

April 12, 2006

PHIPPSBURG PLANNING BOARD

REGULAR MEETING

The Planning Board meeting convened at 5:00pm. Board members in attendance were: Marie Varian, Chairman; Marion Hebert; Steve Thayer; Clifford Newell; Robert Smith and Alternates Josh Bate and Mark Hawkes. Codes Enforcement Officer, Lee Rainey, also attended the meeting.

**BRUCE POLIQUIN - POPHAM BEACH CLUB**

Varian stated that the first item on the agenda was to hear from Bruce Poliquin, Managing Director of Dirigo Holdings, LLC, regarding the Popham Woods Condominiums Subdivision (Map 45, Lots 49 and 51) to discuss the Preliminary Plan and act on the Findings of that plan.

Poliquin advised that the DEP has requested a pump test and that he has been in contact with Rodney Pratt, a well-driller from Bowdoin, and further stated that he thinks that within the next few weeks the testing will be done. He referred to the Findings of Fact and pointed out that the statement that the 'proposed development will consist of 45 single family condominiums and 24 duplex condo units in 12 buildings' is an estimate and will depend on what the market will bear.

Smith asked if the Town should have a Certificate of Insurance regarding the blasting that will take place during construction. Poliquin advised that he will have a guarantee of that written into his Final Plan and the Certificate will give the name of the contact person.

Varian asked if the correction on the FEMA stream would be done by the time the next map is presented. Poliquin agreed that it would. She referred to Section 8 of the Findings under Conditions of Approval which refers to buffering of the tennis court. Poliquin agreed that the area would be planted with a green buffer consisting of natural area trees. Ten percent of the common land will be identified on the Final Plan. Varian advised that the Board will go through the Conclusions of Law and each item would be voted upon by Board members.

**GENERAL REVIEW STANDARDS OF THE TOWN'S SUBDIVISION  
ORDINANCE**

10.1 (A-C) Conformance with Comprehensive Plan and State and Local Codes  
Motion to accept as written made by Robert Smith

Seconded by Josh Bate and unanimously voted

10.2. (A-C) Retention of Common Land and Natural or Historic Features

Motion to accept as written made by Robert Smith

Seconded by Josh Bate and unanimously voted

10.3 (A-D) Land not suitable for development

Motion to accept made by Steve Thayer

Seconded by Robert Smith and unanimously voted

10.4 Building Height

Motion to accept made by Robert Smith

Seconded by Clifford Newell and unanimously voted

10.5 (A-E) Lots

Motion to accept made by Steve Thayer

Seconded by Robert Smith and unanimously voted

10.6. (A-C) Required Improvements

Motion to accept made by Marion Hebert

Seconded by Clifford Newell and unanimously voted

10.7 (A-C) Land Features and Soil Erosion

Motion to accept made by Robert Smith

Seconded by Clifford Newell and unanimously voted

10.8 (A-B) Cluster Development

Motion to accept made by Steve Thayer

Seconded by Robert Smith and unanimously voted

10.9 (A-H) Dedication and Maintenance of Common Open Space and Services

Motion to accept made by Robert Smith

Seconded by Steve Thayer and unanimously voted

10.10 (A-B) Construction in Flood Hazard Areas

Motion to accept made by Robert Smith

Seconded by Steve Thayer and unanimously voted

The Board then referred to the State Subdivision Law Review

1.1 (A-E) Pollution

Motion to accept made by Robert Smith

Seconded by Steve Thayer and unanimously voted

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1.2 Sufficient Water

Motion to accept made by Steve Thayer

Seconded by Clifford Newell and unanimously voted

1.3 Municipal Water Supply

Motion to accept made by Robert Smith

Seconded by Steve Thayer and unanimously voted

1.4. Erosion

Motion to accept made by Robert Smith

Seconded by Clifford Newell and unanimously voted

1.5 Traffic

Motion made to accept made by Clifford newell

Seconded by Steve Thayer and unanimously voted

1.6 Sewage Disposal

Motion made to accept by Clifford Newell

Seconded by Steve Thayer and unanimously voted

1.7 Town Solid Waste and Sewage Disposal

Motion made to accept by Steve Thayer

Seconded by Clifford Newell and unanimously voted

1.8 Aesthetic, Cultural and Natural Values

Motion made to accept by Marion Hebert

Seconded by Clifford Newell and unanimously voted

1.9 Conformity with Local Ordinances and Plans

Motion made to accept by Robert Smith

Seconded by Clifford Newell and unanimously voted

1.10 Financial and Technical Capacity

Motion made to accept by Robert Smith

Seconded by Clifford Newell and unanimously voted

1.11 Surface Waters

Motion made to accept by Steve Thayer

Seconded by Clifford Newell and unanimously voted

1.12. Groundwater

Motion made to accept by Clifford Newell

Seconded by Robert Smith and unanimously voted

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1.13 Flood Areas

Motion made to accept by Robert Smith

Seconded by Clifford Newell and unanimously voted

1.14 Freshwater Wetlands

Motion made to accept by Steve Thayer

Seconded by Robert Smith and unanimously voted

1.15 River, Stream or Brook

Motion made to accept by Robert Smith

Seconded by Clifford Newell and unanimously voted

1.16 Storm Water

Motion made to accept by Steve Thayer

Seconded by Robert Smith and unanimously voted

1.17 Spaghetti Lots Prohibited

Motion made to accept by Clifford Newell

Seconded by Steve Thayer and unanimously voted

1.18 Lake Phosphorous Concentration

Motion made to accept by Steve Thayer

Seconded by Clifford Newell and unanimously voted

1.19 Impact on Adjoining Municipality

Motion made to accept by Robert Smith

Seconded by Steve Thayer and unanimously voted

1.20 Lands Subject to Liquidation Harvesting

Motion made to accept by Steve Thayer

Seconded by Robert Smith and unanimously voted

Varian stated that conditions for the Final Plan are: The map will show a 10% section of the parcel as common land and it will be so identified as common land even though there may be more than 10%. The land will not be used for future building lots and no part of the common open space will be dedicated for acceptance by the Town. All Subdivision

roads shall remain private roads and be maintained by the developer or the lot owners and shall not be maintained by the Town. The developer shall have installed a private stop

sign on Sagamore Drive at its intersection with Route 209. Private Stop or Yield signs shall be erected at Subdivision intersections. The developer shall provide a plan for testing the quality and quantity of the wells on abutting residential properties both before and after blasting. The plan will address a reasonable method of testing that will continue

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through all phases of the construction and testing or monitoring for unreasonable drawdown. No unit shall be inhabited until: (a) the common septic system is in approved operation and approved plumbing is installed, (b) an approved water supply is available and associated plumbing has been installed, (c) an approved road is completed to the unit. All unit owners shall be subject to the protective covenants and road and community property maintenance agreements. No units may be sold until permanent monuments have been set at all angle points of the Subdivision. The tennis court will be buffered with a sufficient planting of trees to reduce noise. A green buffer will be added on the Connolley, Hall and McDonald lines as requested through the building period. The community center or any other community property will not be rented to non-homeowners or non-association members. We had further discussion on the owner retained parking lot area and the wite will be identified as only owner retained land.

Varian asked for a motion to approve the Findings and the Conclusion of Law. Smith made the motion to approve and it was seconded by Clifford Newell. The Board unanimously approved the motion. All members signed the document. Varian advised that Poliquin now has six months before submission of the application of the Final Plan, but that he does not have to wait that length of time. Poliquin answered that he feels it will probably be ready at the May Planning Board Meeting. Varian advised Poliquin that when he has his updated application completed, the Board would decide if another Public Hearing or site walk is necessary. Poliquin stated that he will provide all Board members with a copy of the Final Plan application.. Varian will put him on the agenda for the May meeting.

### **WIRTH - STONEHOUSE HILL SUBDIVISION**

Thomas and Helene Wirth next approached the Board with a Preliminary application and a plan for a 7-lot Minor Subdivision on the Parker/Coxs Head Roads (Map 13, Lot 22). The potential name of the Subdivision will be Stonehouse Hill. They were accompanied by Doug Johnson of Brian Smith Surveyors. Wirth presented the Board with a revised list of abutters. The application contained attachments, restrictive covenants, a copy of the Warranty Deed, a soils survey, a septic test report done by Ken Cotton, a wetland

delineation report and the Subdivision Plan done by Johnson. The Subdivision is comprised of 36.5 acres.

Varian advised that the Subdivision will have the number of 2006-2. Johnson explained that there is a marginal floodplain at the marsh. The Subdivision lots will all have individual wells and septic systems. Each dwelling unit will have a sprinkler system.

Wirth is requesting a waiver under Section 13.1 of the Subdivision Ordinance regarding Section 11.2.F, for Minor Road Standards, claiming “special circumstances” that a 33-foot clearcut right-of-way with a 16 foot travel surface in the center is inconsistent with

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existing sight conditions. The waiver would attempt to reduce sight disturbance and erosion during construction. Wirth states that a totally functional 16 foot travel surface can be constructed in a 24 foot clear cut with 25% less sight disturbance. Bearing the alignment of the road within the right-of-way will also help save adjacent trees and other existing natural conditions such as boulders and groundcovers. Increasing side slopes to two to one instead of three to one will allow a reduced clear cut zone and is consistent with many of the adjacent existing slopes. Since this road will serve up to five homes, the reduced scale is also more appropriate. He added that, in summary, he requests the following: Section 11.2.F.1 Maintain the full 33 foot right-of-way, but clear 24 feet only in sensitive, vulnerable areas as described above. He referred to 11.2.F.2 Centerline of the Roadway, and asks to allow variable location within the right-of-way as opposed to in the middle, and 11.3.4 side slopes reduced from three to one to two to one. He stressed that there are some very nice trees on the property which he would like to save if possible.

Varian advised that the Board would conduct another site walk and will look at the situation again. She asked if Wirth will have the flagging done by that time. Johnson answered that while some flagging has been accomplished, more accurate ones would be done. Hawkes stated that there might be a problem with access for fire trucks and other emergency vehicles if an attempt was made to save large boulders and trees. Johnson replied that it is his feeling that the road can be made adequately in order to accommodate access for emergency vehicles. He pointed out the turnaround and further stated that the actual right-of-way will be 33 feet, as Wirth had explained before. Varian stated that the situation would be looked at on the site walk. Newell also advised that the Fire Chief look at the proposed access way.

The Board reviewed the applications submission. Varian noted that a copy of the Tax Map has been received, the Subdivision has been named Stonehouse Hill, a Survey has been presented showing the outside perimeter and a copy of the corrected Warranty Deed has been received. Wirth explained that the Covenants have been changed and Varian asked him to get a copy of them to the Board prior to the next site walk. Wirth stated that he would mail those copies right away. He presented a Soils Site Evaluation done by

Ken Cotton, LSE. All wells will be private and Wirth for provided a letter of guarantee of potable water supply per Section 6.3.6 of the Subdivision Ordinance. Johnson submitted a County Soil Survey map showing the Subdivision location and a map showing two foot contour lines. The list of abutters was submitted and Varian will notify the abutters. Wirth paid tthe \$350.00 application fee (7 lots x \$50) and a receipt was given.

Wirth stated that a letter and report from Woodlot Alternatives shows that there are no known rare botanical species or any endangered fish species or habitat on the property. The report describes 14 wetland areas on the parcel.

A site walk was set for April 30 at 8:00am. The application was voted to be complete and a receipt will be mailed. Varian recommended that the date for a Public Hearing will

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not be set at this time pending abutor notification. Wirth will attend the Planning Board meeting in May.

### **VIRGINIA KOEHLING FOR PURSE LINE BAIT**

Virginia Koehling, representing Purse Line Bait (Map 31, Lot 52), next approached the Board. She provided a letter of authorization signed by Jennifer Bichrest, owner. The Board discussed with Koehling whether a permit to enlarge a wharf on the property issued on March 12, 2003 needs to be renewed. The wharf was approximately 75% complete when work ceased for over a year. Section 16.F of the Shoreland Zoning Ordinance was referred to and the Section does not require a completed time limit. A new letter of non-objection, signed by Harbormaster, Doug Alexander, was provided. The Board unanimously agreed that another permit does not need to be issued.

### **SEBASCO HARBOR RESORT/HARBOR ISLAND**

The Board next addressed the Sebasco Harbor Resort and Harbor Island, LLC (Map 30, Lot 18) application for a 7-lot Minor Subdivision. A site walk was conducted on the Island on April 2. The Resort has requested a Public Hearing and the Board set the date for April 27 at 6:00pm. Abutters will be notified by the applicant. No representatives for the Resort were present at this meeting.

The Board held discussion regarding Mary Babikian of Harbor Island (Map 30, Lot 18.01). A permit from the Board was issued to Babikian in 2005 to lay cables from the mainland to the island. DMR made a stipulation at that time that they would have to have the cables laid in a time slot ending May 1, 2006. Babikian requested an extension of two weeks and DMR agreed to the extension. The Board voiced no objection to the extension.

The Planning Board minutes dated March 8, 2006 were considered. Additions were noted. Varian advised that she now has received a letter from the Police Chief stating that he feels that there will be no impact regarding the Popham Woods Subdivision. The Southern Maine Planners Association advised that 'unless it is specifically mentioned the Board (Planning) may not have the authority to demand a socio-economic study'. The minutes were accepted with the corrections. The report of the April 2 site walk on Harbor Island was considered with no comments.

Varian announced that on April 19 at 5:00pm there will be two New Business Public Hearings, one for Benny's Foot Longs, a mobile lunch stand which is located on Gene Coffin's property in Winnegance, and the other for the Popham Beach Club.

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The Board discussed the change of meeting night because of conflict with other meetings (Selectmen, etc.). Newell motioned that the meeting night be changed to the second Tuesday at 6:00pm for the summer months. It was seconded and the Board unanimously approved.

Harry Doughty representing his son, R. Curtis Doughty, next presented a Sketch Plan for a seven lot Minor Subdivision on Wildwood Lane (Map 41, Lot 53). Varian advised that a topo map is needed as well as a copy of the Town's Tax Map showing a copy of the whole area with the proposed Subdivision outlined. Both documents were obtained on-site and presented. A motion was made and seconded to accept the Sketch Plan and the Board unanimously voted to approve the motion.

The meeting adjourned at 7:50pm.

Respectfully submitted,

Marion H. Hebert  
Recording Secretary/  
Planning Board Member

