

February 11, 2004

Phippsburg Planning Board

NEW BUSINESS HEARING

Planning Board members present: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Bruce Kaake. Codes Enforcement Officer, Lee Rainey also attended.

Selectmen present: Proctor Wells, Mike Rice

The Board was approached by Susan Jones of 525 Main Road (Map 40, Lot 8). Jones came before the Board in January to discuss the operation of a seasonal, portable hot dog/ice cream stand on her property. She was advised that the proposed business would require a New Business Hearing per criteria of the Land Use Ordinance. She was, at that time, instructed to notify all abutters and Codes Enforcement Officer, Lee Rainey, stated that he would provide her with that list. She was also advised that a site inspection would be required and one was held on February 1. Varian gave a written report of that inspection. Jones and her husband, Selectman Alan Douglass, provided the Board with return receipts from the notices send to the abutters advising them of the proposed business, and a sketch of the proposed site. It was noted that the list had not included two of the abutters. It was then declared that the Hearing could not continue because all the abutters had not been notified.

Douglass asked if the permit could be modified to include special events such as Field Days or Fishing Derbys and that he could do so. He further asked if the stand should be considered a 'structure' since it is on wheels. Varian read Section 17 of the Shoreland Zoning Ordinance (under Definitions) regarding 'Structure' which states ..... "anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes." The Land Use Ordinance does not have a definition for structure.

Varian referred to Sections 1.6 and 1.7 of the Land Use Ordinance regarding Buffer Zones and Lesser Buffer Zones and stated that they would take precedence over Section 2.5 regarding setbacks.

In response to Mike Rice's question regarding the Department of Transportation giving permission for an entrance on Route 209., Jones advised that they had not yet heard a determination from them.

The Hearing was closed at 6:27pm with no testimony given and no decision making business conducted. A new Hearing is scheduled for 6:00pm Wednesday, March 10.

Jones will contact the remaining two abutters regarding the proposed business and will notify all abutters of the new hearing date.

Respectfully submitted,

Marion J. Hebert

## Phippsburg Planning Board

### REGULAR MEETING

Board members present: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Bruce Kaake. Codes Enforcement Officer, Lee Rainey, was also in attendance.

The meeting convened at 6:28pm.

Mark Hawkes, representing Lawrence Scott, Jr. (developer of Red Oak Acres Subdivision (Map 42, Lot 14) approached the Board and presented a completed Subdivision Application, a revised Declaration of Easement Rights, Protective Covenants Restrictions and Reservations for the Subdivision and a Guarantee of Potable Water. A mylar and copies of the final plan were also presented. Two changes to the Covenants were noted: Page 1 introductory section should read 'his or her parcel' and Section 16 (Amendments) should delete, in the last sentence, 'or conflict with the Phippsburg Shoreland Zoning Ordinance' and add "Any changes to items 1, 2, 3, 4, 9 and 12 will constitute an amendment and will require Planning Board Approval." Hawkes stated that these changes will be made and the Board will receive corrected copies of the Covenants.

Items 1, 2, 3, 4, 9 and 12 will also be listed on the Final Plan as a condition of approval. Kaake stated disapproval of the signature designations on the Covenants as there appears to be no line designated for the Grantee's signature. Hawkes agreed with Kaake and will take this back to the Attorney for clarification.

The Board verified that all documents had been submitted under Sections 6.3 and 10 as pertain to the Minor Subdivision. The Board signed the mylar and all copies of the plan after verifying that a copy of the Deed has been received as well as a Soils Report, Water Report, and notification of abutters. Varian advised that to be consistent with State requirements all Subdivisions should be numbered as well as named. The numbering system will first show the year of approval followed by a number reflecting the numerical order of Subdivision approval sequence. It was decided that the Red Oak Acres Subdivision will be coded as 2004-1. A check in the amount of \$200.00 was paid.

Varian advised that an amendment to the Subdivision Ordinance section regarding the definitions for access/egress (Section 10.5.C) would be ready in March. She added that verbage regarding just two "curb cuts" has got to be added as well as giving the Board permission to allow more than two, in certain instances. She further advised that Clifford Newell has written the Planning Board report to go into the Town Report and expressed her gratitude.

Rainey reported that the State Fire Marshall's Office has demanded that Scott Michaels (Map 27, Lot 49) put a full size, legal staircase as a second means of access/egress, from the rooftop deck and the restaurant. This staircase will be a full 42 inches wide and will go to a platform which will provide wheelchair accessible access to the road. Rainey

stated that he does not feel that this will expand the square footage because it is a fire escape and not used by the public. The Board agreed that it is not an issue.

The January minutes were approved with a minor correction.

Varian advised of Planning Board Workshops being scheduled by Maine Municipal Association and gave a short report of the Midcoast Council for Business Development and Planning meeting on January 29, 2004.

The meeting was adjourned at 7:45pm.

Respectfully submitted,

Marion J. Hebert  
Recording Secretary/  
Planning Board Member