

March 9, 2005

Phippsburg Planning Board

REGULAR MEETING

The Planning Board meeting was called to order at 6:00pm. Board members present were: Marie Varian, Chairman; Marion Hebert; Clifford Newell; Josh Bate, Alternate, and Codes Enforcement Officer, Lee Rainey.

ELOWE

Kevin Alexander, representing Wayne Elowe of the Parker Head Village (Map 13, Lot 19) first approached the Board. The application presented by Alexander stated that Elowe wishes to renovate the second floor of the dwelling, add two dormers, add a bedroom on the back side of the house, reconfiguring two existing bedrooms into a single master bedroom. The existing bath will be split into two baths. Alexander explained that he would like to obtain more footage for the dormers. Sketches of the existing and proposed construction were provided to the Board. Board members referred to Sec. 2.11 of the Land Use Ordinance.

The Codes Enforcement Officer has been to the site and sees no problem with the proposed construction. The application was unanimously approved by all Board members and was signed with the following comment:

	Square Ft.	Cubic Ft.
Existing:	1,952.00	14,796.00
Allowed:	585.60	4,438.80
Permit uses:	100.00	1,162.50
Remaining for future:	485.60	3,276.30

Varian advised Alexander that this permit has to be recorded at the Sagadahoc County Courthouse. The \$20 fee was paid.

BATES

Varian announced that she has been contacted by Douglas Bates of Kindred Way in the Parker Head Point Subdivision (Map 11, Lot 58) (before the split for subdivision). Mr. Bates was on the agenda for this meeting but did not appear nor did he send a representative. He wishes to discuss amending covenants to prohibit any construction on the common land.

TIDEWATCH SUBDIVISION

The Board received an application for a 7 lot Minor Subdivision on the Parker Head Road (Map 10, Lot 4).

The prospective developers are:

John M. (Mike) Young
Chilloa A. Young
Mark W. Haskell

They were accompanied by Douglas Johnson of Brian Smith Surveying Inc.

The property consists of 21.1 acres, all of which are planned to be developed. The application contained a Sketch Plan and a copy of a Property Map of the proposed construction area. The application stated that a portion of the property is in the Shoreland Zone Area and is within 250 feet of the high water mark. The only covenants to be placed in the deeds are prohibition of mobile homes. The acreage contains no waterbodies, but does include wetlands and a portion is within a special flood hazard area as identified by FEMA. Haskell advised that the development will require some 650' of roads and will have individual wells and septic tanks. The application included names of all abutters. The applicants do not intend to request any waivers of the Subdivision requirements.

The Board referred to Section 6 of the Subdivision Ordinance covering Minor Subdivisions. Varian advised the documentation the applicants will need, those being:

- A copy of the deed
- Deed restrictions and/or covenants
- Test pit analysis
- Type of sewage
- A letter regarding water supply, guaranteeing potable water for one year
- A copy of the County Soils Survey
- Delineation of the flood plain on the map

Haskell told the Board that a variance is being sought for Lot 5 since Test Pit 8 is within 150 feet of the Resource Protection line. The issue will go before the Board of Appeals.

Varian advised that, at this point, a Public Hearing would not be necessary but, if after the abutters receive letters of notification, the Board receives letters or questions of objections regarding the proposed Subdivision, one would probably be necessary.

The Board referred to Section 10 of the General Standards. Varian stated that no common land has to be reserved, since this is a Minor Subdivision, that the plan would show any portions deemed to be unbuildable, and that any rights-of-ways or easements be shown. Young advised the Board that the Road Commissioner has approved the locations of the two access/egress roads. One road is already existing.

Haskell told the Board that he has spoken with the Codes Enforcement Officer regarding the turnaround of the road and that he has added a more modified T-turnaround which

will be shown on the Final Plan. Varian advised that the Fire Chief should have input to the proposed turnaround.

Lots 1 through 6 are to be sold with Lot 7 retained by the three owners. There is a question as to whether Lot 7 can be split again after a period of five years.. Varian will contact MMA regarding this issue and whether an exemption could be considered. Letters to the abutters will be issued shortly from the Board. A site walk will be conducted as soon as the snow pack melts.

The project was accepted as a Sketch Plan and received unanimous approval by the Board.

HISTORICAL COMMISSION

Orman Hines, representing the Historical Preservation Commission, next approached the Planning Board to discuss amending Section 2.14 of the Land Use Ordinance regarding notification to and from the Codes Enforcement Officer for demolition application and to change wording regarding alternatives to demolition.

Varian asked if there should be a time limit from the time the applicant presents the application to the Codes Enforcement Officer. Newell advised that any Ordinance that has a time restriction of any type should have something more solid than “promptly” or “as soon as possible”. He added that “What we are writing here is a rule, a regulation, and those words are rather soft”. Hebert stated that they are “vague”.

Discussion ensued on the time allowed for a permit to be issued. At present there is a 45 day delay from the time an applicant applies for a demolition permit and the actual time the demolition could take place. Selectman, Proctor Wells (from the audience) stated that he thinks 45 days is a long period of time to make someone wait and be held up from their project and that he would be more inclined to have the Commission notified within five days and act within 30 days. The Board recommends that a shorter span of time would be more reasonable and that no fee be paid for such a permit. The Code Enforcement Officer agrees to a shorter time span.

Hines advised that the Commission acts as soon as possible, unless there are issues with the building, that a longer span of time gives them time to look at the history of the building and see if it is possible to save it. He added that most of the Ordinances the Commission has looked at around the State and other areas, require an excess of a 45 day waiting period.

Varian stated that the 45 day delay has been brought up by the public many times since the Ordinance went into effect and that comments have always been negative. She added that she would prefer a total of 30 days from the time the application first goes to the Codes Enforcement Officer.

Hines admitted that there are no ‘teeth’ to the Ordinance. Newell stated that he thinks that a total of 30 days from the time of request to the CEO to a response from the Historical Commission is an adequate amount of time. He added that he believes that the people in the Town of Phippsburg would go along with that.

Hines replied that he would take that back to the Commission and ask that they consider it. Varian stated that, should the Commission not agree to lessen the delay period, the Planning Board will not be in session again until it is too late to get an amendment into the upcoming warrant for Town Meeting in May. She asked the Board if a 30 day time limit is recommended. Bate stated that he would like to see a faster turnaround time for a demolition project for a structure that is not of historical significance.

The Board and Hines discussed the survey the Commission conducted regarding age, contributory features, etc. of the buildings in Town. Hines stated that the information is not in a database and is not easily accessible. Also, some areas of Town have not yet been surveyed.

Newell advised that he would like to see the whole thing “tightened up”, and that within five days the information goes from the Codes Enforcement Officer to the Historical Commission. Bate stated that that would be a heavy burden on the Commission. Newell replied that that is also a heavy burden on someone who wants to get a job started before the snow flies.

Hines stated that the Commission would be disappointed if the time limit was cut back that far and added that he thinks that even 30 days would be a problem. Newell advised that there might be some alternatives that can be agreed upon that would make it fitting and equitable for all involved. He added that the Board might be willing to give up time on a significant building if the Commission was willing to give up time on a non-significant building.

Varian asked how the Commission would operate if there was a case where an owner refused to go along with the waiting period imposed upon them. The Ordinance does not include a penalty clause. Hines replied that all the Commission could do in that case is make suggestions.

The Board further discussed amending Section 5.2 (Definitions) of the Land Use Ordinance to explain the words ‘contributing’ and ‘non-contributing’ as well as

‘demolition’. She stressed the need for a shorter time frame. Hines stated that cutting back on the time frame as proposed by the Planning Board might be an issue with some of the Commission members, but agreed that a ‘non-contributing’ structure could, perhaps, be readily agreed upon. Varian asked Board members if they thought an amendment to the Ordinance is in order even though Commission members may not

agree with the proposed time constraint. Planning Board members agreed that they would like to see the issue handled by the Historical Preservation Commission with a shorter time frame rather than submit an amendment itself.

POPHAM WOODS AND BEACH CLUB

Bruce Poliquin mailed a Subdivision Application to the Board as he could not attend this meeting. He will come before the Board in April to report on his meeting with the DEP and to continue subdivision discussions.

ANNOUNCEMENTS

The Board wishes to extend thanks to Clifford Newell for his work on preparing the Planning Board Report for inclusion in the Annual Town Report.

The February minutes were approved.

Varian announced that Board member, Bruce Kaake, resigned as of February 28. She has notified the Chairman of the Board of Selectmen and they will advertise that as well as the slot for the Alternate position now held by Ed Burke who will resign at the end of his term.

The date of April 13 was set to hear the application for a New Business hearing on the Main Road. The business will be a recreational bait and tackle shop and will be named The Red Crab.

The meeting adjourned at 7:30pm.

Respectfully submitted,

Marion H. Hebert
Recording Secretary/
Planning Board member