

June 8, 2005

Phippsburg Planning Board

Public Hearing

TIDEWATCH SUBDIVISION

The Planning Board convened at 5:30pm and met with John M. Young and Chilloa Young, co-owners of Tidewatch Subdivision in Parker Head (Map 10, Lot 4). Co-owner, Mark Haskell did not attend. The Youngs were accompanied by Doug Johnson of Brian Smith Surveying. Board members in attendance were: Marie Varian, Chairman; Marion Hebert; Clifford Newell; Robert Smith. Codes Enforcement Officer, Lee Rainey, was also in attendance. Newly appointed Planning Board alternate, Mark Hawkes, also attended the meeting although he did not participate because he is not yet sworn in. Board members welcomed Smith and Hawkes to the Planning Board.

The Subdivision is a seven lot minor subdivision and the Youngs and Haskell have met with the Planning Board several times. A site walk has been conducted.

Young showed the Subdivision map and gave a synopsis of the plan. He explained that Lot 7 is the only lot that can be split after five years and each of the two lots must have a minimum of two acres.. He pointed out the common land and stated that all other lots will have no less than two acres. The Youngs will retain Lot 1 for themselves and Haskell will retain Lot 7. A variance was required for a septic system setback on Lot 5 which was granted by the Board of Appeals.

There were no questions or comments from the public.

The Hearing adjourned at 5:38pm. Young presented the Board with a check for \$102.80 to cover the costs of advertising this hearing and the site walk..

Respectfully submitted,

Marion H. Hebert
Recording Secretary/
Planning Board Member

June 8, 2005

Phippsburg Planning Board

Regular Meeting

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

The meeting convened at 6:00pm and a quorum was declared. Varian introduced new Board member, Robert Smith, and alternate Mark Hawkes whose term will take effect July 1.

TIDEWATCH SUBDIVISION

The Board addressed Tidewatch Subdivision whose co-owners Mike and Chilloa Young were present. Another co-owner Mark Haskell was not in attendance. Surveyor, Doug Johnson accompanied the Youngs. The 7 lot minor Subdivision is on the Parker Head Road (Map 10, Lot 4). Varian stated that all the necessary documentation for a complete application has been received and that Sections 6 and 10 of the Subdivision Code has been complied with. A site inspection of the property was conducted on May 5 with all abutters having been notified. Although not imperative for a minor subdivision, the co-owners felt a Public Hearing should be held which was done at 5:30pm this date.

Johnson addressed the Board and pointed out the revisions in the Declaration of Easement Rights, Protective Covenants Restrictions and Reservations for the Subdivision which have been made since last month. Note #9 on the plan now reads that "No mobile homes or double wide homes will be allowed. Modular homes and log cabins may be allowed with approval of the Tidewatch Homeowners Association." Note 9 was requested to be modified by the Planning Board to allow the use of modular homes and log cabins. He further pointed that Note #15 was revised and now reads "Lots 1-6 shall not be further subdivided. Lot 7 may be divided into two lots, both of which must be a minimum of two acres, after 5 years from the approval of this plan. Such a division may require further Planning Board approval." Again, the Board had requested that the plan include the words "both of which must be a minimum of two acres." Notes 16 and 17 have been added to the plan.

Varian stated again that everything that is needed for approval of a Final Plan is complete and Newell made the motion that the plan be accepted. Hebert seconded it and the plan was signed by all Board members. A list of Subdivision review findings was also signed by the Board.

POPHAM WOODS AND BEACH CLUB - POLIQUIN

Bruce Poliquin approached the Board again regarding the Popham Woods (Map 45, Lots 49 and 51) and Beach Club (Map 14, Lot 43) Subdivision. Many residents of the Popham area were in attendance. A sketch plan was presented to the Board in February and Poliquin has come before the Board monthly since that time to report what progress has been made. Varian announced that this is not a Public Hearing, that it is a meeting. A Public Hearing will be called at a later date.

Poliquin advised the Board that he has hired the firm of Pinkham & Greer, Civil Engineers, of Falmouth. He stated that they have a wealth of experience and are one of the top Engineers in the State. Mark Bergeron will act as Project Manager. Poliquin will work directly with Tom Greer. He added that since he last met with the Board he has been interviewing Landscape Architects and expects to hire one within the next week. They will be responsible for assisting the Building Architect and the Civil Engineers to make sure that the proper use of the land and natural features of the land are put into the equation. He advised that the boundary survey is approximately 90% complete and that Doug Johnson of Brian Smith Surveyors has been working on the project. The soils have been mapped and that data is nearly complete. He expects the wetlands mapping will be completed within the next few days. The high detail aerial photo has been shot by Bradstreet and Co. and was done roughly three weeks ago. He expects that Doug Johnson will provide him with a detailed topographical map with two foot contours by June 24 with the soils and wetlands mapped. He hopes to show these maps to all interested parties in July. He added that this will allow Pinkham and Greer to integrate their expertise with the Landscape Architect whom he hopes to hire soon. He informed the Board that he has received documentation from three state agencies that are required by the DEP, those being the Dept. of Inland Fisheries and Wildlife, who indicated that there are no significant wildlife habitats on the property, the Maine Natural Areas Program has confirmed that there are no rare plants, the Maine Preservation Commission has indicated that there are no historic buildings on the property. That includes not only the acreage on the Popham Road, but also the dune lot. Asked if any deer yards were found, Poliquin answered that there were not.

Popham resident, Julie Finch, asked if the Dept. of Inland Fisheries and Wildlife OK'd the building of a road over a wetland area. Poliquin answered that it is not his goal to affect any wetlands. He added that the Dept. of Inland Fisheries and Wildlife has checked the entire area and that this is exactly the reason that he is hiring Civil Engineers because they are experts in hydrological studies, soils, etc.

Varian advised Finch that the map she had is a sketch plan and is subject to change. Finch expressed her concern regarding phosphates going into the wetlands. Several

residents had comments and questions and Varian advised that, as time goes on, more information will be available and added that, at present, the Sketch Plan included the lot on Popham Beach and was to be used by the people who buy into the Subdivision. She

added that nothing has been spelled out as to how this will be done, what buildings are going to be on that lot, how many parking spaces will be available. It is just part of the plan and it is too early to come up with facts regarding impact of traffic, she stated.

Richard Nichols advised that, in the scope of a project such as this, the Town should hire experts to assess the impact of this Subdivision on the Town. Poliquin will come before the Board again in July.

BARRY AND SALLY SYLVAIN

Barry and Sally Sylvain of 82 Rogers Neck (Map 6, Lot 13) presented the Board with an application to expand their house toward the water in the Resource Protection Zone. The house was originally legal, but the 1993 Shoreland Zoning Ordinance rewrite rezoned the area making it non-conforming. Their application asked for the addition of 344 square feet and 2000 cubic feet. The original plan was for a deck on the water side, but it did not get done before the rezoning of a 250 foot setback. The Board referred to Section 12.C.1 of the Shoreland Zoning Ordinance and determined that they do not have the authority to grant lesser setback variances in the Resource Protection Zone. The Sylvains were referred to the Board of Appeals after denial by the Planning Board.

DOUGLAS AND GAIL PERCY FITCH

Douglas and Gail Percy Fitch approached the Board with an application seeking permission to put a driveway off Rt. 209 (Map 18, Lot 37). The entrance meets the proper 250' from the marsh on that side of Route 209, curving away from the marsh, to a permitted use. However, the location of the proposed driveway entrance is in the Resource Protection Zone on the opposite side of Route 209. The application was accompanied by a DOT Permit for the driveway/entrance and a sketch of the proposed construction site. Codes Enforcement Officer, Lee Rainey, stated that the original location that the Fitches wanted for the driveway was much further up Route 209 and that the DOT forced them closer to the marsh. He added that the survey that accompanies the application indicates that the driveway leaves the Resource Protection area. The Board approved the application with the comment "This is approved under Section 14, Table of Land Uses, Item 26, Note 7. There is no alternative route outside the Resource Protection Zone. The Maine Dept. of Transportation has permitted the entrance location as the only location on the property for an entrance. The location is well beyond the 75' requirement of Section 15.H.1 of the Shoreland Zoning Ordinance." The \$20 fee was paid.

JACK AND MARGO CURLEY

Jack and Margo Curley of Bowdoinham approached the Board with an application to apply for a special use permit to build a house between 125' and 250' of high water in a Resource Conservation Zone. They are seeking a lesser setback in the district for Lot #1, Phase 1 of the Parker Neck Colony Subdivision on the Capt. John Parker Road (Map 9, Lot 5). A site inspection was conducted by the Board on June 6 and Varian reported the results of that inspection (written report is on file). The Curleys first came before the Board in May. The Board referred to Section 15.6.a, b, c and d of the Shoreland Zoning Ordinance. The application was accompanied by a letter from Tom Paiement, Maine State Certified Site Evaluator. Paiement stated in his letter that a site evaluation done on June 5, 2005 determined that a sewage disposal system can be installed on the property in compliance with the current requirements of the Maine State Sub-Surface Wastewater Disposal Rules. A sketch of the property was also provided. The Board approved the application for a 230' setback with the following comment: "Approval granted under Sec. 15.6.a, b, c and d of the Phippsburg Shoreland Zoning Ordinance. Site inspection was held on June 6, 2005. Approval is contingent upon receipt of an updated certification of 10,000 sq. ft. of suitable soils under Section 15.6.a from Tom Paiement, Soil Site Evaluation. Letter to be submitted within two weeks." The \$20 fee was paid.

ALLEN MILLER

Varian reported on the on-site inspection at the property of Allen Miller of 405 Fiddlers Reach Road (Map 2, Lot 20) on June 2, 2005. As well as Board members Varian, Newell, Smith and Bate, the CEO, Lee Rainey, Peter Spencer of Waterman Marine and Whitney Martin of Earthscape Unlimited were in attendance. Miller is requesting the filling of more than 10 cubic yards of riprap for erosion control on two sites of his property and to add ground cover over the erosion. Spencer had presented the board with an application at the May 18 meeting and at that time it was voted to hold an on-site inspection. This inspection is a continuation of that meeting and the Board voted to make a decision during the inspection (see Minutes dated 6/2). Varian reported that Mike Morse of the DEP had visited the site with the CEO after the applicant had received the DEP's Permit by Rule. It was Morse's opinion at that time that heavy equipment could further damage the land and that less fill, hand-carried, would stop further erosion. The Board viewed the two sites and voted to approve the application and plans as presented. The \$20 fee was paid.

The Minutes of the May 18 meeting were approved.

Varian announced an Expansion of Business Hearing and a New Business Hearing both to be held on June 15. She further announced that the approval of an expansion of the wharf building at Live Lobster Co. in West Point is expected to be appealed. The meeting adjourned at 8:00pm.

Respectfully submitted,

Marion H. Hebert
Recording Secretary/
Planning Board Member