

**St. George Planning Board  
St. George Town Office  
January 14, 2020 - 7 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, Alan Letourneau, and Crystal Tarjick. (Ray Emerson was not present.) Also present: Tim Polky, Nick Hyde, Robert Barker, Cynthia Hyde, Jim Kinnealey, Shane Sainio, Tim Forrester, and Bruce Hodsdon. (CEO Brackett was absent.)

**Quorum:** A quorum was present.

**Conflict of Interest:** None.

**Adjustments to Agenda:** None.

**Review of the Minutes:** (Tarjick was elevated to voting status for the November 12, 2019 minutes and the December 10, 2019 Public Hearing minutes.)

**Planning Board Meeting** — November 12, 2019 – The minutes were corrected as follows:

Page 2, corrections under St. George Recreation, paragraph 3, line 1, change the word sign to **scoreboard**  
Line 4, delete the second **and**.

Page 3, first paragraph corrections, lines 1 and 3, change the word sign to **scoreboard**

Line 2, delete second sentence

Third sentence change to read: The **bottom** of the scoreboard is 10' from the ground and the **scoreboard** is 7' high.

Paragraph 2, lines 1 and 4, change the word sign to **scoreboard**

Line 2, change words the sign to **it**

Paragraph 3, under Project Description, change sign to **scoreboard**

Page 4 corrections, #7 Advertising Features, line 4 delete word **and**

Line 6 add sentence as follows: **On this basis, the Board determined that the scoreboard is not a sign and therefore not subject to the size limitations in Section V.A.7. of the Site Plan Review Ordinance.**

A motion was made by Jordan, seconded by Hewlett, to approve the minutes of November 12, 2019, as amended. The vote was 5-0. The motion carried.

**Planning Board Public Hearing** – Town of St. George Draft Sign Ordinance - December 10, 2019 – The minutes were corrected as follows:

Page 2, third paragraph from bottom, line 1 correct word to **rectangle** and insert word **erase**

A motion was made by Jordan, seconded by Tarjick, to approve the December 10, 2019, Public Hearing minutes, as corrected. The vote was 5-0. The motion carried.

**Findings of Fact and Conclusions of Law** – Town of St. George Ballfield – The minutes were corrected as follows:

Page 1, changes under #7. Advertising Features, line 4, delete the word **and**

Add sentence as lines 6 & 7: **On this basis, the Board determined that the scoreboard is not a sign and therefore not subject to the size limitations in Section V.A.7. of the Site Plan Review Ordinance.**

(Additions and corrections will be made, and the Findings of Fact will be reviewed again on January 28, 2020.)

**Public Comments:** None.

**Building Permits:**

**a. Shane Sainio – 37 Apple Island Road / Map 217, Lot 064**

Shane Sainio represented the property owners, Beth and Mike Gregg. The application is to add a small addition and renovate part of the interior of the existing summer cottage located on Apple Island. Shoreland Zone District is Marine Residential and Floodplain Designation is VE13.

Chair Cox asked if the work has already been done. Sainio said the existing floor plan was being expanded 9 feet by the width of the building; the pillars were in the ground and the electrical had been laid underground. Sainio said Brackett told him they could do that (work), but they could not go any further building until the project came before the Board.

Chair Cox stated, "As I understand from the plan, there is a deck that you now want to expand to have covered living space over the deck." Sainio said yes. Chair Cox, "Then there is a little infill section." Sainio said it is the deck.

The Planning Board reviewed the Property Information section and had questions regarding the information noted. Chair Cox questioned the 19 square feet addition and Jordan questioned the square footage of the building and the cottage. Jordan explained to Sainio that the application needed to include the square footage of all buildings on the property.

Chair Cox was confused about the 700+ sq. ft. listed on the application and asked if the cottage was a two-story building. Sainio said no, the cottage was not but the garage was. Chair Cox said the square footage of the property, buildings, and the handwritten statement from CEO Brackett regarding the 19 sq. ft. was hard to understand. Letourneau, who referred to the property information, said if the cottage was 784 sq. ft., add that to the 1438 sq. ft. listed, the total was 2222 sq. feet.

Chair Cox stated the property and buildings were assessed at \$159,600 and the estimate of the addition was \$45,000. Cox explained to Sainio that the project was entirely in the floodplain and if the project was more than 50% of the value of the buildings then flood prevention/proofing must be done. Sainio asked, "Even if the building is on posts?" Chair Cox believed it had to be flood proofed as it was in a velocity driven zone and the project had to be one (1) foot above the floodplain level. Polky told Sainio, it needed to have a 13' elevation.

The Planning Board agreed that Sainio should talk with the Greggs about their floodplain issues, including the ordinance and the possibility that the Greggs or future property owners might not be able to purchase floodplain insurance unless flood prevention was done. Chair Cox also recommended he check with the assessor's office for the separate valuation of the cottage, garage, and property and then talk with the owners to see if they want to get their own appraisal.

Hewlett asked, "Is this an After the Fact permit?" Sainio said they just put four pillars in and underground electrical in.

The Planning Board did not vote on the application as more information is needed. The application will be placed in pending status until the January 28 meeting. Polky told Sainio they will also need an elevation plan even if they do not meet the 50% as the structure has to be one (1) foot above the floodplain. Sainio will gather the information and talk with CEO Brackett.

**b. Atlantic Environmental, LLC – 123 Mosquito Head Road / Map 209, Lot 064**

Tim Forrester, Environmental Consultant for Atlantic Environmental, LLC represented the applicant Hydeaway, LLC c/o Nick Hyde. The property owners, Nick and Cynthia Hyde, were present. The application is to construct an access trail and bridge to provide access to Mosquito Bay. Shoreland Zone District is Marine Residential and the Floodplain Designation is AE .

Forrester explained the application. The property owners asked Atlantic Environmental to obtain the permits necessary to construct a trail in order to access the beach within their property. Historically, the Hyde's were able to utilize an abutter's pathway through the meadow and a bridge to cross over onto to the resource, but the Hyde's have been asked to no longer utilize the path and bridge. A photograph of the posted sign is on file.

The Atlantic Environmental report states they investigated the site and surrounding area to come up with a way that had the least amount of impact to the environment. The applicant proposes to construct an access path that measures six (6) feet wide by approximately two hundred (200) feet long. The path will begin in the upland and extend from the applicant's residential structure as shown on the plan sheets in Exhibit 5.0.

The entire shorefront of the applicant's property contains a freshwater, emergent wetland classified as a WOSS. In order to reach the intertidal area, the applicant proposes to connect the access path to a bridge **that** will measure five (5) feet wide by fifty-five (55) feet long and will traverse the width of the WOSS. The bridge supports will consist of six (6), eight-inch (8) by eight-inch (8) timbers. Two of the supports will be located within the WOSS and will result in approximately two (2) square feet of direct impacts. The bridge will connect the final section of the access that that measures six (6) feet wide by thirty (30) feet long and will terminate landward to the Highest Annual Tide (HAT).

Forrester said the Army Corps of Engineers permit is with the application and he has emailed Brackett the DEP permit. Chair Cox said the letter from the ACE states they have no jurisdiction over this project, and Forrester said that was correct.

Hewlett asked, "Were you asked to bring the bridge as close as possible to the section of the wetland without violating the abutter's setback?" Forrester said correct. He noted that on the proposed path, they will use an erosion control mix which the state uses on all their projects.

Hewlett asked about the height of the bridge. Forrester states it will be built up on both ends with a couple of 8' x 8' timbers. The Hyde's do not want it up high and there is no reason for it to be. He anticipates it will be within 1 ½ to 2 feet over the top of the water. Forrester said the plan is shown with handrails, but it is not over thirty inches, so handrails are not required. He recommends handrails on the bridge because it is going over the open water.

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

The Board then reviewed the standards under Section 15(C) of the Shoreland Zoning Ordinance.

**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 Hewlett, seconded by Jordan, standard has been met, 5-0. There is only one structure being 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 Letourneau, standard has been met, 5-0 based on the representations in the application to the DEP and the DEP's findings on the soil erosion question.
3. The location shall not interfere with existing developed or natural beach areas - On a motion by Hewlett, seconded by Letourneau, standard has been met, 5-0. The proposed structure will not interfere with the existing natural beach area as it is going to enhance the access for the applicant to their beach and the structure will stop before the high-water mark.
4. The facility shall be located so as to minimize adverse effects on fisheries - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 based on the representations in the application to the DEP and the DEP's findings.
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 Jordan, seconded by Brown, standard has been met, 5-0. The bridge is 5' wide and the applicant complied with DEP's request to reposition the bridge which will minimize impacts to the freshwater wetland.
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 Jordan, seconded by Brown, standard has been met, 5-0. There is no structure being proposed over the bridge.
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 Letourneau, standard has been met, 5-0. The structure will be a new permanent bridge as a temporary bridge and supports will have greater impacts to the freshwater wetlands due to the yearly installation and removal process, and the DEP permit has been obtained.
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 Letourneau, seconded by Brown, standard has been met, 5-0. There are no residential dwelling units being proposed.
9. Except in the Commercial Fisheries/Marine Activities District, structures 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 shall no exceed (20') twenty feet in height above the pier, wharf, dock or other structure - On a motion by Jordan, seconded by Brown, the standard is not applicable, 5-0. No structure is proposed.
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 Hewlett, seconded by Brown, standard has been met, 5-0. Vegetation will be minimally removed during construction of the proposed project and access to the site and delivery of materials will be via land; no trees will be removed.

Having reviewed the application and Section 15(C), 1-10 in the Shoreland Zoning Ordinance, a motion was made by Letourneau, seconded by Jordan, to approve the application. The vote was 5-0.

There was no further business to come before the Board. On a motion by Jordan, seconded by Brown, it was voted to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary