

St. George Public Planning Board Meeting
7:00PM at Town Office and via Zoom
January 9, 2024
Minutes

The Planning Board meeting was called to order at 7:02 pm. Planning Board Members present were Chair Anne Cox, Anne Cogger, Richard Moskowitz, Michael B. Jordan, Jane Brown, Alison Briggs and Elaine Taylor. Also present in person were CEO Terry Brackett, Carl Danielson, Will Gartley and Wendy Carr.

Present via Zoom was Dianne Oelberger.

Quorum:

A quorum was present.

Conflicts of Interest:

There were no conflicts of interest.

Adjustments to the Agenda

Minutes for the January 6, 2024 On Site visit to the Roth Pier was added to the agenda.

Minutes

Jordan moved to approve the December 12, 2023 Planning Board Meeting Minutes, as corrected, seconded by Moskowitz, and by a unanimous vote, the minutes were approved.

Brown moved to approve the Record of Decision on the Atwoods Quarry Road Preliminary Subdivision Application, as written, seconded by Cogger, and by a unanimous vote, the Record of Decision was approved.

Moskowitz moved to approve the Minutes for the January 6, 2024 On-Site Pier Inspection on 45 Factory Rd., as written, seconded by Cogger, and by a unanimous vote, the minutes were approved.

Public Comments

There were no public comments.

Building Permit for Irving Bracy – Move Structure behind 75' Buffer Zone onto a New Foundation; Deck will Remain in Buffer Zone

Chair Cox

Mr. Bracy, do you want to come up here and find a seat and tell us about what you want to do?

Irving Bracy

Okay. You've seen the application. It is an old cottage, and it has never had a foundation. We decided it was time to discuss with Terry the best way to do this. The property is not large, but by moving it back ten feet, I can get it out of the 75-foot zone. Ideally, I would bring the whole thing back but there's not room. So, the deck will still have posts under it.

Chair Cox

So, the deck will still be on the water side of the 75 feet?

Irving Bracy

Yes, that's why I'm here.

Chair Cox

And that will be on posts?

Irving Bracy

Yes.

Chair Cox

It looks like it is in a very tight spot.

Irving Bracy

It is. But there is room to get the main cottage so we can put a foundation under it. It will outlast me then.

Cogger

Would moving it back make him closer to his neighbor's property line? It doesn't look like it.

Irving Bracy

No, I'm still going to be well over twenty feet from the line. The garage is there and it's quite close.

Chair Cox

You are basically moving up to kiss the garage.

Irving Bracy

Well, it's not going to kiss it. I would have to go through it to get the full amount. We wouldn't be able to open that door.

Jordan

I have one question. It looked like on the description in the application, you are going to leave the deck where it is.

Irving Bracy

It will come back ten feet from the house.

Jordan

What I am looking at is your drawing where it says normal and high watermarks under 8'. (Inaudible) which is good. And then here is the deck and it is back.

Irving Bracy

The nearest water is this way.

Jordan

Oh, I see.

Irving Bracy

It is on a point. The point goes around this way. So, we are sliding back. It is not going to make much difference either.

On a motion by Brown, seconded by Cogger, the Board found, by a unanimous vote, that the application was complete, and the motion carried.

Chair Cox

It is a new foundation, and the foundation of the house is outside of our jurisdiction because it is out of the 75-foot setback. So, the real question is the deck which remains within the setback and which will be on piers. As we have recently learned, piers are acceptable.

Jordan

Right. They are not treated as foundations. When you replace a pier, you are not replacing a foundation, and so you can still leave it there.

On a motion by Moskowitz, seconded by Jordan, the Board found, by a unanimous vote to approve the application because the house is being moved out of the setback area and also because the deck that will remain within the setback area will be on piers and not a solid foundation, and the motion carried.

Irving Bracy

Great, thank you. Thank you everyone.

Pier Modification Permit Add Seasonal Gangway, float and Piles-45 Factory Rd, Map 101-Lot 056

Chair Cox

Mr. Gartley. We're here to look at the pier application. You missed the Public Hearing, which had no comment so you didn't miss much.

Will Gartley

Sorry. I drove halfway down here, and I realized I left these plans sitting on my desk.

On a motion by Jordan, seconded by Moskowitz, the Board found, by a unanimous vote, that the application was complete, and the motion carried.

15C of the Shoreland Zoning Ordinance, Piers, Docks, Wharfs Bridges

The Board made the following findings of fact:

- 1. No more than one pier, dock or wharf is allowed on a single lot.** On a motion by Jordan, seconded by Cogger, the Board found by a unanimous vote that only one pier is proposed.
- 2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.** On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that no construction will take place over land.
- 3. The location shall not interfere with existing developed or natural beach areas.** On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that there are no beach areas present.
- 4. The facility shall be located so as to minimize adverse effects on fisheries.** On a motion made by Cogger, seconded by Brown, the Board found by a unanimous vote that there are no significant changes that would cause adverse effects regarding nearby fisheries.
- 5. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.** On a

motion made by Jordan, seconded by Cogger, the Board found by a unanimous vote that based on observation, the structure is no bigger than necessary, extends minimally from the existing structure, and is consistent with the surrounding areas.

6. **No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.** On a motion by Jordan, seconded by Brown, the Board found by a unanimous vote that no new structure is proposed.
7. **New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.** On a motion by Jordan, seconded by Brown, the Board found by a unanimous vote that the pier is in tidal water and therefore the standard does not apply.
8. **No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.** On a motion by Jordan, seconded by Brown, the Board found by a unanimous vote the existing structure is not proposed to be converted to residential dwelling units.
9. **Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.** On a motion by Jordan, seconded by Brown, the Board found by a unanimous vote that no additional height to the existing structure is proposed.
10. **Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.** On a motion by Cogger, seconded by Brown, the Board found by a unanimous vote that no vegetation will be removed.

On a motion by Cogger, seconded by Jordan, based on the foregoing findings of fact, the Planning Board concluded by a unanimous vote that each of the requirements of section 15C of the Shoreland Zoning Ordinance either has been satisfied or is not applicable and therefore the application was approved.

Preliminary Subdivision Plan – Atwoods Quarry Rd. – Map 222-Lot 086

Chair Cox

We have approved the preliminary plan. Terry, have we received the written notification from the Department of Environmental Protection (DEP) and also something from the Fire Chief?

Terry Brackett

Yes, I have it from the Fire Chief.

Jordan

You have this for the file, right? The DEP's acknowledgement?

Terry Brackett

I do now.

Will Gartley

The other things I brought are the sheets that are exactly the same as the preliminary plan, which is the road, and all the details. The difference is that they say final now instead of preliminary which I thought would be good for the record. And then what's actually going to be recorded. I brought a bunch of copies of this. This is what, if we get through and approved, would be recorded in the registry. And so that doesn't have contours and erosion control stuff on it but there's a note that references those other plans that are in the municipal record. What the registry wants is just a clean copy showing property lines and location of units. I've got a bunch of these. There is one that actually has an embossed, raised seal. That's the one that I need to take to get recorded. If anybody wants to look at one of these, I brought them.

Chair Cox

Did you get my email about having a note on the final plan and the town not having acceptance of the road?

Will Gartley

I did not get your email.

Chair Cox

I sent an email at the end of last week in preparation for looking at this, and Michael and I were talking about it. Under the final plan approval, Section 3E, it says that "The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the Town of St. George of any road, easement or other open space shown on a plan as a condition of approval." And then it goes on to say "When a park, playground or other recreation area has been shown, it doesn't constitute acceptance by the municipality as a condition of approval. The Planning Board shall require the plan to contain appropriate notes to this effect."

Will Gartley

In the approval box, there is a line there for conditions of approval. Could I just write that in, on the signature block?

Chair Cox

Yes. Will the Registry of Deeds take that?

Will Gartley

They will take that. We can just write it in.

Jordan

Does this not have to be on transparent paper anymore?

Will Gartley

No, not anymore. In fact, your ordinance does require that, and I took the chance of not bringing one, thinking that you really didn't want that stored somewhere.

Chair Cox

As we have noted, we have a lot of little things like that.

Will Gartley

It used to be that you had to record it, but not anymore. Once we record it, I can email you a copy of the recorded one. I would think you'd want to have one signed, that's the same thing.

Chair Cox

Yes, exactly the same, with writing in of the conditions.

Jordan

I think we have (Inaudible) that you want ordinance. Or should we just (Inaudible). I have the ordinance here.

Chair Cox

Basically, approval is not evidence of any acceptance by the Town of a road.

Jordan

I'm just looking for the exact verbiage of the ordinance; you can't go wrong that way.

Chair Cox

It's on page 26.

Jordan

This approval shall not be deemed to constitute or be evidence of any acceptance by the town of St. George of any road, easement or other open space. But instead of “on that plan”, it would be “on this one”.

Chair Cox

That covers that.

Chair Cox

Do you want to look at this Anne? Is it the same thing that we've been looking at?

Jordan

While we are doing that, could you sign the decision on the subdivision plan?

Tammy, as soon as you've got the minutes done, whenever that is, if you could just shoot me a copy of it. As we talked about, I want to attach it to this, so that we can get the whole thing in the file. Okay.

Chair Cox

I think this is what we've all agreed to. We have to vote to approve the final plan.

On a motion by Jordan, seconded by Moskowitz, the Board found by a unanimous vote to approve the final plan based on the record of decision that the conditions have been met.

Chair Cox

I think we're ready to ask for an adjournment, but I think Michael, you have an announcement you'd like to make.

Jordan

The Town Meeting is coming up in May. We have a couple of amendments we need to make to the Land Use Ordinance. The first one, I think you've all seen except maybe Dolly, and that's the conditions where the Department of Environmental Protection (DEP) required us to make some changes in order to get the Shoreland Zoning parts of the Land Use Ordinance to become effective. I think I sent that around to everybody, and I'll send it around again tomorrow. The second is the legislation that you've heard about regarding accessory dwelling units. We're required to make some changes to our ordinances to deal with that new legislation, so I drafted an amendment to do that. Anne and I conferred about it. I'll send that to everybody tomorrow too. That will be on the agenda for the meeting in two weeks.

Chair Cox

We will plan on having a workshop on those because I think there'll be some issues to hash out and work on this.

Jordan

In case you want to look at it, I will send the underlying legislation and implementing rule by the Department of Economic and Community Development and some other stuff. There is a very helpful guidance document from the Maine Municipal Association. I think we'll spend a fair amount of time on that. I've also written up a timeline, which includes being able to get us to do everything we need to do on time and the Select Board to do what they need to do and advertisements to go into the newspapers, etc.

Briggs

So that it can be an issue for the town meeting?

Chair Cox

Yes. We will have to have public hearings and all that.

Jordan

It will be voted on at the election part of the Town Meeting on Monday May 13th.

Adjournment

On a motion by Jordan, seconded by Brown, the Board decided by a unanimous vote to adjourn the meeting and at 8:09 p.m. the meeting was adjourned.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine