

**MINUTES OF MEETING
PHIPPSBURG PLANNING BOARD**

June 18, 2024

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

1. **[2:26]** The meeting was called to order by Ms. Varian at 5:30 pm at Town Hall. Ms. Varian announced that there was a quorum, and she appointed Lori Follett to serve for Clifford Newell who is out on medical leave.

2. **[41:49] Consider Minutes of 11/14/23 Regular Meeting, 03/12/24 Regular Meeting, and 05/14/24 Regular Meeting.**

Ms. Thayer made a motion to accept the minutes as written. Ms. Follett seconded the motion, which the Board passed unanimously.

3. **[3:00] CARRYING PLACE HEAD, LLC, 65 Carrying Place Head (island adjacent to West Point Village, across from Wallace Circle), Tax Map 26, Lot 09, represented by Ralph F. Keyes – Make an adjustment to add two feet of height to a previously approved wharf rebuild project (Application #2023-15). Application #2024-17**

Ms. Varian introduced the application and explained Mr. Keyes was asking to make an adjustment to a prior permit in order to add two feet of height to a previously approved wharf project.

Mr. Keyes explained that his application for a pier rebuild project was approved last July by the Planning Board and has also been approved by the State as well as the Army Corps of Engineers. The storms last year caused Mr. Keyes and his family members to rethink the original plan and raise the wharf 2 feet higher. The plan is to now build it in the same footprint as proposed, but two feet higher, which would cause the stairs to be a bit steeper. Mr. Keyes stated they would not extend out to the subtidal zone. He explained that they are now planning to put removable decking on the wharf and are considering narrowing its width. The previously approved plan was for a 6-foot-wide pier with a 4-foot-wide bump-out for a stairway, and they are now considering making it 4-feet-wide with a 3-foot-wide stairway, which will also be removable. They are planning to use Kennebec Marine to build the pier.

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

Ms. Varian read the Planning Board Action stating it was being considered under the Town of Phippsburg Shoreland Zoning Ordinance, particularly Section 14.1 Table of Land Uses, Item 17, Note 10; Section 15.B.8. Erosion Control; Section 15.D Piers, Docks, etc.; Section 17.D.1-4

Procedure for Administering Permits; Section 18. Definitions: Piers, etc.; Normal High Water Line; Structures. The application is complete. The Harbor Master letter of non-objection dated June 12, 2023 is valid for this application. This application supersedes the approved application dated July 11, 2023 for a 6'x23' replacement dock and side stairway (#2023-15) in that the dock will be 2' higher than the original dock and the finished dock and the finished height shall not be more than 4 feet higher than the base flood level per State of Maine LD 2030. Original "Findings" are still valid under Section 17.D.3. The applicant shall secure any and all other permits from any and all other persons or agencies necessary to complete the project. Photos of the completed project shall be provided to the Planning Board no later than 20 days after completion of the project.

Mr. Hawkes asked if Mr. Keyes had a year from now to finish the project, and Ms. Varian said he did. Mr. Keyes said he would also contact Mr. Rainey about a building permit.

Applicant paid a fee of \$100 by check #479.

4. [11:42] MICHAEL E. TUTTLE, 8 Burden Lane, Map 41, Lot 70 – Continue a previous discussion of plans to purchase a portion of abutting Lot 69 (owned by Michael C. Cline) and install a hammerhead turnaround. This project was originally presented to the Board in 2020 (Application #2020-17) and the Planning Board did a sitewalk of the property on 11/8/2020. Application #2024-18

Mr. Tuttle did not attend the meeting.

5. [22:47] KEVIN AND AMY KUZIO, 57 Atkins Bay Drive, Tax Map 13, Lot 58 – Presentation of survey for splitting Lot 58 into two lots. This application was approved with conditions on November 14, 2023. Application #2023-09

Ms. Varian introduced the application and explained that it had been approved, and that the Board has been waiting on the applicant to produce a map for them to sign. She stated that the applicant was told he did not need to appear, as the Board only needed to sign the survey.

Mr. Hawkes advised the Board that they should not sign the survey as the proposed driveway and turnaround is not drawn on the map. He referenced the November Planning Board meeting minutes, page 7. Mr. Totman pointed out that the length of the driveway is written in the Notes on the survey. Mr. Hawkes voiced that he disliked that the driveway was shown as a dotted line and did not include the length of the driveway or a turnaround, and that he believed the applicant had ample time to draw these elements on the map. He stated that he did not previously vote in favor of the applicant. Mr. Hawkes said he believes the Board should have done a site walk of the property to see if a person on a gurney would be able to be removed from the property. He noted the applicant also said they would improve the path.

Ms. Varian referenced the original vote on the application, which the Board passed 4-1, with Mr. Hawkes voting against the application as he believed that emergency personnel and vehicle access was inadequate. The Board discussed the minutes and Ms. Varian said this may be a question for the Town's attorney. Ms. Thayer questioned why the conditions of approval are written on the map, but not drawn. The Board discussed that the hashmarks of the driveway differ from other right-of-way hashmarks on the map and that the hashmarks are not labeled in the legend.

Ms. Varian stated that if there is doubt, they could ask the attorney for an opinion. Ms. Follett asked if they needed to visit the property or see photographs of the driveway. Ms. Varian referenced the map and said it states that it is a proposed 8 foot +/-, 160-foot driveway. She said there had been no vote for a turnaround, even though it was discussed that there should be one.

The Board reviewed and considered the scale and measurements on the map. Mr. Clark asked who prepared the map, and Ms. Varian stated it was done by Boothbay Region Surveyors. Ms. Varian said she would call for a vote, asking if the Board believed the map showed the intention of the November 2023 Planning Board vote. Ms. Varian made a motion to accept the map as is. The Board voted 1-3, with Mr. Hawkes abstaining. Mr. Totman said he would like to hear what an attorney thinks about the survey. Ms. Varian explained that the vote failed, and that she will check with the Town's attorney about the legality of the survey.

6. [11:59] MARK AND MICHELLE HOLDRIDGE, 435 Parker Head Road, Tax Map 10, Lots 02-2 and 03 - Presentation of a survey showing a change in the lot boundary lines in order to build a shed roof addition to an existing workshop on Lot 02-2. Application #2023-17

Ms. Varian introduced the application from 2023. She explained that the two lots are owned by the same owner, and that they would like to build a roof addition on an existing workshop. The location is too close to the property line, so they have decided to move a piece of Lot 3 to Lot 2-2 to allow adequate space. Ms. Varian gave Ms. Holdridge the floor.

Ms. Holdridge said they had waited a long time for a survey of the property, and that the surveyor produced a map to allow for the appropriate setback for the shed and shed roof. This survey was presented to the Board. The Board discussed the measurements, stating that the Holdridges needed 20 feet for the setback, and they will now have more than that.

Ms. Varian noted that though this was originally part of a subdivision many years ago, a time limit has gone by, so that no longer matters.

Mr. Hawkes made a motion to accept the change in the property boundary and that the application be approved as written. Ms. Thayer seconded the motion, which the Board passed unanimously.

Ms. Holdridge asked if they would need to have deed descriptions written, and the Board explained they would.

The Planning Board Action: The application is being considered under the Town of Phippsburg Subdivision Ordinance Appendix A, Section 4401. Definitions, Item D-6, which allows: the transfer of land to owners of land abutting does not create a lot or lots for the purpose of this definition. Town of Phippsburg Land Use Ordinance allows the proposed shed roof construction with proper twenty (20) foot setback. The applicants have transferred a triangular section of land from their Lot 2-3 to their Lot 2-2 to accomplish an additional 25 feet on Lot 2-2 which is more than required for the proposed construction. A deed will be prepared showing the transfer.

Applicant paid a fee of \$100 by check #519.

7. [43:10] Other Business.

Ms. Thayer asked if Mr. Yeaton had contacted Ms. Varian, she said he had not. Ms. Thayer explained that his previously approved permit has run out, and that he will be getting ahold of Ms. Varian for an extension.

8. [44:02] Announcements. None.

9. [44:08] Adjourn.

Mr. Hawkes made a motion to adjourn. Mr. Totman seconded the motion, which passed unanimously. The meeting was adjourned at 6:12 pm.

Respectfully submitted,



Rachael Newbert

Administrative Assistant to the Planning Board and Board of Appeals