

December 14, 2005

Phippsburg Planning Board

REGULAR MEETING

The meeting was called to order at 6:00pm. Attendees were: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Clifford Newell; Robert Smith; Alternates Josh Bate and Mark Hawkes.

SEBASCO HARBOR RESORT

The Board first heard from Sebasco Harbor Resort (Map 29, Lot 28). An application to replace an existing commercial pier with a new pier structure, replace existing concrete piers with wood support structure and reconfigure and expand the wood decking from 918 square feet to 1,081 square feet was presented by Bob Smith, represented by Steve Mohr, in October 2005. No action was taken on the application at that time. At the current meeting, a letter of approval was presented to the Board, signed by Harbormaster Doug Alexander. A letter of approval was also submitted from the DEP.

The Board referred to Section 15.C of the Shoreland Zoning Ordinance and unanimously approved the application.

HARBOR ISLAND

Mohr next presented the Board with a conceptual plan depicting the plans for more development on Harbor Island (Map 30, Lot 18) which is owned by the Resort. One 12 acre lot had been sold in 2005. The plan calls for four additional lots to be created. This was for informational purposes only and required no action to be taken by the Board at this time.

POPHAM WOODS CONDOMINIUMS SUBDIVISION

The Board next met with Bruce Poliquin representative of the Popham Woods Subdivision, Dirigo Holdings, LLC (Map 45, Lots 49 and 51. Poliquin has been giving the Board progress reports monthly on the proposed 69 unit cluster Subdivision and at this meeting presented his application for his Preliminary Plan. He had previously mailed the packet to Board members and delivered three (3) copies to the Town Office on November 21, 2005. The Subdivision application fee (69 units x \$75 = \$5,175) per section 3.2.A.2 was paid directly to the Town Treasurer also on November 28.

Board member, Bob Smith, asked Poliquin if there would be a relationship between the Subdivision and the proposed Beach Club on Poliquin's Popham Beach property (this

information was presented at the November 28, 2005 Board meeting in preparation for eventually requesting a Change of Business Hearing for the lot). Poliquin answered that the DEP considers the two to be two entirely separate projects. Varian advised that when Poliquin first brought this issue up in the original Sketch Plan, the Beach property was to have been part of the Subdivision. However, that Sketch Plan became invalid because no Preliminary Plan Application was presented within the six month time frame. There was no relationship between the Popham Beach property and the new Sketch Plan for the Subdivision. Poliquin had advised the Board on November 28 that he would probably reserve a number of memberships for the Beach Club for residents buying into the Subdivision should they wish to join.

Poliquin provided the Board with a Preliminary Subdivision Application and a receipt for same was given. Varian will notify abutters that the application has been received per Section 7.1.D. The Application stated that the development will consist of 45 single family condos and 24 duplex condos in 12 buildings. The plans delineated where new single family and duplex homes will be built, also the location for a community center with tennis courts, a playground and a clubhouse. Some 130 acres are shown as undeveloped common open space. Poliquin feels that there is sufficient water on site with no significant impact to wells on abutting properties. A report from a hydrogeologist will be submitted. The community septic system will be owned and maintained by the Homeowners Association. The application included maps of the septic system, road construction, and all aspects of the makeup of the land.

Richard Nichols asked if the mapping would be in the GIS system rather than the Auto Cad system so that it would be compatible with the Town's system as well as with the Comprehensive Plan. Poliquin answered that he was unqualified to give an answer to that question. He added that the question will be brought up at the workshop meeting which the Board has scheduled for January 5, 2006 at 5:00pm and at which time all maps and plans will be reviewed.

The escrow fee of \$3,450.00 (69 units x \$50) per Section 3.2.B.1 was presented and a receipt given.

#### DAVID PRATT - PITCH PINE DEVELOPMENT SUBDIVISION

David and Joan Pratt of the Clifford Road were represented by Kevin Clark of Sitelines. The Pratts plan on installing an 11 lot Subdivision off the Clifford Road (Map 39, Lot 49). A Public Hearing was conducted on November 28. Alternate, Mark Hawkes, recused himself from this portion of the meeting because of a conflict of interest. The Preliminary Plan has been deemed to be complete and it was voted to approve the plan

Clark reported on the concern voiced by abuttor, Peter Havens, regarding septic test pits #19 and #20. Havens wrote that one flagged site is near his property line and the other is

on his property. An error had been made by Soil Surveyor William Maier but has been

2

corrected. Flagging of test pit #19 was within proper boundaries. Flagging of test pit #20 had been shown on Havens' land but has since then been flagged on its proper location consistent with the Subdivision Plan. A letter of verification from Maier dated December 12, 2005 was presented to the Board.

Clark further stated that some computations have been conducted regarding the groundwater recharge which showed that the Subdivision homes would receive 10.7 gallons of recharge water per minute averaged over the period of a year. This information was compiled from the Town's Hydrogeologists Survey by Woodard and Curran and a report by John Rand, Consulting Geologist.

Clark further addressed the issue of the road entrance and advised that a turnout has been provided for mailboxes. Varian advised that in separate conversations with the Chairman of the Board of Selectmen, Mike Rice, and Police Chief, John Skroski, they stated that they have no objections to the Subdivision. Neither has given a written opinion nor has School Board Chairman, Dan Coffin. A Traffic Accident Worksheet was provided from DOT which showed both private and commercial vehicles, as well as school buses. The DOT data showed that four accidents have occurred in the area.

The Board discussed Ann Lewis' concern regarding her water supply when blasting is conducted, Clark proposed that a private third party test be conducted on the quality of her water prior to and after the blasting to ensure that the current level is maintained. At the November 26 Public Hearing, Lewis provided a recent report of the quality of her water supply done by A&L Laboratories of Auburn, ME which was performed on October 27, 2005.

Varian advised that Lewis' water quality and supply should be a condition of approval and that some sort of guarantee should be given to her.

The Board referred to Section 1.0 of the Subdivision Ordinance (MRSA 4404) and discussed and voted on the itemized conditions of approval of the preliminary Plan. The Findings of Fact are on a separate sheet.

Varian asked if the Final Plan would be ready by the January meeting and directed Clark to Section 8.2 of the Subdivision Ordinance.

**TIM LEWIS - WHISPERING PINES SUBDIVISION**

The Board next heard from Tim Lewis, developer of Whispering Pines Subdivision on

the Loop Road (Map 39, Lot 15). Lewis presented a Sketch Plan, a Topo Map and an application depicting the proposed 4-lot Minor Subdivision. It was noted that the former owner had sold a parcel in November from the mother lot prior to selling the remainder to

3

Lewis. This transaction will be noted in the Subdivision lot count under the States' five year rule, but will not be subject to any new Subdivision covenants. The Sketch Plan showed the 20.8 acres and Lewis advised that a dwelling is already on the property which he plans to sell and another lot is going to be sold to a relative. He further stated that he has deeds showing ownership, a guarantee of water supply and a soils test. A list of abutters was provided.

Improvements on the existing road (driveway to the present dwelling) were discussed per Section 11.2 of the Subdivision Ordinance. Minor footage transfers will be made, cleaning up encroachment by an existing right-of-way owned by Edward Skillin. Also, Lewis will determine what to do with a small unbuildable section on the right hand side of the Subdivision road. The Board unanimously voted to accept the Sketch Plan. A site inspection will be conducted on January 8 at 8:30am.

#### MISCELLANEOUS

The minutes of the November 9 and November 28 meetings were accepted with corrections noted.

The Board discussed an earlier meeting time for January, February and March 2006. It was agreed to meet at 5:00PM. It was further agreed that there will be no Planning Board meeting in December 2006.

Varian advised that the Selectmen will discuss the status of a citizens group Moratorium Petition at their regular meeting on December 21.

The meeting adjourned at 8:45pm.

Respectfully submitted,

Marion H. Hebert  
Recording Secretary/  
Planning Board Member

**PHIPPSBURG PLANNING BOARD  
December 14, 2005**

Subdivision Review Application for Preliminary Plan of Pitch Pine Development

**IN THE MATTER OF:**

**Pursuant to Section 1.0 of the Phippsburg Subdivision Ordinance and Standards of 30-A MRSA Section 4404, the Planning Board makes the following Findings of Fact:**

1.1 Pollution. The proposed subdivision will not result in undue water or air pollution.

Applicant states: Air emission will be those typically associated with residential properties such as furnaces, automobiles, lawn and garden equipment. Septic systems will be designed and constructed in accordance with all State Regulations. The runoff from roadways and properties will filter through vegetated areas prior to entering surface waters providing for settlement and absorption of suspended solids, phosphorus, etc.

Robert Smith made the motion that this statement was agreed with. Hebert seconded. All members approved Section 1.1.

1.2 Sufficient Water Supply

Applicant states: Lots will be serviced by individual on-site wells. Due to the evidence of bedrock and observations of water tables, adequate water supply can be expected for the development.

Computations conducted regarding the groundwater recharge showed that the Subdivision homes would receive 10.7 gallons of recharge water per minute averaged over the period of a year.

Smith motioned that this section be approved. Newell seconded and all members agreed to Section 1.2.

1.3 Municipal water supply. - not applicable.

1.4 Erosion.

Applicant states: The proposed grading of roadways and building sites will match into the existing ground elevations and topographic features. Care has been taken to blend road elevations into the existing topography. Standard erosion control measures such as silt fence areas of open earth work and stone check dams in ditch lines will ensure sediment does not leave the site during construction. The contractor will follow Best Management Practices as outlined in the Maine Erosion and Sediment Control Handbook for Construction issued by the Cumberland County Soil and Water Conservation District.

It was pointed out that Best Management Practices don't push for silt fences. They either push for bark mulch erosion control or hay because silt fences have a tendency to fail.

Robert Smith motioned that Section 1.4 be accepted. The motion was seconded and the Board unanimously accepted the motion.

1.5 Traffic

Applicant states: An approximation of 10 vehicle trips per day can be expected from each of the new residential lots upon occupation of the homes. This total of approximately 100 vehicle trips for the ten new residential lots will be distributed throughout the day and will have a negligible impact on surrounding road systems.

Varian advised that the Board does have traffic counts that were presented at the Public Hearing and are on file. A traffic count was taken on the 18th of November by Sitalines staff and conducted at peak time between 3:00 and 5:00pm. David jBarnes stated that a traffic count taken from his home on the Clifford Road showed an average of between 35 and 45 vehicles an hour during off-peak time. The Board also has received accident data from the Maine DOT at peak time showing between 60 and 70 vehicles per hour.

Robert Smith motioned that Section 1.5 be accepted as presented. The motion was seconded by Newell and unanimously approved by the Board.

#### 1.6 Sewage Disposal.

Varian advised that the section is moot because there are no public sewage systems. The subdivision will contain all private sewage areas.

2

Applicant states: The project will be serviced by individual on-site subsurface wastewater disposal systems. See the Preliminary Soils Investigation Report by William Maier, Licensed Site Evaluator.

Varian stated that this report should show that Test Pits #19 and #20 have been identified in their proper locations on the map. She will notify abuttor, Peter Havens, that this has been done.

#### Section 1.7. Town Solid Waste and Sewage Disposal

Applicant states: Other than during construction, the contractors are responsible to dispose of construction waste at appropriate licensed facilities, the proposed development will generate the normal solid waste volumes associated with a typical single family residence.

Varian advised that a conversation with Selectman, Mike Rice, showed that there was no objection to the addition of .10 new homes. Smith moved that the Section be approved. Thayer seconded. Unanimous approval by the Board.

#### Section 1.8. Aesthetic, Cultural and Natural Values

Applicant states: The proposed development will utilize the one existing access point on the Clifford Road and development will occur internally. Existing vegetative screening is expected to remain to maintain the rural character of the areas. Care has been taken to avoid impacts to existing natural features such as streams and wetlands.

It has been determined by Woodlot Alternatives Inc. that there are no rare botanical species or historical sites on the property.

Smith moved that the Section be approved. Newell seconded. The Section was approved unanimously by the Board members.

#### Section 1.9. Conformity with Local Ordinances and Plans.

Applicant states: By virtue of the review process and the applicant's submission materials, it is anticipated that the Planning Board will be satisfied that the project conforms to regulations and ordinances.

3

Smith moved that the Section be approved. Thayer seconded. The Section was approved unanimously by Planning Board members.

#### Section 1.10 Financial and Technical Capacity

Applicant states: The applicants have secured financial resources to complete the project and a letter of financial capacity will be supplied with the Final Submission Package. The Pratt's have retained the services of Sitelines, PA; William Maier, LSE, and Woodlot Alternatives, Inc. to assist in the design and approval process. These firms have successfully collaborated on the approval of numerous residential developments throughout the Mic-Coast area during the past five years, providing significant technical capacity for the design of the project.

Newell moved that Section 1.10 be accepted. Smith seconded the motion and the section was unanimously approved by the Board.

#### 1.11 Surface Waters

Applicant states: The stormwater runoff generated by the minimal additional impervious area will be shed to the surrounding vegetated areas. This run-off from roadways and properties will filter through vegetated areas prior to entering surface waters or leaving the site, providing for settlement and absorption of suspended solids, and nutrients.

Smith moved that Section 1.11 be accepted. Hebert seconded and the section was

unanimously approved by the Board.

#### 1.12 Ground Water

Applicant states: The project will be serviced by individual on-site wells and subsurface wastewater disposal systems. Based on the soil investigation performed by Bill Maier, no adverse impact on groundwater is anticipated from the development of this project if subsurface wastewater disposal systems are properly installed and maintained.

It was noted that abuttor Ann Lewis will be guaranteed of her wells present water quality and supply by the developer, should blasting alter either. A water test will determine the

4

present status. Smith made the motion that Section 1.12 be accepted. Newell seconded and it was unanimously approved by the Board.

#### 1.13 Flood Areas

Applicant states: The Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA) indicates that the area to be subdivided is an area of minimal flooding and is not designated as a Special Flood Hazard Area.

Smith motioned that the Section 1.13 be accepted. Thayer seconded the motion and the Board unanimously accepted.

#### Section 1.14 Freshwater Wetlands

Applicant states: Wetlands have been delineated by Woodlot Alternatives, Inc. and are depicted on the enclosed Preliminary Subdivision Plan. Care has been taken during the design process to avoid impacts to wetlands and to maintain the natural character of the site. As the proposed impacts will be less than 4300 square feet, no Natural Resources Protection Act (NRPA) permits are required from the Maine Department of Environmental Protection (DEP).

Smith motioned that Section 1.14 be accepted. Hebert seconded and the Board gave unanimous approval to the section.

It was determined that Sections 1.15 (River, Stream or Brook), 1.16 (Storm Water), 1.17 (Spaghetti-lots Prohibited), 1.18 Lake Phosphorous Concentration), 1.19 (Impact on Adjoining Municipality), and 1.20 (Lands Subject to Liquidation Harvesting) were not applicable to this application.

Dated December 14, 2005

\_\_\_\_\_ (Chairman) \_\_\_\_\_  
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