

**MINUTES OF MEETING
PHIPPSBURG PLANNING BOARD**

May 14, 2024

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

1. **[2:30]** The meeting was called to order by Ms. Varian at 5:30 pm at Town Hall. Clifford Newell and Mark Hawkes were absent. Ms. Varian announced that there was a quorum, which is 3 members. Alternate Lori Follett made a Board of four members.

2. **[2:48] Consider Minutes of 01/23/24 Public Hearing, 02/13/24 Regular Meeting, and 04/09/24 Regular Meeting.**

Ms. Follett made a motion to accept the minutes of January 23rd as written. Ms. Thayer seconded the motion, which the Board passed unanimously.

Ms. Varian pointed out a typo in the February 13th minutes regarding the title of the section referenced in the Shoreland Zoning Ordinance. Ms. Thayer made a motion to accept the minutes as written, with one correction. Mr. Totman seconded the motion, which passed unanimously.

Mr. Totman made a motion to accept the minutes of April 9th as written, Ms. Follet seconded the motion, which the Board passed unanimously.

3. **[5:10] JANE MORSE, 927 Popham Road, Map 14, Lot 32 - request an extension for a demolition/expansion of structures project that was revised and approved at the Planning Board meeting on 4/11/23. Application #2023-05**

Ms. Varian introduced the application and stated that the applicants are requesting an extension for the permit they had received on April 11, 2023. Ms. Varian stated that 60% of the project is complete, with a 16x20 East addition and an incomplete 12x24 North addition.

Ms. Thayer made a motion to extend the permit for a year. Mr. Totman seconded the motion, which passed unanimously.

There was no fee for the extension.

4. **[9:46] MARILYN E. SANCOMB REVOCABLE TRUST, 966 Popham Road, Tax Map 14, Lot 19, represented by Tim Forrester of Flycatcher, LLC, Yarmouth, ME – Replace an existing seawall consisting of timbers and stones in the existing footprint, with some modifications.**

Application #2024-13

Ms. Varian introduced the application and gave Mr. Forrester the floor. Mr. Forrester explained that the application is for the last house on the left before Fort Popham, and that there is an existing

seawall in front of the house, which faces North into Atkins Bay. The existing seawall is a deteriorated, stone filled, pressure treated wood wall. The plan is to replace the wall mostly in kind, while taking suggestions from the Maine Geological Survey into consideration, as the wall is mapped in a dune area. The plan includes adding riprap into some areas to make a sloped, rather than a vertical wall. This slope will help dissipate wave action. The area behind the house and garage will still be vertical due to space constraints. The project would move more than 10 cubic yards and includes additional plantings behind the wall.

Ms. Varian requested a few changes to the application page, including adding a signature, and stating that it is a non-conforming lot, and a permanent structure. She stated that the application is being considered under the Town of Phippsburg Shoreland Zoning Ordinance, Section 13.C; Section 14.2; Section 15.D.11; Section 15.Q; Section 15.U; and Section 17.D.

Ms. Varian explained that photographs would need to be submitted no later than 20 days after project completion. Ms. Follett clarified the location of the proposed riprap. Ms. Varian referenced photographs from the application packet and asked if the new part of the wall will look like the present main section. Mr. Forrester said that the rock presently behind the timbers cannot be considered riprap as it is too small and too round, so it will be removed and 2-4 foot quarry blasted rock will replace it. Ms. Varian asked if the standing wall would stay, and Mr. Forrester said the standing wall behind the garage and house will be replaced but remain vertical.

Ms. Varian asked if there was a certified person on Mr. Forrester's team to do the work, and Mr. Forrester said that he is certified. Ms. Varian referenced the Findings (Shoreland Zoning, Section 17.D.3) and the Board considered the questions. All findings were found positive.

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

Applicant will send in the fee of \$100.

5. [23:37] LESLIE COSTELLO, 12 White Spot Way, Tax Map 16, Lot 6, represented by Curtis Doughty – Shoreline stabilization from 2024 winter storm damage. Application #2024-12

Ms. Varian introduced the application and explained that Ms. Costello had accidentally submitted a building permit application, rather than a Planning Board application with her packet, but that the Board now has her application. She explained that the project proposes the use of eight loads of 1–3-foot riprap, swamp mats, and about nine hours of excavation time.

Ms. Varian referenced the sections of the Shoreland Zoning ordinance that the application was being considered under and then gave Mr. Doughty the floor. He explained that he was asked to replace stones damaged in the storm and to move some debris. Ms. Varian stated that the application is complete and includes photographs. She reminded Mr. Doughty that post-construction photographs are required within 20 days of project completion.

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

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

Applicant paid a fee of \$100 by check #441.

6. [31:35] MARGARET PEACOCK DALY, 23 Alliquippa Rd, Tax Map 27, Lot 2, represented by Marty Peacock McLaughlin or Clarke Cooper – Replace storm damage to the dock shared by the Coopers/Moores/Peacocks located on Dovekie LLC land, in front of Goose Rock at the entrance to Small Point Harbor. Application #2024-14

Ms. Varian introduced the application and stepped down from the Board as she is within a 5th degree relationship to the applicant. Ms. Varian appointed Mr. Totman as acting Chair.

Mr. Totman gave Ms. McLaughlin and Mr. Cooper the floor. Ms. McLaughlin said the dock was damaged in the storms and will need to be replaced. The replacement would be the same, except for height, which may be up to 4 feet higher. If there is a way to make the dock stronger, she would like to do that.

Mr. Totman asked which lot the dock is located on, and Mr. Cooper said Tax Map 27, Lot 2. Mr. Totman asked if there was an organization covering the dock, and Mr. Cooper explained there is no formal organization. Ms. McLaughlin agreed and said there may be some sort of written agreement somewhere, but no formal organization. She explained that there was once beach at the location and families could use dinghys, but eventually the sand went away and there was a need for a dock, so the families came together to build one. Ms. Follett asked if they were planning on raising the dock, or replacing as-is. Mr. Cooper said that the height would be dependent on the recommendations of the dock builder.

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

Mr. Totman read from the Planning Board Action saying the application is being considered under the Town of Phippsburg Shoreland Zoning Ordinance, Section 14.2; Section 14. Table of Land Uses, Item 17; Section 15.D; Section 17.D. The applicant is responsible for securing any and all other permits from any and all persons or agencies required for completion of the project. Post-construction photographs need to be submitted to the Planning Board no later than 20 days after completing the project. Dock measurements will not change from 18 feet long and 4 feet wide. This permit allows the dock to be raised to not more than 4 feet above the base flood level per State of Maine LD2030.

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

Applicant paid a fee of \$100 by check #1051.

Ms. McLaughlin asked if they would need to come back if the project cannot be completed within a year. Ms. Varian explained that they would have to come back after a year for an extension.

7. [44:25] WATER COVE COMMUNITY DOCK, 59 Water Cove Road, Tax Map 28, Lot 25, represented by John Hooe – Replace dock destroyed by 2024 winter storms.

Application #2024-15

Ms. Varian returned to the Board.

Ms. Varian introduced the application and gave Mr. Hooe the floor. Mr. Hooe explained that he saw the storm take the dock on January 10th. He described the items in his original Planning Board application submitted in April, including copies of Department of Marine Resources and Department of Environmental Protection permit applications. He explained that he had since delivered additional materials for his application. Mr. Hooe is asking to build the dock back in the same dimensions, except for the height. He said that he has contacted many potential builders, but most were not available until 2026/2027. The lot that the dock is located on belongs to Andrew Paige, and all 9 members of the Water Cove Community Dock group, including Mr. Paige, unanimously voted to authorize Mr. Hooe to represent their group for the rebuilding of the dock. He included minutes of this vote on April 29, 2024, in his application packet.

The Board took some time to review photographs and maps included in the applicant's packet.

Mr. Hawkes joined the Board.

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

The application is being considered under the Town of Phippsburg Shoreland Zoning Ordinance, Section 14.2; Section 14. Table of Land Uses, Item 17; Section 15.D; Section 17.D. The applicant is responsible for securing any and all other permits from any and all persons or agencies required for completion of the project. Post-construction photographs need to be submitted to the Planning Board no later than 20 days after completing the project. The dock measurements are 44-feet long and 4-feet wide. This permit allows the dock to be raised to not more than 4 feet above the base flood level per State of Maine LD2030.

Mr. Totman made a motion to accept the application as written. Ms. Follett seconded the motion, Mr. Hawkes abstained. The Board passed the motion unanimously.

Applicant paid a fee of \$100 by check #620510.

8. [57:48] ALISON AND CHARLES ROBIE, 44 Schooner Lane, Tax Map 28, Lot 47 – Shoreline stabilization from 2024 winter storm damage. Application #2024-16

Ms. Varian introduced the application and gave the Robies the floor. Ms. Robie thanked the Board for seeing them with short notice. She stated that she is the trustee for the Beebe Family Real Estate Trust, which is the owner of the property. Ms. Robie explained that the property is seasonal, and that they had not returned for the season until March. In April, they spoke with Lee Rainey, CEO, and he visited their property. Mr. Rainey made some recommendations, such as the placement of large boulders, and now the Robies are in the process of getting work done on the property. They have spoken with Curtis Doughty about doing the work.

Ms. Robie explained that the damage is to the land in the cove area of their property. They have lost trees, and there is a lot of washout. In the cove, there are large areas dug out wherever there is not rock, therefore creating huge losses of land. They want to stabilize the area using large boulders and riprap. Ms. Robie explained there are also problems with drainage ditches on the property, as both go under their shared driveway and then come out above ground. They are clogged and have undermined a tree that is now a hazard and needs to be removed.

Mr. Robie referenced the photographs and sketch in their application and explained that there is a small section in the middle of the cove where there is beach access. This section is 10-15 yards wide and he would like to retain this area with slope and rocks. He would like to stabilize the rest of the area with large boulders and layered riprap, with possibly crushed stone on top of that. Ms. Robie explained that one of the drainage ditches and one section of the erosion on the property is close to their well, so they are concerned and want to take action.

Mr. Robie referenced a photograph that shows the dugouts, which look like caves, stating that he would like to place boulders there. Mr. Hawkes explained that there is no need for a permit to cut the damaged and dislodged trees. There was some discussion about trees and the Board recommended that the Robies discuss tree removals with Mr. Rainey. Ms. Varian asked about the straightening of a drainage ditch, and Ms. Robie said they would like to clean out and straighten the ditches. Ms. Varian asked who speaks for the trust, and Ms. Robie said she was the sole trustee, which means she does not need written permission to speak for the trust.

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

Ms. Varian asked if they had applied for any other permits, such as from the DEP. Mr. Robie said he knows that they will need those permits but has not applied for them yet.

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

Ms. Varian reminded the Robies that they will need to submit post-construction photographs within 20 days of project completion. Mr. Robie asked about placing some large rocks to stabilize the land

while waiting for additional permits. Mr. Totman said emergency shoring was allowed after the storms, and Mr. Hawkes stated that it was only granted for 90 days.

Applicant paid a fee of \$100 by check #8361.

9. **[1:29:37] Other Business.** None.

10. **[1:29:39] Announcements.**

a. Notification of Working Waterfront Resiliency Grant Program.

Ms. Varian explained that there is an opportunity for fisherman with employees. More information can be found on the Department of Marine Resources' website. A sample application form will be left in the entryway of Town Hall.

b. Candidate's Night is June 3rd at 6:30pm at Town Hall – proposed changes to the Land Use, Shoreland, and Subdivision Ordinances will be reviewed.

c. Town Meeting is June 12th at 6:30pm at Phippsburg Elementary School – proposed changes to the Land Use, Shoreland, and Subdivision Ordinances will be voted on.
(The Board later found out that this date is unavailable. A new date will be announced.)

The Board explained that June 11th is Election Day, so Town Hall will not be available. They decided to move their next meeting to June 10th at 5:30pm instead.

11. **[1:36:18] Adjourn.**

Mr. Totman made a motion to adjourn. Ms. Follett seconded the motion, which passed unanimously. The meeting was adjourned at 7:11 pm.

Respectfully submitted,



Rachael Newbert

Administrative Assistant to the Planning Board and Board of Appeals