

St. George Planning Board
June 13, 2017 – 7 p.m.

The Planning Board meeting was called to order at 7:00 p.m. Members present were: Anne Cox, Chair, Noah Bly, Jane Brown, Ray Emerson, and Gary Minery. Also present: Terry Brackett, CEO, Richard Bates, Elizabeth Curtis, John and Connie Cormier, Jonathan Coggeshall, and Sandra Dickson Coggeshall, Ron Crusan, Alex Acquisto, Paul Gibbons, Esq., Margaret Fields, Brandon Chase, Sheryl Tishman, Randy Deutsh, Kristin Falla, Jacob Fongemie, Anita and Robert Siegenthaler, Wende and John McIlwain, Nancy and Carl Schwab, Deborah Cotton, Tom Sofyanos, James Barstow, Greg Howland, Bill Reinhardt, Will Gartley, and Scott Sullivan.

Public Hearing – The Happy Clam application for Tiki Hut/Barbeque Pit. An onsite public visit was held on June 12, 2017, at the Happy Clam, located at 13 River Road. Chair Cox opened the Public Hearing for comments.

Brandon Chase: "I have concerns about the Tiki Bar as far as, it seems like it is two restaurants, at this point. I asked Howland about the menu being inclusive of the Happy Clam and he said, no it is completely different menu. Also, it is going to have a separate bar and separate restaurant. At this point, it seems there are two restaurants on the property, the same plot of land. I just have some concerns about the regulations about that. If that needs to be certified differently, if that is something that needs a different liquor license or a new restaurant and how that works. If they truly are separate businesses, I guess they would be under the same umbrella of the Happy Clam but that is certainly a concern that I would have as far as what that is. Another concern I would have is the noise level, as far as the neighborhood. I know he has the deck at this point, and there are a couple of events throughout the year, that is great for the community and allowing that, but if there is an outdoor Tiki bar with televisions going and radios, I think that is a concern for the neighborhood, as far as the noise level for that. The third thing would be, I guess, you discussed the restaurant room aspect of it. I know Howland really wanted a Porta Potty, but I do not know what concern that would be as far as that. As neighbors, we would like to see a restroom rather than a Porta Potty, the door clanging all the time and the smell from a Porta Potty."

Jacob Fongemie – "I would like to echo the gentleman's concern about the noise, for sure. An open-air bar will drive some noise in the neighborhood. Another one is the smell and less about the Porta Potty, but I think just the smoking of meat every day. I love smoked meat but smelling it every day is a concern for me. I have lived next to a constant smoker and you smell it, and it is something that permeates inside the neighborhood." Chair Cox asked if he was an abutting neighbor. He said they got the letter, but they do not directly abut, but it is close.

Public member: "I was not able to attend the meeting yesterday, so my concern is changing of the landscape. We are still right in the middle of the village, and we want to maintain our village mystic. We are on Watts Avenue and I just wanted to see if they would be changing any of the landscape of their property and anything that would be affecting the immediate village."

Randy Deutsch – "I own the East Wind Inn. I come here with some great reluctance, because I do not really like to be involved in someone else's business or appear to be in someone else's

business. I know the owners of the Happy Clam. They are very, very nice people. I was not notified. I was not in the zone. I was frankly told about the meeting tonight by a neighbor who had a lot of concern. I am speaking for myself, not the neighbor. I went and read the application today and there was no application. I mean it was a plot map and it had Tiki Bar written across the front of it. I am not here as a competitor. I want to make that very clear. I am not in the business of being a competitor with a Tiki Bar, whatever in the world a Tiki Bar is. I do not know either the legal definition or the common restaurant definition of what a Tiki Bar is, but I have a concern for my hotel guests and my wedding business. I do not know exactly what is being planned. I heard, for example, 24-hour day smoking meat. I have no idea. I think you need to inquire what that entails. I cannot have a \$10,000 wedding on my lawn with a 4-course meal, with the smell of smoked pork or something just sort of permeating the area. I do not think that is very fair to me. There is a lot of questions unanswered that I respectfully request the answer. I know you are the experts, here, you are the Planning Board, but for example, occupancy. They might say well it is 20 seats or 24 seats. What does that matter, if they have a big tv with sports events and let 50 people stand up behind the seats, drinking lots of beer and rooting for the Red Sox, play-offs, or football where you could hear it half way across town. Occupancy, not just seating. The lighting – what is the lighting going to be? Music – I heard, well is that a little boom box or big speakers outside? Television - It might be alright, but no question has been asked, here. I also, am someone who gets lots of permits, and would suggest, respectfully that you have to be very satisfied. It is my uneducated view that if you are changing the footprint of what your liquor license specifically says, you need to know that they have permission from the state liquor authorities. The same with the health department, the same with DEP. I think that, again, this might all be all right but nothing has been answered, at all. From my perspective, a better way, I want to make sure that I do not hear a large crowd of people who have been drinking heavily, rooting for a sports team at 10 p.m. And pardon me, I do not mean be (unintelligible), but that is the thing, I believe, they are required to close at 9 p.m., outside. Can they control the crowd, watching the sports game outside the Tiki Bar and tell them to turn off the tv and everybody goes inside? I do not know if that is possible. I do not know if they are going to have cars, and if they are very successful, parked up and down Main Street. Again, I think many of these things should be answered. I also believe, even though you have had a couple of hearings, the effects of noise, parking, smoked meat, affect a greater group of people; and I am wondering if there should be possibly another Public Hearing where more neighbors in a larger area, are notified. Thank you for allowing me to speak."

Hearing no other comments, Chair Cox declared the Public Hearing closed.

Quorum: Ray Emerson was elevated to voting status. A quorum was present.

Conflict of Interest: There were none.

Adjustments to the Agenda: There were none.

Review of the Minutes:

Planning Board Meeting – May 23, 2017 - A motion was made by Brown, seconded by Emerson, to accept the minutes of May 23rd, as written. The vote was 5-0.

Onsite Public Hearing – June 12, 2017 – The Happy Clam – The minutes were amended as follows: Page 1, paragraph 2, line 2, correct to read Tiki Hat to Tiki **Hut**.

A motion was made by Emerson, seconded by Brown to accept the minutes of the onsite public hearing for Greg Howland/The Happy Clam, as amended. The vote was 5-0.

Findings of Fact:

- **6 Wallston Road, LLC** – On a motion by Emerson, seconded by Minery, the Findings of Fact and Conclusion of Law for Darci Lynn Chickering-Morris for The Sugar Tree were approved as written 5-0, pursuant to the Performance Standards Review, Section V, A1-20, in the Site Plan Review ordinance.

Public Comments: No public comments.

Building Permits:

a. Joline Wilson – The applicant was present. The application is to add a deck and stairs to existing structure located at 43 Factory Road. Applicant would like to be able to get out of her back door. Applicant obtained a building permit to put a door in her living room area but may be one-half a foot too close to the setback. There was a pre-existing chimney located to the setback line since 1976. Chair Cox said applicant is requesting a small, simple deck and set of stairs. Brackett said this is a non-compliant property, and it is within the Shoreland zone. Minery asked if Brackett had looked at it and he said he had. Brackett said the first time he did miss the chimney base and that is what is allowing her to put the deck and stairs on. Brackett said he saw no issues. Chair Cox said it seemed straight forward. Bly reviewed the diagram and asked about the 20' setback. Brackett said it was in the Shoreland zone. Chair Cox repeated, "A section of her house is in the Shoreland zone." Wilson said the house was there before the Shoreland zoning.

A motion was made by Bly, seconded by Brown to accept the application as complete 5-0.

A motion was made by Bly, seconded by Brown to approve the application 5-0.

Brackett will issue a building permit within the next couple of days.

Site Plan Review:

a. The Happy Clam – The applicant, Greg Howland was present. The application is to construct an open platform Tiki Hut and Barbeque Pit behind the Happy Clam Restaurant located at 13 River Road. The abutting property owners were notified and an on-site public hearing was held June 12, 2017 at 5 p.m.

Howland addressed the earlier comments and concerns. He said all the liquor licenses, health department, insurances, and all items needed to do business are all covered under the same blanket licenses and policies.

The smoker would go out to a chimney. He said he barbeques, run grills, cookers and they already do it every day in the back of restaurant, outside. Chair Cox asked if these were

substantial smokers? Howland said one was, and it came from Mr. Kohn's old smoker. It has a chimney and some exhaust fans. It is a commercial unit. He said he had never had a complaint about that. Minery asked if the smoking he does now, would end and move over to the Tiki Hut area? Howland said yes. Emerson said you are not going to be smoking 24 hours a day. Howland said no. Emerson said only when you are open and Howland said yes. Brackett said meat takes quite a while to smoke, so he would have to start it earlier in the morning. Howland said, "Yes, that is what we do. We don't serve 300 people at 5 o'clock; we start at 8 a.m." Brackett said these smokers are not necessarily going to be on the same hours that the restaurant is open. You have prep time to get the meat cooked and smoked. Howland said it would be a daily routine, like it is now. Chair Cox asked if it would be increasing the volume? Howland said, "I hope so. It is a profit thing."

As far as any music, Howland said restaurant was not a place for bands, or this or that. He said, "The East Wind has music; the Dip Net; the town, everybody has music once in a while. That is not a terrible thing; that is a good thing, as far as he could tell."

Chair Cox said she heard concerns about the location of project being open air, even though he had some walls and had windows. She thought the concern was being tucked back in where he has it tucked, he is into a residential area and that is different from where from where his deck is. The noise could be amped up. Bly asked if he had music on the deck, now? Howland said yes. Bly said it would be the same decimal you are playing it, now. Howland said it is not loud. Bly asked you have not had any complaints on it? Howland said not that he knew of and said every once in a while, they have someone play.

Chair Cox asked about the television and concern about watching sports or something similar? Howland said their cutoff time is at 9 p.m. He said they have televisions outside, too, on the deck. Chair Cox, "You do?"

Howland said, "Even in July or August, I do not want that late crowd. They can go to the Harpoon or somewhere. That is not the kind of customer we are after." He said he thought people were afraid it would be some wild biker bar. He said he lived here, too. Bly said that as it is now, people have to go in from the deck at 9 p.m. He asked Howland if he had any problem with herding people inside at 9 p.m. Howland said usually by 8:30 p.m., people are pretty much done.

Chair Cox asked about the concern of seating capacity in the new facility. Cox noted it was a very large space – 24' x 60'. Howland said 20 feet of that would be prep area. Chair Cox said the space used would then be 40' x 20'. Minery asked Howland if he found out how many seats he was licensed for. Howland had the Department of Health permit which stated an additional 25 seats. Bly asked if the liquor license was granted for the additional seating. Howland said they would, based on this (license), but he needed to send it to them.

Minery said this is still going to be one restaurant; this is not going to be two businesses. Howland said it would be one business. Minery said you would not be filing a tax form for one business and one for the other. Howland said no. He said we get overflow, and we get people

who want to rent the deck. We are just expanding. We are doing good and just offering people a different area to go to.

Chair Cox said her concern was the noise issue, which needed to be addressed.

She said even though she was there, had the revised plan and knew the blueprint was the same, the project keeps changing. She would like to see a very clear plan; one that does not keep changing. Chair Cox said the Planning Board needed a picture of the project, and we need to know what it is, exactly. Chair Cox and Brackett said they need:

- a revised drawing that makes it go straight and shows where his prep area is. It is helpful and she is very glad he showed where the setbacks were; but for our records we need to have a complete application.
- give us a little detail on what it is going to look like because we have scraps of paper that say it is going to be this kind of shingle or whatever.
- Emerson said we do need a plan of what it is exactly going to look like. Minery said, and not one that is going to change.
- elevations and that sort of thing
- what the walls are constructed of
- how the walls will be constructed
- what the connections are to the concrete piers. Brackett said his building permit application asked for this information, and the Board needs it.

Howland said what he gave Brackett from Mr. Reinhardt, dealt with that. Brackett said he showed the pier and talked about the placement of the piers and that sort of thing, but was he building the floor to attach to the piers, or was he attaching the columns to the piers and then building the floor to the columns? Brackett said he was not sure how he was building this. Howland said he could draw that out for him. Brackett said he was sure he (Howland) knew exactly how he was going to do. Howland said he was under the impression that really did not matter because "We are not following any type of building code." Brackett said the state of Maine has a building code and in order to follow the IBC, he would have to have this designed by an engineer and architect; but if he put it on paper so the Board could see it, they could probably forego that.

Chair Cox said we have various pieces. Howland said he could revise the blueprints. Minery said he thought it was "more just having it set in stone – this is what you are building." Chair Cox said we want to know exactly what it is, want to have a plan that will supersede all the other plans. Be very clear on the plan. We have a bathroom - this is the size of the bathroom and to label it. Measure out, how long is your parking area. That means you have so many parking spaces. He thought he had already did that. He said he easily has 50 spaces.

Chair Cox said what they needed was one drawing that showed exactly what the building would look like and what the dimensions were. She said they have contradictory bits and pieces, and it would be good to have one very clear diagram.

Emerson said the Planning Board needed to know about the lighting, show where it is going to be placed. Howland said all the lighting inside would be up inside the roof.

Brackett asked about a handicapped assessable bar and said that was a requirement, according to the ADA laws. Howland said he would provide a table for them. Chair Cox said it is just not clear on the plan where the handicapped accessible table is.

Bly asked about the water usage record from the main restaurant and said it sounded like he had enough to add the other bathroom. Howland said Interstate Septic was there and pumped out his tanks. They told him he not only had the 7,000 gallons in the main system, but has an additional 9,000 gallons in the restaurant side tank. Interstate would put that in writing.

Emerson asked if Howland was having a water line to the Hut? Howland said yes and power. Chair Cox said the water line should be detailed out the diagram.

Minery said he did not think the noise would be an issue. He said he could hear the weddings from his house; he could not hear the bar. Howland said he had always tried to respect that and he wanted to do something good. He did not want everybody mad at him.

Howland said he will put in some trees, shrubs like he had along the School House Bakery. He said he would not leave the landscape bare. Brackett said the more he could put on his plans, the easier it made it for everyone, concerned. Be specific where you are putting landscape items on the diagram.

Chair Cox and the Board said they could not accept the application as complete. Chair Cox said if he got all the information by next Tuesday, he could get put back on the agenda and hopefully move it along. Brackett said it could be brought up again as early as two weeks before the next meeting.

b. Linda Bean – The Wyeth Reading Room – Attorney Paul Gibbons and Will Gartley from Gartley & Dorsky Engineering, represented the applicant. The application is to construct an art gallery and information center for the Wyeth history at 20 Horse Point Road. Attorney Gibbons represents Linda Bean and said he has hoping for the Board to just look at the application and to find that it is a complete application, so the applicant can get started on their revised application for several reasons.

Attorney Gibbons, "I received a call from from Pat Mellor who is the attorney in Rockland representing some neighbors who are concerned. So, when I got the application completed, I sent him an email of the whole thing, and he became concerned because he said there is a lot of information here, and if we were to decide that tonight, he would ask for a continuance. So, I called him and said I think I can solve your problem and make it so you have plenty of time to look at our application. I said when I come tonight, the Board will determine whether the application is complete or not. Once that is done, we are hoping you can set up a public hearing and that will give them time to review our material, and we can have something done tonight, and move forward.

As you know, without a complete application, everything is in neutral and purgatory. We have a lot of information. We are pretty confident, we have a complete application. I do think that some people confuse an application with approval. We can have a complete application and it does not mean we are entitled to approval, at all. People can challenge the information we

have in our application and say you do not meet the requirements. I think there is a confusion about that. What we have to do is meet minimum requirements for the application, as you know and once we do that, we would like to move forward, then have a public hearing, and have a time line for people to submit documents and that way everybody will have plenty of time to review.

We have a lot information, I have to admit, and we want to be fair to everybody and we thought that was. So, I spoke to him about that. He thought that was a good idea. Will spoke to the code officer. We thought that was a good idea, so that is what we would like to do tonight. That is a pretty, I think, mechanical process. So, that is what we would like to do. Will (Gartley) will go through that process with you."

Gartley said they have taken pretty much what had been done, reviewed it, made some changes to make sure everything is complete according to the site plan review ordinance and that they have provided enough detail, hopefully, that the Board will be able to at least determine what exactly is happening.

Gartley, "So, on the beginning of the submission, we have a submission list. You can see we have 22 items that are included here in the book, with the intent to meet all of the items that are part of the submission requirements for a complete application. We skip to, it is in Tab #3. We provided a letter that basically is your ordinance with a response to each one of those items that is required for a site plan, where it can be found and the submission and where that information is. Would you like me to breeze through those or what is your preference?" Chair Cox and Brackett said yes, to go through those, as this is all new.

Gartley said, "Sounds good. This is under the Site Plan Content and Application Procedure in the Site Plan Review Ordinance.

1. a. Ask for the name and address of the applicant and his agent. We have that listed as Old Cushman House, LLC and the authorized agent is Gartley & Dorskey Engineering and Survey. The name of the proposed development is Wyeth Reading Room and it also asks for any land within 500 feet which the applicant has title or interest. We listed, no lands presently exist within 500 feet which Old Cushman House, LLC has title or interest, but the attached abutter's map shows property that Linda Bean has interest in within 500'. I just want to be clear the applicant is Old Cushman House and everybody knows it is Linda Bean, and she does have other property in the area.

b. Location of the development on the site, illustrating existing and proposed improvements. We have a complete site plan now which is labeled C-1 which is included there. That is based on the boundary survey by Mark Ingraham. We have contours at 1' intervals, both existing and proposed and we show all the site improvements. I am confident that the site plan has all the information, necessary.

c. Location of all water courses, brooks, streams and wetland areas within the site. There are none on the property.

d. Existing soil conditions and/or types. We have the **HHE 200** from Doug Meservey included in the site plan submission, and we also list the soils types from the soil conservation service and maps that are on the property.

e. Municipal tax maps and lot numbers. We have a copy of the tax map and the list of all the abutters.

f. Graphic scale and true north (and total acreage of the development). Total acreage is all listed on sheet C-1.

g. Existing and proposed locations and dimensions of any utility, sewer lines, water lines, easements, drainage ways, public or private rights of way within the development. Those are all shown on sheet C-1.

h. Location of buildings, other structures, wells, sewers, septic systems, water bodies, wetlands and roads within 300 feet of the development. We have a site location map and an aerial photo intending to try to show all those items.

i. If the site is not served by a public sewer, then an on-site soils investigation report by the Department of Human Services licensed site evaluator (shall be provided). As I mentioned, the **HHE 200** is in complete design of the septic system by Doug Meservey is included.

j. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets, curbs and sidewalk lines. Those are shown on the site plan.

k. Landscape plan (showing location, type and approximate size of plantings). We have a landscape plan that was designed by Maine Stone Landscaping and Design. A considerable amount of landscaping being added to the site.

l. Topography indicating contours at 10' intervals. Like I said, we have 1' contour intervals, both existing and proposed.

m. Erosion control plan – show what measures shall be taken to prevent soil erosion and water siltation off the proposed site. Both on the site plan, we show all the grading, proposed contours, silk fences, plantings, and then we have details for those items on our detail sheet, labeled C-2.

2. A written statement by the applicant that may consist of one or more of the following at the discretion of the Planning Board.

a. Evidence by the applicant of his title and interest (in the land which the application covers). We have included a copy of the warranty deed.

b. Description of the proposed uses (to be located on the site). We included a description in Tab #2 of the Proposed Project.

c. Total floor area and ground coverage of each proposed building. That is all listed on C-1.

d. Summary of existing and proposed easements, restrictions and covenants placed on the property. There are no proposed easements or restrictions and the boundary survey is by Ingraham Land Consulting.

e. Method of solid and sewage waste disposal. The solid waste will be disposed at the St. George Transfer station. Sewage will be handled in a subsurface disposal system. Again, we got that from Doug Meservey.

f. Erosion and sedimentation control plan. Those details are shown on C-1 and C-2.

g. Statement of financial capacity. That can be provided, if it is requested by the Board.

h. The applicant's evaluation and availability and suitability of off-site public facilities, including sewer, water and streets. The sewer, again, is going to be on-site as designed by Doug Meservey. There is adequate water available on-site for the proposed use and we have a correspondence from the Port Clyde Water District and then we have a traffic evaluation by Randy Dunton, a professional engineer from Gorrill-Palmer.

i. An estimate of the date when construction will start and when the development will be completed. Depending on how everything goes, construction would begin in the fall after the summer season and hopefully be ready for next summer.

So, those are all the items in the Site Plan." Brackett said the septic system in e. was a new system, not the existing one. Gartley, "Right. It is a proposed new system and it is located, actually, under the parking area."

Chair Cox said it does seem very thorough. Brackett said one thing that it is missing is an agent's letter. Chair Cox said Stephen (Smith) had been the agent. Brackett said that Stephen came in here and signed these, all. We did not get the agent's letter.

Gartley said, "You want something that authorizes Paul and I, also? Is that what you, in addition to Steve?" Brackett said, "Yes, I guess if you were working on it too, probably should have all of them." Gartley said, "Simple enough. I can have that quickly."

Chair Cox said the building had changed a little bit. Gartley said, "We changed the configuration to ensure that it meets all the setbacks."

On a motion by Brown, seconded by Bly it was voted 5-0 to accept the application as complete. An amendment to the motion was made. On a motion by Brown, seconded by Bly, it was voted 5-0 to amend the motion: to accept the application as complete contingent upon receipt of the agent's letter.

Emerson asked Chair Cox if she was suggesting that the Board have another on-site? Attorney Gibbons said, "I do not think you need an on-site inspection because the property is the same, and the footprint is the same. There is nothing that is changing that way. I think that we would like to head towards a Public Hearing. At a Public Hearing, you can decide anything you want to after the hearing. You can ask for additional information at that hearing, but I just do not think... When you go out there, you are going to see the same property, basically the same footprint and the parking area. You are not going to see anything different by going out again."

Minery thought a Public Hearing was fine and Chair Cox agreed because the Board had visited the site and was fairly familiar with it. Brackett said most people have concerns now; they have seen the site. Chair Cox said this is new information on the site and should move to schedule a Public Hearing. She asked if it should be scheduled for the next meeting? Brackett said it could be between 7 p.m. – 8 p.m. at the next meeting. Attorney Gibbons said he wanted to give the people two weeks to have the information, so no one would have any surprises. He asked Gartley if that was okay. Gartley said they are all set. A Public Hearing on the Wyeth Reading Room application was scheduled for June 27, from 7 to 8 p.m.

Siegenthaler asked Chair Cox for a point of order. She said she understood from the statement at the beginning there would be a time the public would be allowed to speak on this topic. Chair Cox said she would be glad to allow a time but at the public hearing, there would be an ample opportunity as most everybody will have a chance to really have looked at it. If somebody needs to say something right now before people leave, briefly; but we are not going to be getting into the full hearing.

Siegenthaler said she would like to speak and would be very brief. "It is kind of humorous. This morning as I was exiting Horse Point Road, parked in front of a house, kind of opposite the Coggeshalls. You will be interested in this Gartley & Dorskey. Kind across from Peg Fields,

were at least three construction vehicles that were working on a house, and because there is inadequate parking and the road is very narrow, the vehicles were partly in the travel lane. So, it was one lane passing, right next to the drop off there, at the cove, where the hill is going down to the Marsh and the house belongs to Linda Bean. I did not have my camera with me or I would have taken a picture because this illustrates perfectly the problem on this road. And, as you know from the memo that I gave the Planning Board yesterday, I think the traffic evaluation that was done was way off the mark for this road. And, I am disappointed that you decided the application was complete because I think that is a very important part of the application that deserves a do-over, to accommodate actual additions."

Chair Cox said that is what is going to be brought up at the hearing. The application is complete. That is their interpretation. There can be many other interpretations. Siegenthaler, "Yes, my interpretation is that is not complete, because it is (unintelligible)." Chair Cox said we would be able to hear that fully. Siegenthaler said, "And, I hope the minutes does record, that it was Linda's construction vehicles that were in the road. It is important. She needs to know that." Chair Cox said okay.

Question from public: "Do I understand that another site visit was dismissed as unnecessary?" Chair Cox: "Yes." Public member, "I would like to say that we have among our group, we have some questions about the way that we interpret the plan and some doubts about the accuracy of the actual dimensions. And many of us feel that we need to have another tape on the ground." Chair Cox said to bring that information and your survey to the hearing and we can look at it there. If you have a different interpretation. Public member, "Or if we have questions about specific (unintelligible)." Chair Cox said if they had gone out with their plan and measured it and it differs. Minery said there are residents here, now, that were not here when we did the first one, too. That may be something we want to think about. Public member, "And it is a substantially different plan." Chair Cox it is a very different plan. Brackett said that is why we are having the Public Hearing. Public member, "Okay. I understand. We can bring those concerns." Chair Cox said we need that information to make our decisions.

Wilson, "I was wondering when we will see this traffic report?" Chair Cox said come to the town office and it is included in this packet of information that they have presented. Wilson, "Do you pay for this to get that plan to look at?" Chair Cox said you can look at it in the town office. Wilson, "You cannot buy it and take it home and look at it?" Brackett and Cox said no, you can look at it at the town office.

Siegenthaler, "Anne, I think the plan can be available on line." Brackett said no. Siegenthaler said, "I got it on line from somebody, so if the town office would put the plan online." Brackett said the town office does not have it online. Chair Cox said the town office has not put it on line. Siegenthaler, "I know that, someone else has, but I think it would be very useful if the town office could put it online. Because going to the town office and going through that is very time consuming and they will not make copies of anything, if you want to take anything with you, which is kind of unusual. But they said the application is so complete which is very nice that it is impossible to make copies." Chair Cox said she did not think the town had the personnel to do that. Brackett said we do not have the time or the personnel. We would have to scan it all. Attorney Gibbons said he sent the application by email, in two parts, to Pat Mellor, because it

was so big. He said, "We could send it to you by email and if you have it by email and someone wants to have you send it, you just forward the email." Chair Cox said we could do that. Attorney Gibbons said they will email it to the town and will call the code officer tomorrow for the email address. He asked Brackett to call him back to make sure he got it. Brackett said okay.

c. Jamie Wyeth/Tenants Harbor Boat Yard – The applicant, Brandon Chase, was present. The property owner is Jamie Wyeth. The application is to repair damaged cribbing/bulkhead with concrete pad located at 3 Boatyard Road. The timbers are old and failing and the entire bulkhead will need to be repaired. Chase owns approximately 40% of the bulkhead and 60% is owned by Cozy Harbor Lobster.

Chase submitted a Permit by Rule to DEP. He was told he did not have all the information needed. DEP said it looked fine but needed a couple more specific and clearer drawings with the property line delineated. Chase had not resubmitted the information yet but once he did, DEP told him it appeared to be a nonissue based on the fact that it is repairing an existing structure. One of DEP concerns was he would not go so many feet beyond the largest timber, which protrudes to make the retaining wall longer. Chase said they were not going out into the water just going on the existing cribbing. DEP needed the property line and having more scale drawings of exactly what he was doing. Chase said he talked with Dustin at DEP and he will have to pay the fee, again.

Chase said he appreciated the Board's help and concern in trying to get this resolved on a larger scale, long term and Brackett had been great sending a letter to the abutter. Brackett said he had not had time to follow up on it, but he would. Chase said it was the corner that really needed repair. Chase said the work may get pushed back until the fall as this was their busy time of the year but needed to check with the concrete contractor. Emerson said if he was granted the permit, it would be good for two years. Brackett said yes and Cox said that would give him some flexibility.

Chair Cox asked if he application was complete without the DEP Permit by Rule. Emerson said it could be contingent upon receipt of the permit. Brackett said Chase has had contact with DEP. Chase asked if the state would send him a document and Brackett said they usually send him a copy and it can be more than two weeks, but he should get an actual permit.

On a motion by Brown, seconded by Minery, it was voted 5-0 to accept the application as complete, contingent upon receipt of the DEP Permit by Rule and verification from Mr. Wyeth stating Chase is authorized to act as his agent. The Planning Board began Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Minery, seconded by Brown, standard has been met 5-0. The erosion will be stopped from washing into the Harbor.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Minery, seconded by Brown, standard has been met 5-0. There is no change as this is a repair and there is no building being proposed.
3. Vehicular Access – On a motion by Bly, seconded by Brown, standard has been met 5-0. This will be an improvement as Chase will build a curb to make vehicular access, egress and the layout safer.

4. Parking and Pedestrian Circulation – On a motion by Bly, seconded by Brown, standard has been met 5-0. The repair of the damaged cribbing/bulkhead will halt the crumbling of debris into the water and will make it safer for pedestrian and vehicular traffic.
5. Surface Water Drainage – On a motion by Bly, seconded by Brown, standard is not applicable 5-0. The water drainage will not be affected as Chase said he will space it off from the concrete curb he will build.
6. Existing Utilities – On a motion by Emerson, seconded by Minery, standard is not applicable 5-0 as there are no utilities involved in this project.
7. Advertising Features – On a motion by Emerson, seconded by Minery, standard is not applicable 5-0. None proposed.
8. Special Features – On a motion by Bly, seconded by Brown, standard is not applicable 5-0. There is no storage of any type being proposed.
9. Exterior Lighting – On a motion by Bly, seconded by Minery, standard is not applicable 5-0. None proposed.
10. Emergency Vehicle Access – On a motion by Brown, seconded by Minery, standard has been met 5-0. The proposed curb will help for safe access for emergency vehicles.
11. Municipal Services – On a motion by Brown, seconded by Minery, standard is not applicable 5-0. There is no change.
12. Water/Air Protection – On a motion by Brown, seconded by Emerson, standard is not applicable 5-0. There is no change.
13. Water Supply – On a motion by Minery, seconded by Brown, standard is not applicable 5-0. None proposed.
14. Soil Erosion – On a motion by Minery, seconded by Brown, standard has been met 5-0. The repair of the cribbing/bulkhead will help prevent further soil erosion.
15. Sewage Waste Disposal – On a motion by Minery, seconded by Brown, standard is not applicable 5-0. None proposed.
16. Hazardous, Special and Radioactive Materials – On a motion by Bly, seconded by Minery, standard is not applicable 5-0. None proposed.
17. Financial/Technical Capacity – On a motion by Minery, seconded by Brown, the standard has been met 5-0. The applicant has the financial and technical capacity to carry out the project.
18. Shoreland Zone – On a motion by Brown, seconded by Minery, the standard has been met 5-0. The project will improve the quality of the area by inhibiting water run-off.
19. Flood Plain – On a motion by Minery, seconded by Brown, standard is met 5-0. Not applicable.
20. Lot Standards – On motion by Minery, seconded by Brown, standard is not applicable 5-0. None proposed.

On a motion by Minery, seconded by Brown, it was voted 5-0 to waive the Performance Guarantees. The Planning Board has reviewed the 20 Performance Standards and they have been met.

On a motion by Minery, seconded by Brown, it was voted 5-0 to waive the on-site inspection because it is a small repair, the Planning Board had visited the site before, and the photographs presented by the applicant gave a very good indication to the problem.

On a motion by Minery, seconded by Brown, being contingent upon receipt of the agent's letter and the DEP Permit by Rule, the application was approved 5-0 pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance.

10. Subdivision

a. Justin Long/Long Property Management, LLC (pre-application) - Will Gartley of Gartley & Dorsky represented the applicant. The proposed application is to discuss building a subdivision located on Map 232, Lot 19, Seal Harbor Road. The property owner is Justin Long. Gartley reviewed the blueprint with the Board and noted everything that was labeled with numbers, were Long's.

Gartley said he did a preliminary review for Long by looking what was there for soils, where the wetlands were, what the grades were and whether or not it would be feasible for him to invest the money to put the road in. They found areas of decent soils; but there are a lot of wetlands in the northeast corner, so they will stay out of those areas.

- The proposal for Lots 1 and 2, is to have a shared driveway in order to minimize the wetland impacts to get to the two building sites but will have. They will have their frontage on Seal Harbor Road.
- Lots 3 and 4 are existing buildings and those have existing driveways off Seal Harbor Road. Gartley said have not surveyed that area, yet, but there is approximately a 250' resource protection line from Jones Brook. He said they may run into trouble, as there is just enough room to get a road in between the existing house on Lot 4 and the resource protection line and bring that out to access Lots 5- 9.
- Lots 5-9 will all have frontage on the new road which is about 600', with the turnaround at the end. Lots 8 and 9 own land that is in the resource protection but meet the lot requirements.
- Brackett asked if Lot 7, the 2.36 acres, is land outside of the wetlands? Gartley said no but the other lot sizes do include the wetland. He said if the total impact exceeds 4300 square feet, then they would need to get permits. They have tried to minimize it, so Lots 6 and 7 would have a shared driveway.

They will do a boundary survey, locate the Brook, shoot topography of the proposed driveways and road, figure out the ditch lines, the drainage, where the pipes would go, see what additional impacts there might be, and try to avoid them.

Chair Cox asked if Lot 2 owned all of the wetlands as is a very large lot and Bly asked if Lot 2 could be divided. Gartley felt you could never get the frontage as you would have to build a road back there, and the impact on the wetland would be pretty prohibitive. He said in most of this area, if you walk through the wetlands, a lot of people would not be able to tell the difference. It is because the soils change. The vegetation is similar. Some of the places are a little trickier, because there are good soils for septic and then it converts into wetlands, so it is not as easy to distinguish. Gartley said he did not think Long would have a problem, if the Board did not want to see any further divisions.

Minery asked what length of time Long had owned the land? Brackett thought less than a year. Minery asked if there had been harvesting of wood on this land? Gartley did not think so. Brackett said the property had been in a family for a lot of years. Minery asked if Long was going to have underground power. Gartley said they had not gotten that far as the next step would be an investment Long would need to consider. They would need to do the boundary survey, topography and then prepare a subdivision application. He told Long they could do the pre-application with the town, and then make a decision whether to go forward or not.

Chair Cox asked about the right of way because it goes into the Resource Protection area. Gartley said one of the first things he would do; to find out where it is, because that could have an impact on the project. Gartley said he knows he cannot build the road in the Resource Protection area but was not convinced that the right of way could not potentially be in there. Brackett said according to his scale, it looked like he could go a little closer to the house.

Minery asked if the subdivision would have a fire pond or would all the houses have sprinklers? Gartley said that will have to be addressed with Long, but he would recommend they put in sprinkler as he is not a fan of fire ponds, but it is up to Long. Brackett said it had to be one or the other, and Minery said it adds \$6,000-\$8,000 to every house. Chair Cox said if he did a fire pond, he would be getting into wetland issues. Gartley said permitting would have to be done because of DEP and Army Corp rules, and they would have to look for a location to put it.

Brackett said he worked off a scale and made a note that the hammerhead did not appear to meet the subdivision ordinances. He thought it might be the width. Minery read from Subdivision Ordinance, Page 11; e. Dead End Roads - Planning Board may approve hammerhead or "T" turn-arounds that have a minimum of 50-foot wide by 150-foot long ROW and shall be constructed with a minimum of 18-foot wide by 118-foot long traveled way centered on the head of the "T". Gartley said it maybe their error, and he will review it.

Brackett asked if Long had named the road? Gartley said no, because he (Long) was not sure if the proposed project would even work out. Gartley said he was concerned in the beginning he wondered if it would be worth doing because of the cost of constructing a road, whether they could get enough lots, and the value of the lots. Once they located the wetlands and started working on it, it looked closer. Long is out fishing now and there is sporadic communication. Gartley said he and Long will need to spend time with Brackett to get the road approved.

Brackett discussed:

- Had Gartley had discussed covenants with Long. Gartley said not a lot.
- Would this project be for homes and not mobile homes? Gartley had not specifically asked Long, but said he did not indicate he was thinking mobile homes. Gartley will check on this.
- The town would require a fire pond or sprinkler system.
- The name of subdivision.
- The issue of a shared driveway - Minery said they had the potential of two lots coming before the Board, at a later date, looking for another driveway. Gartley said he would look at what the total wetland impacts would be and he and Long could talk about separate driveways.

- To make sure the hammerhead turnaround will work.

Brackett asked Gartley what he hoped to get out of the pre-application meeting. Gartley said a little feedback, making sure there is not something that is a major problem or an issue. He said they will the first do a survey to locate the high-water lines, do the 250' offset, and see where this all lands. Brackett said Lots 3 and 4 had new septic systems, and Gartley will get the information and update it on the plan. Gartley said they have a lot of work to get to the preliminary plan stage but will keep Brackett posted.

There was no further business to come before the Board. On a motion by Minery, seconded by Brown, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary