

January 11, 2006

Phippsburg Planning Board

REGULAR MEETING

The meeting convened at 5:01pm. Attendees were: Marie Varian, Chairman; Marion Hebert; Clifford Newell; Robert Smith; Josh Bate, Alternate. Codes Enforcement Officer, Lee Rainey, was also in attendance.

POLIQUIN - POPHAM WOODS SUBDIVISION CONDOMINUMS

The Board first met with Bruce Poliquin representing Popham Woods Subdivision Condominums, Dirigo Holdings LLC (Map 45, Lots 49 and 51). Poliquin had presented the Board with a Preliminary Plan as well as an application in December 2005. A Workshop was conducted on January 5. At that time the Board reviewed and discussed Poliquin's paperwork. Poliquin was represented at that Workshop by Mark Bergeron of Pinkham & Greer Engineering as well as John Sevee of Sevee and Maher, Hydrogeologists.

Varian referred to Section 7.2 of the Subdivision Ordinance which deals with Submissions and went through each of the 22 items to verify that everything has been done to submit a complete application. She explained that there have been several maps submitted at this point. She read from a letter sent by Atty. Richard Hornbeck dealing with common land and open space in a cluster Subdivision and advised that in a cluster situation everything that is not built upon or not deleted because of wetlands or easements is considered common land. Smith advised that MMA should be contacted for confirmation on the issue of density in cluster situations. Newell stated that he felt there is no need to hold up the application while awaiting confirmation from MMA. Smith answered that he would like another opinion and added that it is his feeling that MMA is a better source.

Bate motioned that the Preliminary Application be accepted as submitted. Hebert seconded. The Board unanimously voted to accept the application as complete. Varian advised that the next step would be to hold a Public Hearing within 30 days and to hold another site walk. The date of February 5, weather permitting, was set for the walk. A Public Hearing will be conducted on January 31 at 5:00pm.

PRATT - PITCH PINE DEVELOPMENT SUBDIVISION

David and Joan Pratt developers of Pitch Pine Development Subdivision (Map39, Lot 49) next approached the Board with their Final Plan. They were represented by Kevin Clark

of Sitelines. The Pratt's application had been discussed by the Board at the January 5 Workshop.

Clark advised that changes have been made since the Preliminary Plan was presented in December and pointed those out. A description of the maintenance of the common land has been added to the maintenance of the roads agreement and the Covenants. He further read a statement regarding abuttor Ann Lewis' well which stated that an independent test will be conducted before and after road construction blasting to determine water quality and quantity. Any negative impact will be resolved by the applicant. Clark advised that if blasting is required on Lots 3 and 4, the same guarantee will apply to Lewis' well. It is not determined at this time whether those lots will require blasting. He further stated that if the owner of the Lewis property does not agree to allow the pre and post-blasting water testing, the above requirements become null and void.

Clark advised the Board that a letter from the Bath Savings Trust shows proof of the Pratt's financial ability to pursue this Subdivision. He read the conditions of approval listed on the Final Plan; all roads in the Subdivision shall remain private roads and will be maintained by the developer, that the developer shall install private stop signs at all road intersections; that the developer shall provide testing of the Ann Lewis well both before and after blasting; that no further Subdivision lots shall occur without approval of the Planning Board; that the Board has granted a waiver to the requirement of a maximum grade of 6% for a collector road allowing the use of a 10% grade for a maximum length of 400 feet toward the Pine Ridge Drive; that no lot may be conveyed until an approved road to that lot is completed, that no lot may be sold until all all markers, monuments and boundaries to that lot have been set; that all lots shall be subject to the protective covenants; that the 1.17 acre parcel adjacent to the Coombs parcel is to be conveyed to the Coombs' and if the parcel is not conveyed to the Coombs' it may only be conveyed to an abuttor or used as common land; that the common land shall not be used for future building lots and any part or all of the common land may be dedicated for acceptance by the Town.

Varian gave Pratt a receipt for the application for the Final Plan and asked the Board members for a vote completeness of the application. Smith motioned that the application for the Final Plan is complete and Hebert seconded the motion. It was unanimously voted. The Board further voted that there was no need for a Public Hearing or another site walk regarding the Final Plan. Varian advised that the Board did not require the applicant to submit money to establish an escrow account as called for in Sections 12.3 and 13.1 of the Ordinance. The Board voted that the account was not necessary as the Board had no need for the purposes so described.. In accordance with Section 12.1 of the Ordinance, Varian read the letter from Bath Savings Trust Co. to the Board confirming that the Pratts have sufficient funds to cover the Subdivision construction expenses estimated to be less than \$150,000. Newell moved that the letter of confirmation from the bank be accepted. Hebert seconded and the motion was unanimously voted.

The Board next discussed the Findings of Fact and Conclusions of Law for the Final Plan per Section 10 General Standards and Sections 1.1 through 1.20 covering pollution; sufficient water

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supply; municipal water supply (not applicable); erosion control; traffic; sewage disposal; waste and sewage disposal; aesthetic, cultural and natural values; conformance with local ordinances and plans; financial and technical capacity; surface waters; ground water; flood areas; freshwater wetlands; river and stream or brook (not applicable); storm water; spaghetti lots prohibited (not applicable); lake concentration (not applicable); impact on adjoining municipalities and lands subject to liquidation harvesting. Motion was made and seconded and unanimously voted to accept the Findings of Fact and Conclusions of Law as drafted and discussed.

Newell made the motion that the Final Plan be approved as presented. Hebert seconded and the Board voted unanimously to approve the plan and the mylar was signed by all members and Alternate, Josh Bate. Bate was appointed by the Chairman to serve in Steve Thayer's absence.

TIM LEWIS - WHISPERING PINES MINOR SUBDIVISION

Tim Lewis developer of the Whispering Pines 4 lot Minor Subdivision on the Loop Road (Map 39, lot 15) next approached the Board to submit his application and an updated plan. He had submitted a Sketch Plan in December. Varian advised that there was only one response to the abuttor notification letters, that being via telephone from James Meese (Map 39, Lot 15-1. Meese is the owner of the lot taken from the mother lot before Lewis bought the remainder of the land. Varian advised that Meese had no objection to the Subdivision.

Lewis explained that there have been some minor changes in the plan since December regarding the road which will be named Lewis Way, as approved by the 911 Officer, as well as a proposed property line change on land owned by Meese. Land has been transferred to Ed Skillin for a right-of-way. Lewis stated that he will contact the Fire Chief to see what he recommends for a turnaround/hammerhead on the property.

The Submission list per Section 6.3 was referred to and the application was deemed to be complete. A motion by Smith was seconded and unanimously voted that the application was complete.

The date of February 5 was set for a site inspection immediately following the inspection of the Popham Woods Subdivision. Findings of Fact and Conclusions of Law will be made at the February meeting, at which time the Final Plan is expected to be presented.

Smith motioned that there be no Public Hearing as there has been no negative abuttor or

citizen response to the proposed Subdivision. Hebert seconded and it was unanimously determined that there will be no Public Hearing for this Minor Subdivision. The \$150 fee

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was paid. (three (3) lots) @ \$50.00. The 4th lot was not charged for as it had been sold by the former owner of the mother lot).

KENNON JAYNE - SMALL POINT

Kennon Jayne of the Hyde Road in Small Point (Map 21, Lot 25, zoned Resource Protection) and represented by Jeremy Whorff submitted an application requesting permission to install a barrier of rocks (seawall) in front of Jayne's beach house property. The application was accompanied by a Permit by Rule from DEP. The approximate length of the wall will be 200' x 4' tall backed with ledge rock and geotextile fabric. Codes Officer, Rainey, explained that Jayne has lost approximately 30 feet of frontage due to erosion.

Varian referred to Section 14 Item 30 in the Table of Land Uses which requires approval from the Planning Board. The Board unanimously approved the construction of the seawall and signed the application with the comment "Best Management Practices will be followed." The \$20 fee was paid.

BARBARA STEVENS - LEDGE MEADOW BAY SUBDIVISION

Realtor, Dennis Austin, next approached the Board representing Barbara Stevens of the Parker Head Road (Map 12, Lot 6). A letter authorizing Austin to represent Stevens was presented. Stevens wishes to change the driveway location of Lot 2 in the Subdivision.

Varian explained that when the Subdivision was originally approved it was determined that each two lots would share a driveway off the Parker Head Road. She added that in 1999 the owner of Lot 4 requested that Lots 4, 3, and 5 be served by the same driveway which was approved by the Planning Board in July 1999. There is one access off the Parker Head Road going to Lot 4, branches to the south for Lot 3 and is supposed to branch to the north for Lot 5 but at this point nothing has been built there. Lot 2 now stands alone. The original driveway for that lot would have been partly on Lot 2 and partly on Lot 3. Now that there has been a change for Lot 3. Lot 2 wants the driveway moved to a better location on that lot. The original curb cut would have required some blasting.

A site inspection will be conducted on February 5 and the application will be taken up during the regular meeting in February.

TOM WIRTH - PARKER HEAD ROAD

Tom Wirth of the Parker Head Road (Map 13, Lot 22) approached the Board and advised that he is in the process of buying the former McLanathan property. He wishes to convert the existing barn into an art center and pointed out on a drawing where he would like to split the lot for construction of seven (7) "cottages". He also presented an aerial photo of the area. He and his wife will use the existing home as their own.

Varian advised Wirth that he has a major Subdivision situation and that the rental of further cottages (or cabins) built for the proposed art center could possibly pose a campground situation.

She asked if the art center was something he planned to do soon and Wirth replied that it would probably not be done for a couple of years. He plans to present a Sketch Plan at the February meeting.

ANNOUNCEMENTS

The December 2005 minutes were approved.

Varian announced a Public Hearing to be held at the school at 6:00pm on January 23 and a Special Town Meeting on January 25 regarding the Moratorium on Subdivision Applications.

She further announced a Training Session on Shoreland Zoning to be held at 6:30pm on January 19 at the West Bath Fire Station.

The meeting adjourned at 8:20.

Respectfully submitted,

Marion H. Hebert

Recording Secretary/

Planning Board Member

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PHIPPSBURG PLANNING BOARD
JANUARY 11, 2006

IN THE MATTER OF:

Subdivision Review of David M. and Joan A. Pratt's PITCH PINE DEVELOPMENT SUBDIVISION - A Major Subdivision containing eleven single-family lots located on Town Tax Map 39, Lot 49

Decision of the Phippsburg Planning Board

Pursuant to the provisions of the Town of Phippsburg Subdivision Ordinance and the standards of 30-A M.R.S.A Sect. 4404, the Phippsburg Planning Board has considered the application of David M. and Joan A. Pratt, including supporting data, public hearing testimony, site walk evaluation and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusions of Law for the Pitch Pine Development Subdivision.

FINDINGS OF FACT:

The applicant proposes to develop an 11-lot single-family subdivision on a parcel containing 31.3 acres (per survey) located on the south side of Clifford Road abutting 52 Clifford Road. Past use of the parcel is as a woodlot with the exception of Lot #1 which contains a dwelling. Lot #1 was previously conveyed and is included for cumulative impact only.

Two private roads will be constructed, Pine Ridge Drive and Alpine Way. All lots will access either of these roads and roads will be maintained by the lot owners. Access to Clifford Road will be via Pine Ridge Drive.

The applicant's authorized agent is Kevin Clark, PLS of Sitelines, PA, Brunswick,

Maine. Mr. Clark submitted a Sketch Plan on September 14, 2005. Mr. Clark submitted an Application and preliminary Plan on October 12, 2005; a receipt for the application was given. A Site Walk was conducted on October 30, 2005. Notification of a Complete Application was given on November 9, 2005. A Public Hearing was timely advertised and held on November 28, 2005. Findings of Fact were made and the Preliminary Plan was accepted/approved with conditions on December 14, 2005.

The Application for and a Final Plan were submitted on January 11, 2006. The Board voted that the application was complete and issued a receipt. The Board voted that a Public Hearing was not needed (Sec. 8.1.F.1). The Board voted that another site walk was not needed. The Board voted that an Escrow Account was not needed per Section 12.3. as it was not necessary to hire outside expertise. The Board voted to accept the Findings of Fact and Conclusions of Law per Section 8.3.B. The Board voted on January 11, 2006 to Approve with Conditions the Final Plan.

CONCLUSIONS OF LAW

GENERAL REVIEW STANDARDS PER TOWN OF PHIPPSBURG SUBDIVISION ORDINANCE:

10.1 Conformance with Comprehensive Plan.

- A. Phippsburg does not have a State-approved Comprehensive Plan. A 1991 draft designated the Clifford Road area as a Growth Area.
- B. The proposed subdivision will conform to Town Ordinances. With respect to the Towns Subdivision Ordinance, the Planning Board granted a waiver to Sec. 11.2.F.3. to allow a 10% grade on 400' of Pine Ridge Drive (shown on map).
- C. The proposed subdivision will comply with State laws and rules, including Subsurface Waste Water Disposal rules and Stormwater Management practices.

10.2 Retention of Common Land and Natural or Historic Features

- A. Proposal dedicates 3.95 acres to common land (open space) which is more than the 3.13 acres required.
- B. Common land meets Ordinance criteria and will be maintained by lot owners. There are no historic attributes or significant wildlife habitat on this parcel.

C. Non-applicable - subdivision is not located on a waterfront.

10.3 Land not Suitable for Development

A. Wetlands will use .40 acres.

B. Non-applicable - Subdivision is lot located in the 100-year Flood Plain.

C. Rights of Way/easements will use 2.40 acres.

D. No land has been created by filling in or draining a pond or wetland.

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10.4 Skyline Building Height

No building shall be higher than 35' and all shall comply with Sec. 10.4.

10.5 Lots

A. All lots meet or exceed the two-acre minimum lot size.

B. Lots are designed for off-road parking for a minimum of two vehicles.

C. There will be one access/egress road off the Clifford Road. The two subdivision roads are beyond the minimum setback of 20' from property lines.

D. Non-applicable - All lots meet or exceed minimum lot size.

E. Non-applicable - There are no "spaghetti" lots or odd-shaped lots.

10.6 Required Improvements

A. 1., 2., 3., and 4. Monuments (pins) will meet criteria of these sections. No lots will be sold until permanent pins are in place.

B. Water will be from private wells.

C.1. Sewage disposal will be in private subsurface disposal systems. Test pits have been dug on each lot and soils are suitable as verified in written reports by William Maier, Licensed Soil Evaluator.

2.&3. Non-applicable - All lots meet standards of C.1.

D.1, 2., 3., 4. Surface Drainage: The application provided a Stormwater Control Plan prepared by Charles R. Wiercinski, Professional Engineer, Registered #3704. The plan follows Best Management Practices of Cumberland County Soil Conservation Service and the Maine DEP Best Management Practices handbook. Erosion and Sedimentation Control devices to be used (per locations on plan) include silt fencing, hay bales, riprap, loam, seed, mulch, catch basin filters, culverts, plunge pools and check dams.

10.7 Land Features

- A. Topsoil removed for road excavation will be stockpiled (following non-erosion rules) and re-used on site wherever needed. No other removal of topsoil is proposed.
- B. The parcel is a wooded area. Commercial tree cutting is prohibited by covenants. Cutting and thinning to accommodate building sites is allowed but requires adherence to the Erosion Control Plan.
- C. Non-applicable - Subdivision is not located in the shoreline of a waterbody.
- D. The applicant has submitted an Erosion and Sedimentation Control Plan prepared by Charles R. Wiercinski, Professional Engineer, Registered #3704 (see D.1, 2., 3., 4. above).

10.8 Non-applicable - This is not a Cluster Development.

10.9 Dedication and Maintenance of Common Open Space and Services

A-D-E-F-G-H. A deeded Road Maintenance and Common Land Agreement will be entered into by all lot owners, giving all owners joint ownership and responsibility. The governing documents have been reviewed by the Planning Board.

- B. Further subdivision of common land is prohibited. Common land may be used for recreation and/or conservation purposes.
- C. No common land will be given to the Town of Phippsburg.

10.10 Construction in Flood Hazard Areas

- A. Non-applicable. Subdivision not located in Flood Area.

OTHER CONSIDERATIONS

Municipal Services:

There was no objection to the proposed Subdivision expressed by the Board of Selectmen, Police Chief, School Board Chairman, Road Commissioner or Fire Chief.

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The Road Commissioner recommended a turn-out area for mail boxes on Pine Ridge Drive rather than on the Clifford Road. The recommendation was incorporated into the plan. All subdivision roads are private and will not require maintenance by the Town.

The Fire Chief requested that Subdivision road width be sufficient for emergency vehicles to pass coming and going and hammerhead (T-type) turnarounds at road ends. These items have been incorporated into the plan. A recommendation for sprinklers and sufficient space for emergency entrance and egress in dwellings was included but not mandated in plan notes.

A statement by the School Board Chairman at a recent (other) public hearing showed that the local elementary school could accommodate more children.

Testimony and record data showed that existing municipal services have sufficient capacity to service the proposed subdivision.

Scenic Areas, Wildlife Habitat, Archeology Sites, and Rare Plants:

A study by Woodlot Alternatives, Inc. shows there are no such sites or growth on the subdivision parcel.

STATE SUBDIVISION LAW - 30-A M.R.S.A. Section 4404 (Town Subdivision Ordinance Section 1.)

1.1 POLLUTION.

The proposed residential development will not result in undue water or air pollution. Air emissions will be those typically associated with residential properties, such as furnaces, automobiles, and lawn and garden equipment. Septic systems will be designed and constructed in accordance with all State Regulations. Run-off from roadways and properties will filter through vegetated areas prior to entering surface waters, providing for settlement and absorption of suspended solids, phosphorus, etc. Drainage specifications adhere to Best Management Practices of the DEP and the Cumberland County Soil Conservation Service. The Subdivision is not within the 100-year floodplain.

1.2 SUFFICIENT WATER.

The lots in the Subdivision meet or exceed the two acres recommended in the

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Town's recent hydrogeological study. Lots will be serviced by individual on-site wells. Groundwater usage is computed at 2.8 GPM and recharge is computed at 10.7 GPM. The soil type is Hollis & Hinckley. The proposed subdivision will have sufficient water for its reasonably foreseeable needs. As a condition of approval, the well on the abutting Lewis property will be tested before and after blasting to determine if there has been any effect on that well's performance. Any impact will be resolved by the applicant.

1.3 MUNICIPAL WATER SUPPLY.

Non-applicable. Water supply will be from private wells.

1.4 EROSION.

The applicant has provided an engineered Erosion and Sedimentation Control plan for both road construction and driveway entrances. Existing ground elevations and topographic features are worked into the plan. Proper implementation of the plan will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water.

1.5 TRAFFIC.

The Subdivision will generate approximately ten trips per day from each inhabited lot, distributed throughout the day. A traffic count at peak-time by

Sitelines, PA, and off-peak by abuttor David Barnes showed 55-60 VPH and 35-40 VPH respectively. The addition of the proposed Subdivision traffic will not exceed traffic count limits at the intersection of Clifford Road and Main Road (Route 209) per Maine DOT standards. Maine DOT records for 2002-2004 do not indicate a significant accident rate at that intersection. The Subdivision will not cause unreasonable public road congestion or unsafe conditions.

1.6 SEWAGE DISPOSAL.

Subdivision lots will have individual sewage disposal systems. Test pit data has been provided by a Licensed Soil Evaluator and criteria of Maine Subsurface Waste Water Disposal rules will be met. Each lot will contain an adequate sewage disposal area.

1.7 TOWN SOILD WASTE AND SEWAGE DISPOSAL.

The proposed Subdivision will not cause an reasonable burden on the Town's Transfer Station's ability to dispose of normal household waste. Each lot will have its own sewage disposal system.

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1.8 AESTHETIC, CULTURAL AND NATURAL VALUES.

The proposed Subdivision will utilize the one existing access point on the Clifford Road and development will occur internally. Existing vegetative screening is expected to remain to maintain the rural character of the area. Applicant's plans show that care has been taken to avoid impacts to existing natural features. No endangered botanical species were observed in a study done by Woodlot Alternatives, Inc.

1.9 CONFORMANCE WITH LOCAL ORDINANCES AND PLANS.

The proposed Subdivision will be in conformance with duly adopted Town Ordinances and State laws.

1.10 FINANCIAL AND TECHNICAL CAPACITY.

Road construction, surveying, and all other Subdivision expense is estimated at not over \$150,000.00. The applicant has adequate financial capacity to meet this cost as evidenced by a December 23, 2005 letter to the Board from Bath Savings Trust Company, Bath, Maine.

The applicants have retained the services of Sitelines, PA, William Maier, LSE

and Woodlot Alternatives, Inc. to assist in the design and approval process. These firms have successfully collaborated on the approval of numerous residential developments throughout the midcoast area.

1.11 SURFACE WATERS.

The Subdivision is not located in the Shoreland Zone. There are no rivers, streams, lakes or ponds on the site. General surface water flow patterns will be maintained to the greatest extent possible. Where existing surface water patterns are interrupted by road construction, ditches with check dams will be installed to attenuate flows and ditches will be outlet in appropriate locations to maintain pre-development patterns and off-site flows.

1.12 GROUND WATER

Information declared under Sections 1.2, 1.3, 1.4 and 1.5 show that all water supplies and sewage disposal systems will be located and constructed adhering to all Town Ordinance and State law.

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1.13 FLOOD AREAS.

The Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA) indicates that the area to be subdivided is an area designated as Zone C, which is outside of the 100-year floodplain and an area of minimal flooding. The site is not designated as a Special Flood Hazard Area.

1.14 FRESHWATER WETLANDS.

Wetlands have been delineated and are depicted on the Final Plan. As the proposed impacts will be less than 4300 square feet, no Natural Resources Protection Act (NRPA) permits are required from the Maine Department of Environmental Protection (DEP).

1.15 RIVER, STREAM OR BROOK.

Not applicable. There is no river, stream or brook located on or abutting the proposed subdivision.

1.16 STORM WATER.

The applicant has provided a Storm Water Control Plan which considered both pre and post development. The stormwater runoff generated by the minimal additional impervious area will be shed to the surrounding vegetated areas. This run-off from roadways and properties will filter through vegetated areas prior to entering surface waters or leaving the site, providing for settlement and absorption of suspended solids and nutrients.

1.17 SPAGHETTI LOTS PROHIBITED.

None of the lots within the Subdivision will have dimensions that would classify them as spaghetti or other odd-shaped lots.

1.18 LAKE PHOSPHORUS CONCENTRATION.

Non applicable. The parcel is not within a direct watershed of a Great Pond.

1.19 IMPACT ON ADJOINING MUNICIPALITIES

Non-applicable. The parcel does not abut or cross any municipal boundaries

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1.20 LANDS SUBJECT TO LIQUIDATION HARVESTING

Neither the owner nor the former owner has conducted any liquidation timber harvesting on the parcel. Covenants of the proposed Subdivision prohibit commercial/liquidation harvesting.

THEREFORE, The Phippsburg Planning Board hereby approves, with the following conditions, the application and Final Plan of David M. and Joan A. Pratt to create an eleven-lot residential subdivision known as PITCH PINE DEVELOPMENT on Town Tax Map 39, Lot 49, and such approval of this Subdivision will not unreasonably compromise the comfort, convenience, safety, health, and welfare of the people of the Town of Phippsburg.

CONDITIONS OF APPROVAL:

1. All roads in this Subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be maintained by the Town.

2. The developer shall install a private stop sign at all road intersections.
3. The developer shall provide testing of the Ann Lewis (Tax Map 39, Lot 50) well before and after blasting to ensure both quantity and quality of water. See Findings of Facts for more details.
4. No further subdivision of lots may occur without approval of the Planning Board.
5. The Board has granted a waiver to the requirement of a maximum grade of 6% for a collector road (Section 11-2F), allowing the use of a 10% grade for a maximum length of 400' for Pine Ridge Drive.
6. No lot may be conveyed until an approved road is completed to that lot.
7. No lot may be sold until all monuments marking the boundaries of that lot have been set.
8. All lots shall be subject to the protective covenants and road maintenance agreement.
9. The 1.17 acre parcel adjacent to the Annie Coombs parcel to be conveyed to Coombs. In the event the parcel is not conveyed to Coombs, it may only be conveyed to an abuttor or be used as common land.

10. Common land shall not be used for future building lots, and a part or all of the common land may be dedicated for acceptance by the Town.

Dated at Phippsburg, Maine, January 11, 2006.

PHIPPSBURG PLANNING BOARD;

_____, Marie Varian, Chairman

_____ Marion Hebert

_____ Clifford Newell

_____ Robert Smith

_____ Joshua Bate, Alternate