

St. George Planning Board
August 22, 2017 – 7:00 p.m.

The Planning Board meeting was called to order at 7:00 p.m. Members present were: Anne Cox, Chair; Jane Brown, Mary K. Hewlett, Michael Jordan, and Ray Emerson. Also present: Terry Brackett, CEO, Richard Bates, John and Linda Schier, Attorney Victor Manougian, Michael Farmer, Ralph Buckwold and David Konieczny.

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

Conflict of Interest: There was none.

Adjustments to Agenda: There was none.

Review of Minutes

Planning Board Meeting – August 8, 2017- The minutes were amended as follows:

Page 2, under (The following narrative is non-verbatim), second conversation set by Hewlett, line 2, remove the comma after the word appointment

Page 2, under The Wyeth Reading Room, line 2, change to read ...the existing buildings on...

Page 6, 1st sentence, line 2, add wording: change to read ...Session **for the Board to obtain legal advice from Ms. Meader.**

A motion was made by Emerson, seconded by Brown to accept the Planning Board minutes of August 8, 2017, as amended, 5-0.

Public Comment: There was no public comment.

Building Lets:

a. Anja and Georg Hubs – Michael Farmer represented the applicant. The application is to repair a failing, retaining rip rap wall and create land stabilization forward of the Hubs' house between the residence and the high-water mark. The proposed project is located at 495 Island Avenue, Spruce Head, Map 230, Lot 11. The Floodplain designation is VE14.

Farmer reviewed the Cross-Section A-B design plan dated 7/18/17, which included photos of the rubble wall. The wall is roughly 8' high. Farmer's plan is to bring construction access at the base via a ramp, build across the front to restore the wall with larger stones, and pin it to the ledge. It will be a two-level wall. There will be a landing so an excavator can get in to rework the wall into much larger stones. When completed, it will be a 2:1 slope. Farmer said there would be a landing and that would be terraced off to grass, when done. He said when the equipment backs out; there would be top soil to cover that area. He said the trees in the area forward of this cottage had been removed some time ago by the previous owner. He noted it was quite barren in the front and would like to plant trees across the front to restore and revegetate it.

Chair Cox said Farmer had some proposed steps to the lower wall. Farmer said there is a path shown on the plan. It is a wooden stairway that goes down to a gravel walkway that is forward of this work area. He thought it would be pertinent to have a set of steps that would come down off the equipment access platform to join up with the path below. Chair Cox noted this was extending quite a bit into the 75' setback. Farmer said the toe slope would be 45' from the high-water mark, in order to accomplish the work.

Farmer said the existing footpath which runs along the shore was gravel and the plan was to put gravel between the proposed steps and the footpath. Hewlett asked if the deck pilings had moved. Farmer said the pilings are not exactly straight; it looked like they were close to the edge. He said without digging them all up and reworking them, it would be hard to tell just how many more years they would last.

Chair Cox asked if there were any solutions that would impinge less on the 75' setback. Farmer said by the time he created a ramp, brought the excavator down and the stockpile of material, etc., he felt that was how much room they would need to create that construction platform. Brackett said the top tier was only about 12' to 14' wide. Farmer said he could not build the flat area to come down with the equipment access without building a wall below that to support it. Hewlett asked if there was any type of equipment he could get in there without having to have an excavator. Farmer said not to move large pieces of stone. Some of the stones weighed between 2,000 to 3,000 pounds.

The onsite visit was waived, as the pictures showed a good representation of the area. Farmer said they were not taking any trees down, except a sapling and a small maple. Farmer pointed out the large undeveloped area which had no trees. Brackett told Chair Cox there were several large trees with 12" to 15" diameters that had been taken down within the last 4 or 5 years. Farmer thought they were 18 to 20 inches, at the base. Hewlett asked if those would count in the marking system and Brackett said yes, but it would be difficult to mark those because there were so few trees in that area. He said there are plenty along the shore, but back towards the house, there is an area that doesn't have much vegetation.

Hewlett said they are not showing any trees on the shore. Chair Cox said he was planning to plant six trees and to replant the area with dogwood and viburnum and said the town was trying to encourage the planting of natives. She asked Farmer if he could plant a couple of maples on the sides. Brackett said he, also, would like to see a couple of maples, oaks, or something there that would have height, to eventually to replace some of the large trees that had been removed over the years, and never replaced. Farmer said he thought that would be fine.

Hewlett asked if the maple tree on the right-hand side on the edge of the ramp would stay or would it have to be removed. Farmer said he thought that would have to go, or they would have to work around it and leave it. Hewlett explained they were trying to stop total clear cutting of this space, to have this awesome deck view. Farmer understood. Emerson said the trees would support the ground from moving and washing out.

Chair Cox noted he would be filling in the first layer slope with loam and add the shrubs, and the same shrubs would also go into the bottom layer. Farmer said the plants above, and the wall line would be mostly native ones that spread out, and he would plant shrubs and wildflowers on the slope.

Brackett agreed with Chair Cox and said the height of the wall (closet to the water) was a problem, per the ordinance. Brackett and Chair Cox suggested he do (2') two feet, then he could slope it back instead of having a level area to the first retaining wall. Chair Cox said the rubbly wall he was going to fill with plants, would still classify as a wall, and to deal with his grade issue, it would have to be a slope rather than the level area. Hewlett said the 75' setback was the issue because he was doing most of the work within the 75' setback. Brackett said Farmer already had an existing backfill situation that he was trying to save, and Brackett suggested having a little leeway on that. Chair Cox told Farmer he inherited a messy situation.

Chair Cox asked how they could compromise. Jordan was not sure if it was erosion as opposed to just subsistence, or if that made a difference and asked, "Are we within this ordinance or not?" Farmer said the whole purpose was to restore the side and get rid of a wall that was eroding at the base, to make it

more stable, and to improve the condition. Brackett said he had a foot elevation difference between the top of the lower wall and the bottom of the upper wall. Chair Cox said because this was necessary for erosion control, could he reduce the height of the lower wall by (2') two feet? Farmer said yes, he would agree to that as long as he could develop a flat area to work off. Hewlett said she felt it was also a safety issue for the home, and they did not want the deck to fall off.

Chair Cox asked if there was any more information needed and if the application was complete. A motion was made by Brown, seconded by Emerson, to accept the application as complete, with an agreed upon change by Mr. Farmer, to reduce the height of the lower wall by two feet. The vote was taken, 5-0.

The Board began the Shoreland Zoning Ordinance review under Section 15(B)(5) Principal and Accessory Structures.

5. Keeping walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist - On a motion by Emerson, seconded by Jordan, the vote was 5-0, the site has been altered and effective vegetated buffer does not exist.

b. The walls are at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland – On a motion by Brown, seconded by Emerson, the vote was 5-0, the walls are 45 feet.

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings – On a motion by Emerson, seconded by Brown, the vote was 5-0, the site is eroding.

d. The total height of the walls, in the aggregate, is not more than 24 inches – On a motion by Brown, seconded by Emerson, the vote was 5-0. The existing condition of the wall will be corrected. The Board agreed the height must be more than 24 inches in places and the applicant will reduce the height of the lower wall by 2 feet.

e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record; or in the absence of these, by soil types identified as recent flood plain soils – On a motion by Brown, seconded by Jordan, the vote was 5-0. The ordinance is not applicable because the proposed project is outside of the 100-year flood plain.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks - On a motion by Hewlett, seconded by Brown, the vote was 5-0, based on the site land restoration plan, dated 7/18/2017, with changes that the proposed grass area will be sloped and to include the addition of two maple trees to be planted, one on each side, of the exterior of this project and the proposed steps will be no wider than four feet.

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal highwater line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area shall meet the following characteristics – On a motion by Hewlett, seconded by Brown,

the vote was 5-0. The ordinance is not applicable because all work will be done above the 45' high water line.

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit by the Natural Resource Protection Act is required from the Department of Environmental Protection.

Discussion on Note: Brackett agreed that Farmer had filed the Permit-by- Rule on 8/10/2017. He told Farmer DEP may still want more information, even though he had mailed the let in. Farmer said once DEP made their decision; he would send Brackett a copy.

A motion was made by Hewlett, seconded by Brown, to approve the application, contingent upon receiving the NRPA Permit-by-Rule from DEP submitted to CEO Terry Brackett, and the noted changes to the plan, as discussed by the Board, the CEO and Mr. Farmer. The vote was 5-0.

b. Ralph Buckwold – The applicant was present. The application is to repair approximately 30' of the stone seawall located at 93 Barter's Point Road. The proposed project is in the Shoreland Zone District and the Floodplain Designation is AE-12. Buckwold said 10-15 years ago, there was a repair done to same section of this wall and felt that because it was not done properly, the impact of the hightides are taking out the base rocks that support the wall and creating a soon-to-be and potentially dangerous situation for the rocks to collapse. There is a staircase that goes to that area for access to the beach. He felt something needed to be done to retain the larger boulders adjoining that, or there will be further decay of the staircase.

Chair Cox asked how the repair would be done, structurally. Buckwold said a piece of the equipment would have an articulating arm which would be able to grab the rocks, place them in a solid position and insure they were well-bedded. Chair Cox said he was merely restacking the existing rocks in a tighter, organized manner. Buckwold said depending upon what the contractor recommended, he may pin some of the rocks in place. Chair Cox said he was not bringing in any new rock and Buckwold said he was using what was on his property. Hewlett asked if he was removing all the existing rocks, putting in mesh or doing a quicker fix. Buckwold said hopefully it would be a quick fix, as he wanted to keep the cost down. It is whatever the landscaper, Peter Overlook, recommended.

Hewlett said typically when the Board sees shoreline stabilization, they go over the plans from the contractor that show they have removed all the rocks, put in the landscaping mesh, and then they start rebuilding it, so it would not have to be done again in five years. Hewlett was worried if he did a quick fix, he would be back to the board in five years. Brackett said this project was a rebuild of probably 30% of the seawall, and it did not need a let from DEP because it was not over a 50% rebuild.

Hewlett asked what the length of the proposed project was, and Buckwold said about 30'; but he would get an exact number for the Board. Hewlett suggested the application's project description about the rebuild portion of the seawall be updated with the correct footage, as opposed to the percentage. Hewlett asked if there was any railing system on the steps or just the large stones. Buckwold said just the large stones. Hewlett noted there was a good ledge to pin onto.

Chair Cox asked what category this falls under. Brackett said the project is classified as a retaining wall under the Shoreland Zoning Ordinance, page 19, Section 15(B)(1)(a) and the setback requirements do not apply. Chair Cox read from the ordinance. She said it is a repair of an existing retaining wall and less than 50%, and the shore frontage is 103' or 30% of that is around 30'. Hewlett asked why he was not doing the entire wall and Buckwold said it did not need to be done.

On the building permit under property information, Chair Cox noted the Board's corrections by updating the totals in sq. ft. of all buildings, number of stories, bedrooms, septic system and flood plain designation.

On a motion by Emerson, seconded by Brown, it was voted 5-0, to accept the amended application, as complete.

On a motion by Jordan, seconded by Brown, it was voted 5-0 to approve the application, based on the Shoreland Zoning Ordinance, Section 15(B)(1)(a) that the setback requirements do not apply to this application request.

- c. **Linda Schier** – John and Linda Schier were present. The application is to build a 14' dormer on the west side of the existing garage. The project is located at 202 Atlantic Quarry Road. The Shoreland Zone is Marine Residential and the Floodplain Designation is AE-14.

Mrs. Schier stated they bought the piece of property about one year ago. They currently have a double wide trailer on the property which is within the 75' setback and a 24' x 24' garage, a corner of which is within the 75' setback. They are located on a peninsula and there is a stream and the cove which is within the 75' setback. The double wide has a leaky roof, is full of mold and it will be removed this Thursday. The garage has a bathroom, a septic system, which was inspected and approved when they bought it, one finished living space, and an open space attic which gets very hot, and has no ventilation. They would like to build a 14' dormer on to get more air moving through that space. The plan is to lift up the roof that is there. The contractor is their son, their friends, neighbors, and her husband, John.

Brackett said he had been out there several times, and a permit had been issued to remove the double wide. Chair Cox said the 14' dormer did not change the footprint. Brackett said there was no ground disturbance in the 75' zone, and it is a non-conforming structure. Schier said the dormer would not go the full length of the building; it would be 5' shorter on each side. Hewlett asked what would be the percentage of lot coverage. Schier said about 1%. Hewlett asked if a kitchen would be put in and Schier said no; it is basically a campsite. Brackett said it was more like a bunkhouse.

On a motion by Brown, seconded by Hewlett, it was voted 5-0 to accept the application as complete.

On a motion by Emerson, seconded by Brown, it was voted 5-0 to approve the application, as the project will not increase the footprint in the Shoreland Zone and it is a non-conforming structure.

Site Plan Review:

- a. **American Tower Corporation** - Attorney Victor Manougian represented Verizon Wireless. The applicant is Structure Consulting Group, Arlington, MA. The application is to replace the existing Verizon antennas and supporting equipment on the existing monopole located at 74 Wallston Road. Nexius submitted plans dated 6/8/17. The property owner is American Tower Corporation, 10 Presidential Way Woburn, MA 01801. The existing and proposed use is telecommunication.

A letter of authorization from Verizon Wireless was included with application. Attorney Manougian reviewed the plan. There are twelve (12) antennas in total and the plan is to remove six (6) antennas and replace them with six (6) antennas of the same size (approximately 6' in length); to upgrade the antennas to better service for the 700 and 700 AWS (Advanced Wireless Services) frequencies; and to add the antenna supports, and six radio remote heads which will help the tower communicate with everything it needs to communicate with. The remotes will be on the inside of the antennas. There will

be one junction box placed between the antenna and the pole and monopole. They are running new coaxial cables up to the antennas, and they will all be hidden. Currently, there are 18 coaxial cables, but they will be reducing that number to 12. There will be no ground work done, the length of the antennas is the same – 6', and the center line is at the same spot, so it will not be any higher or lower on the tower. Manougian said this is an upgrade; visually, you would not notice anything. It should improve the reception for all Verizon customers.

Hewlett asked about the osprey nest and Manougian did not know there was one. Hewlett noted, in the June 5, 2017 Nexius letter, last paragraph on page 2, the climbing crew could not get to the top because of the nest. Brackett said he thought the osprey may be gone by the time the work starts. They will start work as soon as the building permit is issued. Hewlett said he might want to make a note that his crew might have a problem if the nest is still there.

Hewlett asked if this work would solve the dead zone on Route. 73? Hewlett and Brackett said it was around 10 miles from the town office. Manoguian thought that was too far from the tower. Hewlett thought there was a proposed tower that the Board approved to go in that, but it was never built by American Tower. Manoguian said if Verizon proposes a tower, they do it; if other companies propose, they may not build it.

On a motion by Brown, seconded by Hewlett, it was voted 5-0 to accept the application as complete.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. There is no ground work being done. All work is being done on the tower.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Brown, seconded by Jordan, standard is not applicable 5-0. No change proposed.
3. Vehicular Access – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. There is no change to the vehicular access roads.
4. Parking and Pedestrian Circulation – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. All work is being done above the ground on the tower.
5. Surface Water Drainage – On a motion by Brown, seconded by Emerson, standard is not applicable 5-0. No change.
6. Existing Utilities – On a motion by Brown, seconded by Emerson, standard is not applicable 5-0. No water supply will be used.
7. Advertising Features – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. None proposed.
8. Special Features – On a motion by Brown, seconded by Jordan, standard is not applicable 5-0. No change.
9. Exterior Lighting – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. There is no exterior lighting on this proposed project.
10. Emergency Vehicle Access – On a motion by Hewlett, seconded by Brown, standard has been met

5-0. Provisions have been made for maintaining convenient and safe access to the structures at all times.

11. Municipal Services – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. There will be no unreasonable, adverse impact on municipal services.
12. Water/Air Protection – On a motion by Brown, seconded by Emerson, standard is not applicable 5-0. No change proposed.
13. Water Supply – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. There is no water use being proposed.
14. Soil Erosion – On a motion by Emerson, seconded by Brown, standard is not applicable 5-0. No work will be done at ground level.
15. Sewage Waste Disposal – On a motion by Brown, seconded by Hewlett, standard is not applicable 5-0. None proposed.
16. Hazardous, Special and Radioactive Materials – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. None proposed.
17. Financial/Technical Capacity – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The applicant has the financial and technical capacity to carry out this project.
18. Shoreland Zone – On a motion by Hewlett, seconded by Jordan, standard is not applicable 5-0. The proposed project is not in a Shoreland Zone.
19. Flood Plain – On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. The proposed project is not in a flood plain.
20. Lot Standards – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. There is no proposed change to the lots.

On a motion by Brown, seconded by Jordan, it was voted to waive the Performance Guarantee 5-0. A motion was made by Brown, seconded by Hewlett to approve the application, 5-0.

Subdivision:

- a. **David K. Konieczny** – The applicant was present. Mark W. Ingraham, III, Land Surveyor, gave a Subdivision Amendment application on behalf of Mr. Konieczny. The plan is to merge Rackliff Island Subdivision Lot Numbers 5A & 6A, Town Tax Map 230, Lot Numbers 4 and 5 into one lot. The letter was dated February 21, 2017. Mr. Ingraham included supporting documents which included the original subdivision plan recorded in Knox County Registry of Deeds Plan Book 11, page 27, and a 2010 survey done for a prior owner.

Konieczny said this proposed project would eliminate one lot on Rackliff Island as owners are concerned about their water supply. He said this is an investment and plans to make this his retirement home. He said a mailing had gone out to the Board of the Rackliff Island Association, and they held a meeting. There have been no major comments or concerns or objections, except one question from the Association: could this merger be reversed? Brackett said it would be difficult to reverse the merger. Konieczny said he was planning to combine this legally, and have it recorded in the deeds.

Hewlett said the letter from Rackliff Island Association was not dated and asked if there was a copy of the letter that was sent out? Brackett said he had received an email, dated June 5, 2017, and he talked with Eric Waters, President of Rackliff Island Association, a few days ago about Mr. Konieczny's request. The email will be placed in the file. The Board reviewed the Subdivision Ordinance, page 26, Section VII, D. Revisions to Approved Plans, 1-3 and found that this did not apply to the application.

On a motion by Brown, seconded by Jordan, it was voted 5-0, to accept the application as complete.

A motion by Jordan, seconded by Brown, to approve the application request to merge Lot Numbers 5A & 6A, Town Tax Map 230, Lot Numbers 4 and 5 into one lot, as there appears to be no violation of standards under the St. George Town Subdivision Ordinance. The vote was taken to approve the application 5-0.

The Planning Board signed all three copies, one of which was a Mylar copy of the Subdivision Plan. One copy will be placed on file at town office.

There was no further business to be discussed. On a motion by Brown, seconded by Emerson, it was voted 5-0, to adjourn the meeting.

Workshop:

A presentation was done and an update given by Select Board Chair Richard Bates regarding Maine Aqua Ventus; it included the current status of the Aqua Ventus project and an overview on how Bristol went about changing their shoreland zoning ordinances.

Chair Bates asked the Planning Board to consider reviewing the Bristol Shoreland Zoning Ordinances, to discuss those with experts from Bristol, and for the Planning Board to consider making possible modifications to the Town of St. George Shoreland Zoning Ordinances.

At 9:01 p.m., on a motion by Emerson, seconded by Brown, it was voted 5-0 to extend the workshop beyond 9:00 p.m.

CEO Brackett reviewed Subdivision Ordinance policy rules with the Planning Board. The workshop ended at 9:20 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary