rule.

Newell suggested that the Board get a legal ruling. Varian replied that it would be a good idea at this point because the application at this point shows the walkway is not attached, but how close it is to be, the Board does not know. Smith asked if this is to be an accessory building. Newell advised that (in his opinion) this is an obvious attempt to circumvent the accessory structure rule.

Varian advised that, in her opinion, that if the walkway is only a few inches away, it is not far enough away to be called an accessory structure. Thayer suggested that the Board get legal advice. Mrs. Gensheimer advised that they would rather come before the Board at a later date.

ANNOUNCEMENTS

The Minutes of the March meeting were considered and accepted. The footages were corrected on (Map10, Lot 120, property of Herbert Thompson and Julie Erb.

The Board voted to change the meeting time from 5:00PM to 6:00PM. from May thru...

The Board discussed holding a Workshop to review the proposed Historic Preservation Ordinance.

The meeting adjourned at 6:35pm.

Respectfully submitted,

Marion
Marion J. Hebert

Alternate Board Member/
Recording Secretary

