

Town of Phippsburg  
Planning Board – Special Meeting  
27 November 2006

**Present:** Chair Marie Varian, Robert Smith, Clifford Newell, Mark Hawkes, Steve Thayer.

**1. MEETING IS CALLED TO ORDER AT 5:03PM.**

A quorum is declared and all Planning Board members are present.

**2. SEBASCO HARBOR RESORT LLC AND HARBOR ISLAND LLC, Tax Map 30, Lot 18 – Decision on re-approval of Final Plan for a 6-lot Minor Subdivision on Harbor Island.**

Steve Mohr states that he was contacted by the Maine State Historical Society regarding two areas of interest that are involved with the Subdivision. Mr. Mohr states the presence of a Midden Heap that is not to be disturbed. The other site allocated to be untouched is described as the foundation of a Colonial-era barn found inland on the island. Mr. Mohr states that both areas have been inserted into the final plan as easements and are guaranteed to remain undisturbed. It is made known that besides these two easements there have been no further changes to the original plans.

Chair Varian asks for questions. There are none.

Clifford Newell makes motion to accept final plan. Motion is seconded by Steve Thayer. Motion is unanimously approved. All members of the Board sign Final Plan mylar.

**The board discusses and votes upon the FINDINGS OF FACT AND CONSLUSION OF LAW DOCUMENT:**

The Board concludes that the applicant has submitted sufficient evidence of compliance with Sections 10.1 through 10.10of the Phippsburg Subdivision Ordinance.

Motion by Clifford Newell is seconded by Steve Thayer.  
VOTE: 5 – YES, 0 – NO, 0 - ABSTAIN

The Board concludes that the applicant has submitted sufficient evidence of compliance with Sections 1.1 through 1.20 of the State Subdivision Law

Motion by Clifford Newell is seconded by Steve Thayer.  
VOTE: 5 - YES, 0 - NO, 0 - ABSTAIN

**Conditions of Approval are listed in the document.**

Motion by Steve Thayer to approve in its entirety the Findings of Fact and Conclusions of Law contained in this document. Motion is seconded by Clifford Newell  
VOTE: 5 – YES, 0 – NO, 0 - ABSTAIN

**Document is signed by all members of the Planning Board.**

**3. BRADFORD AND LYNN MILLER, Rep. by Arthur Reno, Marish View Drive, Tax Map 18, Lot 15 – Driveway in a resource Protection Zone.**

Mr. Reno begins by stating that the delineation from where the wetlands start was viewed during a DEP site-walk earlier in the day. Mr. Reno makes it clear that he is asking the Board for a permit to build a driveway on the land and that he is also asking for specific guidelines and limitations for placement of driveway. Plans are presented to the Planning Board indicating the proposed driveway location.

Robert Smith voices concern over the possible necessity of a retaining wall needing to be built. Lee Rainey answers Mr. Smith's question stating that a sloped retainer would most likely have to be constructed.

Issue is brought up as to DEP noticing that the silt fence was not secure (buried 4 ft') on the property. Mr. Reno replies by stating that fence was secured later in the day, after concern was voiced.

Chair Varian makes it known that the DEP has found no problems with the proposed layout of the driveway as reviewed today. The DEP instructed Reno to keep the upward side of the driveway as close to the ledge as possible. It is decided that Lee Rainey will observe proposed final plans for the layout of the driveway before construction may begin.

Char Varian makes it known that some driveway construction has already begun. She puts question to the Planning Board as to whether enough construction has been completed on driveway to denote permit as After-the-Fact and requiring payment of a double permit fee.

It is agreed by Planning Board and decided by Chair Varian that permit will be issued as After the Fact.

Chair Varian asks for questions or comments:

Clifford Newell states that it should be a condition of the permit that Lee Rainey does observe the final layout of the driveway before construction begins. Chair Varian replies by stating that it will be a condition of the permit.

It is also made known that road must be constructed as close to the Gilliam property line as is practical.

Robert Smith makes motion to accept application as presented (with outlined conditions). Motion is seconded by Clifford Newell. Motion is unanimously approved.

Motion is approved under Section 14, Item 26 of the Shoreland Zone Ordinance

\$40.00 Fee paid.

**4. RED OAK ACRES SUBDIVISION, Main Road, Rep by Fred and Sally Hersom, Tax Map 42, Lot 14 – Amend covenants to allow modular homes.**

Document request is presented to Planning Board for consideration and is signed by all owners of the subdivision lots.

It is made known that paragraph 3 of the Homeowners covenant has been amended to “allow for modular homes to be placed on the land and that there is nothing that will hurt the covenants by making this change.”

Clifford Newell makes motion that amendment be accepted. Motion is seconded by Mark Hawkes. Motion is unanimously approved.

All members of Board sign the document. The applicant will have the document recorded in the Sagadahoc Registry of Deeds.

\$20.00 Fee paid.

**5. MARY BABIKIAN, Harbor Island, Tax Map 30, Lot 18.01 – Discuss extension of time allowed for utilities cable to Harbor Island to sink in the mud/sand.**

It is made known by Chair Varian that Larry Mosier was the diver who viewed the cable for Mrs. Babikian. Chair Varian had written a report which was sent out to the members of the Planning Board regarding what he discovered on his dive.

It is made known that Mrs. Babikian has asked for an extension of time into the late winter and spring to give the power cable ample time to sink into sea-floor.

Chair Varian ask Mr. Mosier (who is present) to explain his findings in the report. The explanation is as follows:

Mr. Mosier states that he made his dive on November 5. Mr. Mosier states that the cable at its deepest point of burial is below only two inches of seafloor instead of the expected two feet.

Robert Smith poses question to Mr. Mosier asking if he observed any cement collars anchoring the cable to the sea-floor. Mr. Mosier replies that there were no collars present. Mr. Mosier goes on to state that the cable is weighted only where the conduit is extended out of the water on both the island and the mainland sides.

Mr. Mosier states that the point at which the conduit was glued together is now coming apart, exposing the wire. It is made known that the cables have not yet been energized.

Chair varian reads from a DMR report in which it is made clear that cement collars or some other type of burial and securement method, including pinning cable to inter-tidal rocks, is suggested to be used as method of burial and securement during the initial installation of the cable.

Chair Varian makes it known that original approval conditioned a survey of the status of the cable to have been conducted July 1<sup>st</sup>, 2006 and that if this survey found the cable not to be buried that the cable would then be manually buried by August 1<sup>st</sup>, 2006, and that an annual survey would be conducted every August for five years to ensure that cable

remains buried. It is also made known that if in that time the cable should become unburied that it would once again be buried within 30 days. In addition original approval stated that any unintentional damages caused by fisherman would be the responsibility of Mrs. Babikian.

It is unanimously agreed by the Planning Board that Andrew Perkins (the cable installer) and Mrs. Babikian will have to come before the Planning Board during its January meeting before an extension can be granted. As such the cable will not be allowed to be energized before the Planning Board is fully satisfied with its condition.

## **6. OTHER BUSINESS**

A reminder is issued for a seminar on Thursday, November 30<sup>th</sup>.

A decision is made by consensus that a Planning Board Special Meeting be held on December 7<sup>th</sup> at 5:00PM to consider pending cases, (no new cases shall be heard at this meeting).

**Motion to adjourn is made by Clifford Newell. Motion is seconded Robert Smith. Meeting is adjourned at 6:00PM.**