

**PLANNING BOARD MEETING  
December 6, 2007**

**The meeting was called to order at 7:00 p.m. by Terry Lowd.**

**Board members present:** Bill Mullin, Herb Watson, George Masters Jr., Robert Cushing & Bill Cummings.

**Also present:** CEO Merle West, Tina Molt, Lee Simard, Bill Phinney.

The minutes of November 15<sup>th</sup> were accepted as written.

**Mail**

The board reviewed a letter from Fred Nehring of Nehring Company PC, a land surveying company in Bath, asking to come to a meeting to introduce himself and his company. He will be invited to the January 3<sup>rd</sup> meeting.

**1. Bill Phinney, Bill Phinney Site Planning and Landscape Design. Construction of a house on Fish Point Road, New Harbor.**

Terry Lowd recused himself, as he is the owner of one of the lots on Fish Point Road being discussed, and asked George Masters to Chair.

In a continuation of his discussion with the board in November, Phinney represented Deborah and Hugh Hall, who are the current owners of Map 27 Lot 43A. They wish to purchase the adjacent lot, 43C currently owned by Harry M. Lowd III (Terry) on the condition that they can build a residence on the 1.17 acre lot. Phinney submitted an application, including a survey (showing existing buildings and the location and footprint of the proposed new building), septic plan, house plan, and building permit application.

The proposal includes recombining the lots into one parcel (their original 1964 configuration), tearing down the existing beach house and shed, and building a new residence, using the existing septic system. The entire parcel is in the Resource Protection District. In his cover letter Phinney referred to section 16E of Bristol's Shoreland Zoning Ordinance, Special Exceptions which states:

*In addition to the criteria specified in Section 16 (D) above, the Planning Board may approve a permit for a single family residential structure in a resource protection district provided that the applicant can demonstrate that all of the following conditions are met:*

- 2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.*
- 3. The proposed location of all buildings, sewage disposal systems and other improvements are:
  - b. Located outside the floodway of the 100-year flood plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides...**

Phinney argued that his proposal would make the parcel more conforming – the current house is non-conforming and the proposed new house would be at a higher elevation and setback beyond 75' of the high water mark. Herb Watson asked about the view easements in the deed; Lowd replied that it would not be an issue with the proposed placement of the new house.

George Masters and Bill Mullin told Phinney they need to have a purchase and sales agreement between the Halls and Lowd before they could act on the application. They suggested using approval of the application as part of the purchase and sales agreement. Approval would become null and void if they were to deviate from a plan approved by the Planning Board. Robert Cushing added that the board should stipulate that the parcel could never be re-divided, and Mullin asked for the next survey to include 1' topographical contours, dimensions of the existing and proposed structures and distances of all structures (existing and proposed) to the high water mark.

Phinney will get back to the board after he speaks to his clients.

**Ordinance Changes**

Next, the board discussed how to proceed with changes to the Subdivision Ordinance and the Shoreland Zoning Ordinance. The board decided to put aside the Subdivision, and focus on the Shoreland Zoning, since the state has a mandated deadline of July 1, 2008. Secretary Heather Houston will contact Rich Baker from DEP and Bob Faunce to schedule work sessions during the day for available board members, in an attempt to have something ready for town meeting in March.

**OLD BUSINESS**

Various board members made independent visits to the John's Bay Homes subdivision on the Pemaquid Trail to look at the road construction and drainage issues. The road and drainage has not been completed as depicted on the approved plan. The board will invite Jim Scali of JPSGJ to the January meeting to get more information.

The meeting was adjourned at 8:30 p.m.

Submitted by Heather Houston, Secretary, Bristol Planning Board.

PLANNING BOARD APPROVED: \_\_\_\_\_