

**MINUTES OF MEETING
PHIPPSBURG PLANNING BOARD
November 9, 2010**

MEMBERS PRESENT: Mark Hawkes, Clifford Newell, Robert Smith, Stephen Thayer, and Marie Varian, Chairman.

1. Meeting was called to order at 5:37 pm. Full Board was present, and quorum was declared.
2. **Mary Babikian, Harbor Island, Tax Map 30, Lot 18-01 – Update on status report of submerged utility cable running from the mainland to Harbor Island (continuation of discussions in September and October meetings).**

Larry Mosier, diver who monitors the cable and provides the annual status reports, appeared before the Board and reported that the cable is almost disappeared. It is buried 18”-24” and “is not coming up.” The very ends of the cable have always been exposed. He did not intend the wording of his report this year to suggest that the exposure of the ends of the cable was increasing; in fact, they are slowly disappearing. Varian asked if his report of 150’ of cable that can be seen “in and out of the bottom” was a “guesstimate,” and he reported that it was. He reported that the total distance that the cable covers was about 500 yards, or 1,500 feet. In his opinion, the amount exposed is not significant and it is outside of where any boats and traps would be. Smith asked if there was any evidence that anything had nicked the exposed cable. Mosier reported that there was none. Consensus of the Board was that they would like to have next year’s report include a measurement of how much of the cable was exposed on each end—where it starts and where it goes underwater. This would provide a baseline in case there are any issues or complaints in the future.

Varian clarified that one more annual status report was due next year and that no more monitoring was currently required for that cable thereafter.

3. **Revisit October decision on meeting time.** Varian asked if members would like to change winter meeting time from the 5:00 time decided at the October meeting. Members agreed to keep the time at 5:00.
4. **Consider Minutes of September 14th and October 12th.and Site Walk of October 21st.** (Minutes for Expansion of Business Hearing on October 21st will be considered at the November meeting.) Planning Board minutes and Minutes of Site Walk were approved as corrected.
5. **David & Tracey Percy, Percy’s Store, 6 Sea Street, Popham Beach, Tax Map 14, Lot 22 – Discuss options with intent of expansion of structure to create second-story living space.**

Applicants were asked to explain their plan. David Percy said that they were considering “squaring” the building and adding a residential unit on the second floor. It was possible that this would be accomplished by razing the building and replacing it. They wanted to know what Town rules would affect such a plan. He said that the State DEP has approved a plan to raze the current building and replace it.

There was some discussion to identify any potential issues that would affect the Applicants’ plan:

- Required lot size for each of the two uses (commercial and residential).
- Determination of whether the structure is non-conforming and therefore subject to limitations on expansion in a Shoreland zone.

- Determination of whether there any restrictions on adding a foundation.
- Possibility that a portion of the building was in the Erosion Hazard Zone.
- Construction of new residential unit would make it subject to the septic waste disposal requirements for a new residential unit in the Shoreland Zone (Section 15.L).

Board clarified that the foundation square footage would not count toward the 30 percent expansion limitation even if in fact there was a restriction on expansion. However, more research would need to be done to determine whether the building was non-conforming and, if so, what causes it to be non-conforming. In the event that the building is non-conforming and therefore subject to the restrictions on expansion, it is also necessary to find out whether there has been any expansion since 1989 because that could affect how much expansion could now be done. Applicants were cautioned that they shouldn't remove any existing square footage in the structure until these issues were settled.

Section 15.A.8. of the Shoreland Zoning Ordinance is clearly pertinent because it contains the requirement that the site on which a dual-usage property sits must meet all dimensional requirements for each use. Applicant reported that the lot's size was 67,000 square feet. That would need to be confirmed, by a survey if necessary, since, if the lot size reported is accurate, it is clearly inadequate to support two uses. Each of the uses proposed (commercial and residential) would require 40,000 square feet, for a total of 80,000 square feet, regardless of the findings on the other issues raised and discussed. It was not clear how the Applicants had received the approval of the DEP, since the minimum lot size requirement came from the DEP.

The Board requested that the Applicants provide it with a copy of the DEP approval as the next step in determining what could and could not be done on this site.

6. James Murphy, 140 Cox's Head Road, Tax Map 13, Lot 28, represented by Bill Perkins – Expansion of non-conforming structure by converting a portion of the porch into a half-bath.

Property is located in the Resource Protection zone with a 100' setback. Considered under Shoreland Zoning Ordinance Sections 12.C.1 and 12.C.1.a. Varian reported she has received a complete application and the \$20 fee in cash. Applicant's representative reported that the reason for the expansion is to allow a more accessible bathroom for the convenience of renters, as well as the property owner. Bathroom will be handicap-accessible. Change will not increase non-conformance of the property.

Varian reported that the CEO has been to the property and provided the following calculations:

	<u>SQ. FT.</u>	<u>CU. FT.</u>
Existing	1,585.00	13,776.00
Allowed expansion	475.50	4,132.80
Permit will use	51.75	465.75
Remaining for future use	423.75	3,667.05

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Newell moved to approve the application as written. Motion was seconded by Thayer and passed unanimously.

7. **Announcements** – Varian reminded the members that there was no meeting in December. She reported that there was a one-day workshop being offered at the Augusta Civic Center on storm water management on November 30, 2010. Cost is \$90. Anyone interested should register by November 22nd.

8. **Adjourn.** Newell moved to adjourn. Smith seconded. Motion was passed unanimously.

Meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Channa A. Eberhart
Secretary