

Phippsburg Planning Board

REGULAR MEETING

The meeting convened at 6:01pm. Board members present were: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Bruce Kaake, Clifford Newell and Codes Enforcement Officer, Lee Rainey. The Board was joined for the first hearing by Selectmen Alan Douglas, Proctor Wells and Mike Rice.

VENTRY

The first item on the agenda was to hear from Darren and Judy Ventry of 9 Cranberry Point Road (Map 7, Lot 9). They came before the Board to discuss the number of dwelling units on their property prior to the sale of that property which, at this time is under contract..

Varian advised that Ventry had contacted her requesting that the Board present him with a letter stating that there are three dwelling units in the building. She further stated that the Board has nothing in the records that shows this but the Ventrys would like some verification that it is a legal situation so that the sale of the property would not be held up.

Ventry stated that there are just three apartments in the dwelling, one in the main part of the house and two in the barn. He added that since 1981 there have been just three units and that he has the names of the renters.

Varian questioned if Ventry had copies of permits of anything that might have been done to construct the apartments and if Ventry had any idea of when the apartments were constructed. Ventry replied that he had no proof of permits. He added that his brother lived over the barn from 1981-1983. He stated that he had also lived over the barn for a period of time. Ventry's mother advised that she has the names of the renters and can prove that she rented the apartments.

In reponse to Mike Rice's question as to when the septic system was put in, Ventry answered that it was installed four years ago, that it was a six bedroom system and that he has only five bedrooms in the house. The CEO presented a system design for five bedrooms. Ventry added that there is only one system for the house and one well which has a high yield and previously provided for another house in front which, at one time was a laundromat.

Rice asked Varian if this was to be considered an "after the fact." Varian replied "No. At this point in time we are trying to find out what it actually is because they have advertised the house for sale. It came out as a three unit and, under todays standards, there is not enough square footage on the land for three units. If they can document what has gone on on this property and whether we or they could find permits for anything that has happened along the way to allow the second or third unit it would help, because they

are trying to sell and, at this point, they can't prove that they have authorization for the three units. They would like some kind of verification from us if there is anything possible to do or say about it that says this is a legal situation with the three units. As far as taxation goes, whatever may be on the record other than showing it was inspected by the former Assessor in 1999 with the note that he needed reinspection because of probable renovations.”

Hebert asked what the actual acreage is of the property. The answer was 1.29 acres.

Rice asked if there is anything that indicates that there has been two units. Varian answered that the two units has been acknowledged right along by everybody including the Codes Enforcement Officer.

Ventry advised that he has been told by long time residents that a Tom Perry had lived over the barn a number of years ago. He added that when he (Ventry) was in High School he had lived over the barn. He described the “apartment” as it was at that time.

Codes Enforcement Officer, Rainey, stated that, at this time, the septic system is 180 gallons a day short of the needed capacity for three units, but the system would be sufficient for five bedrooms. The formula per unit requires more gallonage than one unit with multiple bedrooms. He added that he has retrieved old files showing where the connection piece had been built between the barn and the house in 1998 as well as the shed.

Ventry advised that the house has physically been a three-unit house for at least twenty years

Varian stated that, in her opinion, this isn't something “after the fact”, that this is probably something that has gone on and asked whether he could document somehow that this was going on before the Town had Ordinances governing how many square feet that a dwelling unit needed, it would be a grandfathered situation. She advised that the Ordinances were written sometime in the early 1970's.

Rice explained to Ventry that he could get depositions from people in order to get a legal foundation to say that this has been a condition although not permitted and not taxed. He added that the 180 gallon shortage is a separate issue which will have to be dealt with. He further advised that Ventry has the right to present his case to the Board of Appeals and that the more evidence he (Ventry) can present the stronger his case will be. He further stated that, in his experience, both the Planning Board and Board of Appeals bend over backwards to help people accomplish what they are trying to do. He added that Ventry has got to somehow get behind the Ordinance change and get whatever documentation he can.

Varian told Ventry that there is no way the Board could give him a letter of approval at this time, based on what is known. She advised him that if he could go back another ten years from 1981 which would be before the first Ordinances and document from there, the best the Board could do at that point is to say that that may not have been permitted, it may not have been taxed, but has been going on for that number of years and such documentation would suffice.

Douglas told Ventry that if he could find a period where he could document the three uses prior to 1971, if he can get reliable people to say that they or someone they knew lived at the three unit residence at that time, he would probably be grandfathered as far as the square footage problem.

Newell stated that there is research that needs to be done before the Board can produce any kind of a document which is needed relative to the number of dwelling units. He further spoke of the septic system which is not adequate for a three unit dwelling according to present Ordinances

It was determined that if Ventry can get the necessary documentation, the sale of the property as containing three units can go on with approval from the Codes Enforcement Officer for septic standards and the Board of Selectmen as the authority over the Planning Board. The realtor (Curt Fish) representing Ventry advised that he would not allow the sale of the property based on a three unit apartment approval unless the septic is up to State standards.

TODD

The Board next received an application from John and Cynthia Todd of 512 Meadowbrook Road (Map 41, Lot 52.1, zoned residential). The Todds were represented by Rick Fulton of TLC Carpentry. Their application requested approval of the tearing down and rebuilding the eastern ell and shed, putting in a foundation and rebuilding with an expansion of 5' x 16' on the back using the 30% rule, a stone porch on the front and decking on the back. The application was accompanied by photographs and a detailed sketch of the existing structure, a letter from the Historic Preservation Commission to the Todds, a reply letter from John Todd to the Historic Preservation Commission and a page showing the square footage of the additions they are proposing to construct.

Varian advised that in May of 2003 an application was made to add a dormer on the back of the house and footage was figured at that time. That application was approved. The cubic footage remaining for expansion after the approval of the dormer was 5915.

After much discussion with Fulton and Mrs. Todd, the application was unanimously approved with the comment:

	Square Feet	Cubic Feet
Footage available	1134.00	5915.00
Footage used by Permit	487.87	958.75
Footage available for future expansion	646.13	4956.25

The application was signed by all Board members.

The minutes of the October minutes were approved as read.

Varian provided Board members with portions of Ordinances pertaining to campground criteria from several towns in the State. Charles Konzelman, owner of Ocean View Campground in Popham attended the meeting and gave insight to the Board. This is pursuant to a meeting on October 27 with three other campground owners in Phippsburg.

The meeting adjourned at 8:00pm.

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Planning Board member

