

**St. George Planning Board
St. George Town Office
May 12, 2020 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. via Zoom. Members present were: Anne Cox, Chair; Jane Brown, Ray Emerson, Mary K. Hewlett, Michael Jordan, Alan Letourneau, and Crystal Tarjick. Also present: CEO Terry Brackett, Richard Bates, and Tim Polky.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: The following item was added under Other Business:

- Scheduling a Workshop for the Planning Board

Review of the Minutes:

Planning Board Meeting — April 28, 2020 – The minutes were corrected as follows:

Page 3, Paragraph 14, line 1, change to read: ... argument that this is **not within the** definition...

Page 3, Paragraph 14, line 2, change to read: ... I **did** not know what the last owner **did with the property and that the use included car repair**.

A motion was made by Jordan, seconded by Hewlett, to approve the minutes of April 28, 2020, as amended. The vote was 5-0. The motion carried.

Findings of Fact and Conclusions of Law:

Town of St. George – Ben Vail – Recreation Field

A motion was made by Hewlett, seconded by Letourneau, to approve the Findings of Fact & Conclusions of Law for the Town of St. George – Ben Vail - (Recreation Field), as written. The vote was 5-0. The motion carried.

Findings of Fact and Conclusions of Law:

Port Clyde General Store, LLC

A motion was made by Jordan, seconded by Hewlett, to approve the Findings of Fact & Conclusions of Law for the Port Clyde General Store, as written. The vote was 5-0. The motion carried.

Public Comments: None.

Site Plan Review:

- a. **Town of St. George** – St. George Fire & Ambulance Association, 274 Seal Harbor Road / Map 232, Lot 029

Tim Polky represented the St. George Fire & Ambulance Association (SGF&AA). An application was filed on July 29, 2015, to construct a Live Fire Training Facility on the Route 73

Fire Station property located on 274 Seal Harbor Road. An on-site inspection was held on July 7, 2015. The application was accepted as complete on July 14, 2015. On July 28, 2015, the Planning Board approved the Performance Standards under Section V, A1-20 in the Site Plan Review. The original application was approved on July 28, 2015. On August 28, 2018, the Planning Board reviewed the application for a second extension, and the Performance Standards under Section V, A1-20 in the Site Plan Review, were approved.

This application for a building permit is the second renewal for SGF&AA. Mr. Polky said they are requesting a renewal because construction may not start before the application expires. He said the problem in getting the project started has been funding. Polky explained the project is the same that the SGF&AA started in 2015, except for the tower.

Chair Cox asked what Polky meant by changing the tower. Polky said the tower was originally going to be built with cement, but due to costs, they changed the plan to install a wooden tower. He said the tower will look the same except it will be constructed with wood. Polky stated, "And the footprint will remain the same."

Chair Cox asked if they now have funding. Polky said he thinks the project will have the funding, but SGF&AA will have to do another push to get more. He said the whole idea of changing the tower is to lower the cost. Polky noted that building the tower out of wood is cheaper than building it out of concrete.

Letourneau asked if this application was approved on two different occasions, and Chair Cox said yes. Hewlett noted that permits expire after two years and according to the Site Plan Review Ordinance, the Planning Board can approve the application without having to go through the entire process again.

Jordan read from the Site Plan Review Ordinance, page 15, Section IX(F), Limitation of Approval, and summarized it as follows: The ordinance allows the Planning Board to extend the permit. The permit lasts for two years and if there is not a substantial start, it can be extended. It can be extended for 6 months then it can be extended for another 6 months. If it is not extended, and if the project is not completed within 2 years, then the applicant has to reapply.

Jordan stated, "We can give it a 6-month extension without doing the Site Plan Review. If it has been started and not completed in that 6 months, we can do it one more time, but we can't extend it more than that."

Chair Cox, "If in a year it is not completed, we will have to do the Site Plan Review again."

Jordan said yes, they would file a new application, not an extension, and the town would have another two years to get it done. He said the only difference between the two, other than a timeline, is the town will have to pay another fee for the new application. Chair Cox asked Polky if he thinks the project can be done in 6 months or after another 6-month extension.

Polky said the project is supposed to be out to bid now and they are accepting bids through May. He expects it will take about a year to build the Fire Training Facility.

Hewlett asked, "How much is substantial construction completion? A lot of it was the clearing of the land which has been done. It is at \$425,000, right now."

CEO Brackett referred to the Site Plan Review Ordinance under definitions: Substantially Commenced; Substantially Completed.

Chair Cox read an excerpt from the definition. "Shall be substantially completed when it can be completed to the point where normal functioning occupancy can occur without concern for general, health, safety, and welfare." CEO Brackett added, and 70% of the cost proposed in improvements within the zone shall include permanent stabilization and revegetation of the area.

Chair Cox said the question is, do you think that within a year, it would be at 70% of the cost which would include revegetating the site where it was disturbed? Polky said yes. Hewlett said the worst-case scenario would be that SGF&AA would have to come back to the Planning Board and Polky said they could do that.

On a motion by Letourneau, seconded by Hewlett, it was voted 5-0 to extend the building permit for the Town of St. George for an additional six months to construct a Live Fire Training Facility. The motion carried.

Other Business:

- Heidi Naughton Appeal: CEO Brackett reported on the Heidi Naughton appeal. The appeal is scheduled for Thursday, June 11, 2020, at 7 p.m. Chair Cox asked if this will be a Zoom meeting. Brackett explained that most of the Board of Appeals members want to hold the meeting at the town office and he hopes by June, the pandemic orders will allow gatherings of less than 50 people. CEO Brackett would like to do a combination of a live meeting and a Zoom meeting, if possible, as there might be people who do not want to come to the live meeting. Chair Cox agreed and felt they should accommodate those who are compromised and do not feel safe coming out to the meeting.

- Future Workshop: Chair Cox would like to have a short workshop to review ordinance definitions on:

- Change of Use and Planning Board procedures. What is change of use and what is a home occupation?
- Clarification of the current proposed commercial project. Is it a continuation of the prior business or is it a change of use? When do you move from being a home occupation to a retail business?
- What is the Planning Board's responsibility in terms of commercial activity?
- How they can meet the definitions and be consistent?

CEO Brackett suggested Bill Najpauer facilitate the workshop. Chair Cox said she will contact Najpauer to see if he will be available to meet with the Planning Board via Zoom at the May 26th meeting at 7 p.m., with the regular Planning Board meeting to follow.

- Food Take-Out for St. George Restaurants: CEO Brackett asked if the Planning Board would allow St. George restaurants to do take out through an existing window, so the business could remain open or start to open back up during the COVID-19 pandemic without coming before the Planning Board.

Hewlett thought businesses had been doing that already. Jordan said he was not sure if the Planning Board had jurisdiction over that. CEO Brackett said if you looked at it as a change of use, then you would but if you were not looking at it as a change of use, then you probably wouldn't.

Chair Cox said if you are serving food, you are serving food. Letourneau suggested that they do not consider it a change of use. Hewlett said restaurants always offered take out if you wanted to take out. CEO Brackett said but for some restaurants, you went in and got the takeout and took it out but not through a window. Jordan did not think it was much different. Chair Cox did not think the issue needed to come before the Planning Board; people are just trying to survive.

There was no further business to come before the Board. On a motion by Jordan, seconded by Hewlett, it was voted 5-0 to adjourn the meeting at 7:32 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary