

**St. George Planning Board  
St. George Town Office  
June 25, 2019 – 6:35 p.m.**

The Planning Board meeting was called to order at 6:35 p.m. Members present were: Anne Cox, Chair; Jane Brown, Brendan Chase, Ray Emerson, Mary K. Hewlett, Michael Jordan and Alan Letourneau. Also present: CEO Terry Brackett, Richard Bates, Paul Leeper, Sheryl Tishman, Chris Leavitt, Norman Hoedtke, Matt Tibbetts, and Charles Christensen.

As stated in the June 11, 2019 Planning Board minutes, the meeting opened immediately following the conclusion of the Tenants Harbor General Store Public Hearing.

**Quorum:** A quorum was present.

**Conflict of Interest:** None.

**Adjustments to Agenda:** None.

**Review of the Minutes:**

**Planning Board Meeting** — June 11, 2019 – The minutes were amended as follows:  
Page 1, under Building Permits, line 4, correct to Marine **Residential**

A motion was made by Chase, seconded by Jordan, to approve the minutes of June 11, 2019, as amended. The vote was 5-0. The motion carried.

**On-site Visitation Inspection Minutes** – Tenants Harbor General Store – The minutes of June 24, 2019 were amended as follows:

Under members present, line 4, add: **Alan Letourneau (absent)**

Paragraph 4, line 4, change to read: ...window will be **removed according to Mr. Christensen.**

A motion was made by Jordan, seconded by Brown, to approve the on-site visitation inspection minutes, as amended. The vote was 4-0 (Cox abstained). The motion carried.

**Public Comments:** None.

**Building Permits:**

**a. Hathorn Point Trust** – 127 Hathorn Point Road / Map 224, Lot 008

Paul Leeper of Moody Mountain Environmental represented the applicant. The property owner is Hathorn Point Trust. The application is to provide shoreland stabilization to an embankment area approximately 2' wide x 3' high x 12' long. The Shoreland Zone is Marine Residential. The Floodplain Designation is VE 13.

Mr. Leeper stated the shoreline embankment is very low, approximately 3' high. The buffer vegetation, consisting of trees and tall shrubs, are being undercut and coming down. After discussions with DEP, the property owners propose to cut back the bank armor where the trees and large shrubs are gone, so they are not in the intertidal zone. Mr. Leeper stated where there are still trees and shrubs to protect the shoreline, those will be placed in front and above the Highest Annual Tide line.

The Planning Board reviewed the proposed armoring plan. Mr. Leeper said there is still some buffer vegetation in the area, which will be cut back. The proposed plan is to dig up, stockpile, and then replant the vegetation.

Chair Cox asked for the width of the set of stairs. Mr. Leeper said they are 4' wide. Chair Cox noted the stairs are listed as a "proposed set of stairs" on the plan, but also amended the Project Description to reflect this wording.

Mr. Leeper said DEP approved this project after several changes, and Chair Cox noted the permit is on file. Mr. Leeper states the Army Corps of Engineers permit has been received and he will forward a copy to CEO Brackett on Wednesday.

Ms. Hewlett said the area gets harsh weather in the winter, and Mr. Leeper also noted that ice flows are also an issue.

The Planning Board reviewed (computer) photos of the existing embankment area and the salt marsh vegetation area. Leeper pointed out the areas of trees they are concerned about. Mr. Leeper explained to Ms. Hewlett that copies of the photos are in the NRPA application which the town has on file and CEO Brackett agreed. Ms. Hewlett asked CEO Brackett if he has concern about the lack of trees on the property. Brackett thinks it would be good if they replant some trees. Hewlett noted there are clear, clear views to the house.

On a motion by Brown, seconded by Hewlett, it was voted 5-0 to accept the application as complete, with the attachment of the photographs in the NRPA file.

The Planning Board reviewed page 19, (B)(1)(a) The water body, tributary streams, or wetland setback provision. Chair Cox stated this section is where rip rap shoreline stabilization fits. The setback provisions do not apply to this project. She stated DEP has thoroughly reviewed this project, made changes to the design, and approved it.

Ms. Hewlett stated she wants to make sure this project will not remove any more trees. Chair Cox said the purpose of this project is preserve the trees as much as possible and shrubs being removed will be retained and replanted in place. Chair Cox noted that removing mature shrubbery is not foolproof and planting it back did not always work. She thought the condition should be the same size and same amount of native plant material.

Ms. Hewlett stated the project is within the 75' setback. Chair Cox noted in DEP's description - the house is mentioned as being right at the setback line.

On a motion by Brown, seconded by Jordan, it was voted 5-0 to approve the application based on the following: Page 19 of the Shoreland Zoning Ordinance, Section (B)(1)(a), the setback standards to do not apply to this structure, and the condition that native vegetation be thoroughly reestablished with either the removed vegetation or new plant material of similar size.

**b. Sleepy Hollow Farm, LLC – Caldwell Island / Map 401, Lot 013**

Stephen Mohr of Mohr & Seredin Landscape Architects and Sheryl Tishman were present.

Property owners are Dan and Sheryl Tishman. The application is a mold abatement issue and other issues which have arisen. Mold was discovered throughout the property owner's building, located

on Caldwell Island. This project is in a Resource Protected Zone and the existing and proposed use is residential.

Mr. Mohr stated the Tishmans discovered a mold problem this spring (2019) when opening up their house. He stated there is terrible mold odor, spore count, and bad physical reactions to the mold. A number of people have investigated the inside and underneath the building. Mr. Mohr said for whatever reasons this year, the mold growth has coated the entire underside of the building making it unlivable, in the first few weeks.

Mr. Mohr said they looked at the problem carefully and found that the water is migrating not only across the ledge base but down through the ledge and popping up under the building. He reviewed the site plan topography; the slope runs under the building and migrates under the house. Not just from the north but also from the east. He said it is not just surface water, but there is water in the ledge coming up and in. There is still some old organic matter that they just built over in 1970.

They were not sure how to get under the house. On the two ocean sides, there is approximately 18" to 21" but at the uphill side where the two bedrooms are, there is 3" to 7" of space under those two bedrooms, between the bottom of the floor joist and ledge. After going through all the iterations, Mohr's recommendations back to the Tishman's were - take those north bedrooms down, excavate the soil and the ledge out to divert the water out and around, and then put a new foundation in and rebuild in the space occupied by the two bedrooms and the space between them. The ledge will not be blasted but hammered and drilled instead. A plan shows the area of excavation where the water needs to be diverted to permanently stop to the water infiltration.

The Planning Board reviewed the Main House Site Plan and photographs with Mr. Mohr.

Mr. Mohr explained the process for excavating: Remove the two bedrooms. Go out between 5' and 9' away and excavate down. Put down a waterproofing membrane system then come over with our foundation and exterior perimeter drain. Then with that footprint cleared out, the question is how do we come back in with the bedroom addition?

He said they looked at this carefully to make sure they were not going any closer to the resource than it is now. The front porch is over 13' away. That existing building face is 28' including the overhang. He said they have pushed the building back 29' to the overhang so they are not sitting right on that old footprint. They pulled the north face in about 18" to the overhang. But to fit the east bedroom back in there, they had to push it out because as part of this project, they are relocating the bathroom to make it work more aligned with the balance of the plumbing and the flow of the house.

Mr. Mohr stated the bottom line was to look into the ordinance, trying to get back so the structure makes sense with the town's ordinance, but was driven by the drainage to correct the mold.

He stated they would be taking down 368 square feet, the area of two bedrooms which represents a little under 20% of the total building. He said they are proposing to add 130 square feet of new construction in addition to replacing the two bedrooms.

CEO Brackett had previously asked Mohr why don't they just move the house. Mohr said part of the structure sits on a new foundation; part of it sits on pilings and part of it sits on rock piers.

There is ledge and mature trees within 10' of the uphill side of the building so there is not the latitude to push it back. They are just under 400 sq. ft. of added expansion since 1989.

Mr. Mohr said he reviewed the application and check list with CEO Brackett. Mr. Mohr believes all the information has been provided for the file. Mr. Mohr noted that the building is above and behind the flood zone and submitted the maps. Mr. Mohr said they requested a Permit by Rule from the DEP because they are doing the 628 sq. ft. of excavation within the 75' Resource setback. He said that cleared that hurdle.

Ms. Hewlett asked about the ledge. Mohr said they will uncover the ledge and then drill it and break it with a jackhammer. The existing foundation is pinned into the same ledge and will have to do some lateral line drilling to get under the north wall of the old house.

Chair Cox said once the ledge is gone and they are able to get the grades, and install the drainage, then there will be a concrete foundation. Mohr said correct, but it will depend on the ledge configuration. If they can get the drainage where they want it, they might be able to reduce the ledge removal by just pouring a slab, or the other option depending on how much ledge is removed, will be to pour a traditional stem wall footing.

Ms. Hewlett asked about the roof line. Mohr stated the roof line will look just as it is in the photos. Hewlett stated, "It will be tied into the existing roof as much as possible." Mohr said yes, because there are elevations in there, and they did not have a lot of latitude because of the dormers. The architecture that is already there – pretty modest, pretty understated, same sort of shingle siding. Chair Cox said it will go no higher than it is. Hewlett asked if they can get the ceiling height in there? Mohr said they can and it is actually a bit lower. They will be about 8 feet 6-inch or 8 feet 9-inch ceilings. The two bedrooms step up 7.5" because when they framed it, they just went out over the ledge.

Chair Cox asked if they thought it became an issue this year because it has been so wet? Ms. Tishman stated it has been building since the end of last summer when she noticed it accumulating on the walls and the doors. Air tests were down and the numbers jumped dramatically from last summer to this May. She said they have had a lot of mold companies come in to clean; mold levels came down a little, but it is still high. She has air purifiers in all rooms, buying special mold cleaners and soap.

Mr. Mohr noted that when the renovation work was done, they put a foundation under the old deck and ran the foundation up around the corner. They were very careful about sealing it off. Mohr said he wondered if they didn't inadvertently trap water in that little uphill corner in the 2011 and 2012 project. That is their best rationale. He felt it was pretty extraordinary to see the water coming up out of the ledge under the house which they have not seen before.

Mr. Jordan asked about the 4,452 square footage listed under property information versus the calculation of the addition, at 1,965 square feet. Mohr said under property information that includes all the buildings on the entire island. The 1,965 SF is the part within the 75' setback.

Mr. Jordan asked about the proposed SF under property information versus 189.8 SF on the next page of the application. Mohr stated a correction needs to be made to the property information. It should read 189.8 SF. Chair Cox corrected this.

Jordan asked about the calculation of what has been done to date, plus the 189.8 SF adds up to 382.2 SF not 379.6 SF. Mohr believes Mr. Jordan is correct as he ran the number again today; it is 382.2 SF and the percentage is 19.4%. Corrections were made to the shoreland zone information on the application.

A motion was made by Chase, seconded by Jordan, to accept the application as complete, with corrections made to the square footage, percentage and addition of the section/drawing. The vote was 5-0. Motion carried.

The Planning Board reviewed the Shoreland Zoning Ordinance, page 6, Section 12(C)(1). Chair Cox said the applicant has worked hard to not increase the nonconformity with respect to the setbacks. They are within the square footage that is allowed. Jordan asked how much of where the work is actually going to be done is within 25 feet. Mohr said none of it.

Jordan stated the project is in a Resource Protection Zone. Did it make a difference? CEO Brackett said since the structure was there before the zone went into effect, they are okay.

A motion was made by Jordan, seconded by Hewlett, to approve the Sleepy Hollow, LLC application based on the following reasons: The plans do not call for any increase in the non-conformity – nothing will be closer to the water than it is now. None of the work is within 25 feet of the water which might pose additional issues, and the fact that the increase in the footprint of the building does not take it beyond the amount permitted for expansion of non-conforming structures. The vote was 5-0. The motion carried.

**c. Norman & Brock Hoedtke – 23 Cottage Road / Map 101, Lot 041**

Chris Leavitt of Leavitt Property Services & Consulting and Norman Hoedtke were present. Property owners are Norman & Brock Hoedtke. The application is to replace existing crumbling block foundation located at 23 Cottage Road. The Shoreland Zone is Marine Residential. The Floodplain Designation is AE11. Existing and proposed use is a seasonal cottage.

Mr. Leavitt stated the project is to replace an existing crumbling block foundation under a cottage with a new poured concrete foundation. The existing foundation is 6' tall with a ledge and dirt floor. The new proposed foundation will be raised 18" from its existing height of 6' to promote surface water drainage around the cottage. The areas around the cottage are lawn and landscaping.

Mr. Leavitt said the original foundation is hollow core block and is deteriorating as evidenced in the photographs and is causing a structural risk. The plan is to elevate the building, remove the existing block foundation that is there and put a traditional poured foundation in the exact same footprint and dimensions that are existing.

Chair Cox said this is a building that has the high tide coming close to the structure. Leavitt said the actual high tide does not but the storm surge can hit the foundation.

Ms. Hewlett asked if there was a reason why they do not want to move the house back. Leavitt said it is an interesting property in the fact that they are locked in by the existing utilities. A septic system was installed in 2012. When that system was installed, there was only one place the tank could be placed next to the house, and it was in a pocket where the ledge was cooperative. There were no other locations in that area and the well is by the septic system.

Mr. Leavitt said Gartley & Dorsky designed the septic system and Leavitt said the site plan was done before the septic went in. Chair Cox noted the site plan states it is 8' from the high-water line on the far corner. Leavitt said the building currently sits compliant with flood plain elevations.

Ms. Hewlett asked if the house is being jacked up. Leavitt said the house will be lifted up to support it so they can remove all the crumbling foundation and replace it with the new foundation. Mr. Leavitt said there is a substantial amount of surface water which gets through the hollow block and gets into the basement. The photos show the damage over the years and the repairs that have been made.

Mr. Chase asked if there is a ledge directly below that. Leavitt said yes and they will pin to the ledge. Ms. Hewlett stated they will end up with a 7.5' basement. Leavitt said yes because the basement is currently 6 feet. Ms. Hewlett asked if it is livable space. Leavitt said no.

Mr. Leavitt said the deck attachment point is not going to change. It is going to raise with the house. It may have to be detached during the lifting process but it will go back on as seen in the photos. The existing deck posts are wood. Those will be replaced with new wooden deck posts and will be extended the 18 inches. The dimensions of the deck will remain the same.

The following wording was added to the Project Description: The new deck posts will be 18" taller and replacements, as well.

Ms. Hewlett asked about the exterior chimney. Mr. Leavitt said there are two options:

1. Support and lift it with the house; or
2. It may be dismantled and put back up, trying to use as many of the same materials as possible and not change shape or size.

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

The Planning Board reviewed pages 7 and 8 in the in Shoreland Zoning Ordinance, Section 12(C)(2) and Section 12(C)(3) relating to foundations and the criteria.

The Board discussed the location of the septic tank and the historic significance of a piece of property. Chair Cox asked if we review foundations based on looking at the fact that there are not any options for the septic system other than what exists, that simply replacing the foundation is about the only option they have?

Mr. Letourneau asked about the change in height. Does going from the present 18' to the total of 19.6' (height of the buildings) pose a problem? Jordan said they are allowed 20 feet.

Mr. Jordan recommended approving the application based on the criteria under Section 12(C)(3), Changes of Foundations under Section 12(C)(2).

A motion was made by Jordan, seconded by Chase, to approve the application based on the following criteria: Section 12(C)(3), Changes of Foundations under Section 12(C)(2); it is not practicable given the characteristics of the property to move the building back, at all. Principally, because the applicant represented that the only place where the septic tank can be placed is where it is now which is 6 feet away from the house. The vote was 5-0. The motion carried.

## **Site Plan Review**

**a. Tenants Harbor General Store, LLC** – Charles Christensen represented the applicant. The application was accepted as complete on June 11, 2019. A public hearing was held on June 24, 2019. Mr. Christensen addressed the comment of the box fan on the pizza oven. He stated it is a commercial vent with a thermostat controlled commercial exhaust fan for the pizza oven and verified this with a photo for the file. There are no gases exhausted, only warm air. He presented another photo for the file of the other exhaust fan that removes hot air from the basement. This fan is also thermostatically controlled and removes the heat from the compressors in the basement.

Mr. Christensen said the new unit will be located on the back side of the building, facing south and bracketed to the building, off the ground. Hewlett noted the unit size as 41" wide, 13" deep and 52" tall. Christensen said the window air condition will be removed.

He said an analysis of the building was done to bring the building temperature down because of an issue with compressor motors overheating. He said that is why the other units are required. It also means the exhaust fan in the basement will not be running as often because it is thermostatically controlled. Photos were placed on file.

Mr. Chase stated the fan in the basement will be on less frequently and Christensen said yes because the air conditioner in the kitchen will be gone.

Mr. Jordan had a question about lot coverage. He noted the existing lot coverage is 22% and the requirement is 20%. CEO Brackett said he was not sure if 22% is accurate. Chase said there is no difference between the total square footage of the buildings. Did we decide because it will be mounted to the side that it will not add to the total square footage? Christensen said the unit will add 4 sq. feet. He said the unit will go under the overhang of the roof on the gamble end.

CEO Brackett said if the unit has brackets on it, it will be out away from the building some. Brackett thought this is an improvement in the building and he believes it falls under utilities which can be permitted.

Ms. Hewlett asked if this project is within the setback as the unit will be closer to the lot line. How much closer to the lot line?

Mr. Chase thinks if the unit is cantilevered off the building, it should be included in the square footage of the building in the footprint and in the setback. The cantilevered should not excuse it from the square footage. A deck could be built out and cantilevered out 30 feet.

Chair Cox said so the fact that this is four (4) square feet, though it is within the overhang of the eave, that has taken up the lot coverage from that.

Ms. Hewlett asked again about the setback? Jordan said, "I think you have to measure the setback from where the eave is. It does not change the footprint." Cox said you already have it, so it is tucked underneath an existing situation.

There were no further questions. The Planning Board began the Site Plan Review.

## **Performance Standards:**

1. Preserve and Enhance the Landscape – On a motion by Hewlett, seconded by Brown, standard has been met, 5-0. The unit will be mounted to the building and there will be no disruption of the existing landscape.
2. Relationship of the Proposed Buildings/Structure to the Environment - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no material change.
3. Vehicular Access - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. The new heat pump will have no effect on vehicular access.
4. Parking and Pedestrian Circulation - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. The new heat pump will have no effect on parking and pedestrian circulation.
5. Surface Water Drainage - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There will be no effect on surface water drainage.
6. Existing Utilities - On a motion by Hewlett, seconded by Jordan, standard is not applicable, 5-0. The project will have no unreasonable burden on town water districts or other infrastructures as none are proposed.
7. Advertising Features - On a motion by Hewlett, seconded by Jordan, standard is not applicable, 5-0. No signage or advertising features are being placed on the unit.
8. Special Features - On a motion by Hewlett, seconded by Brown, standard has been Met, 5-0. The noise level on the south side of the building will improve with the installation of the new heat pumps and the noise level will be lessened with the removal of the wall unit.
9. Exterior Lighting - On a motion by Hewlett, seconded by Jordan, standard has been met, 5-0. None proposed.
10. Emergency Vehicle Access - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. No change.
11. Municipal Services - On a motion by Hewlett, seconded by Chase, standard is not applicable, 5-0. There is no change in use of municipal services with this project.
12. Water/Air Protection - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. The unit does not produce air pollution.
13. Water Supply - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. This unit does not require a water supply.
14. Soil Erosion - On a motion by Hewlett, seconded by Jordan, standard is not applicable, 5-0. There will be no soil disturbance.
15. Sewage Waste Disposal - On a motion by Hewlett, seconded by Jordan, standard is not applicable, 5-0. There is no sewage waste disposal connected to this unit.



16. Hazardous, Special and Radioactive Materials - On a motion by Hewlett, seconded by Brown, standard is not applicable, 5-0. The unit runs as efficiently as possible and is environmentally friendly.

17. Financial/Technical Capacity - On a motion by Hewlett, seconded by Brown, standard has been met, 5-0. Based on Mr. Christensen's statement, the applicant has the financial and technical capacity to complete the project.

18. Shoreland Zone - On a motion by Chase, seconded by Jordan, standard is not applicable, 5-0. This project is not in the Shoreland Zone.

19. Flood Plain - On a motion by Chase, seconded by Jordan, standard is not applicable, 5-0. This project is not in a floodplain area.

20. Lot Standards - On a motion by Jordan, seconded by Brown, standard has been met 5-0. Although the existing buildings already exceed the 20% allowed, this project will not increase the non-conformity because it will be mounted underneath the overhang; and if there is a setback issue, the footprint on the east side of the building will not be increased because of the roof overhang.

On a motion by Jordan, seconded by Brown, it was voted 5-0 to approve the application with the condition that the existing window air conditioning unit be removed, pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review Ordinance.

#### **Wharf:**

##### **a. 73 Ocean Drive, LLC – Teel Island / Map 401, Lot 010**

Matt Tibbetts of Art Tibbetts Marine Contractor represented the applicant. The application is to build a new 6' wide x 96' long wood piling supported pier, with 5' x 50' aluminum ramp and (3) 12' x 24' wood floats, on Teel Island for year-round access. Existing and proposed use is residential.

Mr. Tibbetts explained that the property owner and a caretaker are currently living year-round on Teel Island and they come off and go onto the island several times a week. There are also part-time caretakers who need access the island. There is currently a shared pier on an adjacent lot. This arrangement has worked out so far; but especially in the wintertime with the west winds, the dock is hard to approach, and to get on and off the island safely.

The property owner would like to have safer, year-round access on the other side of the island, in front of the applicant's house. This would be a closer run and easier to access the property.

Chair Cox stated they have the Army Corps of Engineers and the DEP permit approvals in the application. Mr. Tibbetts said the property owner has one abutter, Ann Grimes, who has been notified by DEP.

Ms. Hewlett asked if there is a navigational issue because of the 96' pier. CEO Brackett has spoken with the Harbor Master but also said there is not a navigational issue there.

Mr. Chase asked if there will be electrical power to the dock. Tibbetts said no.

The Planning Board scheduled an on-site visitation inspection for July 15, 2019 at 5 p.m. Mr. Tibbetts will arrange transportation to the island and will notify Brackett for further details.

There was no further business to come before the Board. On a motion by Chase, seconded by Jordan, it was voted 5-0. The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary