

October 12, 2005

Phippsburg Planning Board

REGULAR MEETING

Planning Board members in attendance: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Clifford Newell; Bob Smith and alternate Mark Hawkes. Codes Enforcement Officer, Lee Rainey, also attended the meeting which convened at 6:00pm.

BRUCE POLIQUIN - POPHAM WOODS SUBDIVISION

The first item of business was to hear a progress report from Bruce Poliquin, developer of Popham Woods Subdivision (Lots 49 and 51) (Dirigo Holdings, LLC). Poliquin reported that he intends to submit a formal preliminary application to the Planning Board in November as well as one to the Department of Environmental Protection. He further stated that he has notified the abutters and there will be a public information meeting (required as part of the DEP Application) on Monday, October 17 at 5:00pm in the Town Hall. Representatives from Pinkham and Greer, as well as the Land Use Consultant, Engineer Terrance deWan and the Building Architect from Theodore and Theodore will attend the meeting. Notice of the meeting will be advertised in the Times Record. He added that the engineers have concluded the best way to use the land and create a cluster community and have determined that the septic systems should not be individual, but a common system which will provide septic to the whole subdivision. He pointed out on a map where the system will be installed on the western part of the land on the "Brooks" parcel and explained that the nitrates will go towards the middle of the subdivision and away from any boundaries and that effluent will be pretreated. Each home will pump effluent to the septic site. Based on the topography of the land, the projects hydrogeologist is of the opinion that there should be ample water supply for each dwelling.

He pointed out that the land survey shows there are 183.07 acres in the development, that there are 35.6 acres of wetland and no flood plain issues and added that there will be no filling of ponds or wetlands. He raised the question of how much land has to be deducted for major and minor roads and utility easements. He added that there does not have to be a deduction for rights-of-way because there will be no rights-of-way. He referenced the Land Use Ordinance Section 2.5 regarding Lot Size which states "Dwellings, cottages, mobile homes or new businesses shall be set back a distance of 75 feet from the centerline of State or Town maintained roads and 50 feet from the centerline of all other roads." He advised that the Civil Engineers whom he has hired believe he is in compliance if the impervious surfaces are deducted (18 feet for the paved or gravel road) plus the additional eight (8) feet on either side for the utilities. He asked that, if a 50 foot right-of-way does not have to be deducted, would it be possible to construct 71.68 units vs. 70 units.

Varian referred to Section 11.2.F of the Subdivision Ordinance regarding Design and Construction of Standards. The Subdivision Ordinance mandates the width of the types of roadways in a Subdivision. She stated that a collector road is a road servicing more than seven (7) lots or dwelling units, whereas a minor road services seven (7) or less. She added that a Subdivision can have a mix and be built accordingly.

Smith asked if the utilities would be included in the footages or would they be considered as separate footages. Poliquin asked if the Board would consider a variance making the road width only as wide as for what is needed for the road traffic usage plus utilities and not as additional footage. Varian referred to Section 13 of the Subdivision Ordinance regarding Waivers and stated that the Planning Board can waive portions of the requirements or the standards if there are special circumstances in order to permit a more practical development.

SEBASCO HARBOR RESORT - COMMERCIAL PIER

The Board next heard from Bob Smith of Sebasco Harbor Resort (Map 29, Lot 11). Smith was represented by Steve Mohr. The applicant wishes to enlarge, modify and replace sections of an existing wharf at the Resort. Mohr presented an application for the project which included an exhibit of the existing conditions along with photographs and graphs of the projected reconstruction. He pointed out the dimensions of the wharf which was built in 1946. He stated that the cribbage supporting the wharf are concrete piers which rest on ledge. The project would be completed in two stages, the first being to crib around the existing, deteriorating concrete. Some of the steel also needs replacement, he added. The cribbing will be constructed of wood. The second phase of the modification would take the existing dock from 11+ feet to 12 feet in width. The proposed length of the wharf would be 61 feet as opposed to the current 60 feet-4-1/2". He added that there will be no change in the cribwork or the framing below the wharf - that they will stay on the original footprint but there will be a difference of 140 square feet of additional deck area. He advised that the extra space will free up room to get equipment off boats, etc. The gas pumps will not be moved. He stated that the work of the first phase can be done with a Permit by Rule and that he has met twice with the DEP but has not yet received approval from them and that the project will not move forward until their approval has been received. He added that the Army Corps of Engineers had no issues with changing the footprint.

Varian stated that she does not know that the Board has to get involved with the first stage of the work involving the cribbing. Sections 14 and 15.C of the Shoreland Ordinance were referred to. Some members are unfamiliar with the site and will view the dock individually. No action was taken tonight and the application will be on the Nov. Agenda. She further advised that the Harbor Master, Doug Alexander, has to be contacted for approval.

SEBASCO HARBOR RESORT - MOVING EDGEWOOD COTTAGE

Mohr advised that the moving of three cottages to new locations on the property was part of the Business Expansion Application and approved on October 9, 2002 and asked if Smith can apply for a Building Permit to do the actual moving. Varian stated that the Business Permits do not have a life limitation and is not aware if the Resort has done anything towards moving the buildings. Smith answered that nothing has been done, but the work is scheduled to start in another week. He advised that one of the cottages, (Edgewood) will be moved to Round Cove and the other two will be moved to areas as approved on the Permit. As the presently proposed location of the Edgewood cottage is not as designated on the October 9, 2002 approval, a change of Business Hearing is in order per Sections 2.3, 2.4 and 5.2 of the Land Use Ordinance.

Varian, after consulting with the Selectmen, announced that a Public Hearing will be held on October 26 at 6:30pm. The abutters will be notified by the applicant.

MARY BABIKIAN - HARBOR ISLAND

Babikian of Harbor Island (Map 30, Lot 18.01) came before the Board to follow-up on an Interim Permit issued by the Board on August 10, 2005. She was accompanied by her representative Andrew Perkins. Varian advised that the Board is still awaiting paperwork from the Town's Attorney. Babikian provided the Board with a Release and Agreement form stating that she will be responsible for the inspection of the submerged cable and also for any inadvertent damage to the cable caused by commercial lobstermen. Babikian's document has been forwarded to the Town Attorney.

Perkins has spoken with Varian about the possibility of work commencing on both the island and the mainland before the paperwork is received from the Town's Attorney. Newell made the motion that the preliminary land work prior to running the cable be allowed to commence pending receipt of the legal document for the underwater portion of the project. The motion was seconded and carried four to one with the exception of Bob Smith who felt the Board should wait a few more days until the legal document is received.

DAVID & JOAN PRATT - 11 LOT SUBDIVISION

The Board next met with David and Joan Pratt of the Clifford Road (Map 39, Lot 49). The Pratts intend to put in an 11-lot, single family, Major Subdivision on the Clifford Road. They were accompanied by Kevin Clark of Sitelines, Inc. A Preliminary Subdivision Application was received by the Board which included a map of the proposed Subdivision, list of abutters, deeds, a site evaluation report by William Maier, and a report of Wetland Delineation of the area from Woodlot Alternatives, Inc. of

Topsham which included photographs of the property to be developed. Clark presented a detailed diagram of the 31.3 acre property. He explained that they are proposing

approximately 2,000 feet of new roadway and that all lots will be comprised of two acres with 200 feet of frontage. The will be 3.95 acres of open space. He further stated that there are three or four small wetland areas on the site, but no streams, rivers, or flood zone.

Clark discussed the grades on the road and explained that fill would be required. A Clifford Road resident asked if any kind of traffic survey has been performed on that road and expressed concern about the effects blasting would have on homes in the area. A statistical number of trips per day from each of the lots was spoken to in the Preliminary Application. It was reported by members of the Town Road Committee that although it has been discussed, nothing has been done at this point by either the Town or the State to improve the Clifford Road and/or its entrance from Route 209.

Ann Lewis voiced concern about the effects the blasting could possibly have on her water supply. Clark advised her that the blasting would take place several hundred feet from her property and that there should be no damage but stated that he would try to get information from blasters regarding insurance coverage.

Varian referred to Section 7.2 of the Subdivision Ordinance regarding Application Submissions. She advised that the roads need to be named and the Subdivision needs a name. A site walk will be conducted on October 23 at 8:00am.

ANN BEVER- SPINNEYS RESTAURANT - POPHAM BEACH

Varian reported that Real Estate Agent, Ann Bever, did not attend this meeting although she was on the Agenda to do so. Bever came before the Board in September to discuss possible alternate uses of Spinney's in Popham, advising the Board that she had somebody interested in purchasing the property. Varian subsequently contacted MMA to ask if time shares/town houses were considered commercial. She was advised that a time share is just a type of ownership and to change to town houses/condos or time shares is a change in ownership so the use would change from commercial to residential and would require a Change of Use Permit in the Shoreland Zone. It was advised that the applicant should be consulting with her advisor and give a written question or proposal vs. a verbal 'what-ifs'. There could be no greater impact than what exists at the present and a change of use would have to conform to Ordinance Specifications for the new use.

BARRY SYLVAIN - ROGERS NECK

The report of a site walk on the property of Barry Sylvain of 82 Rogers Neck (Map 6, Lot 13) was discussed. A site walk was conducted on October 2, 2005. The Sylvains wish to

change the current Resource Protection set-back of 250 feet to 125 feet. This includes their own lot and adjacent family lots. It was noted on the site walk that beyond 100 feet, along each measured line, the area has little or no slope toward the water. The Board

suggested that rather than 100 feet, that the Sylvains ask to continue the 125' setback that is already in place from Winnegance to their property. The Board and CEO determined that changing the setback requirement from 250 feet to 125 feet will not create an adverse effect to the environment. The Sylvains plan to submit a warrant article for a setback change at the May Town Meeting.

OSTRANDER - COX'S HEAD

John Wood of Island Surveys came before the Board and presented an email from Arthur Ostrander of Cox's Head authorizing Wood to represent him. Ostrander's application requested a reduction in the Resource Conservation Zone building requirement to allow construction of a 16' x 20' outbuilding which will have no plumbing. A plan of the area and the proposed construction accompanied the application. It also depicted abutting properties. The Board approved the application with the following comment: "Permit issued under Phippsburg Shoreland Zoning Ordinance Sections 14 and 15.B.1, Table of Land Uses Item 15.F and 32. This building will not be converted to residential use or any use that would increase wastewater flow to the present sewage system." The application was signed by all members with the restriction noted. The \$20 fee was paid.

DOUGLAS PERCY

Douglas Percy next approached the Board to discuss the change of an entrance to his lot in the Ledge-Meadow-Bay Subdivision (Map 12, Lot 3), Subdivision lot 5. A permit granted to Paul and Claire Greenlaw Hurd, Subdivision developers, in July 1999 was presented. The application had stated "Seeking approval for Lot 3 (Subdivision) Tax Map 12, Lot 5, to utilize the common access point from Tap Map Lots 3 & 4 to access Parker Head Road." In approval of the Subdivision itself, each two of six lots shared a drive, while Lot 1 had its own drive. Percy would now like to have his own entrance but because of the Town stipulation of no further access points, he is proposing to run the drive beside the one that is already built. He advised that the driveway, under the 1999 permit, was supposed to be built half on his Lot 5, but the owner of Lot 4 had the entire drive constructed on his own property depriving Percy of access to his lot. Varian referred to the Covenants with regards to shared driveway ownership. Percy will discuss such ownership and access with Lot 4 owner, Robert Fernald. Percy was advised to return to the Board if he decides to request a separate drive to his property.

ANNOUNCEMENTS

Workshop regarding DEP's proposed Shoreland Zoning Changes will be held on October 26 immediately following a public Business Hearing. The DEP has extended the deadline to December 1 for receiving written comments.

Richard Gallagher vs. Town of Phippsburg. Gallagher did not file his brief to the Court on time and the Town Attorney has subsequently filed for dismissal.

The September minutes were accepted as written.

The meeting adjourned at 9:20pm.

Respectfully submitted,

Marion H. Hebert
Recording Secretary/
Planning Board Member

