

**St. George Planning Board
St. George Town Office
May 28, 2019 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Members present were: Anne Cox, Chair; Jane Brown, Brendan Chase, Ray Emerson, Mary K. Hewlett, Michael Jordan. Alan Letourneau (alternate) was absent. Also present: CEO Terry Brackett, Richard Bates, Kristin Saunders-Falla, Barbara Saunders, Lisa Escorsio, Bill Reinhardt, Lee McKay, David and Darlene Cocke, Ken Oelberger, Tom Gorrill, Chris and Tracy Leavitt, Matt Stern and Will Gartley.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda - Under Adjourn to Workshop:

- Expand discussion to include thoughts **for and about** other town ordinances.
- Discuss Select Board's request asking the Planning Board to review issues on soil extraction

Review of the Minutes:

Planning Board Meeting — A motion was made by Hewlett, seconded by Brown, to approve the minutes of April 23, 2019, as written. The vote was 5-0. The motion carried.

The following Findings of Fact were signed by the Planning Board:

Monhegan Boat Line, d/b/a A & B Rentals, LLC; Greg Soutiea, d/b/a Craginair Inn; and Sara Lee, d/b/a Spruce Tree Studio.

Public Comments: (nonverbatim and edited)

Lisa Escorsio: I am a native of this town. I have lived at 142 Turkey Cove Road for 35 years. I know this topic is not on your agenda tonight but the reason I am here is I wanted to convey my concerns about a proposal for a gun shooting range located in the vicinity of Turkey Cove Road. I have circulated a statement to various committee members and to other local citizens of this town conveying my personal concerns.

I feel there will be a big loss of the quality of my life as I have known it for 35 years on Turkey Cove Road. With that being said, the increase of noise. The increase of traffic. The decrease of enjoyment of wildlife in my area. The potential impact to our water supply. Is this town prepared to deal with a situation like that? Devaluation of my property. If this business is approved, the uncertainty of future owner-management within this surrounding vicinity. I just want to emphasize my concern is not with gun ownership. It is what the cost I will bear and the town will bear if this gun shooting range is built and developed in Turkey Cove. Thank you for your time.

Chair Cox: Thank you, and we have a copy of your letter which we will keep in our records.

Chris Leavitt: (Lives at) 222 Turkey Cove Road. Most of you in this room have dealt with me in some capacity whether I was a code enforcement officer or contractor. Hopefully, I get to work

with you in the future doing the stuff I am doing now. One thing I have liked about our community from day one is we have regulations in place that allow anyone and everyone an opportunity to create something they feel is a good idea. Every now and then, something comes up that just is not in the best interest of the community. I know you will do your homework and do everything in your power to review this fairly, like you do all applications.

But, what I would like to recommend, possibly consider: If an application comes forward, I realize nothing has come forward yet, possibly put a moratorium on the application or at least the topic, so that the Board has the ability to "pump the breaks," do their research and possibly develop some regulations that either go into the Comprehensive Plan or as a stand-alone ordinance dealing with this potential issue.

There are a lot of opportunities that the town can take that does not necessarily eliminate everything, but it considers and factors all those things in for us. Because as the Board, you are like the liver or the kidney of the community. You filter everything through and it all works together. That is all I wanted to bring up was to just consider your options as a Board for this topic. Thank you.

Barbara Saunders: I live at 12 Autumn Marsh Road and the proposed shooting range is right behind our property. My husband spoke to you last meeting and brought this forward, and I am glad to see some of the other neighbors become involved and concerned because we are also concerned about the community. The neighborhood and the town. And a way of life, and for the reason why I live in Tenants Harbor.

No other comments were made.

Building Permits:

a. Gartley & Dorsky – 34 & 39 Deep Cove Lane / Map 206, Lots 005 and 006

Will Gartley of Gartley & Dorsky Engineering & Surveying is the applicant and represents the property owners, Judith Axten and John Axten 2012 Irrevocable Trust. The existing and proposed use is residential. The Shoreland Zone is Marine Residential and the Floodplain Designation is **VE (Elev.11")**.

The application is to provide shoreline stabilization along the southwest side of the Axten's property which is subject to frequent wave action. The riprap armor will be underlain by an 18" thick layer of coarse blasted ledge over geotextile filter fabric in order to promote drainage at the base of the slope. This will help maintain the native vegetation that is being threatened by existing erosion.

Mr. Gartley reviewed the application. The Axten's have two properties that are side by side, 34 and 39 Deep Cove Lane and are trying to stop the erosion on these two properties. There are two sections of shoreline - one section is 47' located on Lot 6 and the second section is approximately 100' on Lot 5. On lot 5, there is not a lot of vegetation which is experiencing some erosion. Both of these sections are between ledge outcrops with a little bit of soil in some places. Lot 6 has some vegetation at the top. One tree needs to be removed as it is dead and hanging over the

bank. The application for shoreline stabilization was submitted to DEP and accepted as complete on April 1st. Gartley expects the DEP permit to be received in June.

Ms. Hewlett asked about the set of stairs. Gartley said the existing stairs on Lot 6 will stay. Some stones will be placed around the eroded edges. A new set of 4' wide stone stairs is proposed for Lot 5.

Mr. Jordan asked why the Army Corps of Engineer's involvement? Gartley said he routinely submits plans even if no work is being done below mean high-water. He stated the Army Corp will not issue a permit but will typically write a letter back saying they are not going to act on it. Chair Cox noted the application will be corrected to reflect an Army Corp of Engineers permit is not required for this proposed project.

Gartley explained that all of the work being done is above the highest annual tide.

Discussion by the Planning Board: Does this application fall under the Planning Board's authority or under the jurisdiction of the Code Enforcement Officer?

Chair Cox said it is difficult to determine which ordinance applies to the shoreline stabilization applications. Gartley said in reviewing the Land Use Table in the Shoreland Zone (which he thinks is good), he does not believe this application requires Planning Board approval. He believes CEO Brackett can issue the permit.

Chair Cox said traditionally the Planning Board groups this type of application under retaining walls. Brackett explained riprap work projects have always gone through the Planning Board. Gartley said yes, but referring to the ordinance, could not find why. Hewlett noted that on Page 15, #17, the word riprap was in parentheses in her own writing. She said they have included #17 in the past as a reason to review these applications. Gartley said that is specifically for structures below normal high-water line or within a wetland, and this project is above the high-water line.

Chair Cox said if the Planning Board agrees, then the CEO will have the authority to look at these projects. CEO Brackett stated they (the Planning Board) will be exempting 90% of the town. Brackett asked, "Are you going to exempt yourself from that review?" Chair Cox and Hewlett agreed it falls under CEO Brackett jurisdiction, referring to the Land Use Table under Marine Residential.

CEO Brackett stated, "This is riprap (project) and it is going to be 2' high, so why isn't that a structure?" Gartley asked if it is, "Where does that state the application goes to the Planning Board for review?" After reviewing the ordinance on riprap with the Board and Gartley, CEO Brackett stated, "That if it is (the project) anywhere above the high-water mark, I will have the authority and anywhere below that, the Planning Board will have to review the application." The Planning Board agreed with Brackett's statement and declined to hear the application.

On a motion by Brown, seconded by Jordan, the Planning Board voted 5-0, to decline acting upon the Judith and John Axten 2012 Irrevocable Trust application, based on review of the Shoreland Zoning Ordinance, Page 16, Land Use Table 1; and Page 20, #5 (a.-g.) under Principal

and Accessory Structures, indicating the CEO has jurisdiction in reviewing this application because it is above the mean-high water line.

b. Matthew Stern – 127 Hathorne Point Road / Map 224, Lot 008

Will Gartley of Gartley & Dorsky Engineering & Surveying is the applicant and represented the property owner, Matt Stern. The existing and proposed use is residential. Shoreland Zoning District is Marine Residential. Floodplain Designation is **AE** .

Mr. Gartley explained the application. The project is to regrade the lawn area and install a foundation drain on the Stern property located at 127 Hathorne Point Road. The applicant proposes to place fill on the property, raising the existing elevation of the lawn area, between Mr. Stern's house and Watts Cove helping to alleviate the severe flooding of Mr. Stern's basement. The applicant proposes to remove and replace the existing deck, in order to install a new foundation drain and outlet. The deck will be replaced to the same dimensions as the previous standing structure.

Gartley stated that Mr. Stern is requesting he be allowed to remove the deck in order to excavate around the perimeter of the building to waterproof and add foundation drains. Gartley noted that over time the lawn has subsided and as the tide rises, the water is getting closer and closer to the house. He stated that while doing the drainage work, Mr. Stern would like to bring the grade of the lawn up approximately one foot. Gartley said there are rocks that were placed some time ago below the Highest Annual Tide (HAT) that they have agreed to remove those and place on the lawn.

Chair Cox said to remove the rocks, the applicant will have to be in the water some. Gartley said on his plan, the HAT, does not occur all the time and there are salt tolerant grasses that are shown on the plan. He said they will need to come to the edge of the salt tolerant marsh grasses, reach over and pull those rocks out and bring them up to the lawn.

Hewlett asked about the original purpose of the boulders. Gartley said the owners were trying to stop the loss of land. Gartley said there is an area on the lawn where the boulders can be hidden rather than hauled off. There is some vegetation on the downhill side near the proposed outlet pipe. He noted the basement elevation is at high-tide line.

Chair Cox stated this project has several issues: The deck that will be removed and replaced exactly the way it is. The perimeter drain that is going to be coming out just above the high-tide line. The filling of the lawn and moving the boulders out of the water and moving them back.

Discussion by the Planning Board. Chair Cox thinks the work of filling above the high-tide line may not need to come to the Planning Board; but because boulders will be removed, it does as that part of the project is below the high tide.

Jordan asked, "Where is the requirement that the Planning Board approves taking things away as opposed to putting things in?" Gartley stated he has a DEP permit for this application and the question is, "Is the deck and perimeter drain for the Planning Board to review?"

Hewlett asked about the discharge pipe. Brackett said the issue of the discharge pipe is not for the Planning Board as DEP approves that and it has been approved.

Chase asked about the difference between the Christianson application and this application. Chair Cox said that application was a maintenance issue and repair was in the water (below high tide).

Chair Cox asked if the Board needs to consider the deck. Mr. Stern said his intention is to remove the deck, save it, and not have to buy a new deck. If he needs to replace it, the cost will be approximately \$1,000 or less. The Planning Board thinks this is a repair maintenance issue under \$10,000, with the same footprint.

CEO Brackett said anytime there is construction process within the buffer zone, he brings the applications to the Planning Board.

Chair Cox asked if this is a maintenance issue. Hewlett asked, "How will the CEO know what the Planning Board wants to see and not see? Is this because it is above the high-water mark and now, we have determined that anything above the high-water mark, we no longer need to see?" Cox said not everything because of nonconforming projects and Gartley pointed out the town has a section on nonconforming structures.

A motion was made by Brown, seconded by Jordan, to refer the Matthew Stern application back to CEO Brackett for review based on the Shoreland Zoning Ordinance, page 15, Table 1 for the following reasons: The deck is a maintenance issue. The DEP has granted a permit for the foundation drain. The project is above the high-water mark, and the additional fill needed falls within the Code Enforcement Officer's jurisdiction. The vote was 5-0. The motion carried.

There was no further business. At 7:42 p.m., a motion was made by Chase, seconded by Hewlett to adjourn the meeting.

The Planning Board immediately went into a workshop on Open Space issues, the Sign Ordinance, and Soil Extraction. The workshop ended at 8:40 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary