

June 9, 2004

PHIPPSBURG PLANNING BOARD

REGULAR MEETING

The meeting convened at 6:00pm. A quorum was declared.

Board members present were: Marie Varian, Chairman; Marion Hebert; Clifford Newell. Codes Enforcement Officer, Lee Rainey, also attended.

The Board first received an application from Charles Baumgartner of New Meadows Drive (Map 37, Lot 35). The application stated Baumgartner's desire to rebuild a walkway, ramp, floating dock and haulout. It explained that the walkway, ramp and crib were storm damaged several years ago and never replaced. Stairs going to the system still exist and do not have to be replaced. It was accompanied by a letter of approval from Harbormaster, Doug Alexander, a Permit By Rule Notification from the DEP, Topo Maps, sketches of the existing and proposed construction, pictures of the storm damage to the walkway, ramp and crib. He requested that he be allowed to change the float measurement from the proposed 10' x 12' to 12' x 14'. The Board accepted the application with the following comments: "Per attached plans with the change in float measurement to up to 12' x 14'. Recreational system. Per Sec. 15.C of the Shoreland Zoning Ordinance." The application was signed by all members and the \$20 fee was paid.

Harald Zinke, representing David Swartz, next approached the Board with an application to remove a deck, presently 12 x 28', and replace it with a 16' x 28' addition. The property is located on the Popham Road (Map 17, Lot 23) and is non-conforming as it is too close to the road. A letter was presented from Schwartz authorizing Zinke to act as his agent. The addition would not use all of the 30% rule and will be on a concrete slab. A proposed 6' x 16' deck will be on posts. The Board referred to section 12.6.1.a of the Shoreland Zoning Ordinance and gave unanimous approval to the application. It was signed with the following comments:

existing sq. ft: 1632	existing cu. ft.: 12,560
allowed to increase: 489.6	allowed to increase: 3768 cu. ft.
proposed to use w/permit: 264	proposed to use with permit: 3584 cu. ft.
balance left over: 225.6 sq. ft	balance left over: 184cu. ft

The \$20 fee was paid.

Mark Wilson next approached the Board to continue his application for a lesser setback

in the Resource Zone on the Meadowbrook Road (Map 35, Lot 1-01). Wilson came before the Board in May requesting permission to build a dwelling on a portion of the lot currently owned by Peter Hutchinson. Wilson is seeking a lesser setback for a 22 x 26 dwelling. A site inspection of that property was conducted on May 25, 2004, the purpose of which was to determine if the lot meets the criteria of Section 15.6 of the Shoreland Zoning Ordinance. A letter from Albert Frick Associates dated June 9, 2004 determined that the property does not meet the Town of Phippsburg's zoning criteria, requiring the property to have 10,000 square feet of suitable soil in order to deem the lot buildable.

The Board again referenced that section of the Ordinance and determined that Wilson should go before the Board of Appeals. The application was denied with the comment: "There is not 10,000 sq. ft. of soil suitable for subsurface waste water disposal in the opinion of Mathew Logan, Albert Frick Associates, Inc. Per Shoreland Zoning Ordinance Sect. 15.6.A." The Board discussed the possibility of Wilson obtaining a deeded easement for the 10,000 square feet on Peter Hutchinson's land.

Laura Sewall of Small Point (Map 22, Lot 4-1) next approached the Board. Sewall desires to erect 6 4x8 solar panels within the Resource Protection Zone. Codes Enforcement Officer, Lee Rainey, has visited the site and advised the Board that the panels will be placed three in a row on the ground and that he has no objection to this. The application stated: "I am requesting permission to place solar panels within the Shoreland buffer zone as an accessory structure to the allowed use or building." The panels will be 4' x 8' each. A diagram was attached to the application. The Board referred to Section 15.L of the Shoreland Zoning Ordinance (Essential Services) and approved the application with the following comments: "2 rows of 6 panels 4' x 8' each - 3 panels in each row - panels set at a 60 degree angle - per diagram attached. Per Sect. 15.L and Sect. 17 of the Shoreland Zoning Ordinance, also Table 21 - 15(L) (2) of the DEP Manual."

The Board next heard from Dick Belanger representing Scott Bennett of Popham (Map 14, Lot 137). Bennett's application stated that he wishes to rebuild a dwelling at 75 Surf St. The building burned in August 2003. The two story structure will be 28' x 32' with decks. He would like to add a screened porch on the back deck, add a full dormer on the second floor and add a second floor bathroom in accordance with the 30% rule. The application was accompanied by a detailed map of the proposed structure. The Board referred to Section 12.C.1.a of the Shoreland Zoning Ordinance and unanimously approved the application with the following comments:

	Square Feet:	Cubic Feet:	Left over:
Existing	1779.0	13,536.0	Sq. Ft. 350.1
Allowed	533.7	4,060.8	Cu. Ft. 1,596.5
Proposed	183.6	2,464.0	

The \$20 fee was paid.

Truman and Gail Roberts (Main Road, Map 44, Lot 8) next approached the Board to discuss whether a subdivision situation exists on their property. They presented the Board with a Subdivision Application, a survey which was done by Ron Beal, a property sketch, a Land Trust Survey, survey of boundary lines, a copy of their deed and covenants. The subdivision will be named "Sonshine Acres."

Varian explained that the first split of the land was a sale to the Luedee family. The Roberts' then split another portion to their son, Kenneth, as a gift and moved from their home into that property. The third split was a sale to the Land Trust. They are now in the process of selling their original home which will put them into a subdivision situation by virtue of three sales within five years

The Board referred to Section 6.3, sections 1-10, and Section 10.0 of the Subdivision Ordinance. The application was deemed to be incomplete; the Board still needs contour lines and Flood Plain determination. It was noted that some of the documents were originals. Copies will be made and brought to the next meeting. A site inspection was set for June 23 at 6:00pm. Varian advised the Roberts' of what will be needed before they come back to the Board. They were instructed that four deed restrictions will be the same as on Luedee's sale: no further subdivision of the lot, no mobile homes or trailers, no commercial activities, no sheep or swine.

Richard Gallagher of Wallace Circle in West Point came before the Board to reactivate an application he presented to the Board a year ago to construct a small deck on the rear (water side) of his non-conforming house. The Board conducted a site inspection of the property during the summer of 2003 and felt that the construction of that deck would bring him too close to the property line although, at that time, there was confusion as to where the property lines were. Abutters to the property were also at that inspection. In October 2003, the Board determined that the parking lot exceeded 104 square feet and that he had no space left for construction under Section 15.B.4 of the Shoreland Zoning Ordinance which states that non-vegetated surfaces cannot cover over 20% of a lot. Gallagher contended that what the Board has deemed a "parking lot" is part of his lawn and presented the Board with photographs showing grass growing in that area.

Varian asked that, if that area is allowed to have grass grow and is not maintained as a driveway, would the Board demand that the footage be allotted to a driveway. The Board again referred to Section 15.B.4 of the Shoreland Zoning Ordinance.

Gallagher confirmed that although he has not had an official survey of the property done, he has obtained some five other surveys of neighboring lots and that they all coincide.

Varian reiterated minutes of the previous meetings with Gallagher and said the Board had looked at the situation as being a straight non-conforming issue rather than the current possible 20% situation. The CEO had stated that if the "parking lot/driveway" were taken out of the equation, Gallagher would have another 103.68 square feet. The

proposed deck would be 104 square feet.

Due to an email miscommunication, the Chairman had not seen Gallagher's request to be on tonight's agenda and so he did not know that he was not scheduled. Varian advised that because of the controversy last year, she would not feel comfortable making a decision without notifying Gallagher's abutters that the application was to be heard.. The case will be put on the July agenda and Varian will notify abutters via Roger Therriault.

Rainey advised the Board of several issues one of which was a discrepancy between the Shoreland Zoning map and Ordinance wording regarding setbacks in the Resource Protection Zone.

He further stated that it has come to his attention that there is a new building at the Edgewater Farm B&B in Small Point. He has visited the site and informed the Board that there are beds set up, electricity has been installed as well as running water. No permit was taken out for the building, but Rainey took one and left it at the home. Mr. Emerson, in a phone call later in the day, told Rainey that his brother and family will be spending the summer and will be housed in the building in question. Rainey informed Emerson that their septic could be a problem and told the Board that he will monitor the septic issue on a regular basis.

The May minutes were accepted as written.

Varian advised that Bruce Kaake's term on the Planning Board is expiring and that he will accept reappointment.

The meeting adjourned at 8:50pm.

Respectfully submitted,

Marion H. Hebert  
Recording Secretary/  
Planning Board Member