

November 28, 2005

Phippsburg Planning Board

**PUBLIC HEARING - PITCH PINE DEVELOPMENT SUBDIVISION**

Planning Board members present: Marie Varian, Chairman; Marion Hebert; Clifford Newell; Robert Smith; Alternate Mark Hawkes. Codes Enforcement Officer, Lee Rainey, was also present.

The Public Hearing convened at 6:00pm and was called to hear the public comments on the application of the Pitch Pine Development Subdivision, Clifford Road (Map 39, Lot 49). Mark Hawkes recused himself from the Hearing as he has been retained by developer, David Pratt, to clear land on the proposed 11 lot Subdivision. Pratt was represented by Kevin Clark of Sitelines. Clark gave an overview of the plans and pointed out that the 31.3 acre Subdivision will have a 3.95 acre common land and advised that the combined lots average is 2.6 acres. Clark stated that each lot will be larger than the two acres recommended for that for water recharge as printed in the "Town-wide Hydrogeological Study" done for the Town by Woodard and Curran. He advised that since the October site walk was conducted, the road entrance has been modified and widened. The Board previously granted a waiver to allow a 10% grade on 400' of the road. He added that there are no DEP regulatory streams on the site, no flood zones involved, but some limited wetlands.

Clark further advised that a traffic study in the area showed a traffic count of 60-70 vehicles per hour during the traffic peak from 3:00 - 5:00.p.m.on a Friday. An abuttor, David Barnes, stated he had recently counted vehicles on five off-peak occasions and the numbers averaged 35-40. The Barnes' are concerned with any traffic increase. Clark submitted DOT data showing four accidents occurring during the past three years, three at or near the intersection of Clifford Road and Route 209 and one on the Clifford Road.

Varian advised that all the Town department heads have been notified of this meeting. Road Commissioner, Curtis Doughty, suggested that mailboxes be placed on the Subdivision road and Pratt agreed. Clifford Newell gave a report from DOT regarding traffic and an escape lane. DOT's opinion is that there is not enough traffic at the Clifford Road and Rt. 209 intersection to quality for the 150 vehicles per hour needed to warrant such construction. Varian read a letter of recommendations from Fire Chief, James Totman with concern that the road to the Subdivision entrance be wide enough for emergency vehicles to get around other vehicles entering or exiting. A letter from Peter Havens, abuttor to the Subdivision was read. He stated concerns over a boundary line as the location of test pits #19 and #20 appear to be close to or on his property. Clark stated

that he will contact Surveyor, Bill Maier, and that the issue will be straightened out before the December Planning Board meeting. Abuttor, Ann Lewis is concerned about any changes that blasting may cause to her well. She submitted a 1992 report from Hatch Well Drillers that shows her well data with a 3 GPM yield.

Varian stated that no decisions would be made at this Hearing. The application will be discussed at the Boards regular meeting on December 14. The Hearing closed at 6:22pm.

Respectfully submitted,

Marion H. Hebert  
Recording Secretary/  
Planning Board Member

November 28, 2005

**Phippsburg Planning Board**

**MEETING**

Planning Board members present: Marie Varian, Chairman; Marion Hebert; Clifford Newell; Robert Smith; Alternate Mark Hawkes and Code Enforcement Officer, Lee Rainey. The meeting convened at 6:20pm.

**POLIQUIN - POPHAM BEACH CLUB**

Bruce Poliquin approached the Board to discuss a change of business use on his property at Popham Beach (Map 14, Lot 43). Poliquin proposes the replacement of two existing cottages and constructing a Beach Club on the site which consists of 1.74 acres. He was accompanied by Engineer, Terrance deWan, and Architect Steven Theodore. Poliquin advised that the Department of Environmental Protection has visited the site and determined that there will be no impact on the environment. They have issued a Permit by Rule.

A slide film was shown to Board members and the audience. Abutting properties were shown as well as road frontage and a graph was produced showing that there is ample footage from the high water mark to the proposed construction. Poliquin explained that the Beach Club business will be a "members only" club with each paying a fee to belong. He has not proposed a membership limit but intends to reserve a sufficient number should residents of his proposed Popham Woods Subdivision (Map 45, Lots 49 and 51) wish to join. There may be the possibility of the club also being rented by members for wedding receptions, etc. but there will be no restaurant, kitchen facilities or lodging and parking is obviously limited. The parking space would accommodate 35-40 vehicles.

The club would be for beach access (route and walkway will be the same as present) and socializing. The building design was shown and described as meeting the needs of these purposes and the style will blend in with nearby homes.

Poliquin will be asking the Planning Board for a lesser buffer of a 60' setback from the abutting Wyman property. Ordinances require a 100 foot business setback from a

residential property line. The Board referred to Sections 1.6 and 1.7 of the Land Use Ordinance which covers Buffer and Lesser Buffer Zones. A map was presented to show the neighborhood is predominately commercial, a prerequisite for approval under Section 1.7.

Varian advised Poliquin that the next step would be to submit his Change of Business Application and a date will be set when the proposal will be heard by the combined Selectmens and Planning Boards. at that Public Hearing, Poliquin would make his complete presentation and comments from the public will be taken.

**RED OAKES SUBDIVISION - LAWRENCE SCOTT AND FRED AND SALLY HERSOM**

The Board next heard from Attorney James Katsiaticas from the Law Office of Perkins, Thompson, Hinckley and Keddy representing Lawrence H. Scott Jr. owner of Red Oakes Subdivision on the Main Road (Map 42, Lot 14). Mr. Scott was unable to attend the meeting. The Subdivision was approved for Scott on February 11, 2004 and he has sold ne lot..

Board member, Mark Hawkes recused himself as he has a conflict of interest in the case.

Scott is proposing amendments to remove his right-of-way over the Subdivision road and to sell the remaining three lots in total, as is, to Fred and Sally Hersom.

A Purchase and Sale Agreement was provided to the Board as was a letter from Fred and Sally Hersom which stated they would take responsibility of having a road installed on the property as well as the installation of underground power. A letter from the Bath Savings Institution stated that the Hersoms are in good standing with that bank regarding their financial capacity.

Appendix A (State Subdivision Law 30-A MRSA Section 4401-4407 Subsection 4) of the Phippsburg Subdivision Ordinance was referred to. Section 4404 Subsection 10 authorizes the Board to determine whether the subdivider (the Hersoms) has the financial and technical capacity to meet Subdivision Standards. Appendix A Section 4407 describes the handling of an Amendment and the Board found that the Amendments will meet criteria of this Section and Section 4404.

The Board determined that the documentation and the testimony provided showed adequate proof of ability under this section. Varian had received a verbal opinion from Atty. Flewelling of MMA stating that the Board has authority to allow the sale of the incomplete Subdivision as is under this section. Also that the Board does not need to review the whole Subdivision, only the sections pertaining to this action.

An Order on Application for the Subdivision Amendment was signed by all Board Members. The submitted revised Subdivision Plan done by Leighton and Associates was also signed by all Board members. Both documents will be recorded in the Sagadahoc

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Registry. A transfer of the property is expected within a week. The motion was made by Newell and seconded and voted to approve the sale to the Hersoms and the amended plan. The \$20 fee was paid.

### **ANNOUNCEMENTS**

The Board approved several comments regarding the DEP proposed amendments to Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances. Varian will mail those comments to the DEP.

The meeting adjourned at 8:45 pm.

Respectfully submitted,

Marion H. Hebert

Recording Secretary/  
Planning Board Member

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