

**St. George Planning Board
October 10, 2017**

A workshop with Jennifer Villeneuve was held from 6:30 – to 7:30 p.m. to discuss a Cable Landing Ordinance.

The Planning Board meeting was called to order at 7:30 p.m. Members present were: Anne Cox, Chair, Jane Brown, Mary K. Hewlett, Michael Jordan, Ray Emerson and Paul Gill. Also present: Terry Brackett, CEO; Richard Bates, Jerry Hall, Elizabeth Curtis, Matthew Silverio, Molly Walpuck, Caleb Hall, Scott Tardif, Chuck Campbell, Ralph Buckwold, Steve Clarkin, Matt Tibbetts, and Steven Watts.

Quorum: Paul Gill 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 – September 26, 2017 – the minutes were amended as follows:

Page 1, under 1. Preserve Landscape, line 2, correct to read standard has been met **5-0**.

Page 2, under 3. Vehicular Access, line 5, change to read ... residents on the road, **and a law enforcement officer and others**, and amended to...

Page 3, under 11. Municipal Services, line 6, delete sentence: **There is not solid waste program.**

Replace with: **The municipal solid waste program is adequate to handle the additional waste from the Wyeth Reading Room.**

Page 5, first paragraph, line 2 change to read ...conditions under Items **3, 7, and 8**.

On a motion by Brown, seconded by Hewlett, it was voted 5-0 to accept the Planning Board minutes of September 26, 2017, as amended.

Building Permits:

a. Ralph Buckwold – The applicant was present. The application is to remove a 138-sq. ft. garage and a 163-sq. ft. shed and replace with a 18' x 24' garage located at 93 Barter's Point Road. This is a non-conforming lot issue.

Buckwold wants to remove the garage and shed which sets one foot off the property line. He wants to replace the existing garage by either building a new one or moving it. The garage sits within the setback of the main road. His proposal is to put a new garage in that area, approximately six feet off the sideline. Buckwold said it does sit partially within the setback, but by doing this he would decrease the driveway space by 420 sq. feet, eliminate the shed, decrease the coverage by 163 sq. feet. Impact to the lot coverage would be a decrease of 583 sq. feet, taking the lot coverage from its current 19.9% to 17.09%.

Chair Cox asked if the garage could go within the setbacks or could fit into the corner of the property, within the setbacks. Buckwold said it would be within the setbacks but negates the reason to move it. He said he might as well just leave where it is. Hewlett asked if the garage had to be the size he was requesting? Buckwold said in order for it to accommodate a vehicle, lawn equipment and his shop equipment that was about the size.

Hewlett asked, "When you rebuilt the house, did you have an idea where the garage was going to go?"

Buckwold said, "No, I didn't. I wanted to take this in steps and make sure everything went through okay."

Chair Cox said, "Here's the problem. We have to work within the setbacks that we have. If you are tearing down buildings and rebuilding something, it has to be more conforming."

Buckwold, "This is more conforming."

Chair Cox, "Not according to the setbacks. It is more conforming in terms of less coverage, but you still are outside of the setback zone. Esthetically, I like the idea."

Buckwold, "Currently, I have two buildings that are nonconforming. I would have less space that would be nonconforming by going to this plan."

Hewlett, "Right, but people are already used to your existing, nonconforming structures as being where they are. If all of a sudden, you take them down and put in a new structure that is nonconforming, we really cannot allow that."

Chair Cox said this is a non-conforming lot as it is less than an acre (19,000 sq. ft.) and referenced the Shoreland Zoning Ordinance, Section 12, E. Non-conforming Lots.

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

After reviewing the ordinance, the Planning Board said they could not approve the proposed application. He would need a variance because of the setback issue and would have to go before Board of Appeals, according to the Ordinance. Brackett concurred. Hewlett said the Board liked the concept, but the Board had to go by the Ordinances. Buckwold said he understood. Hewlett said if he decided to go to the Board of Appeals, he should work with the CEO because there were four criteria which had to be met.

Hewlett, "Is there any other place, especially because you can pick the garage up to move it on the property, where you would be able to meet the setbacks?" "Could it go the other direction?"

Buckwold, "Not if you want to get into it. What is the sense of doing it, if you have to put it there?"

Hewlett, "We are not sure, because we do not know your property. We are happy to do an on-site visit."

Chair Cox, "Why not leave it where it is?"

Buckwold, "I would like to remove it from the eye view in front of the house. We have gone to an extreme to make it a nice-looking building." Hewlett asked for a larger copy of his site plan for the record, as the Board's copy did not show where the water was and where the street was. Buckwold gave the Board his copy.

The Planning Board reviewed the property information on Page 1 of his application and updated the information as follows:

Total sq. ft. of all buildings, the proposed should be -163 sq. ft.

Use: the Present Use should be changed to year-round;

Number of Bedrooms: change to 0 Proposed; Total 3

Project description changed to include: Or proposed to infringe on the south side setback.

The Planning Board and Buckwold agreed these changes were acceptable to both parties.

On a motion by Brown, seconded by Gill, it was voted 5-0 to accept the application as complete based on the updated changes to the application and the inclusion of his site plan drawing of the proposed project.

On a motion by Gill, seconded by Jordan, it was voted 5-0 to deny the application as the proposed garage would be infringing on the setback based on page 10, Section 12.E. (1) Non-conforming Lots in the Shoreland Zoning Ordinance.

Buckwold asked for clarification on appealing the decision - was that how the process moved along? Buckwold will talk with Brackett if he decides to file an appeal.

b. Hall Landscaping – Caleb Hall of Hall's Landscaping was present. The property owner is Mark Gumz, Bethlehem, PA. The application is to remove old decking between houses and replace it with a small stone patio located at 110 Patten Point Road. Map 234, lot 023, Marine Residential in the Shoreland Zoning District, Floodplain VE13. Present and proposed use is seasonal.

Hall explained that Gumz's property is located 24' from the deck to the water. There is decking in between the main house and the boat house that is rotting. Hall said because of code restrictions, he suggested Gumz build a stone patio and eliminates the decking; and take the total square footage of structure that is there, approximately 515 sq. feet, and cut in back to a small stone patio and add stepping stones to connect the two, and do some plantings where there are no stones. This would minimize the previous structure from 515 sq. feet to 250 sq. feet. A 16" high wall would be built because of the grade existing on the water and the decking.

Hall told Chair Cox all the decking was being removed. Chair Cox said the DEP Permit by Rule had been received and asked about an agent's letter. Hall said he signed the application on behalf of Gumz. Brackett told him a letter or email was needed from Gumz authorizing him (Hall) to be the agent. Hall said he would contact Gumz for that. Chair Cox said the site plan was within the 75' setback. The property information on the application was changed:

Lot coverage total 2935 total sq. ft. (which included all the buildings);

Buildings – total 250 sq. ft. stone patio (was the patio/deck). Gill asked if they were talking about the total square footage of the deck and patio not the house, boathouse and the garage. Brackett said that is what they are talking about.

On a motion by Brown, seconded by Gill it was voted 5-0 to accept the application as completed contingent upon receipt of the agent's letter from Mark Gumz.

On a motion by Brown, seconded by Hewlett, it was voted 5-0 to approve the application based on Section 15, B. (5), Retaining walls in the Shoreland Zoning Ordinance as the square footage of lot coverage will be reduced, the retaining wall will not be more than 24" in height, it will be at least 25' from the high-water mark, and vegetated plantings will be added.

c. Chuck Campbell – Chuck Campbell, Architect, PLLC was present. The property owners are Steve and Jan Clarkin, Augusta, ME. The application is to replace deteriorated wooden posts with a full concrete foundation located at 678 Wallston Road, map 224, lot 20, Marine Residential of Shoreland Zoning, and Floodplain VE13.

Campbell said the cottage is within the 75' setback. The proposed project is to replace the deteriorating and leaning posts with a new foundation and expand the existing footprint by 30% as permitted by the St. George Shoreland Zoning Ordinance. Campbell said the cottage would need to be moved back as much as possible as determined by the Planning Board. There is a fairly steep slope from Wallston Road to the water and there is an existing septic system, well and pump chambers and utility pole behind the cottage. Brackett had taken pictures of the area and distributed photos to the Planning Board. Gill asked if the house was in the flood plain. Campbell said the zone was VE13 but Brackett said the building may not be in floodplain, but the building should be higher than that. The Planning Board felt it was necessary to hold an on-site inspection to review the existing conditions and investigate the development proposal. The on-site was scheduled for Monday, October 23 at 5 p.m.

d. Matt Silverio – The applicant was present, along with Molloy Walpuck, property owner and Scott Tardiff, contractor. The application is to reconstruct and expand the existing cottage and garage located at 508 Port Clyde Road. Map 208, Lot 060, present use is seasonal and proposed use is year-round.

Silverio said there is an existing cottage and garage and an existing guest cottage. The guest cottage had recently been renovated and an apartment was added by Tardif. Before the guest cottage was improved, the intention was to turn the existing cottage on the shore into a year-round residence and expand it. There is a close 75' setback. They would like to tear down the existing cottage and rebuild it over its footprint. There is an oversized slab underneath the entire building and a block wall sitting on top of it. It has been unconditioned over the years, so the slab has been basically floating on the ground, continuously. If they built on the existing slab, they would have some potentially serious problems in developing a year-round house. Ideally, they would tear it down and reconstruct it. The garage would not be torn down; that would stay and improvements made to it, but the size of the structure would not change. They would like to change the roof line in terms of the pitch and that would change volume. Tardif noted that on the existing slab on both cottages, it is not reinforced, someone pitched a frame and poured cement. There was no reinforcement, re-rod or anything in there to help pull it together. He said if you tried to build something new on top of it, you would be taking a chance. It is 6-8" in thickness. The upper cottage varies from 4" to 6" to 8" in thickness; there is no reinforced edge. It is just a slab.

Chair Cox asked if the foundation would be redone on the garage? Silverio said no. They were thinking of pouring over the existing slab. There was also an elevation issue at the garage. The plan would be to thicken the slab so it would be structurally sounder. The garage is unheated so they would not anticipate any potential problems with expansion and contraction. Tardif said the lowest point between the house, the garage and the driveway is the front door of the garage. The way it is pitched, the water comes down there.

Hewlett asked if it was possible to get the garage out of the setback and bring it in conformity since they planned to do a lot of work to it? Silverio said potentially but all they really intended to do was raise the slab. Hewlett said you are not changing the roof line. Silverio said they would like to change the roof line with the pitch. Brackett said you are rebuilding the whole garage, basically.

Hewlett asked how many feet was it over the setback? Silverio said it was a little hard to tell but was about half the setback. Hewlett said a good 10 feet. Hewlett suggested since they were already planning

to take down the cottage, didn't it make sense to take down the garage, and bring that into conformity. Silverio said potentially. He said the issues that were brought up by the CEO were the existing guest cottage and whether it would be considered a second dwelling unit. Silverio said he had not been overly concerned about the garage because his original questions were whether they could even work with what they had at the house. He said there could be alternate locations for the garage. In terms of improving the roof line and pouring a slab, he said he was just seeing about raising the slab; he was not envisioning tearing down the building, but if they were to do a tear down, then yes, alternate locations could be looked at.

Chair Cox and Hewlett asked about the renovated guest cottage as the town ordinance states there cannot be two residences/dwelling units on a lot this size. Silverio said it already had two dwelling units. Cox said both of those used to be rented regularly and asked if the renovated guest cottage was a dwelling unit. Silverio said by his consideration it would not be because it no longer had a full kitchen, and it did not have permanent cooking, plumbing and sleeping facilities. Hewlett said people live with hot plates and microwaves. Silverio said he would argue that a hot plate and microwave was not permanent cooking facilities and the town's ordinance does not say permanent, it says cooking facility; however, the state code does use the word permanent.

When asked whether the guest cottage was going to be rented out year-round to anyone, Walpuck said no. Brackett asked if the guest cottage was going to be rented out period, not year-round, and Walpuck said no. She said the cottage was for their family and friends. Silverio said the cottage was very small and they had been trying to figure out a way to get enough bedrooms for extended family. Hewlett said it was more of a bunkhouse, then. Brackett said Walpuck said it was a guest cottage for guests coming to her house, and it was not going to be rented. If that was a condition of the permit, he did not have an issue with it but the Planning Board had to settle their issues.

Chair Cox asked how confident Silverio was regarding the 75' setback line? He said he was not but would like to get a line delineated, so they would know exactly how far back they could move the house. Silverio said the land had not been surveyed. They have an elevation certificate which shows the flood zone falls just to the seaside of the 75' setback and comes up around the edge of the building.

Tardif said sometimes it is just as easy to do a tear down, if you are already taking down three quarters of the building, anyway, as water damage often times has occurred. Tardif suggested it be shifted a little west and Silverio said that could be done. Silverio said they may look for an alternate location for the garage but would have to discuss with the owners.

Brackett said the garage most likely did not proper gravel and drainage in place, the plans to change the roof line, there is probably dry rot because of the water infiltration and with the nature of construction it would probably end up being more than 50% improvements. Brackett said the Planning Board would consider this a tear down and the garage would need to be located within the appropriate setbacks.

Silverio asked if the Planning Board would accept an amended application with a proposed alternative for the garage? Chair Cox said, yes. Silverio said part of the challenge is time frame as they had lost a fair amount of time getting to this point and would like to figure out the most efficient way to keep things moving and to be able to keep the permit active. Chair Cox said if he brought the information back to the Planning Board in two weeks, on October 24, they could move on the proposed application.

On a motion by Gill, seconded by Brown, it was voted 5-0 to table the application until the October 24, 2017 Planning Board meeting. There will be proposed changes to the pending application to the garage

and its location, a delineation of the 75' buffer zone and contingencies will be placed on the guest cottage/bunkhouse.

Wharfs:

a. Steve Watts – Matt Tibbetts represented the applicant. The application is to build a new 5' x 144' long wood piling supported pier, with a seasonal 3' x 50' aluminum ramp and a 12' x 24' wood float located at 39 Rocky Point Road. The application was amended to the last 10 feet is 6 feet wide.

Chair Cox said abutters were present at the on-site and no negative comments or objections were made. Hewlett said the neighbors spoke in favor of the proposal. Chair Cox said there were several docks of similar size to the applicant's proposal already in the cove.

Tibbetts said the updated design of the project was done to streamline the impacts. He said the neighbors who attended were in support of the proposed project, that the Planning Board did an on-site visit of the location, observed the exposed ledge area and other docks located in the cove. (Steven Watts on-site public hearing minutes, dated September 30, 2017 were written and on file.)

The project description was updated to read: Build a new 5' x 134' long wood piling with 6' x 10' for the last length of the supported pier, with seasonal 3' x 50' aluminum ramp and a 12' x 24' wood float.

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

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 Jordan, standard has been met, 5-0. There is only one pier being proposed 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 Brown, seconded by Hewlett, standard has been met, 5-0.
The soils are appropriate for the use.
3. The location shall not interfere with existing developed or natural beach areas. - On a motion by Hewlett, seconded by Jordan, standard has been met, 5-0. The pier will not interfere with existing development. There are existing piers and wharfs in this cove and the neighbors did not object to the location.
4. The facility shall be located so as to minimize adverse effects on fisheries. - On a motion by Gill, seconded by Jordan, the standard has been met, 5-0. There will be no adverse effect on the fishing area as there are existing wharfs in the cove, property abutters felt the pier would not interfere with other fishermen, and the wharf will be built approximately 4' to 5' above the highest tide.
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 Hewlett, seconded by Brown,

standard has been met, 5-0. The pier is no longer than necessary to allow for the applicant's boats 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 Brown, the standard is not applicable, 5-0. There is no new structure being proposed.
7. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act. – On a motion by Hewlett, seconded by Brown, the standard is not applicable, 5-0, because this is tidal waters.
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 Hewlett, seconded by Gill, the standard is not applicable, 5-0, as there are no new structures being 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 Gill, the standard is not applicable, 5-0, as there are no additional structures being proposed.
10. Vegetation may be removed in excess of the standards in Section 15 (P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board.
 - (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 Hewlett, seconded by Gill, the standard has been met, 5-0. There will be no vegetation removed on this project.

On a motion by Hewlett, seconded by Gill, the Board voted 5-0, to approve the application based on Section 15 (C) of the Shoreland Zoning Ordinance.

There was no further business to come before the Board. On a motion by Brown, seconded by Gill, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary