

**St. George Planning Board
St. George Town Office
April 28, 2020 - 7 p.m.**

The Planning Board meeting was called to order at 7:01 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 (joined in later), Veronika Carlson, Ben Vail, Philip Reinhardt, Bill Reinhardt, and Matt Tibbetts.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: The following adjustment was made:

Review of all Planning Board minutes to be taken up after the Regular Business and before Other Business.

Building Permits:

a. Port Clyde General Store, LLC – 2 Cold Storage Road / Map 102, Lot 087

Veronika Carlson represented Linda L. Bean, property owner of the Port Clyde General Store. An application was submitted, and the permit fees were paid on April 28, 2020. Shoreland Zone District is CFMA and Floodplain Designation is AE (EL12).

The proposed project is as follows: Replace the exterior back steps (the stairs) of the Port Clyde General Store (former Harbor Builder stairs). Replace the window at the top of the stairs with a door for direct access. Replace the siding and trim at the top of the stair landing. Replace the lattice between the Dip Net and the Port Clyde General Store. Replace siding in between the two Port Clyde General Store buildings on the waterside.

Carlson said on the dockside of the Port Clyde General Store, there is an entrance to what used to be the Harbor Builders office. The plan is to replace the existing stair and decking, siding, cedar shakes, and trim on the building and replace a window with a door.

Chair Cox asked if the steps going to the upstairs will be replaced. Carlson said yes. Hewlett asked if latticework will be replaced. Carlson said yes, latticework for underneath the decking. She said there is existing latticework by the Dip Net that will be replaced, and rotted cedar shakes that need to be replaced in between the two Port Clyde General Store buildings.

Chair Cox asked CEO Brackett if the application is before the Planning Board because the cost of the project will be more than \$10,000 in maintenance and repair? CEO Brackett said that is correct because the project is within the buffer zone, the estimated cost of the project will be more than \$10,000 worth of repair, and it is a commercial project.

On a motion by Hewlett, seconded by Letourneau, the Planning Board voted 5-0 to waive an on-site visitation inspection because the project is for repair and maintenance except for

changing a window to a door. The proposed project will enhance the property and the footprint of the area will not change.

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

Site Plan Review – Port Clyde General Store

Performance Standards: A motion was made by Jordan, seconded by Brown, that each of the 20 Performance Standards has been met as the proposed work of the project will not change the use or the footprint of the area, and the project will be maintenance and repair of the building and ancillary structures. The vote was 5-0. The motion carried.

On a motion by Letourneau, seconded by Jordan, it was voted 5-0 to approve the application for the Port Clyde General Store, LLC. The motion carried.

Site Plan Review:

a. Philip Reinhardt – 244 Wallston Road / Map 218, Lot 012-A

The applicant was present. The application is to install a 50" x 42.5" double-sided business sign attached to two, 4 x 4 posts and will be installed near the road, on the applicant's property where his business is located. An on-site inspection was held on April 27, 2020, at 5:30 p.m. and a Public Hearing was held on April 28, 2020, at 7 p.m.

Chair Cox stated Reinhardt's request to install a sign for his antique car restoration business indicated this might be a change of use for the building.

Bill Reinhardt asked who determined it was a change of use. Chair Cox stated the Planning Board determined this at the last meeting because the building is no longer being used as a workshop or for storage related to fishing but for Philip's business (antique car restoration). Reinhardt said it is the same use as the prior owner.

Chair Cox asked if the previous owner was repairing antique automobiles.

B. Reinhardt said, "No. They were repairing boats and nets and sometimes cars, sometimes (unintelligible). It was a garage. He got a permit back in 2003 for a commercial storage building and shop. And that is what Philip has there now. A commercial storage building and workshop."

Chair Cox, "But it's Philip's now, and it is not the previous owners."

B. Reinhardt, "Your own ordinance says, it does not matter who." Reinhardt referred to the Site Plan Review definitions of Change from One Category of Non-residential Use to Another Category of Non-residential Use.

Hewlett, "This is a change in ownership."

B. Reinhardt, "Occupants, if it is ownership."

Hewlett, "I don't think occupants and ownership are one and the same."

B. Reinhardt, "I have never seen anybody have to go to a Planning Board for a Change of Use because ownership changed. If that were the case, you would be so busy, you would be meeting about every day."

Chair Cox, "We have had several come before us that have changed its owners and occupants."

Hewlett, "Ancho-Honey is an example. The bottom line is the foot traffic could change. The vehicle numbers could change. I think you are going to find as we go through this Site Plan Review that most of them are not applicable."

Chair Cox, "First of all, I didn't understand the use. I thought it was mainly gear storage and fishing boat work from the previous owner. What it triggered for us was if Philip was wanting to put up a sign that indicated that he was wanting to have more visibility for his business and that signaled that we needed to pay attention to see if anything was different. That's all."

B. Reinhardt said it is commercial. P. Reinhardt said is commercially zoned and permitted for workshop and storage.

Hewlett, "It is not zoned because we do not have zoning, but you are going to find that as we go through this, it is mostly no change, not applicable. It is pretty quick."

B. Reinhardt, "We understand that, but you are setting a precedent. Why don't you go by your own definitions?"

Hewlett, "We have already set precedence.

B. Reinhardt, "Your Code Officer said it wasn't a change of use in an email to me."

Chair Cox, "I hadn't seen that email to you and at our previous meeting there was an agreement that we would look at this as a Change of Use because it seemed that Philip would like to do something more commercial with it."

Hewlett, "Are you proposing withdrawing the signage application?"

P. Reinhardt, "No we are not withdrawing the sign (application)."

Jordan, "I am sympathetic to the argument that this is not within the definition of change of a category of use. I did not know what the last owner did with the property and that the use included car repair. Did someone say that?" B. Reinhardt said yes.

Hewlett, "Terry, can you look on the previous application what exactly it was for?"

Jordan, "If that's the case, this doesn't strike me as a fundamental change at what the property is being used for and I certainly agree with Bill that the change of ownership doesn't trigger a review if the same general use, is still going on. That is what I think."

Chair Cox, "It would have saved us some time if we'd figured that out two weeks ago."

B. Reinhardt, "I have a copy here. Edward Thorbjorson did an application to the Planning Board in 2003 and the writing on it says, 'Propose granted.' In 2003."

Hewlett, "Bill, what is the project description in 2003?"

B. Reinhardt, "It says storage and workshop, right on his application."

Chair Cox asked for other member's input. "Do we just look at this as a building permit for the sign? We have spent as much time talking about this as we would have going through the Site Plan Review. Anybody feel like we need to stay with the Site Plan Review, or the argument has made that we do not need to do this?"

Jordan, "My view is that we do not need to, but I will defer to everyone else."

Letourneau read the definition of Change from One Category of Non-residential Use to Another Category of Non-residential Use from the Site Plan Review definitions. Chair Cox said this appears to be the case and there was no further discussion.

On a motion by Jordan, seconded by Hewlett, it was voted 5-0 that the application did not need to be reviewed under the Performance Standards based on the definition "Change from One Category of Non-residential Use to Another Category of Non-residential Use" cited from the Site Plan Review ordinance.

Chair Cox, "The application for the sign is 50" x 42.5", the top of the sign will be no more than 7' high, and the location is more than 10' from the edge of the road and did not appear to impede the view while entering or exiting the property."

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

On a motion by Hewlett, seconded by Letourneau, it was voted 5-0 to approve the application for Philip Reinhardt as the sign is within the size limits that are allowed in the town. It will be 10 feet from the road and will not obstruct views upon entering and exiting the property.

b. St. George Recreation Boosters – 144 Port Clyde Road / Map 213, Lot 029

Ben Vail represented the applicant. The revised application is to install a 6' x 10' electronic scoreboard at the big ballfield. The total height is 15' above ground. The original application request was for a 7' x 16' scoreboard.

Vail explained that after the original application had been approved by the Planning Board, the Boosters had some reservations going forward that the scoreboard would be too big for the space. The committee reviewed the scoreboard issue again and looked into other offerings from other sign companies. NEVCO, the original sign company, agreed to design a 6' x 10' scoreboard and the Rec Boosters agreed to go with them. Vail said the size of the scoreboard was the only change to the specs; it does not need to be installed as far into the ground and it will not be quite as high. Vail said it is essentially the same scoreboard just slightly smaller.

Chair Cox asked if the scoreboard will be the same distance from the ground to the bottom of the scoreboard as it was before.

Vail said yes. It will be 9'6" from the ground to the bottom of the scoreboard.

Letourneau asked if the application was approved before. Vail said it was. Letourneau asked, "This is the same application with a slightly reduced size?" Vail said yes. Hewlett asked, "Can't we just accept this smaller size and approve it?"

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

Site Plan Review – St. George Recreation Boosters

Performance Standards: On a motion by Jordan, seconded by Hewlett, it was voted 5-0, that the Planning Board find the elements of the Performance Standards, Section V, A1-20 of the Site Plan Review ordinance met. The smaller scoreboard will not affect what the Planning Board already approved on November 12, 2019.

On a motion by Jordan, seconded by Hewlett, it was voted 5-0 to approve the St. George Recreation Booster's revised application.

Wharf:

a. Tony Pyfrom – 64 Patten Point Road / Map 234, Lot 011

Matt Tibbetts of Art Tibbetts Marine represented the applicant. The application is to build a new 4' x 80' long wood piling supported pier with a seasonal 3' x 65' aluminum ramp and a 12' x 24' wood float. The first 20' of pier at land end will be 6' wide then narrowing to a 4' width for the remaining length. The existing and proposed use is residential. The Shoreland Zone is Marine Residential and the Floodplain Designation is VE14.

Tibbetts said the applicant will experience a low tide routinely around two to four feet but on a drain tide, it will drain out to zero. Chair Cox asked if there will be skids on the float. Tibbetts said the skids will be elevated above the substrate at least 18" at all tides by using extra tall skids. Tibbetts said the DEP, Army Corps of Engineers, the MHCP, and all necessary federal and state agencies have approved the project.

Chair Cox asked if the land end of the pier is on the applicant's deck. Tibbetts said the pier is 7' to 10' from his deck. He said the way the land contours in that area, the pier can extend onto the lawn. Tibbetts stated Pyfrom can walk from the lawn directly onto the pier.

The Planning Board and CEO Brackett scheduled an on-site inspection for Monday, May 18, 2020, at 5:30 p.m.

Review of the Minutes: Crystal Tarjick was elevated to voting status only for review of the Planning Board minutes and Findings of Fact and Conclusions of Law.

Planning Board Meeting – The minutes of April 14, 2020, were corrected as follows:

Page 3, the Planning Board agreed to replace paragraphs 2, 3, and 4 with Michael Jordan's written corrections.

Page 5, the Planning Board agreed to replace #20, Lot Standards, with Michael Jordan's written corrections.

Page 8, corrections under c.: Paragraph 3, lines 2 & 3, correction: Chair Cox asked what the height of the sign would be.

Paragraph, 7, line 3 change to read: Hewlett asked if there would be boat storage, ...

A motion was made by Tarjick, seconded by Letourneau, to approve the minutes of April 14, 2020, as amended. The vote was 5-0. The motion carried.

Public Hearing Minutes: Tenants Harbor Fisherman's Co-op, April 14, 2020

A motion was made by Brown, seconded by Hewlett to approve the Public Hearing minutes, as written. The vote was 4-0. (Jordan abstained)

Findings of Fact and Conclusions of Law:

Tenants Harbor Fisherman's Co-op: The minutes were amended as follows: Page 2, under Therefore, line 1, delete the word in after the word application

A motion was made by Tarjick, seconded by Letourneau to approve the Findings of Fact and Conclusions of Law for the Tenants Harbor Fisherman's Co-op, as amended. The vote was 5-0. The motion carried.

SOUWOO, LLC, d/b/a Craginair Inn:

A motion was made by Letourneau, seconded by Brown to approve the Findings of Fact & Conclusions of Law for Greg Soutiea, d/b/a the Craginair Inn, as amended. The vote was 5-0. The motion carried.

On-Site Inspection – April 27, 2020 - Philip Reinhardt: The following corrections were made:
Page 1, paragraphs 2 & 5, lines 2, change to 4 x 4 posts.
Page 1, paragraph 7, line 2, correct word to scrap

A motion was made by Hewlett, seconded by Jordan to approve the application, as amended. The vote was 5-0. The motion carried.

Other Business:

Waiver of the On-site Inspection of the SOUWOO, LLC, d/b/a Craginair Inn: The Planning Board discussed the issue of waiving the on-site inspection of the Craginair Inn. Planning Board members felt they were familiar with the property, had clear information about the proposed project, and did not feel that the expansion of the parking lot was a major change from its existing use. Jordan said that was what the Planning Board found in the Findings of Fact and Conclusions of Law.

On a motion by Jordan, seconded by Brown it was voted 5-0 to waive an on-site inspection based on the Planning Board's Findings of Fact and Conclusions of Law, dated April 28, 2020.

Signing of Documents: There was a discussion on how to sign the Findings of Fact during the Coronavirus Pandemic. Richard Bates explained how the Select Board had been signing their important documents. Each Select Board member had a copy of the document, so there were five independent copies. He said Select Board members could either fax, scan, or mail the signed copy or copies in. Chair Bates added that one person brought their signed copy or copies the town office and passed them through the window.

Chair Cox, Jordan, and Emerson said they will scan and send documents by email. Hewlett and Brown will print theirs off, take them to the town office, and pass them through the window. Letourneau said he will print his off and send them back through regular mail.

There was no further business to come before the Board. On a motion by Letourneau, seconded by Brown, it was voted 5-0 to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary