

June 11, 2003

Phippsburg Planning Board

REGULAR MEETING

The meeting was called to order at 6:00pm. A quorum was declared. Board members present were: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Clifford Newell; Alternates Ed Burke and Josh Bate. Codes Enforcement Officer, Lee Rainey, was also in attendance.

The first order of business was to hear from Steve Mohr, Landscape Architect, representing Sebasco Harbor Resort (Map 29, Lot 11). He was accompanied by Bob Smith, owner. Mohr advised the Board that the issue of the reconfiguration of Long Cove Road and the creation of an added subdivision lot cannot be resolved since two of the right-of-way owners will not give approval to the project. This matter was discussed with the Board in the Fall of 2002. He explained that because there is still the issue of finding a spot for the relocation of the cottage owned by Mrs. Carney they now propose a site for this relocation. He presented a sketch of a proposed area and explained that they were appearing before the Board for their perspective and the sketch was thoroughly explained (see attached sketch). An access road called "Fairway View Lane" will be created and will provide 150' of lot frontage. An easement may be necessary for that access lane.

Varian asked if this proposed lot is a part of the Minor Subdivision, making it three lots (two condo units built in 1998 and the proposed lot). It was noted that the sale of the two condo units was in the fall of 1998. Adding this proposed lot now will create a Minor Subdivision. Smith pointed out that there will have to be a private drive easement for what is called "Gravel Cart Path" to gain access to the existing condos. Burke advised that the easement would have to be subtracted from the square footage depicted on the sketch and Mohr answered that once that was done, the lot size would not meet the one acre requirement, but that the lot could be expanded to conform to that requirement. It was determined that the sketch plan would have to be reconfigured.

Varian advised the applicants that they must be sure that after every non-buildable deduction is accounted for, the lot will still have the necessary one acre. She asked if the owners of the duplex have given permission since they will now become part of the Subdivision. Smith assured the Board that he will talk to them about that issue.

Smith filled out an application for a Minor Subdivision to be named Fairway View. Sections of the Subdivision Ordinance covering Minor Subdivisions was referred to and discussed. Letters will be sent to abutters. Varian advised that the Board will need a copy of the deed covering this section of land, any restrictions, easements, a copy of the portion of the County Soils Survey covering a Subdivision, a copy of any covenants intended, etc. A Public Hearing was scheduled for July 8 at 6:00pm.

The Board next heard from Jamie Kitchen, representing Sebasco Harbor Resort. The application presented was to expand a pavillion used as a picnic area at the Resort (Map 30, Lot 1, zoned Resource Protection). The application stated "Rebuild Pine Grove picnic area pavillion (open sided structure) 30% larger from +/- 392 square feet to +/- 510 square feet. Pavillion site was reviewed by Codes Officer prior to it's demolition for safety concerns. Previous pavillion was 73 feet from water at it's nearest point, new pavillion plan is 80 feet from the water at it's nearest point." Photographs accompanied the application depicting previous and new locations of the pavillion. The water body referred to is Wah-Tuh Lake.

The Board unanimously approved the application with the following comment "Permit includes platform with roof and screening. This application utilizes all available expansion of this structure."

Kitchen next presented the Board with an application seeking permission to bring in fill greater than 10 cubic yards per in Section 14 of the Shoreland Zoning Ordinance Table of Land Uses - Item 30. Kitchen advised the Board that he desires to bring in up to 100 cubic yards of fill. The application was also accompanied by photographs of the proposed site, an overview of the entire Resort, and stated "Pine Grove picnic area, north of Wah-Tuh Lake across dam from Main Inn. Project: Level parts of the existing Pine Grove picnic area and walking path from dirt road with up to 100 yards of fill material. 16 picnic tables are located in the Pine Grove picnic area." The application was unanimously approved with the comment: "Erosion control methods will be observed."

The Board next received an application from Edward Robbins (Map 36, Lot 18, zoned Resource Conservation/Limited Residential). The application requested the addition of a bedroom and bathroom to an existing structure. It was accompanied by a list of abutters, sketches of the existing lower level, the proposed addition, and footages as figured by the Codes Enforcement Officer. Robbins' application asked for an expansion up to 30%. The expansion as shown would amount to an overage of 259.902 on the cubic footage. The square footage is allowable. Rainey advised that there was a utility room underneath the structure which housed a water tank, water heater, storage, etc. and that Robbins is willing to give up that space in order to gain footage. Robbins stated to the Board that he has torn that room out and moved those items to the living quarters, but would like to move them back to the original utility room because of space constraints. Rainey stated that the posts currently supporting the structure can stay with lattice work, but giving up a two foot "bump out" and the room below, would give the cubic footage needed upstairs and make the building less non-conforming. The Board unanimously approved the application with the comment: "Cubic footage used in total. Square footage approximately 3 square feet left." The \$20 fee was paid.

The next item on the Agenda was to receive an application from James Lewis of Lewis Carpentry, representing William Chapman of Parker Head Village (Map 11, lot 48, zoned Village District). The application requested expansion of 30% on an existing non-conforming structure, including a 1188 cubic foot dormer. The applicant proposes removing the porch enclosure and reverting to an open style as per the original porch design, thus freeing up cubic footage. After the proposed construction, the applicant will have 392 square feet and 4734 cubic feet remaining for future usage. The Board gave unanimous approval to the application and the \$20 fee was paid.

The next application received was from Keith and Lurene Wallace regarding their property on Wallace Circle in West Point (Map 27, Lot 50, zoned Village District). The application listed the abutters and requested the addition of a second story to the present rope and supply shed. The existing structure is 16 x 20 feet and is used for the Wallaces commercial lobster/fishing needs.. The Board referred to Section 15 B.1.a of the Shoreland Zoning Ordinance and Definitions pertaining to Water Dependent Uses. However, 12.C.1 a of that Ordinance prohibits allowance of more than a 30% expansion on a non-conforming lot. The application requests a 100% expansion. The application was denied and Wallace was advised to contact the Board of Appeals per Section 2.11 of the Land Use Ordinance which states that the Board of Appeals has the authority to approve an expansion of over 30%.

The Board next heard from Randy and Barbara Harrington of the Main Road regarding their property on Harrington Road (Map 33, Lot 4). Alternate, Josh Bate, stepped down from the Board. The Harringtons had a deck constructed on their cottage without a permit and were subsequently told by the Codes Enforcement Officer to appear before the Board because the expansion is on a non-conforming building. The property is shown on the current zoning map as Resource Conservation with a 250' setback. Prior to the map's becoming effective in 1993, the Harrington property was listed as 125' Resource Protection and 125' Residential as voted at the 1984 Town Meeting, per the Harringtons request. Prior to 1993, the Harrington cottage was legal and conforming. The Harringtons were unaware of the 1993 change and questioned its intent.. Research showed that the written description of the Shoreland Zoning Map listed 125' Resource Conservation and 125' Residential, but the Town Meeting and DEP approved map shows 250' Resource Conservation. Section 15.B.6 of the Shoreland Zoning Ordinance regarding construction in a Resource Conservation Zone was referred to by the Board. To satisfy the present non-conforming situation, Harrington made out an after-the-fact application for the construction of the deck and to request Planning Board approval to change the Resource Conservation setback to 125'. A site walk is scheduled for Sunday, June 15.

Varian announced that Ocean View Park in Popham desires to come before the Board for an Expansion of Business Permit and that Elizabeth VonHeune of Winnegance would also like to appear for a Change of Use Permit. Both of these cases will be heard on June 25 beginning at 6:00pm.

The May minutes were approved as written.

The meeting adjourned at 9:45pm.

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Planning Board Member