

April 14, 2004

Phippsburg Planning Board

NEW BUSINESS HEARING

The New Business Hearing was called to order at 6:00pm.

Board members present were: Marie Varian, Chairman; Marion Hebert; Bruce Kaake; Clifford Newell, Josh Bate, Alternate, and Code Enforcement Officer, Lee Rainey. No Selectmen were present due to out of town commitments.

The Board was approached by Susan Jones and her husband, Selectman Alan Douglass (525 Main Road, Map 40, Lot 8). Jones and her husband, Alan Douglass, had come before the Board in January for advice regarding her desire to have a portable hot dog and ice cream stand on her property. On February 1 a site inspection was conducted. On February 11 Jones/Douglass came before the Board again and, after reviewing the return receipts from abutters, it was noted that two were missing. The Board tabled the decision at that time.

At the current meeting, Jones presented the Board with a New Business Application containing the comment "Hot dog and ice cream stand - portable hot dog and ice cream stand, open seasonally. May be moved to other locations in town as needed." The application was accompanied by a Maine Department of Transportation Permit with accompanying criteria for an entrance on Route 209. As Alan Douglass is a Selectmen, he stepped down.

Discussion centered on the traffic entering and leaving on Rt. 209, the possibility of patrons parking on 209 (decided it would be a police issue) and the request for only a 40' setback from the southern property line (will seek permit approval from Planning Board). There was no objection from abutters or neighbors.

After inspection of the abutter notification receipts the Board voted four for and one abstention (for traffic reasons) to accept the application and it was signed by all members. The comments "No waste will be left at the site overnight. Applicant needs a lesser buffer permit from the Planning Board. Approval is contingent upon such permit" were added to the application. It was also noted that payment will be made by April 16, 2004.

The New Business Hearing adjourned at 6:28pm.

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Planning Board Member

April 14, 2004

Phippsburg Planning Board

REGULAR MEETING

The Planning Board meeting convened at 6:30pm. Board members present were: Marie Varian; Marion Hebert; Bruce Kaake; Clifford Newell, Josh Bate, Alternate and Code Enforcement Officer, Lee Rainey.

JONES/DOUGLASS

The Board was approached by Susan Jones and husband, Alan Douglass, and were presented with a Planning Board Application asking for a reduction in 100' setback on the southerly side of their property. The Application for a Lesser Buffer Permit requested a 40' setback to accommodate their operation of a portable hot dog/ice cream stand. They had received approval of this new business earlier tonight contingent upon lesser setback approval by the Planning Board.

Land Use Ordinance Section 1.7 was referred to. It was agreed that the area contained several commercial operations and was eligible for lesser buffer considerations. The Board four for and one abstention (for traffic reasons). The Permit was signed by all members with the comment "Measurement will be determined by the pin on the south side of the driveway which is the south side of Jones' property line." Jones advised that her hours of operation will be from 10am-6pm daily, there will be no after dark hours and screening of headlights.

SEBASCO HARBOR RESORT SUBDIVISION

The Board was next approached by Bob Smith, Manager of Sebasco Harbor Resort (Map 29, Lot 11). An application requested permission to 'add one lot to previously approved subdivision for Fairway Cottages, Phase 2.' Smith and Steve Mohr had presented a sketch to the Board in March for discussion. The creation of this lot would make it the sixth lot for sale and a total of seven dwelling units in this Subdivision on Lot 11. At that time, Smith advised the Board of his intention to purchase this existing property from the Resort Partnership for his personal use. Smith also requested the Board to vote on an amendment to decrease an existing duplex to a single dwelling unit. The application was accompanied by a complete application packet of material from Steve Mohr.

Smith advised the Board that a new well will be drilled while winterizing. All abutters have been notified. The application received unanimous approval from the Board and the mylar was signed. The \$95 fee was paid.

JUDITH MCMANN

Judith A. McMann (Map 19, Lot 18), Small Point Road, next approached the Board. McMann is selling a second lot from her parcel and her Attorney would like a written opinion from the Board stating that the sale will not create a subdivision situation by virtue of the parcel being Mrs. McMann's residence for longer than five years and the remaining land will continue to be her residence..

Varian presented a statement stating "The property at 288 Small Point Road (Tax Map 19, Lot 18) is owned by Judith A. McMann and, by her statement, has been her residence for over ten years.

"At the April 14, 2004, meeting of the Planning Board, the Board voted that the sale within five years of two lots from this parcel with the balance retained by Mrs. McMann as a single-family residence will not create a subdivision. Reference basis for this decision are the Town of Phippsburg Subdivision Ordinance Sec. 30 and the State of Maine Subdivision Law Title 30-A, MRSA 4401.4.A." The statement was dated April 14, 2004 and was signed by all members.

It was voted that the stated circumstances would not create a Subdivision and the letter would be signed by all members and given to Mrs. McMann.

BILL HOWELL/LAND TRUST

Bill Howell, representing the Phippsburg Land Trust, presented the Board with an application requesting permission to "Access to the Land Trust's land on Sprague Pond via a right-of-way from 209 to North Creek (Map 44, Lot 9) There was a road across the creek, but a beaver dam has flooded and widened the creek. We want to build a bog bridge footpath (2 planks laid on cross pieces just about 150 feet below the beaver dam. It will be two 10" planks placed on 6" x 6"s for approximately 150'. This footpath will be through an alder wetland. Two shorter bog walkways will cross a wet area near Route 209 (20') and another wet area along the creek bank (15'). These are to be built to protect the bog and beaver environment."

The application was accompanied by an Application for a Natural Resources Protection Act Permit, several exhibits describing the activity, purpose, topo maps, drawings of the proposal, photographs of the area, and an Avoidance or Minimization statement.

The Board referred to the Shoreland Zoning Ordinance, Section 14, Table 1, Item 17 and Section 15.C. The application was unanimously approved with the comments "Contingent upon DEP approval." and "This bridge will cross North Creek in the most 'environmentally friendly' manner". The \$20 payment will be mailed.

ROCK GARDENS INN

The Planning Board was next presented with an application from Rock Gardens Inn (Map 29, Lot 22-00-11, zoned Village District) and signed by owner, Ona Barnet. The project is to “relocate the entry door of Ebb Tide Cottage to the opposite side of the building. Also will be replacing a covered 5 x 6 entry deck and set of stairs with a covered 4 x 12 entry deck and one step. New entry will be 2-4 feet closer to the road.” The application was unanimously approved with the comment “Non-conforming building - Land Use Ordinance Sec. 2.11. Existing sq. ft = 602, allowed expansion 180 sq ft., using 18 sq. ft. Existing cubic ft. 5,200, allowed expansion 1560 cubic ft., using 0 cubic ft. The \$20 fee was paid

ALAN JOHNSON

The Board was next approached by Mr. and Mrs. Alan Johnson of Parker Head (Map 43, Lot 24) for an after-the-fact permit for up to 30% non-conforming building expansion. The application stated that the Johnson’s had enclosed a 12’ x 18’ back porch, an 11’ x 12’ deck, and a 12’ x 18’ addition onto an existing living room. The structures were completed in 2003. The Codes Enforcement Officer, advised the Board that, while the square footage was allowed, the cubic footage was over by 1165.135. Sections 12.C of the Shoreland Zoning Ordinance and 2.11 of the Land Use Ordinance were referred to. It was determined that the cubic footage would have to be removed and the application and permit was approved and signed by all members with the restriction, “Codes Enforcement Officer will monitor removal of cubic ft. to ensure compliance with Shoreland Zoning Ordinance Sect. 12.C and square footages and cubic footages will be refigured. Codes Officer will put his findings in writing and such document will become part of this permit and be recorded.” The \$20 fee was paid.

DANIEL CLIFFORD

Daniel Clifford of 550 Main Road (Map 6, Lot 10, zoned Resource Conservation) next approached the Board with an application to replace an existing well house, using his allowable 30% expansion The application included a number of sketches of the proposed replacement. The Board referred to Section 12.C.1.a of the Shoreland Zoning Ordinance.

The permit was approved with the following comment: “Existing sq. ft. 52 - allowed expansion sq. ft. 15.6 ; existing cu. ft. 312, allowed expansion cu. ft. 124.0. Permit will use all allowed footages.” It was signed by all members.

SCOTT GARDINER

Varian will contact the Town Attorney or MMA regarding Scott Gardner’s request for relief from a property line setback for expansion of a non-conforming building on land owned by William Wyman of Small Point (Map 23, Lot 38-LL-50). The property is

deemed to be too close to the water as well as having only 33-1/2 feet between his building and a neighbors building and does not have the required 20’ from the nearest property line. Sections 12.E.2 and 3 of the Shoreland Zoning Ordinance was referred to.

Gardiner's house is on a 50' x 50' parcel of land and there are no descriptive property lines. A 50' x 50' lot contains only 2500 square feet and, if the building is located in the center of the lot, as testified by Mr. Gardiner, the building has no direction to allow an addition. Mr. Wyman testified that he owns all of the contiguous land under the many owner-owned cottages on the parcel and all of the leases have been carried in this manner with no descriptions for generations.

Mr. Wyman maintains that he could place a line wherever necessary on the east side of the house to accommodate the addition. Our question is, can the lines be legally moved around or added onto and/or be legal within our Ordinance criteria. Also, is Mr. Wyman's leasing method grandfathered in some way. The request was tabled pending further advice from MMA and Atty. Richard Hornbeck.

BELANGER/NEWELL

Board member, Clifford Newell stepped down from the Board and presented an application to replace an existing pier for John Belanger (Map 36, Lot 29). The application explained that this would be constructed "in a westerly direction extending across the Morse property line and is comprised of two sections totaling 96 ft. 2".

Proposed new pier would run parallel to the shoreline to correct the property line situation and still allow access for an existing float and ramp - new pier to be approximately 6' x 12' (plus, minus) 1 ft." The application enclosed photos and drawings, a letter of agreement from Jean and Bill Morse, a letter of approval from Harbormaster, Doug

Alexander and a letter of permission for the construction from Belanger. The application was approved by Board members with the comment "Per attached plans. Per Sect. 15.C. of the Shoreland Zoning Ordinance." The \$20 fee was paid.

LARRY SCOTT/FLOAT/RAMP

Lawrence Scott of 59 Seely Lane in Small Point (Map 18, Lot 6, zoned Resource Protection) next provided the Board with an Application requesting permission to install a 10' x 20' float and 34' ramp with a permanent 6' x 30' dock. The application also contained a sketch of the area and a letter of approval signed by Doug Alexander, Harbormaster. The Harbor Master's letter mandated that this construction would not block any part of the North Creek channel. The application was signed by all members and the \$20 fee was paid.

The minutes of the March meeting were approved.

A long discussion with the Codes Enforcement Officer and William Wyman, owner of Head Beach Campground, ensued regarding the need for updating campground criteria.

Varian advised of an upcoming site walk and Board of Appeals Hearing afterward on Thursday, April 15 regarding Suzanne Nusbaum's appeal of the Code Enforcement Officer's issuance of a building permit to Nancy Stimpson-Chester (Map 14, lot 52).

The Planning Board meeting adjourned at 10:25pm.

Respectfully submitted,

Marion J. Hebert

Recording Secretary/
Planning Board Member