

March 8, 2006

Phippsburg Planning Board

Regular Meeting

The meeting was called to order at 5:03pm. A quorum was declared.

Board members present were: Marie Varian, Chairman; Marion Hebert; Steve Thayer and Clifford Newell. Codes Enforcement Officer, Lee Rainey, was also in attendance.

**SEBASCO HARBOR RESORT (2 ITEMS)**

The Board first heard from Steve Mohr representing Sebasco Harbor Resort (Map 30, Lot 18). Mohr presented the Board with an application for an amendment to a previously approved pier issued in December 2004. The application requested a 10' addition to the permanent pier, with a ramp increase of 15', the total increase being 25 feet. Mohr explained to the Board that the float is going to "slam" on ledge when the tide is dead low, therefore the request to extend the pier over the ledge. A site plan of the existing pier and proposed expansion accompanied the application. The plan also depicted the outcropping of the ledge. Mohr explained that, at this time, no approval has been received from Harbormaster, Doug Alexander. He further stated that he has talked with DEP and they have no problem with the proposed increase and that approval from the Army Corps of Engineers has not yet been received. He asked if the Board could act on this at this meeting, pending approvals from the Harbormaster, DEP and the ACOE. The application was unanimously approved with the following restrictions "Issued under Sec. 15.C of Phippsburg Shoreland Zoning Ordinance. This expansion permit is conditioned upon receipt by the Planning Board of a letter of non-objection from the Harbormaster on or before March 13, 2006". The \$20 fee was paid.

Mohr next presented the Board with an application and plans for a proposed 7-lot minor subdivision on Harbor Island (Map 30, Lot 18). The subdivision will divide 50.6 acres into seven lots, six for residential use and one lot will be dedicated to open space. Sebasco Harbor Resort will retain two of the new lots, including the open space lot. Lot 1 of the proposed subdivision was sold in 2004 to George and Mary Babikian. The plan included a Site Location Plan, the Existing Conditions Plan, a Proposed Site Plan and the Division of Lots on Harbor Island. The application also included a Declaration of Restrictive Covenants. Parking for the subdivision residents will be provided at the Resort. Mohr asked the Board for a waiver on the road standards since, once construction is completed, no vehicles will be allowed on the Island, just golf carts.

A public informational meeting will be held at the Lighthouse (on the Resort property) concerning the application from the Resort to the DEP regarding the proposed

development in accordance with DEP regulations.

Newell requested a letter of understanding be presented to the Town relative to firefighting and emergency medical service on the Island. Mohr advised that the Final Plan will record the letter of understanding. Methods of fire prevention were discussed as were access points on the Island. Mohr will look into what the residents of the Island will use for addresses in order to comply with the 911 addressing system.

Motion was made by Newell, seconded and voted that the application was complete and a letter of confirmation was given to Mohr. The Board set the date of April 2 at 8:00 am for a proposed site walk. A date will be set for a Public Hearing. The \$350 fee was paid. (Seven (7) lots x \$50)

### **POLIQUIN - POPHAM WOODS SUBDIVISION**

The Board next met with Bruce Poliquin, Managing Director of the Popham Woods Condominiums Subdivision, Dirigo Holdings, LLC (Map 45, Lots 49 and 51) to consider his application for a Preliminary Plan. A Public Hearing was held on January 31 and a site walk conducted on March 5.

Poliquin advised that his Engineering team is ready to move ahead quickly once the Board advises what adjustments need to be made to the Preliminary Plan.

Varian stated that she has written to all department heads asking them to advise the Board on their department's present ability to service the Subdivision. She has received letters back from three of them as well as two verbal ones but has not heard from the Police Chief. The Chairman of the School Board has determined that there will be no impact on the school or overall cost of educating Phippsburg residents. The Fire Chief has replied that he does not think there will be an impact on the Fire or Ambulance Services as long as each driveway has access and egress large enough for a fire truck or ambulance to access safely. He added that he would like to see each house or lot well marked. He has spoken to Poliquin about the possibility of getting approval from DEP to be able to clean up a pond and allow the Fire Department to have a dry hydrant at that location. She added that Curtis Doughty is the Road Commissioner and he advised that he can see some impact to the Town, but not a major one to him. Mike Young has answered for the Selectmen regarding the Transfer Station. It is estimated that the projected waste will cost \$6,335 per year in a worse case scenario. In actuality, she added, the cost would probably be lower. It was determined by the Selectmen that the Subdivision will not have an adverse effect on the Transfer Station. Although she has not yet received a letter from the local Police Chief, he has led her to believe that there would not be a large traffic impact caused by the Subdivision.

Varian presented and read a letter from Chuck Mainville which was sent to the Planning

Board and the DEP stating his concerns on groundwater supply and aquifer. He

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recommended that the Planning Board seek outside expertise and monitor the wells for pre and post construction. A letter from Parker Head resident, Jean Perkins, to the DEP was also read. It stated her concern regarding available water and septic disposal. Poliquin pointed out that Mainville's letter stated that the Subdivision would extract over 22,000 gallons per day of water as did Perkins' letter in which she stated that there would be four bedroom homes. Poliquin advised that all the homes would consist of three bedrooms and would extract 19,000 gallons of water per day per the most recent hydro study. He added that, in response to both Mainville's and Perkins' concerns over waste water impact, a comprehensive hydrogeological study has been made. He stated that he has met with the Fire Chief and his Assistants regarding the fire pond and was told that water could be pumped from Silver Lake.

Varian asked if Poliquin would address traffic impact and any information he has received from the DOT. He replied that he has talked directly with the DOT who determined that the stretch of Route 209 where the Subdivision will be constructed is not considered a high crash impact area.

Several pending issues were addressed by the Board. Varian advised that, at the Public Hearing, the question of off-site parking was raised. Poliquin replied that the only additional parking, other than individual homes, would be at the tennis courts and community building. She pointed out that on the FEMA map there is a stream that needed a corrected location and added that, at the site walk on March 5, the Board walked along the boundary line between the Poliquin property and the Connolly, MacDonald and Ho properties. The three abutters had voiced concern regarding noise generated by the proposed tennis area as well as noise and lights from vehicles on the areas they considered close to the property line. The buffered area is all woods. She added that it was suggested that plantings be added along the boundary line where it would be a concern to those three parties. Buffers on the east side of the property will be addressed. The present map will be changed to show and identify 10% of the total acreage of the property as common land. Following up on an earlier suggestion from the public, Varian advised that she has contacted the Southern Maine Planners Association regarding a socio-economic study. Association members questioned the value of such a study as it may not be justified. She added that our own department heads are the best equipped to foresee impacts and we should rely on them to give the Board useable projections.

Per Section 7.1.H of the Subdivision Ordinance, the Board has 60 days after an application is deemed complete to vote on approval or denial of the Preliminary Plan, a Public Hearing and site walk can be held if necessary.. During that time, two site walks were scheduled but postponed because of snow, but the Board has since conducted two.

It was discussed that because of the delay it was verbally agreed between the Board and Poliquin to extend the time limit for Findings of Fact on the Preliminary Plan. The Board

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will have a workshop on Findings March 20 at 6:00pm to draft the Findings and such will be voted on at the April meeting. Varian will write a letter to Poliquin verifying this extension of time..

### **GILLESPIE - SEBASCO ESTATES**

Brian Doughty representing Floyd and Helen Gillespie of Sebasco (Map 31, Lot 81) next approached the Board with an after-the-fact application for the expansion of a non-conforming building using the 30% rule. This was a continuation from the Board's February 8 meeting. A site walk was conducted on February 26. The structure is too close to the road and too close to an abutting property. The application was denied with the following comments: "The Planning Board does not have authority to grant over an up to 30% expansion per Section 12 of the Phippsburg Shoreland Zoning Ordinance. Footage available = 2256 cu. ft., Application would use 3216 cu. ft. Square footage is not involved." Doughty will apply to the Board of Appeals.

### **RINK VARIAN**

The Board next met with Newbold Varian 3rd (Rink) who presented an application to replace and expand a non-conforming structure on a grandfathered lot of record (Map 31, Lot 64) using the 30% rule. Chairman, Marie Varian, recused herself from this portion of the meeting as Rink is her son. The application contained detailed sketches of the proposed structure as well as a property map showing the site and the existing and proposed footages. The existing non-conforming structure will be demolished. It was determined that the new construction will be less non-conforming. CEO, Rainey advised that the existing square footage is 1,658.583 square feet and 13, 258.58 cubic feet. The allowed expansion, under the 30% rule, is 497. 5749 square feet and 3,977.575 cubic feet which means that the new building can be no larger than 2,156.158 square feet and 17, 236.16 cubic feet. He further advised that there would be some footage left over. Motion was made by Hebert, seconded and unanimously voted to approve the application and it was signed by Hebert, Thayer and Newell. The \$20 fee was paid.

### **REBECCA SEWALL/SHAWN MACDONALD**

Contractor, Terry Markham, representing Rebecca Sewall and Shawn MacDonald of the Navy Road in Small Point (Map 23, Lot 25. zoned Resource Conservation) presented the Board with an application to install a driveway starting 100 ft. from Big Pond and heading directly out of the Shoreland Zone to a home site. The application was accompanied by a letter of authorization from Sewall and MacDonald to the CEO

authorizing Markham to serve as their agent as well as a GPS map of the location by John Wood, Surveyor. Markham pointed out an extremely high ledge on the property and explained that it would probably be financially impossible to put a driveway further away from the pond due to the cost of blasting the ledge. The Board referred to Section 14, Item 26, and Section 15.H.1 of the Land Use Ordinance which allows the Planning Board

to grant a lesser setback if no other reasonable alternative exists. The CEO has visited the site and stated that there is no reasonable alternative for the driveway location. Motion made by Newell, seconded, and unanimously voted to accept the application and it was signed by all members.

### **LINDSEY DARLING**

The Board next met with Lindsey Darling of 24 Echo Lane (Map 41, Lot 75-07) to discuss whether her proposed childrens' day care qualifies as a home business. Darling advised that she has eight children in her care at present. The Board referred to Section 1.8.5.g which states that the use of a residence to provide accounting, insurance or tax return services or similar activity that does not involve more than 12 stops by customers per day and Section 1.8.5.k which states uses that the Planning Board may determine are substantially similar to the above.

Darling advised that she plans to day care up to 12 children. It was the concensus among Board members that the business should be considered a Home Business. Varian told Darling that if her business grows to the point where she feels it should classify as more than a Home Business, she should come back before the Board at which time a hearing would be conducted.

### **TOM WIRTH - PARKER HEAD SUBDIVISION**

Tom Wirth of the Parker Head Road (Map 13, Lot 22) came before the Board to continue a discussion of a Sketch Plan for a 7-lot Minor Subdivision. At the February Planning Board meeting, Wirth was told that the deeds which he was given for the property created a Subdivision. The Town Attorney agreed with the Board. Wirth presented the Board with a corrected Warranty Deed which will be recorded. He advised the Board that he has hired Surveyor, Doug Johnson, and further stated that the wetlands are being flagged this week. The proposed roads and house sites are staked.

He asked if the Board would agree to lessen the prescribed 16 feet width of his proposed Subdivision road for some 200 feet. He asked the Board if they would agree to lessen the entire width of the road and, if not, agree to lessen the width of at least the 200 feet. Varian advised that nothing could be done until a site walk is conducted and added that the Board would have to have very good reasons to lessen the road width.

Rainey stated that this is a public safety issue. The Board referred to Section 11.3.2 of the Subdivision Ordinance. Wirth argued that oncoming cars could pull over on turnouts to let traffic advance and go by. He asked for the Board to make an exception to the Ordinance. Hebert stated that she didn't think the Fire Chief would agree to lessening the width of the proposed road. Varian outlined what would be needed from Wirth for a submission of the Application. A site walk has been set for March 19 at 8:00am.

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## **MISCELLANEOUS**

The Ordinance amendments as proposed at the February 8 meeting were reviewed. No changes were made and the Amendment will be printed in the Warrant.

The Board conducted a site walk on February 26 on land owned by Edward and Patricia Skillin (Map 39, Lot 29). Mr. Skillin plans to put an article in the upcoming Warrant, seeking to reduce the 250' Resource Protection Zone on his property bordering Winnegance Lake to a 100' setback. The Board viewed flagging marking two test pits and measured the width of the land near the southerly pit using 100' setbacks and found 17' +/- available for construction. On another section of the property, the Board measured 100' back from wetland into a field and woods area and determined there was more than adequate land for construction at this site.

The Minutes of the February 8 meeting were discussed and approved. The reports of the site walks conducted on February 26 and March 5 were discussed.

## **ANNOUNCEMENTS**

A New Business hearing will be held on March 22 at 5:00pm at the Elementary School for the proposed Popham Beach Club (Map 14, lot 43).

A Public Hearing on the Comprehensive Plan will be held in April at the school. Date to be determined.

The Planning Board annual report has been submitted for printing in the Warrant. Thanks to Tip Newell for compiling this report.

The meeting adjourned at 8:50pm.

Respectfully submitted,

Marion H. Hebert

Recording Secretary/  
Planning Board Member