

St. George Planning Board
July 25, 2017 – 7 p.m.

The Planning Board meeting was called to order at 7:15 p.m. Members present were: Anne Cox, Chair, Noah Bly, Jane Brown, Ray Emerson, Mary K. Hewlett. Also present: Terry Brackett, CEO, Richard Bates, William Reinhardt, Greg Howland, Sandra Roak, Donald Wilson III, Scott Sullivan, Nat Lyon, Randall Thissell, Diana Bolton and Matt Tibbetts.

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

Conflict of Interest: There was none.

Adjustments to Agenda: There were none.

Review of the Minutes:

Planning Board Meeting – July 11, 2017 – The minutes were amended as follows:

Page 2, under Site Plan Review: The Happy Clam, second bullet correct NEPA to **NRPA**

Page 5, first paragraph, first line, change to read ...the application was **accepted as complete**, ...

A motion was made by Emerson, seconded by Hewlett, to accept the minutes of July 11th Planning Board meeting, as amended 5-0.

Public Hearing on the Wyeth Reading Room – June 27, 2017 – The minutes were amended as follows:

Page 1, Under attendance, 1st paragraph, last line, cut the name **Jane**

A motion was made by Emerson, seconded by Bly, to accept the minutes of June 27th Public Hearing, as amended 5-0.

On-site Public Hearing on Collin Moller – July 24, 2017

A motion was made by Hewlett, seconded by Brown to accept the minutes, as written 5-0.

On-site Public Hearing on Marshall Point Lighthouse Museum – July 24, 2017

A motion was made by Hewlett, seconded by Brown to accept the minutes, as written 5-0.

Public Comments: There were none.

Building Permits:

a. Collin Moller – Matt Tibbetts represented the applicant. The application is to replace a 20-year old existing ramp and float located at 32 Shumaker Lane. Mr. Moller purchased the property approximately 1 to 1 ½ years ago. The proposed project is for a 3' x 36' aluminum seasonal ramp and a 10' x 20' wood float, using small anchors and chains to secure the float and a change in the location.

Tibbetts handed out the new Site Plan and cover page which showed the modifications of the ramp. He pointed out that an extra 9' was added to get **the ramp extended beyond the rock**. Tibbetts told the Board that he had paid the application fee. Chair Cox verified that it had been

paid, as shown on the original application. Hewlett asked that the application with the new information be placed in the file and not in the old file.

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

Shoreland Zoning Ordinance Review began:

Section 15(C)

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or a Water Body or Within a Wetland and Shoreland Stabilization

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of the water body or within a wetland is allowed on a single lot. On a motion by Brown, seconded by Bly, standard has been met 5-0. One will be removed and one located more in line with the riparian rights.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. On a motion by Bly, seconded by Brown, standard has been met 5-0. There will be no disturbance to cause additional erosion.
3. The location shall not interfere with existing developed or natural beach areas. On a motion by Brown, seconded by Hewlett, standard is not applicable 5-0. There are no existing beach areas; it is going into mud and rock.
4. The facility shall be located so as to minimize adverse effects on fisheries. On a motion by Hewlett, seconded by Emerson standard has been met 5-0. There is no additional effect on the fisheries because this is a replacement structure.
5. The facility shall be no longer in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. On a motion by Hewlett, seconded by Bly, the standard has been met 5-0. The dimension is only as only as necessary for safe pitch and access to the new float. **The length of the ramps in the area are of comparable length and similar in character to the neighboring structures. It is necessary to be 45' in length to extend beyond the large boulder from the bluff as the bank is substantially higher on this lot than the other lots. It is a high bluff where the ramp is located.**
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 Hewlett, seconded by Brown, standard is not applicable 5-0. There is no new structure being built.
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 Brown, seconded by Brown, standard is not applicable 5-0. This is a seasonal ramp and float, in the water less than 7 months.

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 Brown, seconded by Hewlett, standard is not applicable, 5-0. None proposed.
9. Except in the Commercial Fisheries/Marine Activities District, structures build 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 (20') twenty feet in height above the pier, wharf, dock or other structure. On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. None proposed.
10. (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. On a motion by Bly, seconded by Brown, standard is not applicable 5-0. No vegetation will be removed on-site.

On a motion by Brown, seconded by Bly it was voted 5-0 to approve the Moller application for a seasonal ramp and float.

Site Plan Review:

- a. **The Happy Clam** - Greg Howland was present. The application is to construct a semi open building, Tiki Hut and Barbeque Pit behind the Happy Clam Restaurant located at 13 River Road. It would be a semi open structure with the open sides towards the restaurant parking lot and Route 131. The two closed sides would face the Sea Street neighbors and the Wyeth property to the rear. Dimensions of the building are 24' x 60'.

The application was voted complete contingent upon the receipt DEP approval. Chair Cox said the Planning Board did not have the DEP approval but the application was in process. Reinhardt thought the Board had accepted Howland's application as complete and asked if the minutes reflected it was contingent upon the receipt of DEP approval. He said it was undetermined whether it was going to need an NRPA permit, Tier 1, or not, at the time. Chair Cox said that was correct. She asked Howland if he knew how long it would take DEP to review this? Reinhardt said DEP said it was a standard Tier 1 permit. He thought they would review it within a month, or so. He said Howland was going to get a warning letter because it was filled. It is an After-the-Fact permit. The warning letter goes through three sections of review before it goes out and **the letter might come** out after the permit is granted. It has to go through lawyers and everything like that.

Chair Cox explained that the Board is slowly trying to change the procedure of approving applications contingent upon receiving DEP approval. She said it was because, in the Board's experience, there had been good information from DEP, and she knew of one recent Permit-by-Rule that got turned down after the Board approved it.

Chair Cox asked if Howland if there were any more questions before starting the review? Howland said that he had been around almost 10 years and when he bought the place, it was a train wreck. He said they are just trying to expand their business and not trying to build a biker bar. He thought he had proven that he cared about this place and has tried to provide a nice place for people and their children to go and enjoy themselves. He said that it bothers and hurts him when people attack him. Chair Cox said it is difficult when emotions run high. There were no further questions, the Planning Board began Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Bly, seconded by Brown, standard has been met 5-0. The property as it is now is a filled in wetland, that will be enhanced by grass, and maintained by a perimeter of evergreen trees. As per CEO Brackett, evergreens 3' to 4' tall will be planted according site plan: cedars 6' on center; pine or spruce 10' on center. Intention is to provide screening for sound and privacy.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Bly, seconded by Hewlett, standard has been met 5-0. The proposed site is the only available location to build the proposed structure on the 1.05-acre lot.
3. Vehicular Access – On a motion by Hewlett, seconded by Emerson, standard has been met 5-0. There is no change to the vehicular access with this new addition.
4. Parking and Pedestrian Circulation – On a motion by Brown, seconded by Hewlett, standard has been met 5-0. There is sufficient parking for the number of customer seat in the restaurant and for safe circulation of pedestrians. There is one parking place for three restaurant seats per Kennebec Valley Council of Government guidelines. (total of 109 restaurant seats)
5. Surface Water Drainage – On a motion by Hewlett, seconded by Bly, standard has been met 5-0. The applicant has addressed the surface water drainage issue with a slope to the existing ditch and placing rip rap along the existing ditch.
6. Existing Utilities – On a motion by Bly, seconded by Brown, standard has been met 5-0. The Tenants Harbor Water District will provide an adequate supply of water for the Tiki Hut/ Barbeque Pit.
7. Advertising Features – On a motion by Bly, seconded by Brown, standard is not applicable 5-0. There are no additional signs are being proposed.
8. Special Features – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. Applicant will add vegetation to minimize the effects of the smoke. He will install at least an 8' stack on the smoker to redirect the smoke. He will plant and maintain an adequate number of trees for an audio/visual buffer, as per discussed in Performance Standard #1. The hours of operation for the Tiki Hut/Barbeque will be the same as the current hours of operation for the Happy Clam Restaurant. No more serving of food or alcohol in the Tiki Hut or outside the Tiki Hut after 9 p.m.

9. Exterior Lighting – On a motion by Brown, seconded by Bly, standard has been met 5-0. Three lights will be mounted on the proposed structure facing the parking lot. The new lighting will be down shielded.
10. Emergency Vehicle Access – On a motion by Bly, seconded by Brown, standard has been met 5-0. The area is adequate for emergency vehicles to enter and exit the property.
11. Municipal Services – On a motion by Brown, seconded by Bly, standard has been met 5-0. There will be minimal change in use on municipal services.
12. Water/Air Protection – On a motion by Brown, seconded by Emerson, standard has been met 5-0. Applicant will attempt to minimize the effects of the smoke and if the NRPA Tier 1 permit is approved, the water protection will be met.
13. Water Supply – On a motion by Brown, seconded by Bly, standard has been met 5-0. There is an adequate supply of town water.
14. Soil Erosion – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. Applicant will install erosion control to reduce soil erosion. The owner will follow and use Best Management Practices.
15. Sewage Waste Disposal – On a motion by Bly, seconded by Brown, standard has been met 5-0. The septic system design is adequate for the additional 24 seats. (restaurant total seats 109)
16. Hazardous, Special and Radioactive Materials – On a motion by Brown, seconded by Bly, standard is not applicable 5-0. There will be no additional propane tanks proposed.
17. Financial/Technical Capacity – On a motion by Hewlett, seconded by Bly, standard has been met 5-0. The applicant stated he has the financial and technical capacity for this project.
18. Shoreland Zone – On a motion by Hewlett, seconded by Emerson, the standard is not applicable 5-0. This project is not in the shoreland zone.
19. Flood Plain – On a motion by Hewlett, seconded by Brown, the standard is not applicable 5-0. The project is not in a flood plain.
20. Lot Standards – On a motion by Hewlett, seconded by Bly, standard has been met 5-0. The proposed project complies with all setbacks.

On a motion by Bly, seconded by Brown, the Planning Board voted to waive the Performance Guarantees, 5-0. No improvements for the public benefit are required. The Board has reviewed the 20 Performance Standards and they have been met. A motion was made by Brown, seconded by Hewlett, to accept the Findings of Fact/Conclusion of Law for the Happy Clam/Tiki Hut/Barbeque Pit, as amended with the following contingency:

- The NRPA permit is granted and the CEO is provided a copy of that permit.

The vote was 5-0 pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance.

Reinhardt asked a question about procedure. When Howland receives the NRPA permit, did he have to come back before the Board or could CEO Brackett issue the permit? Brackett said he could issue the permit.

b. Marshall Pint Lighthouse Museum - Nat Lyon represented the applicant. The application is to reconstruct a historic 18' x 25' storage barn at 178 Marshall Point Road. The property owner is the Town of St. George. The Shoreland Zone District is Marine Residential and the Flood Plain Designation is VE 19.

Gartley & Dorsky Engineering prepared the original site plan and a revised plan which stated "No new driveways or parking area will be constructed as part of the project. The landscaping and planning shall remain." Chair Cox corrected the "New plan" to show the stripped ramp staying but the walkway removed, and to say "grass, no walkway." Chairperson Bates said the agreement had been signed between the historical society and the town. The proposed application was signed by Richard Bates and Town Manager, Tim Polky. Brackett said there was no fee involved.

A motion was made by Bly, seconded by Brown to accept the application as complete. There was no further discussion. The vote was 5-0 to accept the application as complete. The Planning Board began Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. Minimal disturbance of landscape will occur with this project. The building will be architecturally correct for the period the original structure was there.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Brown, seconded by Bly, standard has been met 5-0. The Storage Barn and Workshop will enhance the landscape as there was a structure previously onsite and the proposed project will be built, historically correct.
3. Vehicular Access – On a motion by Emerson, seconded by Brown, standard has been met 5-0. There will be no change in the vehicular access.
4. Parking and Pedestrian Circulation – On a motion by Brown, seconded by Hewlett, standard has been met 5-0. There will be no change in the parking.
5. Surface Water Drainage – On a motion by Brown, seconded by Hewlett, standard has been met 5-0. The grading plan provides a drainage swale to divert surface water.

6. Existing Utilities – On a motion by Bly, seconded by Brown, standard has been met 5-0. There will be no unreasonable burden as the new building will not increase pedestrian traffic and the barn does not call for water or bathrooms. The structure will have electricity.
7. Advertising Features – On a motion by Brown, seconded by Bly, standard has been met 5-0. Any signage will be attached onto the building, small in size and historically correct according to MHPC standards.
8. Special Features – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. None proposed.
9. Exterior Lighting – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. None proposed.
10. Emergency Vehicle Access – On a motion by Bly, seconded by Brown, standard is met 5-0. There is adequate vehicle access. The new barn does not affect the traffic flow.
11. Municipal Services – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. There is no change in municipal service usage.
12. Water/Air Protection – On a motion by Brown, seconded by Bly, standard has been met 5-0. There will be no undue water or air pollution. There are adequate provisions for water protection.
13. Water Supply – On a motion by Bly, seconded by Hewlett, standard is not applicable 5-0. None proposed.
14. Soil Erosion – On a motion by Emerson, seconded by Brown, standard has been met 5-0. Contractor of site work should be certified to work in the Shoreland Zone as indicated in Best Management Practices. BMP will be followed during construction of the proposed project.
15. Sewage Waste Disposal – On a motion by Emerson, seconded by Hewlett, standard is not applicable 5-0. There are no new bathroom proposed.
16. Hazardous, Special and Radioactive Materials – On a motion by Brown, seconded by Bly, standard has been met 5-0. None proposed.
17. Financial/Technical Capacity – On a motion by Brown, seconded by Bly, standard has been met 5-0. Construction will not begin until fundraising is in place.
18. Shoreland Zone – On a motion by Hewlett, seconded by Bly, standard has been met 5-0. Best Management Practices will be used in construction of the project.
19. Flood Plain – On a motion by Bly, seconded by Brown, standard is not applicable 5-0. The project is not in the flood plain.

20. Lot Standards – On a motion by Bly, seconded by Brown, standard has been met 5-0. The proposed project complies with all setbacks and height requirements.

On a motion by Bly, seconded by Hewlett, the Planning Board voted to waive the Performance Guarantees, 5-0. The Board reviewed the 20 Performance Standards and they have been met. There were no further questions or concerns. On a motion by Hewlett, seconded by Brown, it was voted to approve application for the Marshall Point Lighthouse Storage Barn, 5-0.

Select Board Chair Bates said at the Select Board meeting last night, they requested the Planning Board review the Shoreland Zoning ordinance to consider amending the ordinance and have one similar to Bristol, or not. Bristol has sections that deal with the landing of utility cables, and they have certain permit requirements. Chair Bates thought this was important to review.

He told Brackett he could formulate a letter which summarizes information about the Bristol ordinance and the communications they have had with Bristol's planning board and send it to him. Chair Bates recommended having Andrea Cox, of Bristol, come to a meeting and discuss what Bristol did. Sullivan said he was willing to help the Planning Board on this. Chair Bates said there is concern in Port Clyde about this and the Select Board asked if the Planning Board could act upon it in due haste.

Chair Cox thought it would be good to have a workshop to get to speed, and suggested August 22, as a possible date.

On a motion by Bly, seconded by Brown, the meeting adjourned at 9:02 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary