

December 8, 2004

Phippsburg Planning Board

REGULAR MEETING

The meeting was called to order at 6:00pm. Board members attending were: Marie Varian, Chairman; Marion Hebert; Clifford Newell. Codes Enforcement Officer, Lee Rainey, was also in attendance. A quorum was declared.

SEBASCO HARBOR RESORT

The Board received an application from Sebasco Harbor Resort (Map 30, Lot 18). The application requested permission from the Board to erect a 48' x 6' pile and timber pier with a 30' x 4' ramp on Harbor Island (also known as Horse Island). The application further went on to state that this leads to a 12' x 18' float. The structure would be located on Harbor Island (off Sebasco Harbor Resort) and that the pier would provide better access to the southern half of the island.

The application was accompanied by a letter of non-objection from Douglas Alexander, Harbormaster, copies of signed permits from the ACOE and DEP, a sketch of the proposed construction, a map showing the approximate pier location on the island, and colored photos of the island pointing out the pier site.

After discussion and referring to Section 15.C of the Shoreland Zoning Ordinance, the Board gave unanimous approval to the application and it was signed by all Board members. The \$20 fee was paid.

COLD SPRING FARM

The Board next met with David Haynes representing the Cold Spring Farm Subdivision Lot 9 (Map 5, Lot 25). Haynes came before the Board in September to talk about an application for an amendment to cover the split of Lots 9 and 18 by devise. At that time, it was advised that more research should be done regarding covenants and/or subdivision restrictions and/or the need for a site inspection.

Haynes told the Board members that Lot 9A has 11 plus acres and Lot 18 consists of 88 acres. Discussion tonight centered only on Lot 9. Lot 9 is in a trust by Key Bank National of Portland which is in the process of settling the estate which had been owned by the Gillettes, now deceased with the lot being split between the Gillette children. The Board discussed the deeds and trusts with Haynes. Varian advised that she has gone through everything the Board has on file pertaining to the usage of the land and could find no documents prohibiting or restrictions on a split or the use of the land. One section of the acreage will be sold and Varian stated that it is already being advertised. A percentage of Lot 9 is in tree growth.

DEP was involved with the original subdivision and their approval of this plan has been obtained. The Board referred to Section 30A MRSA, Sect. 4401 of the State Statutes regarding subdivision exemptions by devise. The application was approved by the Board and the mylar was signed. The \$20 fee was paid.

FOSTER

Duane and Laura Fraser of the Sam Day Hill Road (Map 43, Lot 36) presented an after-the-fact application to construct a 12' x 20' deck on a non-conforming building. The application included names of the abutters. CEO, Rainey, explained that the building is non-conforming because it is too close to the Sam Day Hill Road.

The Board approved the application, after referring to Section 2.11 of the Land Use Ordinance which covers a non-conforming situation, with the following comments:

“Approved under Sect. 2.11 of the Phippsburg Land Use Ordinance re Non-Conformance - House is located too close to the Sam Day Hill Road.
Existing square footage = 900 square feet
Allowed expansion = 270 square feet
Remaining footage for future expansion = 30 square feet
Footage used by this permit = 240 square feet”

The \$40 after-the-fact fee was paid.

LEWIS/CUSHING/FOSTER

The Board next received a Proposal for a Minor Subdivision on Map 12, lot 29 from William Foster. Tim Lewis represents William Foster of the Parker Head Road. The land (which abuts Foster) is presently owned by Robert Cushing which Foster intends to purchase contingent on approval of the application by the Planning Board. The land will be split from Lot 29 and is comprised of some 10 acres. Foster wishes to develop a 3 or 4 lot Minor Subdivision with each lot consisting of 2-2-1/2 acres. The hoped for construction of the first home is scheduled for the coming spring, to go on the market by mid summer of 2005. Each lot is designed to support one three or four bedroom, single family home.

Cushing lives on the mother lot. Rainey advised that Cushing sold the land, which encompasses Foster's home, less than five years ago. Lewis told the Board that Cushing had sold the family farmhouse some seventeen months ago, thereby creating two splits with another sale to Foster making three splits. Varian pointed out that Cushing may have a subdivision of his own by default when Foster subdivides. The land purchased

would be exempt under the subdivision law as Foster is an abuttor but to keep the exemption an abuttor has to hold the land for five (5) years which is not Fosters intent. We discussed whether the situation would be two (2) subdivisions as well as the possibility that all the lots become a subdivision in Cushings' name (if he is willing) and then we resell the four (4) "new" lots to Foster. The Chairman will check with MMA on the legalities of these ideas.

Lewis advised that Bill Meiers has done soils tests on all but one of the sites and that there are no unsuitable lots at this point. Varian referred to Section 6 of the Subdivision Ordinance and the General Standards, Section 10. She pointed out to Lewis all of the items that he would need in order to submit his total packet and that a site inspection will be necessary. Lewis will be on the Planning Board agenda in January.

Rainey reported on pending cases in Popham, and the Navy Road in Small Point. He further advised on the case of the Darren Ventry home on the Main Road (see November minutes). The Selectmen allowed the three (3) apartments to stay, but with stipulations. Any one interested in this case should read the Selectmens minutes of December 8.

The November 11 minutes were approved as submitted.

Varian advised the Board of an upcoming Comprehensive Plan Hearing Schedule in January, a preview of January and February 2005 Agendas and upcoming announcements and seminars.

The meeting was adjourned at 8:10pm

Respectfully submitted,

Marion H. Hebert
Recording Secretary/
Planning Board Member