

**St. George Planning Board  
St. George Town Office  
October 16, 2018 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. by CEO Terry Brackett. Members present were: Jane Brown, Brendan Chase (late), Ray Emerson, Michael Jordan and Alan Letourneau. Also present: CEO Terry Brackett, Stephen Mohr, Cassie Kilbride, Randy Elwell and Mike Felton. Absent: Anne Cox and Mary K. Hewlett

**Nomination of Acting Chair:** On a motion by Brown, seconded by Emerson, Michael Jordan was nominated as Acting Chair. There was no further discussion. A vote was taken, 3-0 in favor. (Chase arrived after the vote.) Michael Jordan will assume the position of Acting Chair for the Planning Board meeting.

**Quorum:** Ray Emerson and Alan Letourneau were elevated to voting status. A quorum was present.

**Conflict of Interest:** Brendan Chase with the permit application for Jamie Wyeth

**Adjustments to Agenda:** None.

**Review of the Minutes:**

**Planning Board Meeting** – September 25, 2018 -The minutes were amended as follows:

Page 2, paragraph 2, line 3, change per to **ramp**

Page 3, #5, line 5, change to read: ...was 1 in favor (**Chase**); 4 opposed (**Cox, Hewlett, Brown, Jordan**); ...

Page 4, # 8, line 4, change to read: ... being built **or converted** on this lot.

Page 5, first paragraph, line 2, change to read: ...other wildlife, **and the Board noted the presence of a number of birds in the mud flats during its site visit.**

Page 5, #5, line 4, change to read: ...2 in favor (**Jordan and Brown**); 3 opposed (**Cox, Chase and Hewlett**); ...

A motion was made by Brown, seconded by Emerson, to approve the minutes of September 25, 2018, as corrected, 5-0.

**Findings of Fact:**

**Look East Investments** – A correction was made to the Findings of Fact and Conclusion of Law on page 2; under Therefore, to change the word approves to denies the application. A motion was made by Emerson, seconded by Chase to accept the Findings of Fact, as corrected, 5-0.

**James and Donna Masterson** – Corrections to the Findings of Fact and Conclusion of Law are listed in the September 25, 2018 minutes above and will be corrected accordingly in the Findings of Fact. A motion was made by Emerson, seconded by Brown to accept the Findings of Fact, as corrected, 5-0.

**Maine Coast Heritage Trust (MCHT)** – A motion was made by Chase, seconded by Letourneau to accept the Findings of Fact and Conclusion of Law, as written, 5-0.

**Public Comments:** None.

**Building Permits:**

**a. Sleepy Hollow Farm, LLC; c/o Daniel R. Tishman** – Caldwell Island / Map 401, Lot 013  
Stephen B. Mohr, ASLA represented the applicant. The application is to make renovations to the interior, second floor within the existing building shell at the main house. This is an existing non-conforming residential structure located at the south end of Caldwell Island. The proposed renovation does not increase either the footprint or the volume of the building. This project is in a Resource Protected Zone and the Existing and Proposed use is Residential.

Mr. Mohr said the proposed project will not change the bedroom count but will change the wall configuration by adding a shower in the upstairs bathroom. There is no change in square footage, no change in structure, no site work. The work is interior to the existing structure and footprint. They are capturing approximately 42 sq. feet of space that is all under the roof.

The application is before the Planning Board because this is a nonconforming structure within the 75' Resource Protection area. CEO Brackett explained because this application falls within the buffer zone – the first 75' from the High-Water Mark - the Planning Board must act on this project. Included in the application is the existing site plan, the proposed floor plan for the second floor, the existing site plan for the second floor, photographs all around the structure and a picture of the bay window area.

A motion was made by Emerson, seconded by Letourneau, to accept the application was complete, 5-0.

Mr. Emerson asked if any of the windows are being changed? Mr. Mohr states all the windows shown in the photographs are staying the same. The only change is in the elevation as seen in the photograph, from the water side. The existing opening can be seen where a portion of the deck sits underneath the roof and will be infilled with new sliding doors.

Mr. Jordan asked CEO Brackett if the Board should be concerned about the electrical and plumbing work planned. Brackett said the town does not permit the electrical and the Tishman's plumber should get the required permits. There are no additional bedrooms planned, so the septic is sufficient. No changes are being done to the footprint; they are not doing any excavation within the buffer zone or the shoreland zone.

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

**b. Town of St. George (MSU)** – 28 Juniper St. / Map 104, Lot 074

The applicant, MSU Superintendent Michael Felton, was present. Also representing the school was Cassie Kilbride and Randy Elwell. The application is to install an 1800 square foot cement pad located at the St. George School. Four 1000-gallon propane tanks and a vaporizer will be set

on the pad. The cement pad will be located approximately 167' from the corner of the school and 75' from the property line.

Mr. Felton said one of the school's two Smith-fired boilers cracked and will need to be replaced. They received a number of bids to replace the oil-fired boilers and to replace just one boiler would cost \$80,000. Because of the costs, the school decided to change to propane heat and they expect to this will have a substantial savings to the school. MB Mechanical will replace both oil-fired burners with propane boilers. Total cost of the boilers is \$156,000. Felton said, next budget season, they will have the two oils tanks removed from the property.

Mr. Felton said the school will also need to purchase propane tanks. The plan is to install four, 1000-gallon above ground propane tanks to be set on a 1800 square foot (40' x 45') cement pad. The approximate cost of the cement pad is \$20,000. Mr. Felton said they located a suitable area behind the school to install the tanks. Mr. Elwell said the lines will be trenched. Mr. Felton said they will not be crossing any lines, sewer or electrical to reach the corner of the school. They have talked with Jim Kalloch about the cement pad and they are still in discussions with Dead River and Maritime to install the propane tanks.

Mr. Letourneau asked about security. Mr. Elwell said the tanks have to be secure and it is required to have a chain link fence around them. He said this is in their contract. The fence will be approximately 6' to 8' in height. He said the tanks will need a vaporizer and will be placed 15' away from the four tanks. Chase asked where the vaporizer will be located. Elwell said the vaporizer will be placed as close as possible to the propane tanks as permitted by law. No noise will be emitted from the vaporizer. Security cameras will be placed on and around the school. Mr. Chase asked if the area will be lit for security. Mr. Felton said he did not think it had to be.

A motion was made by Brown, seconded by Letourneau to accept the application as complete, 5-0. The Planning Board began the Site Plan Review.

### **Performance Standards:**

1. Preserve and Enhance the Landscape – On a motion by Chase, seconded by Brown, standard has been met 5-0. The landscape shall be preserved insofar as practical as there will be limited tree removal, a tree buffer will be maintained, and limited soil removal will be done to ensure proper groundwater runoff.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Chase, seconded by Brown, standard has been met 5-0. The placement of proposed structure will relate harmoniously to the landscape and existing buildings in the vicinity.
3. Vehicular Access – On a motion by Emerson, seconded by Brown, standard has been met 5-0. The road to proposed project will be maintained by the school and provide safe access and egress for the fuel delivery truck, fire and ambulance rescue department, snowplow trucks and other vehicles.
4. Parking and Pedestrian Circulation – On a motion by Chase, seconded by Letourneau, standard is not applicable 5-0. None proposed.

5. Surface Water Drainage – On a motion by Chase, seconded by Brown, standard has been met 5-0. Best Management Practices will be followed to ensure proper surface water drainage and stormwater runoff around the site of the proposed structure.
6. Existing Utilities – On a motion by Letourneau, seconded by Brown, standard has been met 5-0. The proposed structure will not impose an unreasonable burden on utilities or facilities.
7. Advertising Features – On a motion by Letourneau, seconded by Brown, standard is not applicable 5-0. None proposed.
8. Special Features – On a motion by Chase, seconded by Letourneau, standard has been met 5-0. A chain link fence will be installed around the propane tanks for safety and security purposes, as required by the dealer's contract.
9. Exterior Lighting – On a motion by Emerson, seconded by Brown, standard is not applicable 5-0. None proposed.
10. Emergency Vehicle Access – On a motion by Letourneau, seconded by Brown, standard has been met 5-0. The emergency vehicle access is sufficient to reach the propane tanks at all times.
11. Municipal Services – On a motion by Chase, seconded by Letourneau, standard has been met 5-0. The proposed project will have a favorable impact on municipal services as the installation of a more efficient heating system to the school will provide monetary savings to the school and the town.
12. Water/Air Protection – On a motion by Emerson, seconded by Brown, standard has been met 5-0. This project will not result in undue water or air pollution as proper action will be taken to provide for stormwater runoff and water drainage.
13. Water Supply – On a motion by Emerson, seconded by Letourneau, standard is not applicable 5-0. None proposed.
14. Soil Erosion – On a motion by Emerson, seconded by Chase, standard has been met 5-0. Soil erosion will be minimized, and Best Management Practices will be followed.
15. Sewage Waste Disposal – On a motion by Letourneau, seconded by Chase, standard is not applicable 5-0. None proposed.
16. Hazardous, Special and Radioactive Materials – On a motion by Chase, seconded by Brown, standard has been met 5-0. The site location for the four (4) propane tanks meets the 75-foot setback from the property line.
17. Financial/Technical Capacity – On a motion by Chase, seconded by Brown, standard has been met 5-0. The applicant stated St. George MSU has the financial and technical capacity to complete the project.

18. Shoreland Zone – On a motion by Chase, seconded by Emerson, standard is not applicable 5-0. The project is not in the shoreland zone.

19. Flood Plain – On a motion by Chase, seconded by Letourneau, standard is not applicable 5-0. The project is not in the flood plain.

20. Lot Standards – On a motion by Chase, seconded by Letourneau, standard has been met 5-0. The lot standards have been met. The four propane tanks will be laid down horizontally on the cement pad.

On a motion by Chase, seconded by Letourneau, it was voted 5-0 to approve the application pursuant to the Performance Standards Review.

**c. Southern Island/Brendan Chase – Map 261, Lot 075**

Brendan Chase represented the property owner, Jamie Wyeth. The application is to repair and extend an existing ramp starting at the Mean High Water and extending down 16' and across 16' back to the existing ramp and from that point downward, the existing ramp will remain and continues to extend down past the low tide. This project is located on the northwestern side of Southern Island off the village of Tenants Harbor. This is residential property. Shoreland Zone District is Marine Residential/Resource Protection. Flood Plain Designation is VE 19.

Mr. Chase said there is a wharf which goes out to a float system that is accessed on a daily basis by employees. There is a longer ramp, 10' wide that goes down 100' which has been in place for 50 to 60 years. Approximately 20 to 30 years ago, the 10' ramp was widened to the east side. The employees have used the wider part of the ramp for the Reliance on a semi-annual or annual basis to carry supplies to the island for various projects, such as oil, gravel, wood chips, etc. The Reliance is very tide dependent in order to access the island, usually on an astronomical high tide. Mr. Chase said in the spring, weather is an issue. When trying to access the island with a half dozen people, dump trucks, oil trucks, etc., if the weather turns bad, he has to call everyone to cancel the trip and that is a hassle to do. In the summer, they use the public landing as their access point to the island because the harbor is filled with boats. He said it is disruptive to the public landing having dump trucks and the Reliance going in and out.

The proposal is to extend the wider ramp down another 16'. That will give them significantly more access for the different tides. It would probably give them a mid-tide and would not have to wait for the monthly astronomical high tides in order to access the island. They are working with Prock Marine who will be doing all the installation and site work according to their Best Management Practices. He said he reviewed all the permitting with Prock Marine and have the Army Corps of Engineer permit. Chase did not realize he needed the DEP permit for this meeting and hoped if application is approved, would be contingent upon DEP approval. He said everything was done at the same time a month or so ago by Prock Marine consultants. He expects DEP approval by mid-October. He expected the permit anytime, now.

CEO Brackett had the Army Corps of Engineer's permit and the July 24, 2018 Request for Project Review which shows the applicant has applied to the DEP. Brackett said the DEP permit

should be received any time and felt because the Army Corps of Engineers approved it, DEP will approve it. Photographs of the project are included with the application.

A motion was made by Letourneau, seconded by Brown, to accept the application was complete, 4-0. Motion carried.

A motion was made by Letourneau, seconded by Brown to waive the on-site inspection as the proposal is adjunct to an existing structure which adds a small square footage of 256 square feet to what already exists. The vote was 4-0. Motion carried.

#### SECTION 15 (C) – Shoreland Zoning Ordinance

##### 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 Brown, seconded by Emerson, standard has been met, 4-0. There is a pier and a ramp which are grandfathered under the Shoreland Zoning Ordinance. No construction is being done to the pier; the ramp will be expanded.
2. Access from shore shall be developed on soils appropriate for such use and constructed to control erosion. On a motion by Letourneau, seconded by Brown, standard has been met, 4-0. Soil erosion will be minimal as the structure will be constructed over rock.
3. The location shall not interfere with existing developed or natural beach areas. On a motion by Emerson, seconded by Letourneau, standard has been met, 4-0. There are no beach areas in location to the ramp.
4. The facility shall be located so as to minimize adverse effects on fisheries. On a motion by Brown, seconded by Letourneau, standard has been met, 4-0. The proposed structure extends over the shoreline rocks and will not adversely affect the fisheries.
5. The facility shall be no longer in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. On a motion by Letourneau, seconded by Brown, standard has been met, 4-0. The wharf's ramp will be no longer than necessary to carry on the activities and uses needed by the property owner.

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 Brown, seconded by Emerson, standard is not applicable, 4-0. This project is in tidal waters.

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.

Note: A structure constructed on a float or floats is prohibited unless it is designed to function as and is registered with Maine Department of Inland Fisheries and Wildlife, as a watercraft. On a motion by Brown, seconded by Emerson, standard is not applicable, 4-0. None 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 Brown, seconded by Letourneau, standard is not applicable, 4-0. 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 Brown, seconded by Emerson, standard is not applicable, 4-0. There are no existing structures.
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 Brown, seconded by Letourneau, standard is not applicable, 4-0. There are no existing structures.
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 Brown, seconded by Emerson, standard has been met, 4-0. No vegetation will be removed.

#### 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 Letourneau, seconded by Brown, standard has been met, 4-0. The proposed project will improve safety conditions allowing better access to the wharf and shore.
2. Will not result in water pollution, erosion, or sedimentation to surface waters. On a motion by Brown, seconded by Emerson, standard has been met, 4-0. This project will not cause a disturbance in erosion or sedimentation to surface waters because it is being built over shoreland rocks.

3. Will adequately provide for the disposal of all wastewater. On a motion by Emerson, seconded by Letourneau, standard is not applicable, 4-0. No wastewater will be generated by this project.
4. Will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat. On a motion by Emerson, seconded by Brown, standard has been met, 4-0. The additional 16' of ramp will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat.
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. On a motion by Brown, seconded by Letourneau, standard is met, 4-0. The extension of the ramp may stop the wave action from moving shoreline rocks and it will improve a point of access to get onto the island.
6. Will protect archaeological and historic resources as designated in the comprehensive plan. On a motion by Letourneau, seconded by Emerson, standard is not applicable, 4-0. Southern Island is not located in archaeological or historic resources as designated in the comprehensive plan.
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District. On a motion by Emerson, seconded by Brown, standard has been met, 4-0. This project will not interfere with any fishing or maritime activity.
8. Will avoid problems associated with flood plain development and use. On a motion by Emerson, seconded by Letourneau, standard has been met, 4-0. This project will help to minimize erosion and to enhance and preserve the building that exists.
9. Is in conformance with the provisions of Section 15, Land Use Standards. On a motion by Letourneau, seconded by Brown, the standard has been met based on the provisions of Section 15, 4-0.

A motion was made by Letourneau, seconded by Brown, to approve the application, 4-0, contingent upon receipt of DEP approval.

8. Discuss Consultant for the Planning Board: Chair Cox sent an email to the Planning Board members explaining why she felt hiring a consultant would be a good idea to work on town ordinances as well as proposing ways the Planning Board might use a consultant. She noted in her email that Select Board Chair Richard Bates suggested it might be a good idea to consider the use of a consultant. Mr. Jordan said Cox noted there were two basic topics: How to organize and to procedure in getting the work done, checking for inconsistencies, not having duplications, making it readable, etc. Mr. Jordan felt if they hired someone who had worked on ordinances, had done this before and had some experience in what other towns are doing.

Mr. Chase asked, "Was the scope of the request to ask the Select Board for funding to hire a consultant?" Mr. Jordan was not sure what decision or if a decision was supposed to be made

tonight. He thought the first step was to identify consultants in this line of work and get proposals. CEO Brackett will research names of consultants for the next meeting. Further discussion will be taken up at the next Planning Board meeting.

There was no further business to come before the Board. On a motion by Brown, seconded by Emerson, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary