

February 8, 2006

PHIPPSBURG PLANNING BOARD

REGULAR MEETING

The Planning Board meeting convened at 5:00pm. A quorum was declared. Board members present were: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Clifford Newell; Robert Smith and Alternate, Mark Hawkes.

**TIM AND MICHELLE LEWIS - WHISPERING PINES SUBDIVISION**

The first order of business was to hear from Timothy Lewis, developer of the Whispering Pines Subdivision (Map 39, Lot 15). Lewis presented a letter from Midcoast Federal Credit Union which stated that he has sufficient funds to cover the construction of the Subdivision road (estimated at \$9,000). The Board unanimously voted to accept the letter. He further provided a Common Road Covenant prepared by Attorney Carl W. Stinson and a Road Profile Map. A site walk was conducted by the Board on February 5 at which time Board members viewed the flagging for the leach field on Lot 2 as well as boundary lines and discussed the length of road to service Lots 2 and 3.

The Board referred to Sections 12 and 13 of the Subdivision Ordinance. Varian advised that the Board did not assess the applicant for an escrow account as no outside expertise was needed. The Board unanimously voted in favor of the non-assessment. The notes on the plan were viewed by the Board members and the turnaround area was noted. Varian explained that the road beyond Lot 3 does not have to be built at this point because there is no building on Lot 4. She added that if, in the future, lot 4 is further developed it will be an amendment to the Subdivision and the road will be handled at that time. If Lewis decides to put his own building on Lot 4, road construction will have to be done in an approved manner to and the new road section would replace the tote road which is there now. Varian presented the Board with a hand-written list of Findings which were read and unanimously approved. Thayer made a motion that the Final Plan be approved. The motion was seconded and approved by the Board. The Plan was signed by all members.

**ROBERT SMITH - SEBASCO HARBOR RESORT**

The Board was next approached by Robert Smith, owner of Sebasco Harbor Resort L.L.C. (Map 30, Lot 18) in Sebasco Estates. Smith was accompanied by Stephen Mohr of Mohr and Seredin Landscape Architects in Portland. Smith presented an application and a Sketch Plan for a five-lot Minor Subdivision on Harbor Island owned by the Resort. The fifth lot would be retained by the Resort. Smith and Mohr had come before the Board on December 14, 2005 and presented a conceptual plan for further development on Harbor Island. The Board took no action at that time.

Mohr showed the Board sketches of the proposed Subdivision which is comprised of 28 acres, the balance of which will be dedicated to common land. One 12 acre lot was previously sold at the south end of the island. A power line from the mainland to the island is in progress. A permit for a pier on lot 5 has been issued by the DEP and would serve the proposed lots on the island. He advised the Board that the issues of stormwater runoff have been looked at and will meet the State Stormwater Runoff Standards. He pointed out the access road to the lots and stated that the road does not meet the Subdivision Road Standards, but added that the Planning Board does have the ability to grant waivers. He asked the Board for a waiver as golf carts or ATV's are the only vehicles that would be allowed on that path/road once construction is completed. Construction is anticipated to begin in the summer of 2006. The proposed Subdivision homes will have individual wells and individual septic tanks and leach fields and will be equipped with residential sprinkler systems. Newell suggested that at the time the lots are sold, the Resort should make declaration that there are very limited services to the island regarding fire protection, etc. This should also be included in the Findings of Fact allowing protection for the Town. A complete list of abutters was provided. A site walk was set for February 26. Sebasco Harbor Resort will be on the Planning Board agenda in March.

#### **GILLESPIE REPRESENTED BY BRIAN DOUGHTY**

The Board next met with Contractor, Brian Doughty, representing Floyd and Helen Gillespie of Sebasco (Map 31, Lot 81). Doughty presented the Board with an after-the-fact application for expansion of a non-conforming building using the 30% rule. The structure is too close to the road and too close to a property line. One set of plans for the expansion has been given to the Board from Codes Enforcement Officer, Lee Rainey. The application asks to rebuild a kitchen and bathroom, expand the kitchen and second floor by 20.25%, rebuild stairs, install new carrying beams in living room, replace screens with windows on the porch, rebuild deck and shingle roof, new siding and new windows. Varian advised that the Board is concerned with the expansion of the building, but not the siding. Doughty explained that Rainey had inspected the building some two years ago. A permit had never been issued, but Doughty said he had been told that it was. Rainey has since been to the property and made new measurements.

Varian explained that the expansion of the kitchen and second floor would entail 277.5 square feet and 2192 cubic feet. The replacement with windows of the screens on the porch would be considered an enclosure of that area. She advised that a screened porch is not considered as cubic feet, but the installment of windows makes it enclosed, therefore adding cubic feet. She told Doughty that that would add up to 1024 cubic feet, putting the cubic feet allowance over by 960. She added that the Board would not be able to allow that overage, and asked Doughty if the kitchen and second floor could be

reconfigured to save space. She further added that the Gillespies could go before the Board of Appeals if the Planning Board denies the application. She asked Doughty how much of the work has already been completed and he answered that the kitchen has been done.

Newell suggested that the issue be tabled until a site inspection is conducted. The Board determined that the construction, other than enclosing the existing porch, be approved. The application was tabled until after a site walk which will be conducted on Sunday, February 12, weather permitting. If approved, the application will be signed at that time by Board members.

### **BARBARA STEVENS - PARKER HEAD ROAD**

The Board next heard from Realtor Dennis Austin representing Barbara Stevens of the Parker Head Road in the Ledge-Meadow-Bay Subdivision (Map 12, Lot 6, Sub Lot 2). An application was presented to the Board requesting approval to relocate access to Subdivision Lot 2 approximately 30 feet south of the boundary line with Lot 3. The application was accompanied by an Addendum which stated "Seller grants permission to amend subdivision rules for above property in order to gain a new driveway cut from the planning board in the town of Phippsburg" and was signed by Hugh and Carole Bigney present owners of Lot 2. Sketches of the sites were provided. A site walk was conducted on February 5 by the Board and Road Commissioner. A report of that site walk was presented and is on file. The flagging for alternate driveway locations on Lot 2 was viewed at that time. There were two suggested relocation sites, one being approximately 70 feet from the northern boundary line of Lot 1 which is south of Lot 2. The road frontage of the Lot 2 is 367 feet. The northern driveway site has approximately 1000 feet of sight distance to the north and 470 feet to the south. It was determined that this would be a safer entrance and was recommended both by the Road Commissioner and the Board. There are no buildings on Lot 2 and Lots 1 and 3 will not be affected by the relocation of the access road.

The Board approved the application with the comments "The beginning of this driveway will begin 337 feet north of southern boundary marker of Lot 2. The applicant will contact the Road Commissioner before construction is started. This permit is addressed under Section 4407 30-MRSA which is Appendix A of the Town of Phippsburg Subdivision Ordinance." It was further noted that the Subdivision had been approved May 9, 1990. The \$20 application fee was paid.

### **TOM WIRTH - MINOR SUBDIVISION**

Tom Wirth of the Parker Head Road (Map 13, Lot 22) approached the Board with a

Sketch Plan for a 7-lot Minor Subdivision. He had presented the Board with a topo map, aerial photo and conceptual drawing in January. He proposes to create five one-acre lots

3

and pointed out a five acre common area. The existing home on the property will be retained by Wirth and his wife.

Wirth explained that when he purchased the property, he was given three deeds, one in his name, one in his wife's name and the third in both their names. This is from a survey that the previous owner had done. Varian referred to the Subdivision Ordinance and advised Wirth of the requirements for a Minor Subdivision. She will check with the Town Attorney regarding the three deeds which the Board believes creates a 3-lot Subdivision. Wirth will also check with his Attorney and will come back before the Board in March.

#### **PETER ROBERTS**

Peter Roberts came before the Board to request a change of wording for Section 15.B.7 of the Shoreland Zoning Ordinance which requires a Building Permit for any structures within the Shoreland Zone even if the work does not exceed \$1,000. Roberts stated that the wording is too restrictive and discriminatory. He added that the Shoreland Zone has been singled out and that the rest of the Town does not have to operate under the same set of rules and advised that people in the Zone should be able to do repairs, etc. like the rest of the Town.

Varian stated that under State Law a property is supposed to be visited every four years by the Assessor or her assignees. She added that when the property was revisited, such repairs or construction would be noted. She advised Roberts that the Selectmen would be notified of a change in the Ordinance and the Town Attorney would review the wording for legality. The Board members agreed that the change would be in order and a motion was made, voted and seconded. The proposed addition will be Section B.7.

Notwithstanding for foregoing, the repair of any existing structure, "board for board," to include but not limited to siding, roof shingling, and decking, providing there is no increase whatsoever in footprint, square or cubic footage of said structure, shall be allowed in the Shoreland Zone, following the same \$1,000 value standard applying to structures outside the Shoreland Zone. Roberts will submit the Article for the Town Warrant.

#### **JAMES TOTMAN**

Fire Chief, James Totman and Andrew Hart came before the Board to discuss a change of wording for turnarounds in Section 11 of the Subdivision Ordinance. The Board referred to Section 11 of the Subdivision Ordinance. Newell will do a rewrite on 11.2.H and

11.2.F.9. Totman also spoke of having a fire pond or storage tank. Smith stated that he had tried to have one put in his Subdivision on the Fiddler Reach Road, but the DEP would not allow it. Totman advised that there is a bill before the Legislature at this time

4

which states that all new construction will have sprinkler systems. No action was taken on rewording for a pond, tank or sprinkler system. The Board will submit the Article for the Town Warrant.

## **HISTORICAL COMMISSION**

The Board next discussed Section 2.14 of the Land Use Ordinance referring to structure demolition. Orman Hines of the Historical Preservation Commission had visited the Board a year ago to change the Ordinance wording. The Board then recommended to Hines that the 45-day delay that the Commission could take before demolition or removal of a building could take place be decreased. However, the Commission was not willing to change that part of the Ordinance as written. No action was taken last year.

The Board discussed the delay window again tonight and it was recommended that 21 days was a long enough time to make a determination as to the age or historical value of a property. Motion made, seconded and voted to recommend 21 days after notification to the Codes Enforcement Officer as the length of time allowed for a determination to be made by the Commission. The Board will submit the article for the Town Warrant.

## **STEPHEN MCNELLY - SMALL POINT**

Stephen McNelly of Small Point (Map 23, LL 38-53) next approached the Board with an application to add an 8' x 6.6' dormer for a kitchen. The dwelling is located on Shore Drive. The dormer will not change the footprint of the building nor increase the floor space. McNelly is asking for 192 cubic feet for the project. The Board unanimously voted to accept the application and it was signed by all members with the following comments:

	Square Feet	Cubic Feet
Remaining footages prior to permit	69	540
Permit will use	0	192.0
Footages left over for future use	69	348

The \$20 fee was paid.

## **ANNOUNCEMENTS**

A snowstorm postponed the original sitewalk set for Feb. 5 at the Popham Woods

Condominiums Subdivision. The new time will be 8:30am February 12, weather permitting.

The January 11 minutes were approved.

5

The Board discussed the workload that the Board is faced with. Newell suggested that the agenda be restricted and Hawkes suggested that the Board meet twice monthly.

Respectfully submitted,

Marion H. Hebert  
Recording Secretary/  
Planning Board Member

