

**MINUTES OF MEETING  
PHIPPSBURG PLANNING BOARD  
April 13, 2021**

*It should be noted that, due to restrictions about public gatherings in force at the time of this meeting in response to the Coronavirus outbreak, only persons connected with the item under discussion were present in the meeting room during the discussion. Others were able to observe via Zoom.*

**MEMBERS PRESENT:** Joshua Bate, Mark Hawkes, Clifford Newell, Alternate Ashley Thayer, Stephen Thayer, and Marie Varian, Chair.

1. **[08:51]** The meeting was called to order by Ms. Varian at 5:10 pm at the Town Hall. Ms. Varian announced that there was a quorum and a full board. There would be no need to appoint an Alternate unless someone on the Board needs to step down for one of the applications under consideration. Ms. Varian also announced that agenda item #7, New Business application, has been postponed because the applicants will not be at the meeting tonight.

2. **[09:48]** **Edward G. and Lisa K. Goldfinger, 44 Water Cove Road, Tax Map 28, Lot 10, represented by Tim Forrester, Atlantic Environmental, LLC. Woolwich – Construct a series of landings and stairs that will connect to a seasonal, recreational 6’W x 20’L pier, a 3’W x 45’L ramp, and a 10’W x 20’L float. Construct a 10’W x 40’L haulout for off-season float storage.** **Application #2021-10**

Mr. Forrester stated that the applicants propose to construct a dock that will provide recreational water access for a single-family residential lot. He summarized the application submitted. He also brought the Board’s attention to a typographical error in the last paragraph of Exhibit 1.0, “Activity Description.” The word, “one,” should be deleted at the end of the fifth line of that paragraph.

Mr. Forrester explained that they took the location of eelgrass into consideration and did their best to keep the float as close to the shore as possible. They turned the float sideways, so that it just has one face, as opposed to extending it the long way out in order to get boats on either side. The goal was to maintain a distance from the eelgrass bed so as not to shade it and have a negative impact on it.

He stated that the proposed design consists of a series of landings and stairs in order to traverse down the exposed ledge out to a relatively short pier (20’) then cover as much area as possible with a long gangway out to the float. The float will remain afloat on all tides. For seasonal storage, the ramp will be dropped down on the float and then brought around the corner by a mobile gas winch. The project has received approval from the Army Corps of Engineers. A copy of this approval was submitted to the Board. An application was also submitted to the Maine Department of Environmental Protection and is still under review by that department.

Ms. Varian stated that the Board was familiar with the site because of other work the Planning Board has done in this area. She asked the Board members if they felt there was a need for a site walk. The consensus was that there was no need.

Ms. Varian reported that the Board has received the Harbor Master's letter of non-objection. She also stated that this application is being considered under Phippsburg Shoreland Zoning Ordinance, particularly Section 14, "Table of Land Uses," Item 17, "Piers, docks . . . ." ; Section 15, "Piers, docks . . . ." ; and Section 17.D, "Procedure for Administering Permits." The Board also has a letter of authorization from the applicants, giving Mr. Forrester authorization to represent them. Ms. Varian stated that the application is complete. She noted that the haulout for off-season storage of the float will be located in the nearby upland area. She also noted that a permit will note that the applicant is responsible for securing any and all other permits from any or all other persons or agencies for completion of the project.

Mr. Thayer moved to approve the application as submitted. Mr. Bate seconded the motion, which was passed unanimously.

Mr. Forrester paid the fee of \$40 by check #1651.

**3. [30:52] Laura Sewall, #TBD Small Point Road (lot abuts west side of 373 and 387 Small Point Road), Tax Map 24, Lot 18, represented by Tim Forrester, Atlantic Environmental, LLC, Woolwich – Construct seasonal, recreational 3'W x 40'L ramp and 10'W x 16'L Application 2021-11**

Ms. Varian reported that this application is being considered under Phippsburg Shoreland Zoning Ordinance, particularly Section 14, "Table of Land Uses," Item 17, "Piers, docks . . . ." ; and Section 17.D, "Procedure for Administering Permits." The applicant has submitted a letter authorizing Mr. Forrester to represent her. The Harbor Master has submitted a letter of non-objection to the project. The application is complete. Off-season storage of the structures will be upland on the lot.

Ms. Varian turned the meeting over to Mr. Forrester. Mr. Forrester noted that there was an error on the application. The Lot number was stated as 28. The correct number is Lot 18.

He stated that this is a seasonal structure, just a temporary ramp and float. The ramp would begin in the upland. Photographs showed the ledge at the waterfront. He stated that the float would rest on the flats at low tide. This is mostly intended for kayaks and swimming and small recreational use, so a smaller float, 10'W x 16'L, is being put in. In the off-season, there is very easy access to this site, so the contractor can back up and pick it up and set it on the lawn. This proposal has been approved by the Army Corps of Engineers. Mr. Forrester submitted the permit to the Board. The Maine Department of Environmental Protection does not review proposals for strictly seasonal structures.

Mr. Hawkes asked if there are any clam flats that would be affected by this dock. Mr. Forrester said there were. He didn't know how much harvesting went on, but noted that it was a very small, seasonal dock and float.

Ms. Varian asked if there were any questions. There were none. Then she asked if there was a need for a site walk. The consensus of the Board that there was not.

Mr. Thayer moved to approve the application as submitted. Mr. Bate seconded the motion, which was passed unanimously. The permit will note that the applicant is responsible for securing any and all other permits from any and all other persons or agencies to complete the project.

Mr. Forrester paid the fee of \$40 by check #1652.

**4. [42:14] Sprague Investments, LLC, c/o Edward LaPuma, 214 Sprague Road, Tax Map 24, Lot 21, represented by Tim Forrester, Atlantic Environmental, LLC, Woolwich – Construct permanent recreational 6’W x 16’L pier, seasonal 3’W x 35’L ramp, and 10’W x 16’L float. Application 2021-12**

Ms. Varian stated that this application is being considered under Phippsburg Shoreland Zoning Ordinance, particularly Section 14, “Table of Land Uses,” Item 17, “Piers, docks . . . .”; and Section 17.D, “Procedure for Administering Permits.” The Harbor Master has submitted a letter of non-objection to the project. The applicant has submitted a letter authorizing Mr. Forrester to represent the LLC. The application is complete. Off-season the ramp will be stored on the pier; the float will be hauled out and to an existing field.

Mr. Forrester noted the “u” missing in the spelling of the name of the applicant in the application submitted.

Mr. Forrester stated that he and the applicant had attempted to design a strictly seasonal system and not have to construct a permanent pier, but the lay of the land wouldn’t allow for that. The best location for any construction is in the middle of the property. There is a section of ledge there, but it goes underwater in high tide. The ramp cannot be pinned to that since the ramp would then be underwater, too, in high tide. Extending the length of the ramp was also not feasible. Therefore, they are proposing a 6’ x 16’ permanent pier.

Mr. Forrester reported that this proposal needs approval from both the Army Corps of Engineers and the Maine Department of Environmental Protection. Those applications have been submitted, but permits have not yet been issued.

Ms. Varian asked Board members if they felt that a site visit was required. The consensus was that it was not.

Mr. Thayer moved to approve the application as submitted. Mr. Bate seconded the motion, which was passed unanimously. The permit will note that the applicant is responsible for securing any and all other permits from any and all other persons or agencies to complete the project.

Mr. Forrester paid the fee of \$40 by check #1653.

**5. [55:36] Lucas House, 22 Merritt Mountain Road, Tax Map 44, Lot 27 – Home Business Determination – Repair/construct window and door screens, custom glass cutting, refurbishing window sashes. Applicant plans to relocate within a year to Main Road (near #425), Tax Map 5, Lot 27-2. To be called Seacoast Screen Shop. Application #2021-13**

Mr. House stated that the business would be operated in his basement. He does not anticipate very much traffic—at most, one or two cars a day—because he intends primarily to pick up and deliver the work.

Ms. Varian noted that the photographs of the site submitted with the application showed that the site was more than adequate to address any parking needs. She also noted that the Planning Board had a site walk in April of 2014 at the location on Main Road that Mr. House is planning to move to because of a proposal that the owner at that time had presented to the Board. That prior applicant did have approval for an entrance off Main Road for a subdivision that she planned to do. Ms. Varian brought this up simply as background information about the site of the future location of this business, which members of the Board are familiar with.

The Board consensus was that there was no need for a site walk. Their deliberation would consider both locations in determining the designation of Home Business, so that nothing additional would be required at the time that the business moved to the new location.

Mr. Newell moved that this proposal is a Home Business, to be conducted initially at 22 Merritt Mountain Road and, within six months to a year, moved to Main Road, Map 5, Lot 27-2. Mr. Bate seconded the motion, which was passed unanimously.

Ms. Varian stated that this application was considered under the Town of Phippsburg Land Use Ordinance, particularly Section 9.L.2, “Home Business,” and Section 12.D, “Procedure for Administering Permits.” A home business does not require a buffer zone under Section 9.L.3.

Fee of \$40 was paid by check #3158.

**6. [1:06:59] Seal Cove Properties, LLC, 38 Small Point Road, Tax Map 18, Lot 31, represented by owner Thomas Hinkle – Addition of ground-floor, 10’x 13’ bedroom to accommodate elderly residents and 8’W x 19’6”L porch on rear of non-conforming structure using Land Use Ordinance rules. Application #2021-14**

Ms. Varian stated that this application is considered under Town of Phippsburg Land Use Ordinance, Section 11.C.1, 2, 3, and 5, “Non-Conforming Structures”; Section 12.D, “Procedure for Administering Permits”; and Section 9.A.6, “Setbacks for Principal and Accessory Structures.” Non-conformance is due to the fact that the house is located too close to the center line of the traveled way of Route 206, per Section 9.A.6.a. The Planning Board has authority under Section 11.C.2 to allow a non-conforming structure to be extended or enlarged.

Ms. Varian reported that this permit will use: 10’ x 13’ for the house, 19.5’ x 8’ for the porch—a total of 286 square feet. The house will use 130 SF x 9, plus 243 cubic feet of roof area for a

total of 1,413 cubic feet. The drawings submitted show new construction to be on the rear of the house.

Mr. Hinkle reported that the house is non-conforming by 10', i.e., it is 65' from the centerline of Small Point Road, not 75' as required in the ordinance.

Mr. Hawkes moved that the application be approved as submitted. Mr. Bate seconded the motion, which was passed unanimously.

Fee of \$40 was paid by check #1944.

**7. [1:16:09] Michelle Hunt and Lisa Wallace, 106 Ridley's Landing Road, Tax Map 32, Lot 3 – New Business application to install saltwater tanks in existing structure and sell lobsters to the public, to be called Crabby Lobster.**

Applicants were not able to attend. This application was rescheduled to be considered at the next regular meeting, on May 11, 2021.

**8. [1:16:39] Patricia McLaughlin and Justin Valentine, 206 Popham Road, Tax Map 45, Lot 55 – New Business to be called Pangea Café, a café/mercantile offering cappuccino/lattes, baked goods, artisan cheese, breads, local produce, and handmade, vintage, and unique goods sourced from local artists. Application #2021-15**

Ms. McLaughlin described their plan as a small café on a section of their land. They are hoping to have a café, baked goods, coffee house—a place to relax and have a quick drink. They believe that the café's design should be a reflection of the neighborhood, so they're using a nature center design theme building with lots of natural light and a patio where guests can go outside. They're hoping to have local sourcing of fresh bread and artisan cheeses. They believe they can feed up to 12 people. They do not plan to do any cooking there. Everything would be to go. They do not expect there would be any increase in traffic; they just want to capitalize on the seasonal traffic that is already there. In the future, they may have wine or beer tastings, or some acoustic music in the summer.

Ms. Varian noted that the wine and beer tastings and music are not included on the application form itself and informed McLaughlin that it would need to be. She also noted that the property is not in the Shoreland Zone, so this application would be addressed in "Business Uses," Section 9.L of the Town's Land Use Ordinance. Because the application is for a new business, the process would include a site walk, probably, and a public hearing. On a new business application, the Planning Board does not make a decision at a regular meeting, but solely at a public hearing. The public hearing is publicly advertised in the newspaper and the application is debated at the public hearing. Normally, the decision can be made that night.

Ms. Varian asked Ms. McLaughlin if there is a driveway currently. The applicant responded that they have a permit from the Highway Commissioner, but it is not built yet. Ms. Varian told Ms. McLaughlin that the driveway permit should also be included in the application.

Ms. Varian asked what days and times would the café be open. Ms. McLaughlin said that they were going to start out with 7 days a week. Hours would be in the morning until 4-5 in the afternoon.

Ms. Varian stated that this meeting was a public meeting, but the public does not have the right to speak. On occasion, the Board does allow attendees to speak. However, in a public hearing, everyone has the right to speak, in an orderly fashion. Ms. Varian then said the Board would entertain a few questions from attendees.

An attendee then stated that he was concerned about traffic. He noted that the site of the business was on a “tough” hill, on which the top his house is located. He’s concerned about people pulling in and pulling out. He said that in the tourist season, the road becomes I-95; it’s worse than a drag strip. He has sat in his driveway and waited 5-10 minutes just to pull out. Ms. Varian responded that, if the application were approved, it would not be permitted for patrons of this business to back out onto the road. There would have to be a way for them to turn around on the property before exiting. There would also be no parking allowed on 209 and no backing out. That would be a given.

Another attendee asked about the fact that coffee would be served, but the applicant stated that there would be no cooking. Ms. McLaughlin stated that they would be brewing coffee.

Another attendee said that he’s been in that area for many years. Just recently, he was trying to get out of his son’s driveway and he counted 14 cars going by before he could get out. This was not during the tourist season, just a regular day. He said that it’s a “blind lift.” There’s a corner, a little dip in the road, and “boom,” there you are. Cars coming from the bottom of the hill can’t see you. When he comes to visit his son, he puts his blinker on at the bottom of the hill to give the traffic adequate warning. He said he loves to see people bringing business in, but, in his opinion, this area needs to be looked at. He’s all for new business.

Mr. Hawkes noted that the Maine Department of Transportation has already approved the entrance.

Ms. McLaughlin responded that the proposed building will be set “pretty far” back and the whole front will be a driveway, with parking and circulation provided. She also said that they are not anticipating increasing the traffic that is already there.

Ms. Varian asked if they intended this to be year-round. Ms. McLaughlin responded that they did not, unless there seemed to be interest among the locals, in which case they would consider being open in the morning just for coffee.

Another attendee identified herself as an abutter and stated that she lives at 237 Popham Road. If there’s an intention later to have music, she would not like that, and she believes that live music would attract more people, which is a concern for her.

Ms. Varian asked Ms. McLaughlin if she had a response to these comments. Ms. Varian noted that, as this was not a public hearing, there was no requirement that Ms. McLaughlin would respond. However, she wondered if Ms. McLaughlin did have anything to say. Ms. McLaughlin

said that she certainly understood the concerns about the traffic, but she thought it was possible that the fact of the business could actually slow drivers down. She feels that it's not possible to say now, but that could be a result of having a business there. Her hope was that the business would turn out to be a good thing for the community.

Ms. McLaughlin asked if the Board wanted the evidence that abutters have been notified. Ms. Varian responded that she could bring them to the public hearing.

Ms. Varian stated that the application was sufficiently complete for the Board to schedule a site walk. Consensus of the Board was that a site walk should be scheduled. Site walk was scheduled for May 2<sup>nd</sup> at 9:00 am.

Mr. Hawkes told the Board that the applicants are his firewood customers and asked if they wanted him to recuse himself. The consensus was that there was no need for him to do that.

Mr. Bate advised the applicant to make sure that her application contains anything that she might choose to do, rather than only those things that she was sure of. The permit would only allow her to do the things she asked for, so if she wanted to change anything not anticipated in the application, she would have to return to the Board to revise the permit. It was preferable for her to make sure she already had permission for anything she might want.

Ms. McLaughlin asked if she should amend the application already submitted to add the information that was mentioned at this meeting or should she submit a new application. Ms. Varian stated that she could do an amendment.

Question was raised about parking for the site walk. Two neighbors, one located at 219 Popham Road, offered their driveways. Ms. Varian suggested that they put up signs so that members of the public coming for the site walk know that these driveways are available for parking. She suggested that the signs also state that cars cannot back onto Route 209. Ms. McLaughlin stated that parking was available at the site. Ms. Varian suggested to her that she put up signs at the site letting site walk attendees know the location of the other parking.

Ms. Varian stated that a date for the public hearing will be set after the site walk.

**9. [1:46:07] Consider minutes of regular meeting on March 9, 2021, and site walk on March 20, 2021, Tax Map 9, Lot 3.**

Mr. Newell moved to approve the meeting minutes as written. Mr. Bate seconded the motion, which was passed unanimously.

Because Mr. Newell did not attend the site walk, he recused himself from consideration of the site walk minutes. Alternate Ashley Thayer did attend the site walk, so Ms. Varian appointed her to take Mr. Newell's place, and she participated in this vote.

Mr. Bate moved to approve the site walk minutes as submitted. Mr. Thayer seconded the motion, which passed. Mr. Hawkes had not read the minutes, so he abstained.

Ms. Thayer then stepped down and Mr. Newell returned to the meeting.

10. [1:52:47] **Other Business.**

1. ***Summer Hours:*** Mr. Newell moved to go to summer hours starting at the May meeting, which will start at 6:00 pm. Mr. Bate seconded the motion, which was passed unanimously.
2. ***Selectmen's Policy on Appointments:***

Ms. Varian told the Board that the Selectmen have a draft of their policy on Committee/Board/Commission Appointments. They sent them out to all of the committee/board/commission chairs, and they are soliciting comments. She asked if anyone had read them. Mr. Bate and Ms. Varian have read them. She told the members that they can talk themselves to the Selectmen. It's not necessary for the Board to do comments as a Board, but it would be good for whatever they know now to report.

Josh provided his comments on the draft policy. He said that he did not think it was appropriate for it to be a requirement that applicants be interviewed in an Executive Session of the board or committee to which they are applying. He noted that the Selectmen also reserve the right to conduct their own interview if they so desire. He also thinks the policy significantly changes the current standard of practice that anyone whose term is ending and who wishes to remain on the board would be assumed to be reappointed. The policy changes this standard and states that the member's desire to remain on the board or committee would "be taken into consideration by the Board of Selectmen." He also thinks it is too specific for the policy to say that "Alternate members would replace regular members who are not present at a meeting to ensure a quorum." That appears to prevent an alternate member from being appointed to replace a regular member who is absent, even if there is still a quorum. Without this policy, the chair of the board or committee would have the right to appoint the alternate simply to have an additional point of view available for the discussion and vote.

Mr. Bate expressed his concern that there is a danger of these additional requirements discouraging those who are not already serving from applying to serve. He expressed his desire for a process that is inviting to interested people and communicates an openness to diverse voices.

Ms. Varian told the other members of the Board that she was not aware that a deadline for comments has been set yet. She recommended that any additional comments—not made at this meeting tonight—be turned over to the Town Administrator. Any comments made tonight will be available through the video, as well as the meeting minutes when they are available.



Ms. Varian then made her own comments about the policy. She stated that the way it is now, the Selectmen usually take a member who is willing to serve again and that's it. As the policy is written, the boards or committees can recommend that the person be reappointed, but it's not clear that the reappointment would be automatic. Ms. Varian stated that that is one thing she would not like to see happen.

Ms. Varian then referred to "Vacancies During Term." She noted that the policy states that the Selectmen would have the ability, at their discretion, to appoint a replacement to fill the remaining time left on the term or wait until the annual appointment cycle in June. There is no description of any process that they would have to go through to appoint someone to fill a vacancy during the term. It is her opinion that they should have the regular process observed before they can just appoint someone.

Mr. Bate then referred to "Advertising Open Positions," which states that "if there are applications on file for a position which becomes vacant during a term then there is no requirement to advertise, although the Selectmen may do so if they desire." He stated that he thinks that if there is an open position, it should be advertised.

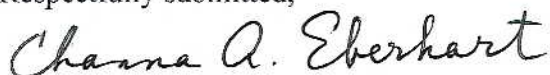
3. ***MMA Training Session:*** Ms. Varian informed the Board members of a three-part webinar series offered by Maine Municipal Association, "Lodging & Housing: Municipal Challenges," on April 28, May 11, and May 27. This is available to anyone who is interested. If anyone wants to attend, let Town Administrator know very soon.

There was discussion about other training opportunities for Planning Board members through MMA, which are available to those who are interested.

11. [2:14:55] **Announcements.** Adult Marijuana Usage ordinances and various amendments to existing ordinances will be voted on at Town Meeting. Date of public hearing to be announced.

12. [2:15:51] **Adjourn.** Mr. Newell moved to adjourn. Mr. Bate seconded the motion, which was passed unanimously. Meeting was adjourned at 7:17 pm.

Respectfully submitted,



Channa A. Eberhart, Secretary