

May 19, 2004

Phippsburg Planning Board

Regular Meeting

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

The meeting was called to order at 6:00pm. A quorum was declared.

AL LINDSEY - WEINBURG EAST

The Board received an application from Al Lindsey, representing the Weinburg East Association (Map 35, Lot 12) requesting permission to change direction of a 10' x 16' existing recreational float in order to reach deeper water (approximately 12') The new float extension will be 6' x 16'. A letter of permission from Harbormaster, Douglas Alexander, stated "Add an additional dock to existing float to accommodate dingys and to extend out to deeper water, approximately 12'." The Board referred to Section 15.C.1-7 of the Shoreland Zoning Ordinance. The application and sketch received unanimous approval from the Board. The \$20 fee was paid.

MARK WILSON

Mark Wilson next approached the Board seeking permission to build a cottage on a portion of Map 35, Lot 1.01, zoned Resource Conservation) on the Meadowbrook Road. The application stated that the lot is currently owned by Peter Hutchinson who would retain 222' of road/shore frontage and a deeded right-of-way across Wilson's parcel. Wilson is seeking a lesser setback for a 22 x 26 camp. He advised that Albert Frick Associates does not believe there are 10,000 square feet of suitable soils using the 125' setback, but there is one site for a building and one site for one septic system/leach field which would meet the single-family dwelling requirements. The Board referred to Section 15.6. of the Shoreland Zoning Ordinance. It was determined that a site inspection is in order and is scheduled for Tuesday, May 25 at 5:30pm.

HOUGHTON TROTT (REP. BY WALTER WILGUS)

The Board next received an application from Houghton and Patricia Trott, (Map 25, Lot 11) represented by Walter Wilgus. The application requesting permission for the addition of a mudroom. It contained square and cubic footages of the existing and proposed construction, as well as detailed plans for that construction using the 30% rule. The existing house is nonconforming as it is 33' from the road. The Board referred to Section 2.11 of the Land Use Ordinance. The application received unanimous approval from the Board with the following comments:

Per attached sketch and footage calculation chart - decision per Sec. 2.11
Phippsburg Land Use Code

Permit uses 160 sq. ft. - remainder usable sq. ft. 1018.

The letters from MMA and Atty. Hornbeck will be attached to Gardner's application. (Informational note: A few days after this meeting Mr. Gardner telephoned the Chair and requested a copy of Hornbeck's letter and same was FAX's to him from the Town Office).

Varian advised Gardner to talk with Wyman and the issue was tabled until the June meeting.

SCOTT MICHAELS

Scott Michaels of 47 Wallace Circle in West Point (Map 27, Lot 49, zoned Village District) presented the Board with multiple applications for amendments, changes to the Building Permits given for the building and dock expansion of the former West Point General Store. These permits were issued by the Board in November 2003. Michaels is also asking for exclusion from the 30% rule for an ADA access.

Varian advised that the foundation was poured to slightly larger dimensions than for what the original permit was given. She stated that there have been two platforms built on the north side of the building that were not in the drawing and two deck areas built on the south side that were also not in the permits. She added that she, the Codes Enforcement Officer and various members of the Board have visited the site and, although it is not recommended to make individual site visits according to the Planning Board Manual, in view of the time constraints she requested this of the Board members.

Varian reported that the area in front of the building (on the road side) amounts to 34.75 square feet which is more area than allowed in the permit. Michaels has proposed to delete, in the lower level store area, a studded section that was to be a walk-in freezer which amounts to 35.75 square feet (5-1/2 x 6-1/2 feet). Michaels advised that that space will be walled off, becoming empty space, although it will cut his freezer space approximately in half. Kaake proposed to Rainey that he make this a condition of Michael's occupancy permit when the proposed restaurant opens.

The application regarding the freezer area was unanimously approved and signed by all members with the comment:

Proposed freezer area will have 5'6" x 6'6" (35.75 sq. ft.) deleted from 11/12/03 permit. This will offset added expansion on east side (road side) of 34.75 sq. ft. per attached sketch. The eliminated footage will be sheetrocked and studded off to create an inaccessible void. CEO will verify at the time of pre-opening inspection.

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Michaels' next application was in three parts. It was accompanied by sketches and descriptions.

Section 1, amending the original proposal stated: "A platform is located on the northwest corner of the building. The platform will be used to locate a generator for the Westpoint

General Store and Restaurant to safely accommodate the sprinkler system pump required by the State Fire Marshall's Office. The generator is sized to also accommodate necessary loads during power outages. The platform will also be used to place refuse containers away from the public. The platform covers 74.711 square feet". This proposal was discussed at length. A letter presented from abutters Keith and Lurene Wallace stated that they have no objection to the placing of a platform on the northwest corner of the building to be used as a service platform. The Board denied the proposal, however, with the following statement:

"Shoreland Zoning Ordinance, Sec. 14, Item 14, and Sec. 17 Definitions for emergency operations would, in the Board's opinion, allow the proposed use. However, under Sec. 12.C.1, the Planning Board cannot permit an expansion that would increase non-conformity - in this case, closer to the north property line."

Michaels will meet with the Board of Appeals on this item.

Section 2 of the application stated: "The present dock walkway is extended toward the east and sized to provide a location for an ice vending machine and a beverage cooler refrigeration unit, and to provide public access to the ice vending machine and maintenance access to gas main regulator, sprinkler system test connection, and beverage cooler refrigeration unit. the walkway will also support the platform above which was constructed to satisfy the ADA requirements for reasonable access to facilities. This extension covers 120.86 sq. ft."

Again, there was discussion between Michaels and the Board on this issue. The Board approved this amendment with the statement: "Amendment to 11/12/03 permit for dock expansion - Shoreland Zoning Ord. Sec. 15.C".

Section 3 stated: "The original dock expansion size of 575 sq. ft. is reduced by an amount equal to the sum of two above revisions. This would reduce the dock expansion to 379.43 sq. ft."

After discussion, the Board approved this amendment with the comment: "The 11/12/03 dock expansion permit allowed 575 sq. ft. The above amendment (#2) will use 120.86 sq. ft. of the total allowed and will have 454.14 sq. ft. remaining". It is noted that Sect. 1 and its 74.711 square feet was denied.

The applications were signed by all Board members.

Michaels also has discussed his construction of an ADA area as mentioned in Sect. 2 above. He was advised to contact the Board of Appeals because that board has the authority to permit ADA construction. It was noted that in MRSA 30-A, Sect. 4353, 4-A and in the DEP Manual Sect. 16.H(2)(d), both deal with non-conforming dwellings but do not mention businesses in the Shoreland Zone. It is also noted that businesses must

conform to Federal ADA Regulations. The Board felt it had no authority in granting ADA permits.

The minutes of the April meeting were approved.

Varian advised that the Board will discuss the rewriting of the campground section of the Ordinances.

The meeting adjourned at 9:20pm

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Planning Board Member