

June 29, 2006

PHIPPSBURG PLANNING BOARD

SPECIAL MEETING

The Planning Board Special Meeting convened and was called to order at 5:30pm. Board members present were: Clifford Newell, Vice Chairman; Marion Hebert; Robert Smith.

Newell advised that the first item of business was to hear from John Wood of Island Surveys representing Michael Connolly of the Parker Head Road (Map 45). Abuttor Manli Ho proposes to sell a portion of Lot 47.03 to Connolly and Connolly is requesting verification from the Board as to whether this sale would create a Subdivision situation.

Board Chairman, Marie Varian, has contacted MMA and the Town Attorney, Richard Hornbeck regarding a request from a bank which asks for a letter of non-action as Connolly's present parcel is currently mortgaged. MMA Attorney, Michael Stultz, advised that "if there is no matter for action before the Board (Planning), he would be reluctant to write such a letter." He advised that if a letter is to be written it should say something like: "We have no matter presently before us so we will be unable to give any opinion." In another phone conversation with Hornbeck, Varian (in her letter to the Board) advised that Hornbeck stated that the suggested wording is too broad and further suggested the changing of wording of the last sentence in the sample to ".....a violation of Town's Subdivision regulations.....". Hornbeck has no objection to the Board writing a letter if the wording is changed as he suggests.

A Warranty Deed transferring the property from Ho to Connolly was presented as well as a Standard Boundary Survey, done by Wood, on April 10, 2006, and recorded at the Sagadahoc County Registry of Deeds.

A letter from Newell to Connolly was presented and stated in part "The Board considers the conveyance to you of Parcel E, as described in Book 2713, Page 180, to be a transfer to an abuttor and therefore exempt from subdivision review. We understand that there is an outstanding mortgage interest in Parcel C, as described in Book 2359, Page 178, but do not deem the conveyance to you of Parcel E a violation of Town Subdivision Regulations and do not recommend that it be treated as such". The letter was signed by Newell, Hebert and Smith.

The Special Meeting adjourned at 5:35pm.

Respectfully submitted,

Marion H. Hebert

Recording Secretary/
Planning Board Member

June 29, 2006

PHIPPSBURG PLANNING BOARD
WORKSHOP - POPHAM WOODS CONDOMINIMUMS

Planning Board members present were: Clifford Newell, Vice Chairman; Marion Hebert; Robert Smith

The Workshop was convened at 5:36pm to review the Final Application from Bruce Poliquin regarding the Popham Woods Subdivision.

Poliquin advised that four (4) wells have been drilled within the proposed subdivision and it has been found that there is ample water supply. Sonar technology was used in the drilling methods. He added that there is more water than will ever be used and that abutters wells will be monitored as well as those who are not abutters.

He told the Board that the DEP has asked for an additional setback from the west side of a pond on the property . The additional setback will be done, per Poliquin, which will cause a redesign of one part of the project. He added that Pinkham and Greer are currently going through their stormwater calculations and advised that this will not be a major change, but will cause the relocation of four or five building envelopes. The plans within the Final Submission are now not the final site plans. Poliquin will have to get back to the DEP, Inland Fisheries and Wildlife and the ACOE and advised that he will not meet with the Board in July unless a site plan can be completed prior to the scheduled July 11 meeting date. He added that the heads of those agencies have waited until the 11th hour to determine that there is a setback problem.

Newell suggested that the Board and Poliquin run through the requirements of the Final Plan which is Section 8 of the Subdivision Ordinance. He advised Poliquin that the results of the pump test is one of the documents which the Board is required to have and is a DEP requirement as well. Newell further stated that the NRPA Wetland Fill Permit and a Well and Septic Test Final Approval from the Department of Health and Human Services is needed. A Preliminary Approval has previously been received.

Poliquin stated that the DEP is in agreement with everything assuming that the pump tests prove to be all right. Newell pointed out that it is written in the preliminary plan that the Board would have a copy of the insurance contract with the blasting company as well as the name of the blasting company contact person. He further pointed out that an updated letter from a bank confirming Poliquin's financial means to finish the project will be needed by the Board as well as a letter from PineTree Waste. Newell advised that the Board has nothing regarding traffic impact on the Popham Road. Poliquin replied

that he has contacted the DOT and they have said that there is nothing that will be generated by the project as far as impact goes.

Exhibit K of the submitted Final Plan includes a State of Maine area map titled Popham Woods Beach Club. Newell recommended that the name be changed to Popham Woods Condominiums. Map C.2.2 issued with the Final Plan clarifies a proposed parking area which is depicted as an easement.

Smith referred to Section J and asked for confirmation of fiscal capacity, roads, utilities and septic fields. Poliquin assured the Board that he would provide that.

Section 8.0 and 8.1.E of the Subdivision Ordinance were referred to and each point discussed and will be finalized prior to Final Approval.

The setting of monuments was discussed. Poliquin will await a permit from DEP. There will be a slight change in roads and stormwater drains.

Section 11.1.D was discussed. That section states that “No lot in a subdivision may be sold, leased, or otherwise conveyed before an approved road is completed to that lot.”

A Final Plan is needed in order for the Board to vote.

The Conditions of Approval for the Final Plan dated April 12, 2006 (Preliminary Plan review) were referred to and discussed. The Conditions are as follows:

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 through all phases of the construction and testing or monitoring for unreasonable drawdown.

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No unit shall be inhabited until: (a) the common septic system is in an 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

The Board had further discussion on the owner retained parking lot area and the site will be identified as only owner retained land.

Another Public Hearing will be discussed - date to be set following receipt of updated drawings.

The meeting adjourned at 6:40pm.

Respectfully submitted,

Marion H. Hebert
Recording Secretary/
Planning Board Member

