

**St. George Planning Board  
St. George Town Office  
July 23, 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, Ray Emerson, Michael Jordan and Alan Letourneau. (Brendan Chase and Mary K. Hewlett were absent.) Also present: CEO Terry Brackett, Richard Bates, Matt Tibbetts and Chuck Campbell.

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

**Conflict of Interest:** None.

**Adjustments to Agenda:** None.

**Review of the Minutes:**

**Planning Board Meeting** — July 9, 2019 – The minutes were amended as follows:

Page 2, paragraph 7, line 5, Delete Subsection 6 and insert **Section 15(A)(6)** and insert **quotation marks** at the beginning and end of the Subsection.

Page 3, paragraph 6, line 2, change to read: ... impinge on the **setback**.

Page 4, under Malcolm Bedell, paragraph 3, lines 2 & 3, change to read: ...

will **not exceed** the previous businesses' hours of operation **from Sunday – Friday 6:30 a.m. to 8 p.m. and Saturday 6:30 a.m. to 9 p.m.**

Page 5, #1, line 2, change to read: The applicant **will maintain** the existing landscape.

Page 6, paragraph 1, line 2, change to read, ...operation will **not exceed** the previously...

Page 6, #20, line 2, change to read: **No construction is proposed that would cause or increase nonconformity** to the lot standards.

A motion was made by Letourneau, seconded by Brown, to approve the minutes of July 9, 2019, as amended. The vote was 5-0. The motion carried.

**Findings of Fact and Conclusion of Law:**

Malcolm Bedell, d/b/a Ancho-Honey, 6 Wallston Road. Corrections were made as follows:

Page 1, #1, line 2, change to read: The applicant **will maintain** the existing landscape.

Page 1, #8, lines 2 & 3, change to read: The hours of operation will **not exceed the existing approved hours: Sunday – Friday 6:30 a.m. to 8 p.m. and Saturday 6:30 a.m. to 9 p.m.**

Page 2, #20, line 2, change to read: **No construction is proposed that would cause or increase nonconformity** to the lot standards.

A motion was made by Jordan, seconded by Brown, to approve the Findings of Fact and Conclusion of Law for Malcom Bedell, as amended. The vote was 5-0. The motion carried.

**On-Site Inspection** – July 15, 2019  
73 Ocean Drive, LLC – Teel Island

On a motion by Emerson, seconded by Brown, it was voted 4-0 (Letourneau abstained) to approve the Teel Island on-site inspection minutes, as written.

**Public Comments:** None.

**Wharf:**

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

Matt Tibbetts of Art Tibbetts Marine represented the applicant. The application is to build a new 6' wide x 96' long wood piling supported pier, with a 5' x 50' aluminum ramp and (3) 12' x 24' wood floats on Teel Island for year-round access. An on-site inspection was held on July 15, 2019.

Chair Cox referred to Exhibit 5: Pier plan. She asked Mr. Tibbetts to explain the wording "wood piling dolphins with beam across top" and why that type of structure.

Mr. Tibbetts stated it is two sets of pilings of three pilings each located on the shore side of the float on either side of the ramp. The pilings are done in a triangle for stability then bolted together at the top. Tibbetts add, that is, if the bottom will allow them to be driven. If there is too much ledge, the pilings cannot go in. By having the beam across the top, a winch or come-along can be used to raise the ramp up in case of a storm or bad weather. At the back side of the float, as you walk down, there would be one on each side, spaced apart about 8 feet.

Mr. Jordan asked if the beam sits on top of the ramp. Mr. Tibbetts said it will be bolted across the top of the pilings and the ramp can be raised or winched up if the waters get rough.

Chair Cox noted that DEP and the Army Corps of Engineers approvals have been received.

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

**SECTION 15 (C)**

**C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland and Shoreline Stabilization.**

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of the water body or within a wetland is allowed on a single lot.

On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is only one pier proposed.

2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

On a motion by Jordan, seconded by Brown, standard has been met, 5-0. The run from the beginning of the dock to the land is short and it appears the terrain is sufficient to support it.

3. The location shall not interfere with existing developed or natural beach areas.

On a motion by Jordan, seconded by Emerson, the standard has been met, 5-0. There is no beach area.

4. The facility shall be located so as to minimize adverse effects on fisheries.

On a motion by Letourneau, seconded by Jordan, the standard has been met, 5-0. There will be little to no adverse effect on 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. 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 Letourneau, the standard has been met, 5-0. The dock will not exceed what is necessary for the activity.

6. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

On a motion by Emerson, seconded by Brown, the standard has been met, 5-0. There is no plan for a structure to be built on this pier.

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 Jordan, seconded by Brown, standard is not applicable, 5-0.

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 Jordan, seconded by Brown, standard is not applicable, 5-0.

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 Jordan, seconded by Brown, standard is not applicable, 5-0.

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.

On a motion by Emerson, seconded by Brown, standard has been met, 5-0. The vegetation removed will be no more than 6' wide and not perpendicular to the bank, and the construction equipment will access the project from the barge.

A motion was made by Letourneau, seconded by Emerson, to approve the application for 73 Ocean Drive, LLC, 5-0.

### **Building Permits:**

#### **a. Chuck Campbell – 245 Island Avenue / Map 230, Lot 011**

The applicant was present. The property owners are Leonard Stern and Joanie Poll. The application is to remove existing kennels from the back of an existing shed and replace the kennels with a new storage addition. The storage addition will utilize the allowable 30% expansion. Shoreland Zone District is Marine Residential. This is not in a floodplain designated area.

Mr. Campbell explained the project. The owners of the property have a barn which is mostly within the 75' setback of a small stream that runs approximately 36' from the corner of the barn. Mr. Stern and Ms. Poll's proposed plan is to demolish the dog kennel at the back of the barn and replace it with an addition, expanding it to the allowable 30%. This will allow the owners more storage and to create an art studio on the second floor. The height of the building will be 18'-6". The owners are proposing to add one bathroom, but Campbell is not sure if it can be done because of the logistics/terrain.

The Planning Board reviewed the application and made changes as follows: Number of bedrooms was amended to (2) two. Bathrooms in house was amended to (2.5) two and one-half.; one is being proposed, so total was corrected to (3.5) three and one-half. Septic system design, bedrooms proposed, total corrected to (2) two.

A motion was made by Jordan, seconded by Brown, to accept the application as complete, 5-0.

The Planning Board reviewed the Shoreland Zoning Ordinance, Section 12(C)(1)(c)(i). Chair Cox asked Mr. Campbell if he is expanding the accessory structure by 30% and the height is not exceeding 20'. Mr. Campbell indicated that is correct.

Mr. Jordan asked, "What is the square footage of just the barn, as existing now," as the application states the total square footage of all buildings on the property. Mr. Campbell said 527 sq. ft. is the portion of the building which is within the 75' setback.

Chair Cox stated Campbell is proposing to expand by 157 sq. ft. within the required setback and Mr. Campbell said correct. Chair Cox said the non-conformity is not increasing. Mr. Campbell said correct; the proposed project will not be any closer to the stream.

Mr. Jordan asked to review Section 12(C)(1)(a), the second sentence. Mr. Jordan's concern is the sentence does not specify the number of feet regarding the expansion of an accessory structure. The Planning Board agrees the inference is 25 feet, and they will review this section of the ordinance at a later date.

On a motion by Brown, seconded by Emerson, it was voted 5-0 to approve the application as it will not increase the nonconformity of the structure, the maximum height of the structure is not going to be greater than 20 feet, and the total footprint in the buffer zone will not exceed 30%.

There was no further business to come before the Board. At 7:50 p.m., on a motion by Emerson, seconded by Jordan, it was voted 5-0 to adjourn the meeting and go directly into the workshop on lot size ordinance. The workshop ended at 8:30 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary