

TOWN OF PHIPPSBURG BOARD OF APPEALS
CURRAN APPEAL OF PLANNING BOARD DECISION
APPEALS CASE #2024-01

The Town of Phippsburg's Board of Appeal, having considered the record and the arguments offered by the parties at the public hearing conducted on October 24, 2024, hereby finds, and concludes as follows:

1. David and Tracy Percy (the "Percys") are the record owners of that certain real property located generally at 6 Sea Street (Tax Map 14, Lot 22), Town of Phippsburg, County of Sagadahoc, and State of Maine (the "Percy's Property").
2. According to the Floodplain Management Ordinance, the Percy Property sits partially in the VE zone and partially in the AE zone.
3. John and Patricia Curran's property (the "Currans") abuts the Percy's property to the South.
4. In August 2024, the Percys applied to the Town of Phippsburg's Planning Board (the "Planning Board") for a "Special Exception" under Sections 15(E) and 17(E)(1) of the Town's Shoreland Zoning Ordinance and/or Sections 9(C)(1)(f) of the Town's Land Use Ordinance (the "Application"). More specifically, they requested permission to leave 2 park model RVs unoccupied at the Riverside Campground during the winter months in different spots than where they were previously situated.
5. On September 10, 2024, the Planning Board considered the Application. David Percy testified in support of the Application. Code Enforcement Officer Lee Rainey voiced his opposition, arguing that the relief sought violates the Town's Floodplain Management Ordinance (the "FMO"), which provides, in relevant part, that Recreational Vehicles located within Zones A and AE shall (a) be on the site for fewer than 180 days, (b) be fully licensed and ready for highway use, as defined in Section I(1)(b) of the FMO, or (c) be permitted in accordance with the manufacturing and anchoring requirements for "manufactured homes" in Article V1.H.1 of the FMO.
6. The Planning Board voted to grant the Application, noting, *inter alia*, that the issue of whether and to what extent the FMO ultimately prevents the Percys from leaving unoccupied RVs on the site during the offseason was not ripe for consideration. To the contrary, the Percys sought narrow relief under the Land Use and Shoreland Zoning Ordinances, which relief the Planning Board determined was available under the Shoreland Zoning Ordinance. The Planning Board cautioned, however, that additional permits or exemptions from other ordinance, including without limitation, the FMO, may be necessary before the Percys may leave unoccupied RVs on the site for more than 180 days with impunity.

7. The Currans timely appealed the Planning Board's decision to this Board, which conducted a public hearing on John Curran's appeal on October 24, 2024, and convened a workshop to discuss more fulsomely the issues raised on appeal on November 6, 2024. Finding no error with the Planning Board's granting of an exception from the Shoreland Zoning Ordinance to the extent that that Ordinance would otherwise preclude the Percys from leaving their RVs on the site for more than 180 days, we affirm. We pause, however, to underscore that there may be other statutes, laws, regulations, ordinance, and the like that may bear on the Percy's ability to park their RVs as desired.

Dated:

11/19/2024 – Originally approved

01/09/2025 – Amended



Kevin Crosman
Chair, Board of Appeals



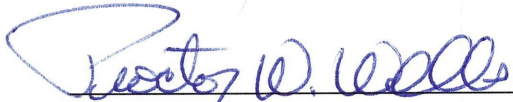
Roland Bisson
Board of Appeals



John Morse
Board of Appeals



Chris Mixon
Board of Appeals



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