

November 12, 2003

Phippsburg Planning Board

REGULAR MEETING

The meeting convened at 6:03pm. Board members present were: Marie Varian, Chairman; Marion Hebert; Bruce Kaake, Clifford Newell; Josh Bate, Alternate. Board member, Steve Thayer, was absent. Codes Enforcement Officer, Lee Rainey, was also present.

The Board was presented with two applications from Scott Michaels of Wallace Circle in West Point (Map 27, Lot 49). Varian stated that there will be a New and Expansion of Business Hearing on Tuesday, November 18 at 6:00pm. regarding the expansion of the store for new business purposes. Michaels has an option to purchase this property and can proceed with the plans upon getting applicable permits.

The first application was to request an increase in square footage and volume up to 30%. The application provided the names and signatures of abutters to the property. Michaels passed around copies of the proposed project and explained that at next weeks Public Hearing a slide show will be conducted showing more detail of the projected plans. He described his plans for the store and proposed restaurant.

Consultant, Doug Lathrop, told the Board that in-depth measurements have been taken. The Proposal outlined detailed calculations, existing volume and area and proposed increase in volume and area. After reviewing the figures presented during the Workshop Meeting conducted on November 6, Bate advised that the square footages and volume amounts looked accurate

Jack Percy of Popham advised that he is very much in favor of the project, but expressed concern with the parking situation. Michaels replied that, at present, he can park between 8 and 10 vehicles. He advised that he has a permit pending that will double those parking spaces. He further stated that he plans on having valet parking on weekends and will be able to park 16 to 18 cars. Another parking area is available on the other side of the "village".

Varian stated that Michaels needs multiple permits, at least two of which will be handled during this meeting and any other questions can come up during the Public Hearing on Nov. 18.

The application was unanimously approved with the comment: Per attached plans dated November 11, 2003, approved per Sections 12.C.1.a and 12.C.1 b of the shoreland Zoning Ordinance.

The second application, regarding the proposed pier expansion, requested the addition of 575 square feet to the existing pier as per the application submitted to NRPA-DEP on October 27. The proposed pier expansion was reduced from 1150 square feet per the DEP request. This application was also accompanied by the same list of abutters with signatures, a letter of approval from Harbormaster, Doug Alexander, a sketch of the expansion and a sketch and map of the area.

The application was also unanimously approved with the comment: Per Section 15.C of the Shoreland Zoning Ordinance per attached plans. Rainey advised that the floor of the in-fill will be above the flood plain.

Varian asked the Board's feeling as to whether the third application requesting a lesser buffer for the expansion and new business should be taken up during this meeting or delayed until the November 18 Public Hearing. It was determined that, since no abutters were in attendance during this meeting, the application should be delayed.

The \$40.00 fee for the two permits was paid.

The Board next heard from Douglas Percy of the Popham Road (Map 14, Lot 28) zoned Village District. Percy is asking for permission from the Board to demolish an existing house and outbuildings and replace them with a new home and garage, keeping within the allowed 30% expansion. The application was accompanied by a Subsurface Wastewater Disposal System Application, a property map of the Popham area depicting the site of the proposed construction, a survey of the lot, and a legal description of the property. A design of the proposed home was also submitted, showing the overall dimensions to be 70' wide by 37' in length.

Rainey advised that he has visited the site on several occasions and has no objection to the project. He added that there are tight space limitations regarding the new septic system, the existing library and a marsh, but that the home could be fit into the space without going further toward the road, the library or the marsh. The property has some nine outbuildings and with the footprints of all those buildings and the existing house there will be an ample footprint to cover the construction. Varian noted that, in the past, the Board has allowed people to take several buildings down and combine them into one footprint.

The application was unanimously approved by the Board with the comment: Per attached square footage and volume calculations. Per Section 12.C.1.a of the Shoreland Zoning Ordinance. Remaining square feet = 482.92 and remaining cubic feet = 3385.92. The application was signed by all members and the \$20 fee was paid.

An application was presented to the Board from Terry D. Gray, (Map 36, Lot 13, zoned Resource Conservation). Gray proposes to combine three existing non-conforming structures (a snack shack/bunk house, toilet building and a tent platform) into one building, expanding up to 30%. The new day cottage will be located on the site at the current bunk house site. The application included sketches of the site, specifications of the proposed day cottage, and photographs. The new structure will be conforming. Gray proposes to build a house across the road from the site in question, at some time in the future, which will be completely conforming.

Rainey advised Gray that he has approximately 138 square feet and 72 cubic feet remaining which could be added to the slope of the roof on the day cottage. The lot is comprised of .75 acres.

Newell suggested that, because of the space restrictions, a site inspection might be in order. He added that the views of the abutters should be taken into consideration. Gray advised that he has spoken to several of the abutters and has received no adverse comments. Rainey stated that, in his opinion, the proposal would enhance the area. It was the consensus of the Board that a site inspection was not necessary.

The application was unanimously approved and signed with the comment: Per Section 12.C.1.a, Shoreland Zoning Ordinance. Per attached sq. ft. & cu. ft. calculation sheet. Remaining sq. ft = 138.6049, remaining cu. ft. = 72.377.

The Board next heard from Ron Beal, surveyor, representing Charles Walles of 158 Small Point Road (Map 18, Lot 12). Walles is planning a 5-lot Minor Subdivision. He has sold two lots within five years and plans to sell two more. The Board conducted a site inspection in August at which time it was felt that Walles could not have driveways to each lot, which he desires to do, per the Town's Subdivision Ordinance Section 10.5.C allowing only two access/egress roads. The property already has three. The Board denied Walles' application in September 2003 based on Section 10.5.C of the Subdivision Ordinance. The Board would have approved the application if the lots driveways entered onto Walles' existing driveway, thus not increasing the entrances on Route 216.

Beal then approached the Board of Appeals where he was also denied with the following comment:

“Appeals Board denied request for an administrative appeal of the Charles & Constance Walles proposed subdivision regarding location of driveways to Lots #3 & #4. This decision needs further interpretation of the 1990 Phippsburg

Subdivision Ordinance pertaining to roads.”

Varian stated that it is the opinion of the Town Attorney, Richard Hornbeck, that the Ordinance does have a flaw in it as far as driveways are concerned. Section 10.5.C relates to “roads” and the definition of road exempts driveways. Therefore, Hornbeck feels that the Board cannot use Section 10.5.C for denial. She added that as soon as there is a Town Meeting, the Ordinance wording will be amended/changed to include all access/egress points..

Varian advised Beal that the Subdivision and Shoreland Ordinances have been reviewed by the Board regarding the traffic situation and the fact that roads and driveways are prohibited in the Resource Protection Zone under the Shoreland Zoning Ordinance Section 14 and the Table of Land Uses, Item 26. That Item states, “No, except to provide access for permitted uses within the district or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.” She stated that, if the Board was going to refute DOT’s permission to build two driveways (in the Walles Subdivision), a Public Hearing would probably be in order and the Board would need more information.

Kaake, reading from Varian’s report on the site inspection in August, noted that there is a Resource Protection area across from the proposed lots on Route 216 requiring a 250 foot setback. The building envelopes will be beyond that setback. He also noted that there is a brook on the property requiring a 75 foot setback. Both of these areas are shown on the Subdivision Map. He pointed out that both of these setbacks should be taken into consideration.

The Board discussed the potential problem of adding the two proposed ‘curb cuts’ onto Route 216, pointing out the additional congestion in that area. Varian stated that two letters from abutters have been received in opposition to the addition of more access/egress driveways.

Newell cited the Shoreland Zoning Ordinance, stating in part, “where no reasonable alternative route or location is available.” He stated that the Board has already determined during the site inspection that there is an alternative route. He further pointed out Land Use Ordinance, Section 3.9.2.b. which states that driveways and other private way crossings of water courses shall be kept to the minimum number necessary.

Beals replied that there are DEP permits to cross the aforementioned brook. Varian agreed that bridges can be permitted, but that the driveways would still be going through a Resource Protection Zone which, according to Section 14, is prohibited.

Newell noted that there are already two bridges in existence, which would bring the total to four if permission was granted to allow the additional access/egress. The Board agreed.

Varian then asked Beal how he wished to proceed on re-presenting Walles' application. Beal replied that he had talked to Walles regarding the situation and expected denial based on the Resource Protection problem and that Walles has agreed to abide by the Planning Board's original September decision. Beal has changed the map to reflect that decision.

The new Subdivision road will encompass enough of the west section of Walles' present driveway to serve the two proposed lots. The road will have a 33 foot right-of-way, 16' graveled surface with 2' shoulders and the map notes state that the road will be built to the specifications of the Subdivision Ordinance. Subdivision Ordinance Section 11.1.D requires that no lot in a subdivision may be sold, leased, or otherwise conveyed before an approved road is completed to that lot.

The name of the proposed road was discussed for 911 purposes. The name "Wildes" was proposed. Beal will contact the 911 Officer to see if that name is available.

Varian referred to Section 12.9 of the Subdivision Ordinance regarding private roads. Beal added the required note, "All roads in this Subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be maintained by the Town." on the final plan.

The Final Plan was approved by the Board and signed by all Board members. The fee of \$150 was paid. The Board had agreed to charge for only the owner's lot and the two proposed lots.

The amendment to Sebasco Fairway Cottages, Phase 2 Subdivision, and the associated relocation of Long Cove Road at Sebasco Harbor Resort has been rescheduled for the December agenda..

Several abutters to the proposed 4-lot Minor Subdivision planned by Lawrence Scott, Jr. and Mark Hawkes on the Main Road (Map 42, lot 14) were in attendance. Varian advised them that, although this issue had been planned for this evening, she learned late in the day that Scott and Hawkes could not attend due to surveys not being accomplished. It will be put on the Agenda for December.

She announced that Richard Gallagher of West Point has requested the Board table his application until next spring. The Board agreed.

The October minutes were approved as read. A sentence was added to the Minutes of the Workshop Meeting stating: 'The filter membrane will screen out red tide molecules.'

The meeting adjourned at 9:25pm.

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Planning Board Member