

**St. George Planning Board  
March 21, 2017**

The Planning Board meeting was called to order at 7 p.m. Members present were: Anne Cox, Chair; Noah Bly, Jane Brown, Ray Emerson, Paul Gill, and Mary K. Hewlett. Also present: Terry Brackett, CEO; Tim Polky, Elizabeth Curtis, Jocelyn Paquette, Suzanne Merrill, Michelle and Langdon Wilson, Charles Christensen, Pat and Robert Hughes, Deborah Cotton, Grace Machemer, Paul Dalrymple, Tina Riedl, Peg Fields, Karen Farquhar, Len Clarke, Jen Derbyshire, Joss and Sandra Dickson Coggeshall, Lawrence Graf, Matt Tibbetts, Deborah Flack, Antonia Small, Linda H. Small, Veronika Carlson, Larry N. Bailey, Patrick Mellor, Alex Acquisto, Linda Bean, Ron Crusan, Jeff Riedl, Sandra Roak, Emily and Chris Chadwick, Carla Skinder, Steve Thomas, Evy Blum, Richard Bomba, Donald Wilson, and Mark DeMichele.

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

**Conflict of Interest:** Mary K. Hewlett said she may have a conflict of time as her EMT shift just started. Hewlett said those at the meeting and the public know that she is not an adamant supporter of Linda Bean's establishments but she did feel she could be impartial in her decision making regarding the Wyeth Center and Reading Room application. Chair Cox asked Hewlett if she had a financial interest in the project. Hewlett said no. Chair Cox and the committee agreed there was no conflict of interest.

**Adjustments to Agenda:** There was none.

**Review Minutes:**

**Planning Board Meeting – February 28, 2017** - The minutes were amended as follows:

Page 2, last paragraph, line 9, correct to read: "...recommendation at the **on-site** visit."

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

**On-Site Public Hearing:**

- **Wyeth Orientation Center, March 4, 2017** – The minutes were amended as follows:  
Page 1, first paragraph, line 2, delete **Noah Bly**. A motion was made by Emerson, seconded by Hewlett, to accept the minutes as amended for the on-site public hearing for the Wyeth Orientation Center, 5-0.
- **Scott Sullivan – March 13, 2017** – A motion was made by Emerson, seconded by Brown, to accept the minutes as written for the onsite public hearing for Scott Sullivan, 5-0.

**Public Hearing: Wyeth Orientation Center, 20 Horse Point Road**

Chair Cox welcomed everyone to the public hearing and added their input would help the Board in making a decision. Chair Cox suggested the following: to limit the hearing to one hour, but it could be extended, to allow everyone an opportunity to speak; the public try not to repeat the

same questions; and those who want to comment, first state their name and speak loudly, as the meeting was being recorded. Chair Cox asked the applicant, Linda S. Bean, and representatives Steve Smith and Ron Crusan, if they wished to speak, at this time, and they declined.

Chair Cox then opened the meeting for Public comment. The following comments and questions are summarized:

Merrill: We own the house at 11 Horse Point Road and speaking because my husband and I do oppose changing the zoning, I guess, from residential to commercial. We would like to someday be able to be up here more often than not and we would never have purchased a piece a property thinking that when we came up, there would be some kind of commercial activity across from us. We have a lot of concerns that have been going around in all the emails that everybody has been getting. I sent a letter to the Planning Board. My question is, did you receive the letter that we sent, so you know what my concerns are?

Chair Cox: You can state your concerns. Not everybody has had an opportunity to read all of the letters.

Merrill: I wanted to make sure that the Planning Board, at least, read the letters that were sent.

Brackett: But, they will be in the minutes.

Chair Cox: So everybody will have a chance to read them.

Merrill: After we have heard from everybody, will we have another opportunity to ask further questions?

Chair Cox: I am not sure. We will see how it goes, but I am hoping that we will have a comfortable dialogue and hear from people.

Merrill: The people that have been getting all the emails know the general concerns everybody has, especially safety, the curve, the park, all those areas. I just want the Planning Board to know that as property owners at 11 Horse Point Road, my husband and I do oppose this project.

Larry Bailey: My name is Larry Bailey. I live on Horse Point Road in Port Clyde. I have been asked to speak for the Horse Point Road group. Many of you have seen documents submitted by them. Bailey passed out copies of the statement of opposition for all the Board members and one for the applicant. I have one copy of the letter that I submitted to the select board, January 9<sup>th</sup>, with the attachments of the map. First, Linda, I want to say, that I am sorry that I have to oppose something that you have proposed to do. Linda has been a boom to St. George in ways that many of you don't know. I think this current proposal is an excellent proposal, wrong location. I am retired, although I do work in the summers as a traffic and parking attendant for the Monhegan Boat Line. We manage several hundred cars a week. That has given me, a really good idea of traffic problems in this town. The configuration of the 20 Horse Point Road intersection with Raspberry Lane is identical to the intersection with the Monhegan Boat Line driveway where it turns into Cold Storage Road. They are identical. Ninety degree turns with an

off-road coming into them. We have seen what happens there. The Board already got these statements of opposition I think, but probably haven't had a chance to read them. My experience in walking up and down Horse Point Road about five times every day with my dog, has shown me what the dangers are on that road. I have seen a T-bone at that corner. Somebody cutting the corner going down, somebody coming up, right in the side. I have seen probably 20 near misses. Some of those are people nearly hitting my car. The road is so narrow, at that point, it is clearly a certain and present danger. I have seen a lot of accidents in the same method down on Cold Storage Road and at the Monhegan Boat Line intersection. The terrible accident that occurred several years ago, and I have seen two complete T-bones there, too. Same situation. I think this tells us this ain't the best place to increase traffic. It is a residential neighborhood, that should remain so, simply because I, my dog, everybody's children, walk up and down this road. We bicycle it, we know the road. Linda, don't take this to heart, some of the lobster trucks do have wide loads, trailers, going up and down that road. We've seen large box trucks going up and down that road with bait, taking lobsters out. I don't want to call it a dangerous road. We don't want to make it any more dangerous than it already is. It is a grand idea, Linda; not a good location. I don't know how many people will be visiting this place. I don't think anybody knows. The lighthouse had 20,000 guests last year. The Monhegan Boat Line is inundated. We run out of parking down there. The upper parking, we run out of spaces there, sometimes. It is a terrible time, you've got 30 cars lined up on Rt. 131, right at Cold Storage Road, trying to find a place to park. I don't like to see that on Horse Point Road, that's my home. I don't have anything further to say, other than the fears expressed here, by the neighbors, by people who don't even live on Horse Point Road, who use it as a scenic walkway; our well-founded fears of turning our little area into a more commercial than it already is, more traffic than we already have, more danger than we already face.

Jeff Riedl: I live in Tenants Harbor. Based on your experience in Port Clyde, what is the parking situation and availability of public restrooms? Especially in the height of the season.

Bailey: I think anybody that goes down to the General Store in July or August can tell for sure, there is no parking. There is no public parking in this town. There is one public restroom, known as the Green Thunder, in the park. We do have one at the General Store but that's for customer's use. The traffic is getting worse every year. Since I started doing this 10 years ago, it was really kind of fun but now it's turned into actual work. The traffic is hard to manage. At least on that curve it is not going uphill like it is on the one at the corner of Horse Point.

Riedl: Based on your experience, do you have any feeling of how the additional parking at the Reading Room and additional restroom availability at the Reading Room might have on the neighborhood?

Bailey: You people know, visitors to this town will find a parking spot even it is in your living room. I think, at evening when that closes down, or early in the morning when there is nobody there, people are going to park there and walk down to the General Store or wherever they are going to go. If they can find out there is a bathroom that they can walk into use, they are going to do that. A public bathroom in Port Clyde is another issue and I won't cover that right now. I think the visiting public will take advantage of these two situations.

Riedl: Have you had an opportunity to talk to Linda Bean about it?

Bailey: Yes. Mr. Hughes and his wife live on Raspberry Lane, and are one of the most directly impacted parties in this matter. We have called Linda. We had a wonderful discussion. It covered many subjects and she knows why we don't really want this here. We suggested better locations, and she listened to us. She said she would think about it. Hadn't heard back from her, but I found out her decision when we saw the application come in about a week later.

Len Clarke: I live diagonally across the road from the subject. Like Larry, I walk on the road frequently and just to add the safety concerns. Certain times of the day, in addition of all the other problems, you have the sun right in your eyes and right in the driver's eye, making it very hard to see and that very dangerous corner. You also have at other times of the day, very deep shadows there from the sun, so people are hidden in the shadows that are walking on the street where there is no sidewalk. Those who frequent it, are familiar with that danger, but people that are coming for just a quick visit because they saw the name Wyeth and they were curious, wouldn't be aware of that danger.

Debbie Flack: I live on 5 Horse Point Road. I don't understand why precedence might not be considered here. This is a residential road. It is residential property and if you know one could tear down residential homes and build a building such as the Reading Room, then perhaps I should tear down my garage. I enjoy Robert Indiana. Maybe that's something I should do on my property. I don't know how many homes are on Horse Point Road. I feel confident to say there are at least 25. And if all of them decided to do that, what would that do to that road? Even if half of them decided to do that, what would it look like? You know, I enjoy all kinds of art, but I don't necessarily believe the appreciation of it belongs on that residential road, and the building of such that would bring in the traffic should be placed in such an environment.

Jocelyn Paquette: I live in St. George. Does this applicant need exceptions or does it fit as it is? Is there enough room for all those things? Enough room for all the people that will visit it, the water, the store. Does she need any exceptions with this application or?

Chair Cox: What we will be doing is, judging the application given our ordinances. To let you know, we don't have in St. George, commercial or a residential zoning. There is shoreland zoning, there is marine residential, but there is not a distinction about commercial, so you could open up a shop in your garage, if you got approval.

Flack: And everyone else down Horse Point Road?

Cox: Right now.

Flack: With the traffic.

Cox: We might do an ordinance review but, right now.

Bailey: Unless there are any other questions for me, in closing, I was going to read the last paragraph of the September 9<sup>th</sup> letter, submitted to the Planning Board.

"The concerns included in those noted above, are the residents living near the other end of Horse Point Road, have for years dealt with trespassers who use their driveways and yards for parking, turning around looking for Eight Bells. There is no parking. There is no turnaround and there are no sidewalks on either end of Horse Point Road. This proposal will only make a bad situation worse, especially if a large camper finds its way down there, as we have seen them pull down past the General Store. The trash, noise, lights, traffic and foreseeable accidents on this corner, resulting from this commercial enterprise will forever ruin the character of the area. This development will adversely affect the ability of the residents to peacefully enjoy their homes. Lastly, should Linda Bean decide to abandon this venture sometime in the future, who knows what commercial operation could replace it."

Pat Hughes: I live at 8 Raspberry Lane and thank you, Larry, for saying everything you said. I do think this is the right project in the wrong place. Even on the on-site, we noticed that all the cars parked to come to the on-site were actually all the way down to our home. And, so, it is likely that if this is built there, people will find parking where they can find parking. It is a real intrusion. While there might not be an ordinance for residential, commercial by history and practice, it is a residential area and we would like to keep it the way that it is. Although I respect there isn't that ordinance, I would not like to change the practice or the history. I am deeply concerned about the security, certainly the safety we have already talked about. But there is a matter of security, too. You have beautiful objects that you are going to place into this reading room and that certainly would be vulnerable. So you would need good lighting, at all hours, and good security at all hours. And, as I understand it, we do not have a police force that drives by and checks on all of our homes. It puts all of our homes at risk in terms our safety and security, whereas now, we kind of look after one another. What is the burden on the community for policing our area to make sure that alarms don't go off and if the alarms do go off at night because somebody is trying to get in, who responds? And who pays for that? Lighting. I know you can have lighting that goes on if somebody walks by. I see that right outside our windows. My kitchen window faces that and whereas now I enjoy the beautiful night sky with the gorgeous stars, I do not want to be looking at a bright light turning on and off as people walk by. I am really concerned about the good security of the beautiful objects that we have in our homes.

Riedl: I have been working on this with Larry and few of our friends who live in the Horse Point neighborhood. We have been going down there, a lot. One of the things, we came across just in looking at this as of yesterday, is that there has been a submission of the plan that has to do with sewer, the waste treatment aspect of the property. I do not know what that is called. It has a long name.

Brackett: Subsurface wastewater.

Riedl: Now, you know, it seems to me at this 11<sup>th</sup> hour, we ought to all have an opportunity to look at that. Maybe have some experts look at it. Some issues we want to be satisfied with in terms of how does that all impact the rest of the septic systems in the neighborhood. Are there going to be other town officials, governmental subdivision officials looking at this? I know, when we built our house, and we were proposing a septic system plan, we had about five or six different captains show up there with rods and rulers and they were looking at setbacks, and all that kind of stuff, to see if our septic system would accommodate five bedrooms. Do we have

that kind of scrutiny and if not, can't we have additional time to look at that aspect of this application?

Chair Cox: Okay. Yes.

Emily Chadwick: I'm at 19 Horse Point Road, directly across the street from where the Wyeth Reading Room would be. I just wanted to say that I agree with a lot that was said, not to reiterate it all, but I do now that I have a family, I am concerned about the traffic. I am concerned what the safety rules are when it comes to a commercial property because I know from running a restaurant and working at the Inn, that lighting is something that you have to be aware of. And, just the hours of the time that people are going to come in and out of it. I do agree with other people, I think it is a wonderful idea and I think that it could create a lot of traffic because there are a lot of people who are interested in anything when it comes to the Wyeth's. I just feel that the location is more difficult than it should be and I think that with so many other properties, that this place could go into, I think it kind of needs to be considered. I just wanted to say that I, too, oppose the project.

Clarke: Could I ask a point of information I am not clear on? What is being sought here, is a permit to have this type of?

Chair Cox: They are seeking a building permit to have permission to build the structure that has been proposed.

Clarke: What I am not clear on it is if this is built as a reading room or orientation center, does it have to be re-permitted for another use? Or, once that permit is given, could I have a doughnut shop there, or whatever?

Chair Cox: You would have to go through a, correct me if I am wrong, I believe you would have to go through a change of use, permitting process.

Brackett: Yes.

Clarke: What type of use would be, okay if I wanted to make a reading room, would that be...

Chair Cox: A Robert Indiana reading room? Well, it would probably be a change of ownership and so that might be a change of use.

Brackett: It probably would not be.

Chair Cox: So, it probably wouldn't, but if you made it a doughnut shop, that would be a change of use.

Jocelyn Paquette: Since you do not have different zones for anything, someone theoretically if Linda gets this, and she leaves, they could put in a car repair shop? Is that correct?

Chair Cox: If they received a change of use permit from us. Yes.

Paquette: Unlike a gas station, if they received a change of use.

Chair Cox: They would go through the same intense scrutiny. Yes.

Flack: In terms of commercial property, when it leaves the residential and moves into the commercial, then where it (inaudible) again, I'd go back to (inaudible) it. If I decide that I want to knock my garage down, you know, in my family, there was once a commercial flower business in Connecticut, I decided I wanted to resurrect that business, I want to tear down my garage and I want to build a building right there and I am going to start distributing commercial flowers to the state of Maine, you've got precedent now.

Chair Cox: If you received. I mean you would go through the same scrutiny and if you received a change of use for that.

Flack: But the change of use could be based on what has already been...

Hewlett: We do not look at surrounding properties. We just look at the application before us.

Chair Cox: Yes. We look at the application before us with the ordinances that we have before us. We are a very mixed use town.

Patrick Mellor, Esq: I represent some of the Horse Point group. I reviewed the application and one of the things that is notably absent from the application is just an acknowledgement that it is a non-conforming lot and it is a non-conforming structure on a non-conforming lot. What I mean by this for example, the corner of the building is within 12 feet of the town's right of way. In order to be conforming, you have to be 25 feet back from the right of way. So therefore, this application also comes under the housing conversion ordinance which isn't reflected anywhere in the application. You know, I have been the chair of the Planning Board and I know that these people appreciate all the work you guys do but what is woefully inadequate about this application, is there is no traffic study; there is no expert telling you, you have to make a decision, and telling you what to expect, what the site distances are. Your ordinance requires that they refer to the DOT regulations regarding site distance and provide you with that information. That is not in there. It is all in the paper that Larry Bailey provided to you but I just wanted to highlight those issues. It is not for you to do that work and it is not for the people in opposition to do that work. You really don't have any choice with this application at this point, in my opinion. Thank you.

Joss Coggeshall: 56 Horse Point Road. About 1949 our house caught fire. A lot of people came to see it and the fire trucks couldn't get there and it did burn to the ground. Traffic is a problem on that road. A little something new. Different, isn't it?

Chair Cox: Yes, that is different.

Hughes: 8 Raspberry Lane. I did have a chance to speak with Linda about this project, and I asked her if she had a calculation for the number of visitors and she does not. So I walked her through a calculation. Assuming that this property is open 7 days a week for a 13-15 week summer season, and it has exactly the number of visitors as there are provided parking spaces. That means that the maximum traffic under that calculation would be between 500-600 this season. There is no calculation in this application regarding the amount of traffic. And we already know from what Mr. Bailey said, with the amount of traffic to the lighthouse and to the Monhegan Boat Line and to other attractions in Port Clyde, it is larger than 500 to 600 people per year. That is one of the things that needs to be addressed in this application and it is not. We will have cars stacked up in front of our house, perhaps even blocking access to our driveway.

Pat Hughes: Or the fishermen's coop. They need that parking. This is their livelihood, so it is likely that they will park along that road and actually walk up because you go where the water flows easiest. It is right through our yard, so instead of going back down and over to the main road, you know. They will come right up through our garden and our home. I do not know who would manage that traffic. Who would have a say in that matter of that throughout the day.

Langdon Wilson: I think I have a pretty good idea about the traffic on Horse Point Road after 67 years. My brother who lived there, was born and brought up there, went in the service from there, lost our brother from there and it is a narrow, narrow road. No curb, no signs, not even a white line in the road. I have 10 to 20 people a day in the summer time turn around in my driveway. Then they think they are going to come to a beautiful building full of wonderful pictures that I have seen a lot of, myself. It is not a good place, not a good spot. I have about 220 linear feet boundary with Linda on that, and I have not had a cross word with her ever since she came to town. But, I will probably have one now, if they build that building. It is not safe, it is not safe for anybody. Emily and her baby, my grandchildren. Some guy in a Buick could pull into a gravel parking lot, come within 10' from my vegetable garden, plow through the middle of it or plow me over, for what? For what? I could stand there, out there all day long, every day I have for years, there is much more pedestrian traffic, 10 times as much as there was when I grew up there. And they are there every day from Memorial Day all the way through now to Columbus Day. Not just a couple of months in the summertime. As long as you understand that, and if you take that into consideration in your decision, then whatever you say is fine with me. But there are a lot more things than what people are talking about here. That is about all I have to say.

Chair Cox: Thank you.

Mellor: I am just referring to the site plan review ordinance and the purpose of that ordinance. Changes in land use can cause profound impact on the cost and efficiency of municipal services and facilities and on environment of the town. This is from your St. George Site Plan Review Ordinance. Such impact can effect municipal schools, recreational facilities, public utilities, solid waste programs, police department, fire department, open space, road systems and the general health, safety and welfare of the municipality. It is the purpose of this ordinance to avoid such impacts when they are unreasonable. Thank you.

Chair Cox: Hearing no further discussion, Chair Cox closed the public hearing.



Chair Cox said that the applicant will be able to give more input, discuss with the Board and submit more information.

### **Building Permits:**

**a. Scott Sullivan** – Matt Tibbetts represented the application. The application is to construct a seasonal 3'x60' aluminum ramp and a 12'x32' wood float and repairs to the existing boathouse. To put new supports and beams underneath the boathouse and replace the perimeter walk deck. To remove the existing 6'x30' wood railway and install new safety railings along the perimeter of the deck. The project is located at 3 Derbyshire Lane.

Chair Cox asked Tibbetts if the Sullivans would cover the costs, if the mooring needed to be moved. Tibbetts said Sullivan was fine with that. Tibbetts said a rough estimate from the boathouse it is about 80'. If that was to swing around 30', there should still be about 40-45' between, even if his boat was tied on the side. The mooring might be okay where it is, but if not, we can move it. Brackett said it looked closer than that to him but it might be okay. Schmanska said if we put the float in place, then on low tide, you take your skiff and pull the mooring around and see how close it is. If it needs to be move then you could move it. Chair Cox reviewed the application and they have the Army Corp permit.

On a motion by Emerson, seconded by Bly, to accept the application as complete, with the addition noted, 5-0.

### **SECTION 15 (C)**

#### **C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland and Shoreline 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 Hewlett, seconded by Bly, standard has been met, 5-0. There is only one pier being requested, at this time, at this site.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion- On a motion by Hewlett, seconded by Bly, standard has been met, 5-0. Best management practices will be used for the construction and the soil erosion should be minimal.
3. The location shall not interfere with existing developed or natural beach areas – On a motion by Bly, seconded by Emerson, standard has been met, 5-0. There will be no adverse effect on the existing area as a railway was previously, there.
4. The facility shall be located so as to minimize adverse effects on fisheries – On a motion by Emerson, seconded by Bly, standard has been met, 5-0. There will be no adverse effect on the fishing area.

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. A pier, dock or wharf in non-tidal waters shall not be wider than (6') six feet for non-commercial uses. On a motion by Bly, seconded by Hewlett, standard has been met, 5-0. The pier is no longer than necessary and is in keeping with the surrounding docks and piers.
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 Emerson, standard has been met, 5-0. There is no new structure being proposed. The existing structure will be built within the existing footprint.
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 Emerson, seconded by Hewlett, the standard is not applicable, because it is tidal waters, 5-0.
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 Emerson, seconded by Bly, standard has been met as there are no new structures being built on this lot, 5-0.
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 Bly, seconded by Hewlett, the standard is not applicable, because there no structure being proposed 5-0.
10. Vegetation may be removed in excess of the standards in Section 15 (P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
  - 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. When the stabilization project is complete, the construction equipment access way must be restored.
  - b) Revegetation must occur in accordance with Section 15(S).  
On a motion by Bly, seconded by Emerson, the standard is not applicable as there will be no vegetation removed, 5-0.

## **SECTION 16 (D)**

### **PROCEDURE FOR ADMINISTERING PERMITS**

After the submission of a complete application to the Planning Board, Code Enforcement Officer or Local Plumbing Inspector, the application shall be approved, or approved with conditions, if a positive finding is made based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions – On a motion by Hewlett, seconded by Bly, standard has been met, as this will improve the safety of this facility because the rotting boards and railings are being replaced with new wood, 5-0.
2. Will not result in water pollution, erosion, or sedimentation to surface waters – On a motion by Bly, seconded by Emerson, standard has been met, as the construction will occur away from the water, 5-0.
3. Will adequately provide for the disposal of all wastewater – On a motion by Hewlett, seconded by Emerson, the standard is not applicable as there is no waste water systems proposed, 5-0.
4. Will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat – On a motion by Hewlett, seconded by Emerson, the standard has been met, as the project will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat as it is not in a mapped zone, 5-0.
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters – On a motion by Hewlett, seconded by Bly, standard has been met as the project will have minimal impact on this piece of property 5-0.
6. Will protect archaeological and historic resources as designated in the comprehensive plan – On a motion by Hewlett, seconded by Bly, the standard has been met, as this piece of property is not located in archaeological and historic resources as designed in the comprehensive plan, 5-0.
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District – On a motion by Hewlett, seconded by Brown, the standard will be met, once the mooring issue is settled; the owners are aware of the potential issue and have agreed to be responsible for paying the costs of moving the mooring 5-0.
8. Will avoid problems associated with flood plain development and use – On a motion by Bly, seconded by Emerson, the standard is not applicable. There will not be a problem associated with flood plain development, 5-0.
9. Is in conformance with the provisions of Section 15, Land Use Standards – On a motion by Bly, seconded by Hewlett, the standard has been met based on the provisions of Section 15, 5-0.

No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered.

A motion was made by Hewlett, seconded by Brown, to accept the application as complete, 5-0, with the condition as stated in Section 16(D)7 and to include, if the mooring had to be moved.

Coggeshall, a neighbor had questions that did not get answered at the on-site visit. Chair Cox said that the application was just approved. He asked how far would this be out in the channel when a boat is on the float and would it obstruct him when he came out of his slip? Would anybody be more likely to hit the ledge to the north of it, as they had before? He said he asked about the lot lines and was told to see the tax map. The line that was created and approved in 2002 moves all those lines over. Coggeshall said he told the Board where the licensed surveyor's pin was. Chair Cox said if we had erroneous information, then we would need to review it. Tibbetts said the boathouse itself will not be changing so the distance from Coggeshall's property line is not changing. The float itself will only come out as far as the one next door. There should be plenty of room for navigation. Coggeshall said his family had about 70 years' experience there and would not know until he saw it. There have been a lot of boats that have hit that ledge. Emerson said Schmanska was at the on-site and he did not see the problem about the channel. Chair Cox said the Board went with the Harbor Master's information. Coggeshall said the plan for the new rail would be further out than the old rail. Coggeshall said he hoped it was not too close to the riparian line or his property line.

**b. Port Clyde General Store Complex LLC:** Charles Christensen/Sealand Ventures represented the applicant. The project is to replace an existing failed 45' seawall with new, re-enforced concrete wall 45'x18" at 6 Cold Storage Road. A Permit by Rule had been received. The existing wall will need to be removed, the new wall installed then back-filled and repave the whole surface. Excavation will need to occur just at the base, where the footing runs. There will be a footing dug below grade and the wall replaced on top of it. The footing is approximately 24" wide and the wall put on the outside edge. Tiebacks will be used. Hewlett asked if there would be any type of railing system so people do not drive off it by mistake if they are coming into that area? Christensen said none were proposed with this project but he could check with the client. Hewlett asked if the insurance company had requested a rail. Christiansen was not sure. Chair Cox asked if there were other safety concerns? Emerson said since they are not proposing railings, if they decided to do that, they would have to come back to the Planning Board. Chair Cox said yes. For safety reasons, there needs to be a railing. On a motion by Bly, seconded by Brown, it was voted to accept the application as complete, 5-0. The Planning Board began the Site Plan Review.

Chair Cox referred to page 19 in the Shoreland Zoning Ordinance, Section 15(B)1a. The setback divisions do not apply because this is a retaining wall.

### **Performance Standards:**

1. Preserve and Enhance the Landscape – On a motion by Bly, seconded by Hewlett, standard has been met, 5-0. Replacing the retaining wall will help prevent erosion.
2. Relationship of the Proposed Buildings to the Environment - On motion by Bly, seconded by Brown, standard has been met 5-0. The proposed structure shall be related harmoniously to the terrain and will not change the surrounding environment.
3. Vehicular Access - On a motion by Bly, seconded by Brown, standard has been met 5-0. The proposed project will not affect any vehicular access as there is no change to the existing layout.

4. Parking and Pedestrian Circulation – On a motion by Bly, seconded by Brown, standard has been met 5-0. There is no change to the parking and pedestrian circulation as it is repairing an existing structure.
5. Surface Water Drainage – On a motion by Brown, seconded by Bly, standard has been met 5-0. There are no changes to the surface water drainage.
6. Existing Utilities – On a motion by Bly, seconded by Hewlett, standard is not applicable 5-0. There are no utilities proposed.
7. Advertising Features – On a motion by Brown, seconded by Bly, standard is not applicable 5-0. There are none proposed.
8. Special Features and Operations of the Development – On a motion by Emerson, seconded by Hewlett, standard has been met 5-0. There are no special features proposed.
9. Exterior Lighting – On a motion by Hewlett, seconded by Bly, standard has been met 5-0. None proposed.
10. Emergency Vehicle Access – On a motion made by Bly, seconded by Brown, standard has been met 5-0. The new retaining wall will be a safer structure.
11. Municipal Services – On a motion by Bly, seconded by Brown, standard is not applicable 5-0. There is no change proposed.
12. Water/Air Protection – On a motion by Brown, seconded by Bly, standard is not applicable 5-0. There is no change.
13. Water Supply – On a motion by Hewlett, seconded by Bly, standard is not applicable 5-0. There is no water supply proposed.
14. Soil Erosion – On a motion by Bly, seconded by Brown, standard has been met 5-0. This project will be an improvement over the existing wall which is eroding and needs repair. The contractor will be using best management practices in his construction.
15. Sewage Waste Disposal – On a motion by Hewlett, seconded by Bly, standard is not applicable 5-0. There is no sewage waste disposal proposed in this project.
16. Hazardous, Special and Radioactive Materials – On a motion by Brown, seconded by Bly, standard is not applicable 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/technical capacity to carry out the project.
18. Shoreland Zone – On a motion by Bly, seconded by Brown, standard has been met 5-0. The project will be in the Shoreland Zone and prevent erosion.
19. Flood Plain – On a motion by Hewlett, seconded by Bly, standard is not applicable 5-0.
20. Lot Standards – On a motion by Brown, seconded by Bly, standards are not applicable 5-0. There are no buildings or lot standards proposed.

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

**c. Steve Culver:** Mark DeMichele of Maine Coast Construction Corporation represented the applicant. The property owner is Steve Culver and the house is located at 33 Cottage Road, Port Clyde. Lot size is 0.4 acre. Three projects are proposed on the application:

- 1) To add a dormer in the master bedroom. This would be built on the slope facing the water and the dormer will not be higher than the present ridge.

- 2) To add a 5'x 13½' extension to the dining area on the land side of the house. This would require re-establishing the retaining wall.
- 3) Adding a toilet and sink in the garage. It will require digging down to the holding tank. He presented photos of some of the work they did in 2010.

Brackett asked who would do the site work. DeMichelle said (Bruce Colson) Colson's Excavation from Owls Head. Brackett asked if they were certified in Shoreland Zone and DeMichelle said he would check. Hewlett did not have a description of the proposal. Brackett said the toilet and sink did not have to come before the Planning Board. Chair Cox asked if the retaining wall would need to be rebuilt. DeMichele said it would, and it had to be cut back, on the uphill side of the property. Chair Cox asked if there was a leach field. DeMichele said Culver has a leach field across the road. Chair Cox asked where the addition was on the plan. Brackett said the rock wall is right on the buffer line. Chair Cox asked if the application was complete. Hewlett said as long as the scope of the work proposal was included. A motion was made by Bly, seconded by Brown to accept the application as complete 5-0.

Chair Cox cited Shoreland Zoning Ordinance, page 7, Section 12(C)(c)i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a water body or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

On a motion by Hewlett, seconded by Brown, based on the Shoreland Zoning Ordinance, Section 12(C)(c)i. this project is not greater than 1,000 square feet or 30% of the existing structure 5-0.

Chair Cox cited Shoreland Zoning Ordinance, page 6, Expansions, Section 12(C)1. On a motion by Bly, seconded by Brown, the expansion does not increase the non-conformity of the structure 5-0.

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

- d. **Wyeth Orientation Center:** Linda Bean, the applicant, Steve Smith and Ron Crusan were present. The proposed application is to construct an art gallery and information center for the Wyeth history at 20 Horse Point Road. Chair Cox said the plan was updated with the septic system plan. Bean made a general statement and then addressed the community's concerns.

Bean thanked the Planning Board for allowing the pre-application process. Bean said the reason she liked this lot and to answer Bailey's concern about location and why she had stayed with this location and focus on this lot, it is context. She said it was context about the Wyeth's and almost 100 years they have gone up and down the road. The Wyeth family has meant a lot to the community. She said they came here in 1920. Andy was only 3 years old and this would be his 100-anniversary year. "He has been gone now for 99 years; since

we lost Andy." A couple of years before he passed, she went to see him about the Derbyshire house. Melissa and John Derbyshire wanted to remove the house where the fellow who actually brought N.C. Wyeth here, in the first place. He was a fellow student at the Pyle School of Illustration in Wilmington, DE. They went to school together in the early 1900's and Sydney Marsh Chase was a resident here in those times, and he brought N.C. to see it and see how real and authentic the village is with its fishermen and, of course, it's overwhelming beauty, as well. So, for almost 100 years now, the Wyeth's have been painting here. They have been retaining the original homestead that they bought from Nora Seavey that he called 8 Bells. She went to see Andy about putting the Derbyshire house on the 8 Bells property because it seemed to her that the story needed to be told about Sydney Marsh Chase and what he did to influence them to come here. Why of all the places in Maine, did the Wyeth's come here? He said it sounded great but it is kind of all done. What they have done, I don't really know in detail but there was some arrangement made about what will happen to 8 Bells. She had not been made privy to that. She is friendly with Jamie and Phyllis. I was friendly with Andy, but I really never heard what the plan was. My conjecture because they are so close to the Farnsworth Museum and the large gift that he just made to them, huge, there will be a continuing relationship not only at the Wyeth Center but like so many museums, there are satellite locations made when people pass. When the artist is gone there are ever so many examples of how a museum will add a satellite location. The Farnsworth has already added the Olsen House. The Portland Museum of Art acquired the Winslow Homer Studio. The Brandywine River Museum which is the other half of the Wyeth's life in Chadd's Ford and she is on their Board of Trustees, has added the N.C. Wyeth Studio, N. C. Wyeth Home and the Andy Wyeth Studio. Here, she actually had a planning concern that if something is not done to somewhat make a marker right there at the beginning of the road, the traffic would increase down the road. Should be thinking up the road a bit. She said we do not know what would happen except that is what often happens. They would be looking at 8 Bells as a home and Studio, some day. People can travel there now. Someone made the remark today, there is no place to turn around. She said what she could do with the reading room is to give them the information they want, the genealogy, the history, provide books, magazines, pictures, maps, and they don't really need to go down to the end of the road. Sometimes as we plan these things, they seem very immediate but she sees it as a longer-term problem that is coming. It is a very fragile road. She owns several properties along that road. She loves it. It would be wonderful to see a sidewalk or something where people could feel safer walking along that road with their dog. That might be in the future, too. To look at the long-term transportation issues along that road. It would seem to her, hypothetically, if a museum wanted to use those properties, someday, they would take people by trolley or some vehicle combined people instead of having 20 cars. That could be the stopping place to pick them up, the beginning of the road. It would lessen the pressures on the road.

This is where NC Wyeth took pictures of fishermen, taking pictures of women hanging out their laundry and the canning factory. He captured a period of life between 1920-1945 when he was killed in a train accident.

Concerns expressed from the audience:

1. Why did she not choose another property for the center: She said she had thought about other properties for the Wyeth Center but they did not have the context because all kinds of paintings were done along that road; the Wyeth history is on that road.
2. The inside lighting of the building she would need for security purposes. She said lighting with books and magazines causes fading, so you do not need a lot of light. Bly said he thought the concern was over exterior lighting.
3. The number of people who might come there. She said it was conjecture. She did not expect as much traffic as the Monhegan Boat Line or the lighthouse. People would not come there for the view. It is for education purposes.
4. Concerns about cars plowing through the gardens. She said it was conjecture and hypotheticals. She did not know why anyone would bring a Buick through Langdon's garden, but she understood his concern. Wilson said there was 10 times as much traffic on Horse Point Road, now than when he was a kid. Every time you give a permit for house to be built, it is a growing problem. As far as people parking on the sides of roads, she said unless you have town signs that say no parking here, people will. She felt the plan design had very adequate parking for staff and for any overages.

Smith presented the application with two minor changes. He said he made an error in staking out the parking lot. He said there are only five slots, and has now re-staked it with Ingraham. The other change was in staking out the building. The existing septic system was close to the building. He called Meservey and they redesigned the system so not to increase added load or capacity but simply to relocate the system. Meservey submitted that last week, prior to the meeting. Meservey did a soil analysis and Smith said the soil was great.

Smith briefly addressed issues in the Statement of Opposition:

1. Page 2, Section B, the structure of the applicant's lot is nonconforming because of the setback. He measured from the edge of the pavement to use that as the right of way setback. The building is 25' back. He said Mellor made an arbitrary decision to take the two-rod road. The building is not non-conforming. Brackett said that is showing the right of way is 33' and if he measured between those property lines on GIS, it is exactly 33'. Smith said we do not know where that road falls within the historic right of way.
2. Smith said Mellor had a note that the building might be 250' within the Shoreland Zone. Smith said Ingraham had an old survey. They measured before the meeting as they saw the note saying it might have to conform to Shoreland Zoning in the southeast corner of that lot. It goes off at a slight angle but Smith said they do not think any of this lot is in the 250' area. Brackett said he agreed with that.
3. DOT issue. He said the lot is on a town road and usually do not consult the DOT unless it is a state road. Smith said he had not talked with Polky yet to see if there were any DOT issues, he but would consult with him.
4. Safe access and egress from public roads. Ingraham laid out the parking which met the standard dimensions within the town's zoning as far as the widths, turnarounds, setbacks. As far as parking concerns, Bean has access less than 100 yards away on the Co-op road; the lot has 10 spaces. Bean might use those spaces for parking customers who are going on boat tours. He said that parking has a dual purpose. The other area is on Culver Lane and is used for employee parking. If there are any parking issues, Bean has a 2.6 acre lot



in Port Clyde. Bly said it is one-half a mile way. Smith said very few projects in Port Clyde are able to provide any additional parking because of the village. Bean has the outlet and the ability to provide parking for that.

5. Under #5, Fails to adequately address sewage waste disposal. It has been addressed as there is a new application from Meservey.
6. Under #D, Housing conversion ordinance requirements. Smith said there is no commercial zone in this town, outside of the shoreland zoning. Smith thought it was a good solution in terms of the impact of the neighborhood. It is only a three-month season.
7. Not addressing parking and pedestrian circulation. This has been addressed numerous times.
8. Preserving and enhancing the landscape. Smith said it was a good question and if the neighbors would prefer a fence around the parking, they would be willing to do that. They are not cutting down the large tree, just limbing it up. Brackett asked about landscaping and Smith said they did not have a plan. Bean would like to talk with a few neighbors about this. Smith asked if they would like screening from the parking lot or was there something else they would prefer.
9. Erosion control problems. There are none. The property is quite flat and are not creating any runoff. Chair Cox said landscaping seemed like an important issue because the plan appeared to be a parking lot and building.

Emerson asked Chair Cox for a point of order. It was after 9:00 p.m. A motion was made by Hewlett, seconded by Emerson, to continue the meeting beyond 9:00 p.m., 5-0.

#### Summarized questions from the Planning Board:

1. Emerson said the other areas Bean owns have specified parking for her businesses? Smith and Bean said no. Bean said she has parking behind Port Clyde Lobster and has a whole field on the same road. She said they are trying not to go in that direction. Smith said parking could be expanded as Bean has 2.6 acres of land and unlimited amounts.
2. Chair Cox asked how would a new visitor to Port Clyde know where to park, if the parking lot was full? How would they know about the remote spaces? Chair Cox clarity has to be an issue. Bly said that offsite parking is irrelevant as most people would probably park alongside the road, like they do at Drift Inn Beach. Bean asked if the Planning Board would want to post the road so people could not park there. Chair Cox said that may become a needed thing. Bly said the sign postings at Drift Inn did nothing. Bean said perhaps they could put a post sign in the yard to direct visitors where to park.
3. Chair Cox asked would it be five people a day, will it be 100 people a day? She said if you are building something this nice, you might want to plan for the greatest use, not the least use.
4. Is this an adequate size septic system? Brackett said there would be a water meter, so they could monitor water usage.
5. Chair Cox asked if the center would be fully open to the public or by appointment only? Chair Cox said they had heard from the neighbors and are paying attention to the issues of traffic and particularly at the tight intersection which is a huge concern on a very quiet

road, though it does have some lobster trucks and trailers traveling on it. Bean said the trucks go through daily in the season, and has heard they do not even want that.

6. Brackett asked if she would change the location of the center. He said he appreciated what Bean is trying to do but he was also listening to the concerns of the people. He said she had a fair amount of land on Glenmere Road next to the Francis House and that actually encounters some land which is off Horse Point Road. He said, "You might be able to develop that area a little bit more and then have more room and freedom to get vehicles in and out. Yet, you would still be within sight of Horse Point Road. In fact, you would be looking down on it."
7. Hewlett said she thought the center would be highly successful and suggested the Sea Store on Rt. 131. Hewlett said some of the rooms are small. Bean said it does not have to be any bigger than a 1,500-square foot house.
8. Chair Cox asked Bean if she would consider another location? Bean said they are applying for this one and we need your answer.
9. Hewlett asked if Smith had a drawing that was to scale as the one she has, says no scale and asked for a dated print, also. Smith gave Brackett the survey drawing and it was to scale. Brackett said the drawing says no scale. Chair Cox was hoping the site plan showed the context where the curb cut was, the Chadwick House and a landscape plan. Smith can get that for the Board.
10. Car lights after dark. Crusan said there are no plans to be open at night so there should not be a car headlight issue. Hewlett said on Columbus Day weekend it is pitch dark at 6 p.m. Smith said the lighting plan is for four exterior down shielded lights.
11. Brackett asked Smith about hazardous material. Smith said he looked underneath the old building and there might be some asbestos shingles that were torn off the building. There is a company that would come and take care of it. They would not be throwing anything in the dump.
12. Events? Crusan said there are no plans to do events. There are no sales in the building.
13. A Trolley? Bean said she would not have anything to do with a trolley; that was just conjecture.
14. Chair Cox asked Smith to talk with Polky about the municipal road, the curve, the site lines.
15. Linking Glenmere property. Hewlett asked Bean if there is any way to link her Glenmere property to this. Bean said they are applying for this lot. "If you turn us down, I suppose we might, but we might not." Bean said they saw this as the ideal location to tell the Wyeth story.
16. Gill asked Bean if she had talked to the Wyeths about this project. Bean said she had not. She said they like what she has done with the Wyeth excursions, but do not seem to be trying to promote it. She believes they have seen this proposed project application but they do not seem to take a role in it.
17. Trespassing. Mrs. Hughes asked to include how you prevent visitors from going through other people's property. Chair Cox said the Board was aware and would address it.

Hewlett summarized: This is a public viewing area for your private collection of the Wyeths, and you are trying to loop together all of the information in one location so people can follow the genealogy.

Smith reviewed what was needed to continue the project:

- locate on a survey Chadwick's house, a curb cut,
- get together with a neighbor or several neighbors and produce a landscape plan,
- draw up a master parking plan for the satellite areas,
- get a scaled drawing for the survey, and
- discuss road issues with Tim Polky.

Emerson asked if Smith could put the septic system in the correct spot on the plan. Hewlett asked to show the signage in the parking area, such as a picture, the wording, the printing and will it be lit.

Chair Cox said the application does not appear to be complete. The Board needs more time to review the new materials. Chair Cox explained the next steps in the process. The applicant will get the information to the town for the April 11<sup>th</sup> meeting, the Board will review it. Brackett said this information would be available to the public at the town office. If all information is there, the Board will vote to accept the application. Next, the 20 Performance Standards will be reviewed. Hughes asked if this group of people would have another opportunity to speak on the issues. Chair Cox said the Board will take Public Comment at the meeting if anyone wishes to speak to the issue. Chair Cox said allotted time for comments is usually limited to 15 minutes. Brackett said the decision really comes down to the ordinances. He said the performance standards are online; the Board will be making their decision based on the ordinances.

Chair Cox called for the meeting to be adjourned at 9:30 p.m.

Respectfully submitted,

Marguerite Wilson  
Recording Secretary