

**PHIPPSBURG PLANNING BOARD
PUBLIC HEARING – New Business
Lobster House
395 Small Point Road, Tax Map 24/Lot 15
June 27, 2021**

PRESENT: Joshua Bate, Mark Hawkes, Clifford Newell, and Alternate Ashley Thayer

[1:14:22] The hearing was held at the Phippsburg Town Hall and was opened at 10:15 am by Mr. Newell. He explained that the purpose of the hearing was to discuss the reopening of the Lobster House, 395 Small Point Road, Tax Map 24, Lot 15. Mr. Newell noted that notification was given in a timely manner in *The Times Record*, the Town’s website, and in several places around town. He also stated that abutters have been notified. The owners are Eric and Dawn Davis. Mr. Newell explained that this application would be considered under the Town’s Shoreland Ordinance, Section 15.G.1, “New Business Permit.”

Mr. Newell explained that a New Business permit is required, despite the fact that the Lobster House had been in operation for many years, because the ordinance requires that if a business is closed for two years or more, in order to reopen it must obtain a New Business permit. The ordinances also require that a permit may not be issued until a public hearing is held.

Mr. Newell reported that the Board has a quorum. However, because of Ms. Varian’s recusal, he appointed Ms. Thayer as Alternate in her place.

Mr. Newell asked the applicants to describe their business plan.

Mr. Davis stated that the restaurant had been operating for many years, and they don’t plan to change anything. They had to install a new septic system, which took about two years—getting designs, bids, and completing installation. They are ready to open this summer under the same business plan as in the past.

Mr. Newell asked if the new business would have the same number of seats as it had formerly. Mr. Davis responded that the former business was an 85-seat restaurant, and the new business, currently, is anticipated to have 50 seats. They are planning to use a water metering system, which they hadn’t done before, so that they can determine actual use and, if warranted by their findings, increase the number of seats. Mr. Bate asked if the maximum number of seats would be 85. Mr. Davis said that he doesn’t think they’d ever do that number again.

Mr. Hawkes noted that the name of the business is The Ster, LLC. He asked if the name of the restaurant would be changed to The Ster. Mr. Davis responded that the dba will continue to be The Lobster House.

Mr. Hawkes asked about parking. He told the applicants to be very cautious and to have good signage to make sure that people enter, exit, and park safely and appropriately.

Mr. Newell asked if there were any other questions from the Board and from members of the public in attendance. There were none.

[1:20:20] Mr. Newell declared the public portion of the hearing closed at 10:20 am.

Mr. Newell reported the findings of fact in connection with the following conditions listed in Section 17.D, “Procedure for Administering Permits,” ¶ 3 of the Town’s Shoreland Zoning Ordinance, which states:

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- a. Will maintain safe and healthful conditions;*
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;*
- c. Will adequately provide for the disposal of all wastewater;*
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;*
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;*
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;*
- g. Will not adversely affect existing commercial fishing or maritime activities;*
- h. Will avoid problems associated with flood plain development and use; and*
- i. Is in conformance with the provisions of Section 15, Land Use Standards. [Mr. Newell noted his reference at the beginning of the hearing to the requirements listed in Section 15.G, “Business Uses,” in ¶ 1 of the Town’s Shoreland Ordinance.]*

Mr. Hawkes moved to approve the permit as presented. Mr. Bate seconded the motion, which was passed unanimously.

Mr. Newell reminded the applicants that they are responsible for securing any and all permits from any and all other persons or agencies for completion of the project.

Applicants paid fee of \$115 (\$50 for permit and \$65 for advertisements) with check #4909.

[1:33:45] Mr. Newell declared the closed at 10:33 am.

Respectfully submitted,



Channa A. Eberhart
Planning Board Secretary