

**St. George Planning Board  
October 24, 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, Ray Emerson, and Paul Gill. Also present: Terry Brackett, CEO; Richard Bates, Sandra Dickson Coggeshall, Joss Coggeshall, Chuck Campbell, James Benson, Pat Haskell, Matthew Silverio, Steve Clarkin, Marilyn Saltes, Anita Siegenthaler, Scott Tardif, and Scott Sullivan.

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

**Conflict of Interest:** There was none.

**Adjustments to Agenda:** The Public Hearing for Janice Clarkin was added to the agenda and held prior to review of the building permit.

**Review of the Minutes:**

**Planning Board Meeting – October 10, 2017** – The minutes were amended as follows:

Page 7, second to last paragraph, line 2 change to read ...the Board voted 5-0, to approve the application based on Section...

A motion was made by Emerson, seconded by Hewlett, to accept the Planning Board minutes of October 10, 2017, as amended. The vote was 5-0.

**Wyeth Reading Room Findings of Fact and Conclusions of Law** – The Findings of Facts and Conclusions of Law was amended as follows:

Page 1, FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Page 1, line 2, under FINDINGS OF FACT, an s was added to the word Conclusions Page 1, under 1. Preserve and Enhance the Landscape, line 3, change to read Low plantings have been planned...

Page 3, second bullet, line 4, correct spelling to farther up the road...

Page 3, first paragraph after 3<sup>rd</sup> bullet, line 7, correct to ...paragraphs a and b above, ...

Page 5, under 12. Water & Air Protection, line 4, correct to Performance Standard 5

Page 5, under 19. Flood Plain, second line correct to ...in the flood plain.

Page 6 changes:

Under CONDITIONS OF APPROVAL, line 3, change to Items 3, 7 8 and 20 (a).

Under THEREFORE, line one, change to read hereby approves the application, 4-1, ...

Under THEREFORE, second paragraph, line 2 change to Items 3, 7, 8 and 20 (a).

A motion was made by Jordan, seconded by Hewlett, to accept the Findings of Fact and Conclusions of Law for the Wyeth Reading Room, with the noted changes/amendments, 5-0 pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance.

**On-site Inspection – Steven Watts Public Hearing** – Wharf permit, September 30, 2017 – On a motion by Hewlett, seconded by Brown, it was voted 5-0 to approve the Steven Watts On-site Public Hearing minutes, as written.

**On-site Inspection – Clarkin Public Hearing** – October 23, 2017 – The minutes were amended as follows: Paragraph 4, line 4 and 5, change to read Campbell said the side setback line went on a diagonal through the corner of the deck. On a motion by Brown, seconded by Jordan, it was voted 5-0 to approve the Jan Clarkin On-site Public Hearing minutes, as amended.

**Public Comments:** (edited) Anita Siegenthaler asked, "Is it the practice to include a minority report when you approve the Findings of Fact and Conclusions of Law? I am thinking of your alternate who has voice and no vote, who did comment that he would have voted against the permit. Is that not included, even though the alternate attends, sits and has voice?"

Chair Cox, "That was certainly recorded in our minutes."

Siegenthaler, "It is buried in the minutes. I just wondered if, when you put down the vote on the overall Conclusions of Laws, whether you include any minority reports?"

Brackett, "It's the legal record of the Board, and the alternate is not a legal part of the Board, at that point."

Chair Cox, "What Terry mentioned is that as it is a legal record of the Board's, the alternate is not a legal member of the Board because he is not voting at that point. I have not dealt with this before."

Siegenthaler, "I would hate to say he is not a legal member of the Board. Maybe there is (unintelligible)."

Brackett, "He is not a legal voting member of the Board at that point."

Siegenthaler, "He is not a legal voting, but because he legally has voice, I just wondered what the practice is, since the Conclusion involves the official record."

Chair Cox, "Right. We have not had a practice of including a minority voice and in our one other situation, that I am aware of, we did not include a minority voice, so we haven't done that."

Emerson, "I don't think we have ever done that."

Chair Cox, "But the minutes do reflect that."

Siegenthaler, "Right. Second question. The minutes from September 26<sup>th</sup> were not posted until mid-morning, today, as was your agenda for tonight, which were very late postings. I am surprised that there are considerable changes in what you voted tonight, vis-a`-vis the only document any of us would have had about the Findings of Fact, which we did not get until the middle of the morning. Is the 30 days for appeal clock still running, and it will terminate tomorrow or Thursday, since all of this information is newly arrived in our hands? And, there are considerable changes to (number) 20 (d) setbacks. Certainly, the changes to (number) 3. Vehicular Access. I don't know because I don't what you have. It is a couple of pages; it appears to be."

Brackett, "There are no changes."

Chair Cox, "There are no changes in what we voted on. It is more that we were attempting, in this reiteration to clarify what we had said."

Hewlett, "Had discussed at a meeting."

Brackett, "But they were basically in the minutes."

Chair Cox, "It is all in the minutes but was trying to clarify that because a couple of us began to read over it and said, is this really saying what we mean?"

Siegenthaler, "Right. Because your minutes were divided into two parts. You had the Findings of Fact and the stripped down with the motions that you made, then you separated out all of the comments in the minutes, which made it confusing. I am just thinking that the devil is in the details and the wording is really important, legally, so that those of us who might appeal, only had the language read to us tonight. I think the clock stops tomorrow or Thursday, which is it? For filing appeals."

Brackett, "The 26<sup>th</sup>."

Siegenthaler, "So, it will be Thursday?" "Close of business, 4 p.m.?"

Brackett, "Yes."

Siegenthaler, "It just seems like the information, including the minutes were not available until today. Then tonight this is available, so it is kind of the thrill of the unexpected."

Brackett, "I think the minutes were online before that."

Chair Cox, "I do not think it was a nefarious plot on the...."

Siegenthaler, "Oh, I'm sure it was not."

Chair Cox, "It was an oversight about getting things online."

Siegenthaler, "Will the Findings of Fact and Conclusions of Law that you voted tonight, be online tomorrow?"

Chair Cox, "I don't know."

Siegenthaler, "Because that would help those of us who might consider an appeal. It is \$150 to appeal; it is a lot of aggravation and a lot of us have been through the ringer, as you have over the past year with this application. If your Findings of Fact that you voted tonight are not posted until the clock has run out, it is very unhelpful."

Brackett, "I am not sure if they get posted online or not. They can come in and get a copy."

Chair Cox, "Can we give her a copy?"

Hewlett, "You can have a copy. You can have my copy, if you want."

Chair Cox, "Do you want a copy now? This is an extra copy."

Jordan, "You should copy the one with corrections."

Siegenthaler, "Is it because you made some more changes, small changes after you on that printed copy?"

Chair Cox, "Can you come in tomorrow and get a copy of the printed copy?"

Siegenthaler, "It should be online. I mean, there."

Chair Cox, "I know nothing about the Administration."

Siegenthaler, "It is staff. Can the staff get it together, because it is a public issue? A communication with the clock running on 30 days."

Chair Cox, "Just a second. Yes, Richard."

Bates, "As you will know from the policy manual, the intent of the website is to provide information as best as possible, but it says explicitly that if you want up-to-date records, you should come to the office. The website is done as a best effort. It is in the Policy Manual."

Siegenthaler, "Then what do we do about the 30 days, notifying people that this has been voted and there are a lot of changes?"

Chair Cox, "There are not substantive changes."

Hewlett, "All we have done is clarified some language but there are no changes in what we had already discussed."

Siegenthaler, "The changes in the wording and the way that it is expressed which could be important, legally. And, there are people who are out of town who are seasonal, who will not be able to drive up to the town office to pick up copies, so they will not have access and the clock is running."

Hewlett, "But the attorney can send them to whomever. Your attorney can. How?" "Scan them."

Siegenthaler, "Scan all of these pages?"

Hewlett, "There are only five pages that are new for the Findings of Fact."

Siegenthaler, "Plus the rest of it."

Hewlett, "The rest of it has already been released."

Chair Cox, "What is the rest of it?"

Siegenthaler, "It needs to be integrated as a paper as a whole, doesn't it? And you made, some minor changes (unintelligible) through your discussion tonight."

Chair Cox, "Our Findings of Fact. What we voted on is six pages, these six pages. It is not a substantive change from what we did before, but it is different language trying to clarify it. I would give you this but because we did make a few minor corrections, your best bet is..."

Siegenthaler, "I will come by at noon tomorrow to pick it up, and I will send out an email tonight to people and tell them that they will have to arrange to pick it up from San Diego or wherever they are?"

Hewlett, "Or can you scan it for them?"

Siegenthaler, "I don't think so."

Chair Cox, "Or arrange for someone who has that capacity to do that."

Siegenthaler, "Has the capacity to do that. Maybe the town office would have the capacity if an announcement could be put out that this would be available, and the town office could scan and send it out to people. It is a staffing issue."

Brackett, "As Richard just said, the computer is used as a convenience tool and the staff can't always, every minute be sending things out to various people on every item."

Siegenthaler, "I am not saying that. I am just saying there is a clock running on this. It is a different situation. The minutes came out really late. The agenda was late. There is a clock running on this. That is all I am saying. And, it's a staffing problem (unintelligible) for the town office, I understand that."

Hewlett, "Everyone, I think, is doing their best."

Chair Cox, "Heard."

Siegenthaler, "I am just saying that our best is falling a little short because the clock is running."

Chair Cox, "Ok. Heard. We have just a few more minutes."

J. Coggeshall, "I wonder who you could call, because I have called the town office and the town office did not know if these minutes were available? Who can you call, if the town office doesn't know?"

Chair Cox, "I don't know."

J. Coggeshall, "Well, okay. That's in the minutes, okay. Good."

Chair Cox, "Yes, that will be in the minutes, and I can say that people are put on alert."

J. Coggeshall, "I beg your pardon?"

Chair Cox, "People are put on alert, now. That is being noticed, but I actually have nothing to do with the Administration, but it will be in our minutes."

J. Coggeshall, "Okay. I just had to ask this question, here today because I don't know who else asked that, too?"

Chair Cox, "Anybody else? Thank you."

**Public Hearing – Jan and Steve Clarkin:** (edited) Chair Cox, "Is there anybody here would like to speak to the Clarkin application?"

Benson, "Basically, I would like to know exactly what changes are going to be made. We had a meeting yesterday, and I don't really have a full understanding on the changes to the building. All I was told is that is going to increase by 30%, and I understand that they can't go any higher than what they are. My concerns are height-wise. If material is going to be brought in and it's scaled, the height is going to be changed by bringing material into the site. Basically, my understanding - you have to use the lay of the land in order to make any height adjustments in order to put in a foundation, which I guess was suggested. I really don't know exactly what the plans are in order for me to voice my opinion, really. I want to know exactly what is going to change on that site. I haven't received any building plans. The only thing I've been told is it is going to be 30%."

Chair Cox, "We will be receiving the building plans, but why don't we ask you (Campbell) to go ahead and respond to that."

Campbell, "The plan, and again I haven't gone through and spent thousands of this fellow's monies, until we determine whether we can do this or not. We want to put a full foundation under the existing cottage and in order to do that, we need to get approval from the planning board. There is a 20' height limit and it is from the existing grade, so we cannot truck in..."

Benson, "What is a full foundation? Is that a standup foundation?" Campbell responded yes.

Benson, "Now how do you expect to go down 8' or whatever a foundation is in that existing area? That is all ledge. I certainly am not fond of anybody blasting that close to the water. If you are going to use the grade of the land, how do you expect to put a full foundation in there?"

Campbell, "We had a couple of tests done."

Benson, "Listen, I live right next door and I am very familiar with the lay of the land and I have watched you guys dig a couple of pits. You did not go very far. I was keeping a close eye. You may want to say you went down 6', but I would like proof of that."

Chair Cox, "Excuse me."

Benson, "I don't really want to see any real changes made to the coast that close to the water."

Chair Cox, "Excuse me just a second. I understand that. Know that we've got very clear guidelines that say they cannot get higher and it is up to them; it is their problem if they can't get their footings down and if they hit ledge, then that is where their footings go."

Benson, "I just don't agree with what I heard yesterday. I think we are being deceived. That is all. I want to let you know."

Chair Cox, "Thank you. We will be hearing more. Anybody else like to say anything? Yes."

Siegenthaler, "Simple question. Is a permit required for dynamiting which could damage adjacent homes?"

Brackett, "A permit is not required in St. George for dynamiting."

Benson, "I have another concern, another question, actually. What is the state law for building within the 75' mark for expansion?"

Chair Cox, "You may expand with an existing, non-conforming building. You may expand up to 30% of the footprint that you have."

Benson, "So that is legal?"

Brackett and Cox, "Or a given square footage, depending on the situation."

Chair Cox, "In this case, they are asking to expand 30%, the square footage is up to 1000 square feet. You may not expand in a way that increases your non-conformity. They are proposing to put their addition on the uphill side, rather than on the water side. Those are some of the operative things related to that."

Benson, "I find it very troubling, quite frankly. I am not for this at all, and I needed to voice my opinion, that's all."

Chair Cox called the hearing to a close.

#### **Building Permits:**

**a. Jan and Steve Clarkin** (pre-application) – Chuck Campbell represented the Clarkins. Steve Clarkin was also present. The application is to replace deteriorated wooden posts with a concrete foundation and expand existing cottage by 30%, located at 678 Wallston Road.

Campbell explained the Clarkins would like to put a full foundation in, as the pilings are starting to fail. He and the Clarkins are aware if they hit ledge, they would have to change direction and they are well aware of the restricted 20' height limitation. The Clarkins understood it was a small lot but were interested in possibly putting a shed on the property. Hewlett said if he was considering that, it should be included on the plan. Clarkin also has a 17' boat trailer on his property.

Campbell clarified that the full foundation would not be going under the deck, that the deck would still be done on piers. Chair Cox asked if they would be tearing down the deck to rebuild it. Clarkin said it was more than likely some modifications would have to be made. If the cottage is redone, then the steps of the deck would have to be moved because they are within the setback of the adjacent property. Campbell said they are a little over the setback line on the steps side and the deck is over the setback line on the other side. Chair Cox said her concern was the deck and wondered if there would be a way to pull that in, during construction, so it was within the setbacks. Campbell thought they could rotate it slightly to get the corners out of the setbacks. Jordan asked, "Rotate the whole building?" Campbell said yes.

Hewlett said there was no estimated cost on the application but thought with a new foundation, raising the roof, and changing the decking that 50% of the value of the home was being altered. Campbell said they were not raising the roof and Brackett agreed. Campbell asked for clarification on what was 50%. Chair Cox referred to the Shoreland Zoning Ordinance, page 8, Section 12 (C)(4) Reconstruction or Replacement and read the ordinance.

Brackett said a structure was being adding on in the back, but the roof would not be raised. Hewlett felt there would be two separate roof lines. Campbell said the roof line may be changed slightly but it was not going to be raised. Campbell agreed with Chair Cox who said the maximum height was not going to change but it was going to go over all of the roof. Jordan said it did not seem that it applied to the improvement or the existing structure as opposed to the replacement. Campbell said it only says you need to get the permit within 18 months.

Hewlett asked if it was reasonable to ask them to move it out of the 75' setback.

Chair Cox referenced the Shoreland Zoning Ordinance, Section 12 (C)(2) Foundation. Campbell told Gill the property was not in the flood zone.

Chair Cox said it should be moved out of the 75' or to the greatest practical extent, so there is some leeway in deciding whether or not this project pertains. Jordan said he thought the greatest practical extent was elaborated about two paragraphs farther along in Section 12(C)(2). "In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider

the size of the lot, the slope of the land, the potential of soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation."

Campbell said Clarkins would like to be able to turn around in their driveway and drive out as opposed to backing out. Chair Cox said the area was steep and vegetated. In order to do a pull out, it would require fill and removing vegetation; Hewlett thought a retaining wall. Campbell said it would require removing vegetation up to the property line. Brackett said the ordinance said as far as practicable. It did not say you would move it out of the 75' zone.

Campbell said part of the problem moving it back a little bit, was where the well and septic tank were located. Brackett said if they put the addition on, it might be too close, and the pump tank would have to be moved; the ordinance is 8' for septic tanks and would check the ordinance on pump tanks. Campbell said that maybe an issue. Jordan said the addition, as it was shown, did not reach either of those.

Hewlett to Campbell, "If I understand your request tonight, you want to know, before you proceed with actual drawings that you are going to submit to us, you want to know if you are going to be able to keep it in that location?" Campbell said that was correct.

Hewlett to Campbell, "Then you will give us complete drawings, with cost estimates, etc., or a total estimate." Campbell said that was correct.

Hewlett to the Board, "They are looking for a decision as to whether we want to keep it where it is or if we think it is practicable, then move it back."

Campbell, "It did not make total sense for us to spend all the money to design something, then come and have you say, you can't do that."

Hewlett said, "Absolutely and you are saying that if you were able to leave it in that location, you would certainly make sure the deck and house and the stairs are within the existing setbacks." Campbell said that was correct.

Hewlett said this appeared to be more like a pre-application, since the Clarkins and Campbell wanted to know if they could proceed before expending a lot of money, only to be told no, it cannot be done. Cox asked the applicant if it should be considered a pre-application, and Campbell and Clarkin said yes, and Brackett agreed.

Benson said he would have a much better understanding if they had a design, so they would know what was going on. Chair Cox, "Excuse, me."

Hewlett asked, "How practicable is it to ask them to move it back? That is the question. Away from the water." Chair Cox thought it could be moved away from the water. It might end up causing more erosion and adverse change to the lot because of the configuration of it, but it could be done. Emerson did not know if it was practicable. Hewlett asked if the equipment used to put a foundation in, would cause a lot of damage, at the water and to the vegetation. Emerson said they would have to use protections, silt fences.

Chair Cox suggested an L design, as a possible solution by turning the cottage around, moving it back close to the pumping station, and then add the addition (or a plan similar to that). Hewlett said this is major construction not just a little cottage that is going to get a little rehab. Campbell said it was tight



driving in there, now. Hewlett said the plan could be refigured without the driveway circle by having an L shaped driveway.

Campbell asked Clarkin how he would feel if they were to rotate the cottage and got it out of the setback and moved it back so the back of the addition was somewhere in that vicinity, so they don't touch the drive. Clarkin asked if the existing structure would be physically moved back. Campbell and Cox said yes. Hewlett said it almost had to be because it was encroaching on the side lines. Brackett said it would only be moved back about 10 feet.

Brackett told Clarkin the pump station was getting old. Clarkin said they replaced the pump a couple of years ago, and the concrete tank had probably been there for 20 years. It was noted there is an alarm system on the tank.

As part of the application, the Planning Board requested the following also be included: the plans for the shed; plans for the driveway; information and plans on the basement – would it be finished or unfinished.

Consensus of the Board was it would be possible to move it further away from the water, without a great hardship, and taking especially into consideration, the side setbacks. Emerson said he would agree with that, but he did not want to push so much on there that it was going to cost him (Clarkin) twice as much to do something.

A motion was made by Hewlett, seconded by Brown, that in the opinion of the Planning Board, the property owner of the existing non-conforming structure which, in its entirety, **is located within 75'** setback, be moved **back approximately 10'** (ten feet) towards Wallston Road to conform to the side setbacks, as much as practicable, **to meet the 75' setback**. The Planning Board based their opinion on the Shoreland Zoning Ordinance, Section 12 (C)(2) and (3). It was voted 5-0; motion carried.

**b. John and Molly Walpuck** – Matthew Silverio represented the property owners, John and Molly Walpuck. The contractor, Scott Tardif, was also present. The application is to reconstruct and expand the existing cottage and garage located at 508 Port Clyde Road. The application dated 10/5/17 for a building permit was tabled by the Planning Board on October 10, 2017.

A motion was made on October 24, 2017 by Hewlett, seconded by Brown, to take the John and Molly Walpuck application off the table. The vote was 5-0; motion carried.

Silverio explained the Walpuck's decided not to connect or refurbished the garage because of the costs. The owners decided they would build new but did not want to take on that expense, at this time. Silverio said he had submitted an amended application to remove the garage.

Silverio noted that preliminary information received from the surveyor, lead him to believe that the setback maybe different from what is indicated on the tax map. There is a discrepancy between the survey information he already had on the lot and the tax map. He said when they get the information regarding the setback, there is a very good chance it will be different from what was indicated relative to the tax map.

Brackett asked Silverio if he was talking about side setback? He said yes, and the surveyor would be flagging the 75' setback and they would address that. He said as it stood, it seemed that everything they had proposed is further beyond the 75' setback. He did not think there would be any issues and it could be moved to where it needs to be.

Chair Cox said the reason they were before the Planning Board was the bunkhouse issue. Was it considered two residences or not? Chair Cox said at their last meeting, the Board was told it would not be two residences. The Board then put, as a condition on approval, the bunkhouse not be rented. It would not be an air B & B, or a short term or long-term rental. It was strictly a guest cottage for the principal owners of the property.

Silverio asked how that related to the ordinances, as he was not clear. Hewlett said one acre was needed per dwelling unit. Brackett said you needed 50,000 sq. ft. per dwelling unit because, in this case, it was in the Shoreland Zone. Silverio asked what that had to do with renting? Brackett said because it would be a dwelling unit if they were renting it out. Chair Cox said as opposed to it being a guest house for her guests who would be temporarily staying there. Brackett said would not have to be rented, it could be two families living on the property in two separate buildings, and that would be two dwelling units. Hewlett said it had to do with acreage. If it had two acres, it would not be an issue.

The house has four bedrooms; the bunkhouse has 1 large bedroom. A total of 5 bedrooms. Chair Cox said the agent's letter was received. Gill asked if there would be a new septic system put in. Brackett said they submitted an HHE 200; it was filed in March 2017. Brackett calculated that the total septic system was designed for six bedrooms but there are only five, so the ordinance was met.

On a motion by Brown, seconded by Emerson, 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 **amended** application with the condition the bunkhouse be only for the use and overflow of the main residents.

#### **Site Plan Review:**

**a. Shawn Beckett** – Chuck Campbell represented the applicant. The application is to expand Beckett's Garage by adding a 40' x 40' addition on to a 40' x 50' existing garage, creating two more work bays. The style would match the existing building located at 1181 River Road. The garage is on the St. George/So. Thomaston town line. Brackett said the fee was paid on October 23, 2017, and an agent's letter had been received.

Campbell said it would be located where the existing gravel lot was now, and they would not be creating any more impervious surface. The building coverage is 2.7% of the lot. There was an existing screening fence between Becketts and the neighbor who **reside on the So. Thomaston side**.

Campbell said there would not be any change in utilities. There would not be any additional bathroom facilities in the proposed addition. Beckett would use the existing water and power supply. There is an existing septic system on site, a bathroom in the garage, and one small dwelling unit above the garage.

Hewlett asked about the number of vehicles on the property and thought the apron area had recently been paved. She suggested Beckett add some screening by planting additional trees and/or bushes across the front of the property.

The Board requested Campbell provide a simple but more detailed plan including information showing the roof line, which side the bays will open up on, where the valleys go and possibly a few shrubs.

On a motion by Hewlett, seconded by Brown, it was voted 5-0 to waive the on-site inspection visit as this is an existing business, it is an expansion of the existing business, there is no change of use, the garage-

business is highly visible along Route 131, Board members indicated that they have driven by and are well aware of the site, and there are no setback issues.

Chair Cox said the public hearing will be held on November 14, 2017 at 6:45 p.m. at the town office.

There was no further business to come before the Board; on a motion by Brown, seconded by Emerson, it was voted 5-0. The meeting adjourned at 8:50 p.m.

A workshop was held after the meeting to discuss Shoreland Zone Ordinance and Cable Landing Ordinances.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary