

November 9, 2005

**PUBLIC HEARING
CHANGE OF BUSINESS PERMIT
SEBASCO HARBOR RESORT**

The Public Hearing was conducted at 5:35pm. Selectmen present were Michael Rice, Alan Douglas and Everett Perkins. Board members present were Marie Varian; Clifford Newell; Robert Smith and Alternates, Mark Hawkes and Josh Bate

The Hearing was called to continue the hearing which commenced in October concerning a change in the relocation of the Edgewood Cottage on the property owned by Sebasco Harbor Resort.

Per the permit given on October 9, 2002, it was noted at the October 2005 meeting that Manager, Robert Smith, had not received abuttor notifications back from some 12 abuttors and it was moved to table the meeting until those notifications could be presented to the Selectmen and Planning Board members.

The Resort was represented by Smith and Steve Mohr of Mohr and Seredin. Several abuttors to the Resort were also in attendance.

Selectman Michael Rice called the meeting to order at 5:35pm. Varian motioned and it was seconded that the previously tabled issue be reopened. The motion was unanimoously passed.

Sebasco Harbor Resort delivered proof of abuttor notifications of which 49 were sent to 48 individuals, 2 were undeliverable. Forty-six of 48 individual signatures were accounted for, either by mail or in person. Mohr showed the plan indicating the originally planned location of the Edgewater cottage and the new planned location on Round Cove Road. The Resort has formally used this spot for winter storage of their tour boats, floats, etc.

Hawkes questioned wetland issues. The area is zoned Village District with a 50 foot setback and the cottage will be placed beyond the required setback.

Varian read an email from Ona Barnett, abuttor and owner of Rock Gardens Inn. She has also received a letter from Carla Nightingale which stated objections to adding 18 new units on the Resort grounds. It was apparent that Mrs. Nightingale thought this was a new application for additional units rather than just the change in the relocation of the Edgewater cottage. Varian has answered this letter giving the proper reason for this hearing.

Smith addressed Ona Barnett's concern about the Towns peoples historic use of the cove as a Boat Yard by stating that the land is private property owned by Sebasco Harbor Resort and has remained open with permission and that no changes are planned.

Gloria Gray and Tim Larochele voiced concerns regarding drains under the road and between the properties and was addressed by Smith. He stated that there is no intent to add fill and will ensure the culvert is maintained and if water creates a problem with any of the project proceedings it will be addressed. The issue of the road was discussed regarding washouts on exceptionally high tides.

Varian made the motion, and it was seconded, to approve the application with conditions. The permit stated "The traditional drainage line between the proposed location and the neighboring properties to the west will not be impacted." The fee of \$105.00 to cover the fee and advertising was paid and the Business Hearing concluded at 6:00pm.

Respectfully submitted,

Marion H. Hebert

Recording Secretary/
Planning Board Member

November 9, 2005

Phippsburg Planning Board

REGULAR MEETING

The meeting was called to order at 6:08pm. Attendees were Marie Varian, Chairman; Clifford Newell; Robert Smith; Alternates Josh Bate and Mark Hawkes. Codes Enforcement Officer, Lee Rainey, was also in attendance.

WILLIAM GIROUX

The first item of business was to hear from William Giroux of the Fuller Mountain Road. Giroux asked for clarification that the sale of a lot from his property will not constitute a subdivision situation. The lot is part of the mother lot from which a subdivision was approved by the Board on March 24, 1999. He advised that there is no plan to further subdivide the property. He is still living on the land and the division is entitled under the "5 year or greater window".

Varian produced a letter written by Giroux stating Planning Board clarification that subdivision review is not required per 30-A MRSA Section 4401.4.A.(1). The Board agreed that the sale of this lot would not create a Subdivision situation. Newell made the motion and it was seconded to proceed and was approved by unanimous vote and the Chairman signed the letter on behalf of the Board. No fee was charged.

POLIQUIN - POPHAM WOODS - DIRIGO HOLDINGS LLC

Bruce Poliquin, developer of Popham Woods (Tax Map 45, Lots 49 and 51) gave the Board an update on his proposed plans for development. He had planned to present his Preliminary Plan at this meeting but determined that the plan is not yet complete. The plan will be mailed to Board members and the Town prior to the December meeting. Varian explained the series of events following receipt of the application. Whether to collect Poliquin's fee for the complete project or just for Phase 1 is to be determined. If the application is submitted and accepted at the December meeting, the clock will start at that time.

BABIKIAN- HARBOR ISLAND

The Board next heard from Mary Babikian of Harbor Island in Sebasco (Map 30, Lot 18.01) regarding the proposed installation of submerged cables to provide utility service to her Harbor Island property (see minutes from prior meetings). The cables shall tie into mainland cables at Sebasco Harbor Resort. A legal permit/agreement document (Draft) has been prepared by the Town Attorney. Babikian expressed concern regarding Item 5, Part 2 of the draft regarding “damage resulting from negligent, intentional or accidental actions or omissions”, making her and her husband responsible for all repairs, upkeep, maintenance or replacement of the submerged cables. This item will be removed as the Babikains are responsible anyway. The Board’s concern was only unintentional damage by lobster fishing which the Babikian’s had agreed to absorb. Reference to other “commercial fishing” will be amended to read Lobster Fishing. The Draft will go back to the Town Attorney for changes and then the Chairman will secure the Board members signatures and forward the document to the Babikians for their signature and recording.

DAVID AND JOAN PRATT SUBDIVISION

David and Joan Pratt of the Clifford Road (Map 39, lot 49) submitted their Preliminary Plan for an 11 lot Subdivision to be named Pitch Pine Development. They were accompanied by Kevin Clark of Sitelines Inc. as spokesman.

Varian reviewed the site walk conducted by the Board on October 30. The Board reviewed the Plan and draft of Protective Covenants. Planning Board Alternate, Mark recused himself because of possible conflict of interest. Clark discussed changes to the Plan since the site walk, particularly the widening of the road entrance from the Clifford Road. The two roads in the Subdivision will be named Alpine Way and Pine Ridge Drive and the names have been approved by the Town’s 911 Officer. The application for a Preliminary Plan checklist was reviewed.

A letter guaranteeing potable water is not required until the Final Plan Application. Varian noted that a correction on Page 3 of the Application Form will show that the common land is non-public land. Otherwise, the Board determined that all items required for the Preliminary Plan Application are in order.

The issue of water was raised by abuttor, Ann Lewis. She is very concerned that blasting will damage her 3 gallon per minute well water flow and perhaps cause contamination. Varian suggested testing the water to establish a baseline before any work is done. Retesting later should show any changes. Lewis was advised to bring up this matter again at the upcoming Public Hearing. David and Gloria Barnes are concerned about added traffic particularly at School Bus time and they were also advised to address the issue at the Hearing.

A motion was made by Robert Smith to approve the waiver of a maximum 6% collector road as requested in the Application and as per Section 11.2.F and Section 13 of the

Subdivision Ordinance. Approximately 400 feet of road will have a 10% grade with a 6% prior to and after. Smith stated there are several roads in the vicinity with 10% or more grades, including the entrance to the Clifford Road which do not interfere with the safety of the inhabitants (See Section 13.1). The motion was seconded and unanimously voted.

2

The fee of \$825 will be paid by Pratt at the Town Treasurers Office tomorrow.

A motion was made by Alternate, Josh Bate, that the Application be deemed complete. The motion was seconded and unanimously approved.

A Public Hearing was called for on November 28 at 6:00pm at Town Hall.

The Board considered the minutes of the October 26 Special Meeting and the site walk of October 30. Both were approved.

ANNOUNCEMENTS

A workshop regarding the DEP Guidelines will be held on November 21 at 6:00pm.

The Woodruff Subdivision Application will be withdrawn; they are selling to an abuttor.

The Sebasco Harbor dock expansion is held up until further notice.

The Chairman and CEO will meet with the Selectmen on November 16 regarding a violation in the Red Oak Acres Subdivision and to discuss the sale of the remaining lots.

The Gallagher vs. Town of Phippsburg complaint has been officially dismissed by the Court.

The meeting adjourned at 8:47pm.

Respectfully submitted,

Marion H. Hebert

Recording Secretary/
Planning Board Member

