

**MINUTES OF MEETING
PHIPPSBURG PLANNING BOARD
JUNE 17, 2008**

MEMBERS PRESENT: When meeting was called to order: Marie T. Varian, Clifford D. Newell, Robert Smith, Joshua Bate. At 6:20 Mark Hawkes arrived and Joshua Bates left.

Meeting was called to order at 6:05 pm.

1. Keegan McGowan, Map 42, Lot 39.

Applicant is on his way to becoming an Eagle Scout and is working on a project on Hatch Point to install 2 picnic benches and put up sign that would say, "Hatch Point, Managed by Phippsburg Sportsman's Association." Permit is considered under Shoreland Zoning Ordinance Section 14, Table of Land Uses, Item #23. Resource protection – minimum construction.

Varian asked whether a permit was required at all. It was noted that the Planning Board does not issue sign permits, and that the applicant needs to check with the Code Enforcement Officer (CEO) for that permit. However, according to Section 15.I.6 of the Land Use Ordinance, municipal and governmental agencies are exempt from sign regulations. Does he need a permit? Should we give him a permit just because he needs to turn in the paperwork for credit for his course?

Smith said that Applicant should be given a permit to provide evidence of what he's done. Discussion about trash and installation of trash barrels. Consensus that trash should not be left—anyone who uses the tables should take away any trash. Varian noted that the parcel is under the jurisdiction of the Sportsman's Club, so they would ultimately be responsible for keeping it clean. But trash should be taken out by whoever brings it in.

Question was raised about what the Town's Land Management Committee thought about the project, since the parcel was also under their jurisdiction. Varian responded that she knew the Chairman didn't have any problem with it, but it hasn't been taken to the whole committee. Newell said that he had no problem with it as long as the Town Land Management Committee is behind it.

Newell moved to approve the application. Smith seconded the motion. It was noted that the sign permit, if needed, would be given by the CEO. Application was approved unanimously.

Varian noted that the reason McGowan wasn't at the meeting himself was because he was at another awards ceremony.

(At this point in the meeting, Hawkes arrived and Bates left.)

2. Pendleton Woods Subdivision.

Kevin Clark of Site Lines, representing Bob Smith, presented the items requested at the last meeting to complete the subdivision application. Smith recused himself. Clark summarized the project as described at prior meeting. He then listed the additional information being presented at this meeting to complete the application:

- Boundary survey rendered to depict typical building window locations on the lots,
- Topographic survey,
- Wetlands delineation,
- Test pits – minimum of two per lot,
- Copy of deed to Kennebec Landing, LLC
- Agent authorization letter,
- Draft water guarantee,
- Road plan and profile, roads control plan and details.
- Storm watershed map that depicts the general area of the subdivision and the existing, as well as proposed, routing of the storm water.

Clark reported that they have a meeting scheduled the next morning with the DEP for pre-application to determine the level of permitting that they're going to require in addition to the town's approvals.

Varian asked is the DEP was waiting to find out what the town does, permitting-wise? Clark responded that they were not. The threshold is whether they consider this a common scheme with previous developments in the area or if they consider it on its own. Varian responded that the town was treating it as a separate subdivision.

Clark was asked if there were covenants. Answer was yes. Asked whether the covenants provide for how the subdivision is going to share the cost for the maintenance of Smithfield's Crossing? Clark responded that they did, that maintenance of the road will be split 19 ways. Varian pointed out that Mark Hampton's name is spelled incorrectly on Map #5.

Newell asked about the size of the branch turnaround at the end of the road. Clark responded that it extends 30' past, in each direction. Newell reported that he thought that was a little small, that he recalled the ordinance that was passed a few years ago required 65'. Relevant section was read: "The travel way shall extend a minimum of 75' beyond a turning branch, which shall also be a minimum of 75' in length. Travel surface on the turnaround extension and branch should be a minimum of 30'." Clark said that they would have to stretch out the ROW and that they could do that.

Varian asked whether Lots 5 & 6 will conform in 3:1 length to width on the spaghetti lot rule (Section 10.5.E). Clark reported that he did the calculation, but can't tell what the ratio was off the top of his head. Will confirm. Varian stated that it was prohibited to grab other odd-shaped lots and attach to lot to make it a regular lot.

Clark stated that he would look into the two issues: (1) width of the road; and (2) length to width ratio for Lots 5 & 6.

Varian stated that the Board now has everything that was asked for last time. They wouldn't take time now to read everything, but we will have done so by next time. Newell moved to accept Preliminary Plan. Hawkes seconded. Approved unanimously.

Smith paid fee of \$350.

Varian suggested Sunday, July 13th, at 7:30 am, for the site walk. Meet at end of South Nichols Farm Road. Varian will send out notices to all the abutters tomorrow or the next day. So far, she has not heard from anyone yet about the plan.

Varian proposed to schedule the public hearing after the site walk. Set for 5:30 pm, prior to next regular meeting, on July 15th. Regular meeting to follow at 6:00 pm, or later if public hearing goes longer.

Smith rejoined the meeting.

3. **Edward L. Karpinski, Jr., 40 Periwinkle Lane, Tax Map 27, Lot B.** Renew permit of 6/12/2007 to replace existing outhouse and bunkhouse with new dwelling, using the 30% Rule.

The reason for his application at this meeting was to renew the expired permit. Applicant explained that he didn't commence the project within the allotted time because he needed to dispose of other property first. They now hope to have an offer accepted within the week. Hope to start building next spring. Never got a building permit.

Reference is to Section 16.E. of the Shoreland Zoning Ordinance which states that permits are only good for one year. Varian noted that the applicant had gotten his paperwork in on time. The reason that the board is discussing the matter *after* the expiration of the permit is because the board did not meet on its regular date of June 10th. It was not the applicant's fault that the application was not considered until after the expiration of the original permit.

Newell moved that request for extension of original permit be granted. Hawkes seconded the motion. Unanimously approved.

Karpinski paid \$20 permit fee.

4. Frank Roberts, representing Wynburg East Community Association, 156 Pasturer Road, Tax Map 35, Lot 12.

Request for following construction on Association's common land. Plan showing the proposed location of each of these is attached.

- (1) Expand parking area. Roberts explained that, occasionally, the parking area is inadequate for members' needs. Request is for an additional 5-7 cars. Eddie Gray estimated that fill need was at most 40 cubic yards.
- (2) Construct a ramp using an estimated 120 ± cubic yards of fill (estimate is guess of Eddie Gray) (Different from 160± in agenda.) Primary purpose of ramp is to provide a way to haul the dock in the winter. Lack of ramp is a problem because of the expense of doing it without the ramp.
- (3) Construct a boat house (18' x 18'), the purpose of which is storage of kayaks, tenders, moorings, etc. (Elevation sketch attached.)

Varian commenced discussion with item #2 and asked what was in that location now. Roberts responded that it was just a gully that leads to a small cove, and some small trees. Roberts pointed out that plan shows a slight encroachment on the abutter's land and that the abutters are in full agreement with the plan. Discussion about 2-car parking area to the east, which was in the original plan but land turns out to be too steep.

Roberts reported that the road is not flat, but it's not treacherous. It's relatively flat by the time you get to the proposed parking area. Newell asked whether it was possible that there would be too much fill, which, because of the steepness of the hill, would run off in heavy rain. He asked whether there was another way to address the problem that might work better and not use so much fill. Could what you're trying to do be accomplished with a set of ways that would involve less land movement. Roberts stated that he believed a couple of ways were being proposed. Varian stated that there was a consensus that they needed a site walk.

Varian summarized the proposal: existing wharf or float would stay where it was and continue to be used in the summer. In the winter, the dock would be hauled up on some kind of timbers, take the timbers back out, and pile everything off to the side somewhere, so the ways would not be permanent. Applicant confirmed that this was correct. Varian reminded Roberts that, if the organization does decide to have permanent ways, they would need a DEP permit. Roberts replied that they were aware of that.

Hawkes asked Roberts if people would launch kayaks from there. Response was that it was not a good way to do it because of drop off. People currently launch kayaks off the dock or they go down the stairs to the beach.

Varian confirmed that they would need a site walk and that they would ask the CEO to accompany them. Advise at the same time on trees that could be cut. Varian confirmed that the Association has no intention of filling this in and paving it; that it would stay gravel. Roberts confirmed that was correct.

Parking Area (Item #1). Discussion about what was there now and what was proposed. Roberts reported that the proposed area now has two spaces. They hope to get five spaces all together in that one little area. Top area is 22' by 24'. Because of the slope, a slightly larger area would be disturbed by the parking area. Varian reported that under Section 15.G. in the Shoreline Zoning Ordinance that describes parking areas, typical parking space is 10' wide by 20' long ±. It's 10' x 40' for cars with boat trailer. She asked Roberts whether he had taken those dimensions into account when assuming 5 parking spaces? Roberts replied that he didn't believe anyone has tried to take a boat trailer. It looks like there's room on paper, but it's not advisable to take boat trailers. Tides are against you, as well as drop off. It's close to the Painted Point boat ramp, so that's much easier if you have a boat trailer.

Roberts reported that he counted 5 trees that would need to be removed to do the parking area. Varian confirmed that area would have gravel, no paving. Roberts confirmed.

Boat House (Item #3). Varian reported that the required setback in this zone is 125'. And the boathouse is proposed at 40'? Stated that would be a no, no for starters. They would have to find another spot, or come up with another idea. There's nothing you can do about that. You can apply for it; we can deny it; and you can take it to the Board of Appeals. They would only approve it if you can prove a hardship not of your doing. Varian stated that she believes the Planning Board has no authority to give that permit anyway.

Date for site walk was set for July 13, at 8:30 – 9. Roberts was asked to put flags around areas to see where proposed areas stop and start, as well as property boundaries. Varian reported that neighbors may want to come, although the Board does not notify abutters for something like this. Smith noted the slight potential encroachment on Flinterman land. Flintermans should be there.

Varian noted that they do have a letter from the Community Association authorizing Mr. Roberts to represent them.

Motion by Newell to table application until next meeting. Seconded by Hawkes. Unanimously approved.

5. Joe Braun, 21 Church Lane, Tax Mp 8, Lot 27—New dormer, on non-conforming structure using the 30% rule.

The application asks for a 12' x 22' screen porch, with 4' x 8' stoop and steps. Porch roof is to tie into a new dormer on the existing ell roof and expand the dormer on the main roof to tie into the new dormer on the ell roof. CEO has been to the property to check on the measurements. Existing SF is 3,369.167; existing volume is 30,126.54. He is allowed 1,011.75 SF, 9,037.963 CF. This application will take 527.2083 SF for the deck and space over the ell between the bar and the house and 1,302 CF to expand existing dormer on main house and adding dormer over ell. Porch will be a screen porch with no volume. He will have left over 484.5417 SF and 7,735.963 CF to use some day in the future.

Varian reported that Applicant is under the 30% that is allowed, discussed under Section 12.C.1.a. of the Shoreland Zoning Ordinance, and it's located in a Village District. The setback is 50'. Confirmed with Applicant that nothing goes closer to the water. More than adequate square footage and volume, and the CEO saw no objection when he inspected the property. Asked why the Board was considering the application. Answer was that it was a non-conforming house because it was too close to the water.

No other questions. Smith moved to accept the application as presented. Hawkes seconded. Unanimously approved.

\$20 permit fee was paid.

Varian reminded applicant that the application has to be recorded and then presented for permit.

6. Albert Baily, 116 Flat Point Road, Tax Map 27, Lot 50-1.

Applicant wants to restore and enlarge his boathouse/shop using the 30% Rule. This is in the Shoreland Zone Resource Protection, and it will be considered under 12.C.1.a. Sketches attached. Photograph of existing structure was shown to board on cell phone. Original was built in 1920. Structure is now "melting away," according to Applicant. Peak of present boathouse is 15'. Proposal will have a peak of 18.5'. Volume is being increased by 1,357.2. No change in SF. Three sides will not be affected. Only change is in the front. Stairway will be new. Asked if changes would make structure closer to water? Answer was no. Tucked back in trees. No visual effect. Not cutting any trees down. No electricity. No running water. Bunkhouse.

Noted that there would be 12.8 SF remaining. Applicant questioned whether he was actually using all the volume. Varian suggested that Applicant should make sure that if he has any volume left over, he discusses it with the CEO right away. If anything has to be amended, he can bring it to the attention of the Board. Applicant did not think he would need any more. Motion to approve application made by Newell; seconded by Smith. Unanimously approved.

Varian reminded applicant to record application.

\$20 permit fee paid.

7. Seena and Sandy Stein, 122 Old Ferry Road, Tax Map 4, Lot 20.

Applicants want to remodel an existing structure, expand for dining room and screen porch, using the 30% Rule. Considered under the Shoreland Zoning Ordinance, Section 12.C.1.a. Resource Protection Zone, with 125' setback. Jason Bailey and Justin Knowlton, architects, representing the owners, presented the application. Varian asked whether they had a letter from the owners authorizing them to speak to the Board. Answer was no. Varian told them that the Board would need such a letter. Presenters submitted a set of plans and went over them with the Board.

Setback at the time of construction (1978) was 100'. After construction, setback was adjusted to 125'. Very wooded area; lots of trees. None have to be cut down. Much of building foundation is built on ledge.

Proposing to add a screen porch, a new entry (deck), with a covered porch over it, adding dormers to the existing roof structure.

Haven't discussed with CEO at all.

Architects did calculations themselves. Proposal puts them 3 SF shy of the maximum SF allowed under the 30% Rule. Would use 24.5% of available volume. Does include SF of deck in SF calculation.

Varian read what CEO said: "Had been to site to measure square footage and volume. I was unable to determine that accurately as this building is very complex. I will need to get into the building to get the exact dimensions. Exact square footage and volume was provided by the architect, but the method for calculating was not provided. This proposed expansion appears to increase the non-conformity, as it is drawn by increasing the deck in size, and the new sunroom will also expand into the setback. I would ask that the Planning Board would table this item until I can get access to the inside to verify the existing SF and volume, and I think it would be a good idea to have a site walk by the Planning Board with the setback lines flagged, as well as the proposed expansion."

Architects reported that the client is in NJ. Property will be their retirement home.

Question by Varian on Page 4.2 of the plans: Height is 38' 3-7/8"? Answer was that the dimension above ground was actually 22'. Ground is 16'± above sea level.

Decision to schedule a site walk before the Board considered the proposal further. CEO has to get into the building and do his calculations before the site walk. Asked Knowlton to contact CEO to schedule a time for him to do measurements before the site walk. Architects were asked to flag the setbacks and the expansion area, decks included, so Board can see all of that. Knowlton asked if he needed to be there for CEO's visit. There is currently a builder who has been there by himself. Asked if that would be adequate for CEO when he's doing the measurements. Varian told Knowlton to find out from CEO.

Discussion about rescheduling times for site walks. Decision to do this site walk from 8:30 to 8:45 and ask Mr. Roberts to take a later time.

Motion to check with Mr. Roberts to see if he can do his site walk later. No vote.

Whole deck puts the SF at 43%, rather than 30%. Varian reminded Architects that if any portion of the structure is within the setback, all of it is.

Discussion about when the 125' setback replaced the 100' setback. Needs to be checked out.

Consensus was made to table the application for tonight, do the site walk, and reconsider next month.

Smith moved to table. Newell seconded. Unanimous.

Board decided to change the time for the site walk at Wynburg East to 10 a.m.

8. Gregory and Kathleen Gensheimer, 98 Newbury Point Road, Tax Map 27, Lot 20.

To continue the discussion for constructing an overhead walkway from the house to the barn. Mark Hawkes reported that he had done some work for the Gensheimers and asked if he should recuse himself. He was asked whether he had advised them on this application. He said that he hadn't. No one had any problem with Hawkes remaining.

Gensheimer found that their assumption that the required setback was 125' was in error. The actual required setback is 100'. Submitted drawings (attached). Because of new setback assumption, there seems to be ample square footage and volume. Bridge to barn addition would be within 30% Rule. Plan is to demolish shed, which has 80 SF and 738 CF, and construct bridge to barn addition. Bridge would have 60 SF and 618 CF. Barn addition is not included in 30% Rule because it's a separate, conforming structure.

Varian told Applicant to get CEO back down to the site and have him verify the measurements and assumptions about what was permitted.

Smith asked if the Applicant was certain that the setback was 100'. Applicant stated that CEO "swears it is."

Varian asked if there is anything in the covenants that would prevent an addition of this size. Applicant responded that the covenants have minimum requirements, but do not discuss maximum size.

Newell moved to table until CEO has been to the site and reported back to the Board. Smith seconded. Unanimous.

9. Hubertus V. Sulkowski, 25 Lookout Point Road, Tax Map 37, Lot 13.

Varian reported that, on May 13th, Board gave Applicant a permit to build a deck/walkway on the water side of his building. Current application is a modification of the permit that was issued. She reported that CEO went out to see what could be done. The new drawing has a very small change. The permit would now use 157.5 SF, and he would still have 76.8255 SF remaining. No volume would be used. The CEO did not see anything wrong.

Confirmed that change doesn't encroach on setback.

Newell moved to approve change. Smith seconded. Unanimous.

10. Varian reported that Planning Board Member slot on Land Trust is vacant because Mark has stepped down. If anyone is interested in being the replacement on the Land Trust, check in with Mary Jo Steiner. Smith said that he would consider it. It's just the one meeting a month.

11. **Minutes of May 13th**. Newell moved to accept as written. Hawkes seconded. Unanimous.

12. Announcements:

- a. Wyman vs. Poliquin and Town of Phippsburg "Lesser Buffer" hearing is scheduled for 8:30 am on June 27th at Superior Court. Board members should feel free to go. CEO is going. Town's attorney will have a representative there, but Mr. Poliquin's attorney will be arguing the case.
- b. July meeting will be on the 15th. By August, Board will be back on 2nd Tuesday of the month schedule.

Newell moved to adjourn. Smith seconded. Unanimous.

Meeting Minutes
Planning Board – June 17, 2006
Page 10

Adjourned at 8:52 pm.

Respectfully submitted,

Channa A. Eberhart