

**MINUTES OF MEETING**

**PHIPPSBURG PLANNING BOARD**

April 9, 2024

**MEMBERS PRESENT:** Mark Hawkes, John Totman, Jr., Lori Follett (alt), Roger Clark (alt), and Marie Varian, Chair

1. **[4:52]** The meeting was called to order by Ms. Varian at 5:33 pm at Town Hall. She announced that there was a quorum and that they were missing two regular members. Ms. Varian appointed Alternate Lori Follett to serve for Clifford Newell who was absent on medical leave.

2. **[5:20] Consider Minutes** Regular Meeting January 9; Special Meeting January 30; Public Hearing, February 6 (Giri Sebasco Solar, LLC); Public Hearing February 27 (McKay Subdivision), (Minutes awaiting transcription: Public Hearing January 23 (Uncle Sean’s Fish N Chips); Regular Meeting February 13, 2024; Regular Meeting March 12)

Ms. Follett moved that the minutes from January 9<sup>th</sup> be accepted as written. Mr. Totman seconded the motion, which the Board passed unanimously.

Ms. Follett moved that the minutes from the Special Meeting on January 30<sup>th</sup> be accepted as written. Mr. Totman seconded the motion, which the Board passed unanimously.

Ms. Follett moved that the minutes from the Public Hearing on February 6<sup>th</sup> be accepted as written. Mr. Totman seconded the motion, which the Board passed unanimously.

Ms. Follett moved that the minutes from the Public Hearing on February 27<sup>th</sup> be accepted as written. Mr. Totman seconded the motion, which the Board passed unanimously.

3. **[9:02] GIRI SEBASCO SOLAR, LLC, Falmouth ME, represented by Peter Whitney, Tax Map 28, Lot 71 – Report of status of application for a commercial solar array system.**

**Application #2023-20**

Ms. Varian explained that she had received word from Mr. Whitney that “Peter Hollenbeck closed on the 17 lot yesterday and so we will no longer be pursuing a solar project at this location. We officially withdraw the application made at the town.” She stated that the Town will keep the records on file, but that there will be no further discussion on the application as they have withdrawn.

4. **[9:50] EASTWINDS TRUST, 192 Seal Cove Road, Tax Map 23, Lot 18, and ALIZA EDWARDS, Tax Map 23, Lot 19, represented by John Chandler III and/or R. Curtis Doughty – Continue review of application to repair land damage from January storms, rebuild area of erosion, and create protection from future storms.**

**Application #2024-08**

Ms. Varian introduced the application and said the Board had heard from the applicant at the last meeting. She gave the floor to Mr. Chandler.

Mr. Chandler provided the Board with an updated application for himself and for Ms. Edwards. There was some discussion on whether they could apply for a permit together as the work would be done at once, but on two separate lots. The Board decided to combine the applications into one permit.

Mr. Chandler explained that he had filed a Permit by Rule with the DEP by email on 3/24/24. He said the DEP would notify the Town, and Ms. Varian explained that the DEP would notify the Code Enforcement Officer. Mr. Chandler stated that based on a suggestion by Mr. Hawkes, he had made additions to the application including sizes and estimated volumes. He invited Mr. Doughty to join in the discussion.

Mr. Hawkes asked the distance between the proposed wall and the pool. Mr. Doughty said 18 to 20 feet from the pool. Mr. Chandler referenced a 2021 aerial photo and showed distances. Mr. Hawkes stated that in accordance with DEP rules, Mr. Chandler could not completely rebuild, but rather, could only build to protect what remains in order to prevent any more loss. Mr. Hawkes addressed Mr. Forrester, of Flycatcher, LLC, who was in the audience. Mr. Forrester said technically if you're losing frontage, you should not be replacing the original, but that you can extend the toe of the slope out as needed to restabilize.

Ms. Follett asked the dimensions of the pool as a point of reference; Mr. Chandler stated it is 16x24 feet with a 3 to 4 foot railing. Mr. Hawkes suggested to Ms. Varian that the Town writes the permit to approve whatever the DEP approves. There was some discussion of the plans of the project, including access and what was submitted to the DEP.

The Board determined that the property was in both Resource Protection and Residential zones. Ms. Varian verified that there are no docks or piers, just a set of stairs in the sand and a small ramp. Ms. Varian asked about erosion control, and Mr. Hawkes asked if Mr. Chandler would be using only rock. He responded yes, and that he would be using gravel only in the area providing access to the project area. There was some further discussion of erosion control and use of loam.

Ms. Varian referenced the Findings (Shoreland Zoning, Section 17.D.3) and the Board considered the questions with Mr. Chandler. All findings were found positive. Ms. Varian told Mr. Chandler he will need to submit photos of the completed project no later than 20 days from completion.

Ms. Varian read the Planning Board Action aloud, stating that the application is being considered under the Town of Phippsburg Shoreland Zoning Ordinance, Section 1. Purpose; Section 14. Table of Land Uses, Item 26. Roads and Driveway, and Item 31. Filling and Earth Moving of Over 10 Cubic Yards; Section 17. Administration and Permit Procedure. The Board considered the findings per Section 17.D.3 and found positive on all. The applicant submitted

photos of the entire area. The applicant will submit photos of the completed project no later than 20 days after completion. This application covers approximately 30 feet of the adjacent lot (Map 23 Lot 19 owned by Aliza Edwards). The applicant is responsible for securing all permits from any and all persons and entities necessary for completion of the project.

Ms. Varian explained that that the Action section of Aliza Edwards’s application is the same as Mr. Chandler’s with the exception that it describes the location as “approximately 30 feet along the shore is part of the adjacent lot (Map 23 Lot 18) which is owned by Eastwinds Trust, care of Chandler.”

Mr. Hawkes made a motion to accept the applications of Aliza Edwards and Eastwinds Trust as written. Ms. Follett seconded the motion, which the Board passed unanimously.

Mr. Chandler paid a fee of \$100 by check #2379 and Ms. Edwards paid a fee of \$100 by check #5312.

**5. [1:17:54] LESLIE A. COSTELLO, 12 White Spot Way, Tax Map 16, Lot 6, represented by R. Curtis Doughty – Repair damage to existing seawall and area caused by January 10 and 13 storms. Application #2024-12**

Ms. Costello was not ready and will be added to the May agenda.

**6. [1:19:53] MARK L. DUCHARME and RHONDA LAKE, 492 Parker Head Road, Tax Map 10, Lot 4-1, represented by Tim Forrester of Flycatcher, LLC, Yarmouth – Construct a temporary recreational dock consisting of a 3’ wide x 30’ long ramp and a 10’ wide x 20’ long float on a tidal creek that flows into Mill Pond in the Village District of the Shoreland Zone. Application #2024-09**

Ms. Varian described the application and explained it will be represented by Mr. Forrester of Flycatcher, LLC in Yarmouth. Ms. Varian gave Mr. Forrester the floor.

Mr. Forrester stated that the application is for a temporary dock and that there is a piece of ledge on the property where two eye-bolts can be set to attach a float. He explained that since it is 100% seasonal, the DEP has no jurisdiction over it. Proof of permission from the Army Corps of Engineers has been obtained and that letter was provided in the application packet. The applicants have an existing trail through the woods that provides access to the dock location. The project proposes no ground disturbance. The applicants will both remove the gangway in the off-season and have the float pulled out.

Ms. Varian stated that there was an error on the application and that it is in the Village District rather than the Resource Protection Zone. She commented that “Kennebunk” should be “Kennebec” on the Army Corps of Engineer permit application.

Ms. Varian referenced the Findings (Shoreland Zoning, Section 17.D.3) and the Board considered the questions with Mr. Forrester. All findings were found positive.

Mr. Hawkes made a motion to accept the proposed application as written. Ms. Follett seconded the motion, which the Board passed unanimously.

Applicant paid a fee of \$100 by check #1011.

**7. [1:31:01] LAUREN E. KETCHUM and RYAN M. WAMPLER, 6 Tide Mill Lane, Tax Map 1, Lot 33, represented by Tim Forrester of Flycatcher, LLC, Yarmouth – Construct permanent upland 4' x 4' landing, 4' wide x 18' long set of stairs, then another 4' x 4' landing. Construct a temporary 3' wide x 30' long ramp and 10' wide x 20' long float for access to Winnegance Bay.**

**Application #2024-11**

Ms. Varian described the application and corrected it to state that it would be providing access to Winnegance Bay, rather than Winnegance Creek. The application was represented by Mr. Forrester of Flycatcher, LLC in Yarmouth, and Ms. Varian gave him the floor.

Mr. Forrester described the application stating the applicants have an existing house and would like to install a set of stairs to get down a slope and to also put in a temporary ramp and float. The location gets a lot of ice, so it makes sense to have a temporary rather than permanent dock. The dock will be built, installed, and maintained by Kennebec Marine. Mr. Forrester stated the application did not need a DEP permit, and that it only needs an Army Corps of Engineer permit. He stated the stairs are approved by the DEP under Permit by Rule.

Ms. Varian referenced the Findings (Shoreland Zoning, Section 17.D.3) and the Board considered the questions with Mr. Forrester. All findings were found positive.

Ms. Varian read the Planning Board Action aloud, stating that the application is being considered under the Town of Phippsburg Shoreland Zoning Ordinance, Section 1. Purpose; Section 14. Table of Land Uses, Item 17, and Note 10; Section 15.D.; and Section 17. Administration and Permit Procedure. The Harbor Master has submitted a written statement of non-objection to the project. The Board considered each of the findings per Section 17.D.3 and found all to be positive. Photographs of the location were submitted under Section 14.2. The applicant will submit photos of the completed project no later than 20 days after completion. The applicant is responsible for securing all permits from any and all persons and entities necessary for completion of the project.

Mr. Hawkes made a motion to accept the proposed application as written. Mr. Totman seconded the motion, which the Board passed unanimously.

Applicant paid a fee of \$100 by check #1010.

**8. [1:41:09] RICHARD and KARISSA DAVAN, 26 Parker Head Road, Tax Map 7, Lot 12, represented by Tim Forrester of Flycatcher, LLC, Yarmouth – Construct a recreational dock consisting of one permanent 3’ wide x 10’ long upland ramp, then five permanent 3’ wide x 40’ long and one 3’6” wide by 45’ long ramp sections connected to a temporary 3’ wide x 45’ long ramp, an 8’ wide x 12’ long float, and a 10’ wide x 20’ long float for access to the Kennebec River.**

**Application #2024-10**

Mr. Forrester described the application stating the applicants are purposing a permanent dock to allow them to gain access to the Kennebec River. The property owners have a large amount of waterfront and a stretch of salt marsh that sits outside the property. Mr. Forrester explained that they are proposing the least intrusive way to have a dock, which is to use helix anchors on timber supports and posts with aluminum pier sections. He stated that they are minimizing the width, each is 3 feet wide, except for the last piece which is wider to accommodate the gangway during the off-season. A ramp will extend down to two floats in a T-shape with the far edge at the mean low water line. The float will be able to be accessed at almost all times, with the exception of less than an hour around a Zero Tide. The project has been approved by the Army Corps of Engineers and is in progress with a DEP application. DEP and DMR did an onsite meeting and their concerns with the health of the salt marsh were discussed as well as adequate elevation, which will be met. There will be ample light penetration under the dock.

Mr. Hawkes asked about potential ice damage, and Mr. Forrester said it is a risk, but that the end of the pier will be as far away from the edge of the salt marsh as possible, which is where the risk would occur. The dock will be built in sections with batter piles on the end, and the less piles and greater gaps in between will limit ice buildup on the pier.

Ms. Varian asked how far away from the property line it would be. Mr. Forrester said that from the edge of the float, the property line to the south is 90 feet, and to the north is 463 feet. The measurements are from extensions of the riparian lines.

Ms. Varian explained that this application is being considered under all the same sections as Agenda numbers 6 and 7. Ms. Varian referenced the Findings (Shoreland Zoning, Section 17.D.3) and the Board considered the questions with Mr. Forrester. All findings were found positive.

Mr. Hawkes made a motion to accept the proposed application as written. The Board voted unanimously to approve the application.

Applicant paid a fee of \$100 by check #1012.

**9. [1:54:18] KEVIN AND AMY KUZIO, 57 Atkins Bay Drive, Tax Map 13, Lot 58 – Presentation of survey for splitting Lot 58 into two lots – continued from November 14, 2023**

**Application #2023-09**

The applicant has a survey ready for review, but is not present, so they will be added to next month's agenda.

**10. [1:55:15] PAUL and LESLIE MANGANO, 4 Fox Island Lane, Tax Map 16, Lot 006, represented by Mark Hawkes of Mark Hawkes Forestry and Construction – repair to existing seawall resulting from January 10 and 13 and March 10 storm damage**

**Application #2024-13**

Mr. Hawkes stepped down from the Board as he is the representative for the applicant.

Ms. Varian introduced the application and gave Mr. Hawkes the floor. Mr. Hawkes explained that the seawall is made of large rocks, and during the storm surge, the sand behind the rocks and the erosion control plot in place were damaged. He plans to use up to 100 yards of rock to fill the voids between the boulders of the wall. He will put down new erosion control cloth as well. The wall will remain the same height.

Ms. Varian referenced the Findings (Shoreland Zoning, Section 17.D.3) and the Board considered the questions with Mr. Hawkes. All findings were found positive.

Ms. Follett made a motion to accept the proposed application as written. Mr. Totman seconded the motion, which the Board passed unanimously.

Mr. Hawkes paid a fee of \$100 by cash.

**11. [2:07:41] Other Business.** None.

**12. [2:07:55] Announcements.** None.

**13. [2:07:59] Adjourn.**

Ms. Follett made a motion to adjourn. Ms. Totman seconded the motion. The meeting was adjourned at 7:36 pm.

Respectfully submitted,



Rachael Newbert

Administrative Assistant to the Planning Board and Board of Appeals