

September 8, 2004

Phippsburg Planning Board

REGULAR MEETING

The meeting convened at 6:05pm. Planning Board members present were: Marie Varian, Chairman; Marion Hebert; Steve Thayer, Bruce Kaake; Clifford Newell. Codes Enforcement Officer, Lee Rainey, was also present.

Varian announced that the Board would recess at 7:00pm to conduct a New Business Hearing.

SHADE/ALBEE

The Board first heard from Kim Shade and Traci Wallace Albee of the White Point Road in West Point (Map 27, Lot 88, zoned Village District) to discuss the selling of two parcels of Albee's five lots (containing three buildings) to Shade who is an abuttor. They presented the Board with maps of the current and proposed split of the parcels and with a Quit Claim Deed from Albee's father, Merrill Wallace.

The Board referred to Section 12.E.2 of the Shoreland Zoning Ordinance relating to multiple buildings on small lots. Footages were discussed and it was determined that, after the split as presented, Albee would have only 15,505 square feet left for her portion as she will need 20,000 square feet under State Waste Disposal rules. Albee will reduce the footage to be sold to Shade in order to keep at least 20,000 square feet for herself. It was further determined that the Planning Board does not have to give approval for the split of these parcels.

WAT-TUH LAKE SUBDIVISION

The Board next met with John Wood of Island Surveys regarding the Wat-tuh Lake Subdivision (Map 30, Lot 21). The Board held a site walk on September 1, 2004 to view the proposed line splitting of Lot #1 and to view the subdivision in general. Varian provided a report of that site walk. Lot owners John and Nancy Dabney are requesting an amendment to the subdivision to be able to split their lot. The subdivision was approved in 1996 and carried a mandate that the lots would not be further subdivided. This request is being disputed by Bill Carney a co-owner of Subdivision lots 2 and 3. Mr. Carney did not attend this Planning Board meeting, but Varian provided a letter from him stating his opposition to the proposed amendment.

The Dabneys own Lot 1 which is 10.46 acres. They would like to sell the portion of the lot which has their house on it and keep the remainder for future use by the family.

Varian stated that the split could be approved if all parties were in agreement, but the owner of Lots 2 and 3 are in disagreement. Wood agreed that nothing could be done if

all parties are not in agreement because it is a title matter and, therefore, the lot will not sell, and withdrew the application

COLD SPRING FARM SUBDIVISION AMENDMENTS

The Board next met with David Haynes of Land Use Consultants, Inc., representing Key Bank National Association and Key Bank Trust Co. of Maine, Trustees for the estate of Grace and Darwin Gillette. The request was for amendments to the Cold Spring Farm Subdivision in order to split Lots 9 and 18 (Map 5, lot 25, zoned Resource Protection and Residential). Project packets containing amendment applications, maps, and copies of deeds were presented.

Haynes advised that the object of the amendments is to divide everything that the Gillette's owned to allow their daughter and son would split the properties. Lot 9 consists of 11.6 acres. Lot 18 consists of 88 acres. The lots are in separate trusts. He stated that an application will be submitted to the DEP as portions are in the Flood Plain zone..

Varian stated that the Planning Board has not yet had a chance to look through the files going back some thirty years ago. Haynes replied that he has copies of current deeds. Varian asked if he had copies of covenants from the original subdivision. Haynes stated that he has not yet been able to track down covenants from four of the subdivision lots. Varian advised that a site inspection would be in order, but none was scheduled. Haynes further stated that abutters have been notified. Newell advised that research should be done before scheduling a site inspection. The application will be on the October agenda pending research progress.

At 7:00pm Hebert made a motion that the Board recess to conduct a New Business Hearing.

The two boards received a Business Application from Charles and Ann Megee for their business at 459 Main Road. The application was accompanied by a list of abutters, abutters signatures, photographs of parking area for the business known as Backroads by the Sea, and a sketch of the property. The home business has been in operation for some three years. Varian explained that the reason for this hearing is that the business has grown enough to put it beyond the usual confines of a home business as they are purchasing many products made by other Maine artisans. The Megees also sell antiques, pottery, art work, quilts, pillows, place mats, and similar items.

The Selectmen confirmed that they have had no complaints regarding traffic and Rainey stated that there is adequate parking. There were no comments from the public.

The application was approved and the permit was signed by all Board members and the Selectmen after referring to Section 2.3 of the Land Use Ordinance. No restrictions were mandated by the permit.

The Business Hearing adjourned at 7:12pm. The \$95 fee was paid.

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Board Member

The meeting resumed at 7:12pm.

DEAN BERTRAND/TERRY GRAY

Dean Bertrand, representing Terry Gray (Map 36, Lot 12) approached the Board with an application to erect ways to pull out a float for winter storage. He provided a photograph of the proposed location. The structure will not impact navigable waters. The application also contained names of abutters. The Board referred to Section 15.C of the Shoreland Zoning Ordinance. It was determined that there is no need for Harbor Master approval. The application received unanimous approval and was signed by all Board members. The \$20 fee was paid.

JERRY MAXWELL

Clifford Newell, representing his son, Kip Newell, stepped down from the Board and presented an application from Jerry and Karen Maxwell (Map 35, Lot 13, zoned Resource Conservation with a 125' setback). The application was accompanied by a letter of authorization for Kip Newell to act as their agent affecting the repair of and addition to their property at 16 Samuels Landing Road and detailed the project as: Remove 5x13 deck. Repair post and sills, replace with 12 x 13 screened deck, install 7x16 dormer to existing structure, replace entire roof. The Board referred to Section 12.C.1.a of the Shoreland Zoning Ordinance.

A property map of the area, sketches of proposed construction/reconstruction, list of abutters were provided. The following are footages as prepared by Codes Enforcement Officer, Lee Rainey:

Existing Square Feet	1202.125	Cubic Feet	7788.000
Allowed Square Feet	360.6	Cubic Feet	2336.4
Asking For Square Ft	67.00	Cubic Feet	392.00
Remaining Square Ft	293.6	Cubic Feet	1944.4
Existing Garage SF	216.00	Cubic Feet	2260.00

The Board gave unanimous approval to the application. The \$20 fee was paid.

The minutes of the August meeting were approved.

Varian announced that Richard Gallagher of West Point has applied to the Board of Appeals upon denial by the Planning Board regarding his application to build a deck.

She announced upcoming seminars.

Respectfully submitted,

Marion J. Hebert
Recording Secretary/
Planning Board Member