

**St. George Planning Board
St. George Town Office
September 22, 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, and Alan Letourneau. Also present: CEO Terry Brackett, Richard Bates, John Dick, Jon Levenseler, and Jeff Senders.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: The following adjustment was made:

- A Brief Update on Sea Level Rise by Chair Cox and Richard Bates was added under Other Business.

Review of the Minutes:

Planning Board Public Hearing – Wheeler’s Bay Oyster Company – September 8, 2020

A motion was made by Brown, seconded by Jordan to approve the Wheeler’s Bay Oyster Company Public Hearing minutes, as written. The vote was 5-0. Motion carried.

Planning Board Meeting — September 8, 2020 – The minutes were corrected as follows:

Page 3 corrections: #8, lines 4 & 5, delete the last sentence up to the word and change to read:

No structures are being built on the float, **ramp, or dock.**

#9, lines 5 & 6, delete the last sentence and replace with the following: **No structure is proposed to be built on, over, or abutting the ramp or float.**

#10, line 7, change to read: **The Board determined that it would not be feasible to install the bulkhead, ramp, or float from offshore.**

Page 4, corrections: 1st paragraph, line 2, change to read: The applicant **demonstrated** that the ...

Under Section 16 (D), #2: Add wording at beginning of each, **The Planning Board finds**

#4, line 2, change to read: ... the Planning Board **finds the bulkhead, the ramp, and the float...**

#5, line 2, insert **The Planning Board finds the bulkhead, ramp, and float ...**

#7, line 2, insert: **The Planning Board finds**

8, line 2, insert: **The Planning Board finds the bulkhead, the ramp, ...**

9, lines 1 & 2, insert: The Planning Board **finds...**

Page 5, 1st paragraph, line 2, correct to Section **16 (D)**

A motion was made by Jordan, seconded by Letourneau, to approve the Planning Board minutes of September 8, 2020, as amended. The vote was 5-0. The motion carried.

Public Comments: None.

Building Permits:

a. John Dick – 85 Barters Point Road / Map 105, Lot 012

The applicant was present. The application is to reconfigure an existing bedroom and kitchen, replace windows, add a small office/yoga loft area, provide property access from the deck, fix exterior drainage issues, and update the landscape in front of the house. Existing Use and Proposed Use: Residential. Shoreland Zone District: Marine Residential. Floodplain Designation:

The applicant stated he and his wife, Kim, bought the house this spring from the Hupper family. The three-bedroom house was built in 1968. In the 1980s, the Hupper family added a garage on one end and a bathroom and a study area on the other end of the house.

Dick explained the proposed plan and changes he and Ms. Dick want to make. He stated they have an extensive water run-off issue that floods the crawl space under the house creating a mold issue in the house. The first part of the project is to address the water issue underneath the house by building a small retaining/garden wall and installing a French drain in front of the house. Dick stated they have contracted with Caleb Hall to do this work. The Dicks also plan to replace the 40-year-old windows with four new energy-efficient windows on the waterside of the house.

The applicants want to open the kitchen to the dining and living areas, reconfigure the master bedroom space, and create a space for a small office and yoga area. Dick stated they worked with Bryan Austin on the site plan drawings. The plan is to leverage one of those areas and build a small second-story style addition above the master bedroom to serve as an office and a yoga area. The proposed plan is to relocate the existing bathroom from the backside of the house to the front side of the house and eliminate the existing study area.

The Dicks want to relocate the firewood storage area to the far right-hand side of the house and build stairs down to the ground from the deck.

Chair Cox, "You are adding slightly to the footprint. It looks like the existing deck is squared off and you are adding an angle that juts out towards the water and adding an angle to the right and an angle to the left with steps."

Dick, "That is correct." He said the idea is to gain access down to the property so they can store their wood and not have to lug it from the other side of the garage.

Chair Cox asked if the existing roofline would change by adding an office and yoga studio.

Dick indicated it will. "If you look at the waterside elevation picture, there is a false roof that goes the opposite direction up to the chimney. The idea is to change that and put the slope of the roof in the other direction, so we do not create a fire hazard. So, the low side of the ceiling is against the chimney and then it would slope up to eight feet. The total elevation is approximately 18.5' which is under the 20' limitations even with the chimney there."

Jordan, "We do not have an elevation plan before us. The only thing we have are the existing conditions of the floor plan."

Dick, "If you look at the right side of the house, there is a shed roof that comes up over a porch and that's clearer on the other side. So, what we are doing is changing that roofline from going from left to right and making it go from right to left so we have enough clearance from the chimney, and do not have a fire hazard." Dick explained that the existing chimney is huge and is approximately 5' x 10' or more.

Hewlett, "If you look at that roof across the yoga studio, you can see the existing line is dotted."

Jordan said he could see it but that it is much lower. Hewlett agreed and said they are definitely going up. Dick said about 3 additional feet. Jordan noted that on the first page of the application under Height of Buildings, no increase is listed, yet it looks to be an increase.

Dick said the new roofline elevation will be 18'7" and will be even with the chimney, and the highest part of the existing roof is a couple of feet below that. He stated they are trying to get enough height so they can stand up in that room. Austin suggested they start at 7' and make it rise to 8' so they can have headroom and bring that room above the master bedroom.

Jordan, "So, this is a slight increase in the height?" Brackett said yes. Chair Cox to Dick, "At present, you believe the height of the building is 16'7" and you are going to propose a 2' increase?" He said that is correct.

Hewlett suggested a correction be made on Page 1 of the application; Present Height of Building: 16'7" and the Proposed Height: 18'7"

Hewlett stated this is all within the 75-foot setback, but asked Brackett if the 30% expansion had been utilized when the garage and the other room was added. Dick did not believe it had been as Hupper bought the property in 1981 and the addition was put on, around 1988. Dick said a dock house was built in the early 1980s and the dock was added to the property.

Brackett looked up the information and stated, "The garage and the addition were built in 1982. Two other permits were issued over the years, but they were for maintenance and repairs."

Hewlett asked, "Looking at this, the expansion is a lateral (horizontal) expansion." Dick said there are 78 sq. ft. connected with the deck. "What we are doing is essentially moving the master bedroom from the back to the left side of the house where the current bathroom is." Hewlett said she was talking about the exterior deck and Chair Cox explained they are not going any closer to the water. Dick said that is correct.

Jordan, "I cannot quite tell from the drawing, but the water is in which direction?" Dick said the water is on the back where the deck is. Jordan, "So, if I was standing on the deck and looking away from the house, I'd be looking at the water?" Hewlett and Dick said correct. Jordan, "So the new stairs and the additional deck element, does not increase the nonconformity."

Jordan asked why it stated Not Applicable in the Setbacks section under Right of Way.

Dick, "I think I misunderstood that. I said the right of way connected with the road, is that what you are trying to get at?" Jordan, yes. Dick, "The house sits back 65' from the road. The right of way is right there, so it is probably about the same."

Hewlett, "Regarding that same area, according to your Site Plan, the side setback is 39' but under the Property Information it says the side setback is 75 feet." Dick stated he took the plot he had and tried to calculate it based on the narrow space that was there.

Chair Cox, "It looks like it is 39' and on the site plan, it includes the stairs. So, he is within the setback." Hewlett agreed and suggested the property information under side setbacks be corrected to 39 feet.

Chair Cox, "Where are the French drains going to be installed?"

Dick, "There is a French drain there today, but it is not working properly, so we want to replace what is there in front of the house. The landscaper feels that in looking at the ledge underneath the house, the drains were set in the wrong direction. The water pools up in front of the house. The whole crawl space flooded in one of the torrential rains we had earlier this year. So, we are going to try to keep the water from under the house by going around the house."

Chair Cox, "You will be tying into a failing drain system?" Dick said if you are looking at the house from the road, it daylight to the right. There is a pipe that comes out and drains down the side of the house, but he has not noticed any water coming out of the pipe. Chair Cox stated it will be installed to the left of the house as you face it from the road. Dick said correct.

Hewlett asked the Board if the 24-inch retaining wall is a structure as she cannot tell from the drawing if it is on the 75-foot setback. Dick stated the whole house is within the 75-foot setback, so the wall would be within that 75 feet, as well. Chair Cox said he is correct; the whole house is within the 75-foot setback. Hewlett questioned whether the wall was within the setback. Jordan said it is further away than the end of the house, but it could be outside the 75' setback.

Dick, "It could be. I tried to measure it with a laser sight, and it is somewhere between 65 feet and 75 feet. It is right on the edge of the setback."

Chair Cox then referred to Shoreland Zoning Ordinance, page 20, Section 15(B)(5). "I think we could argue that this retaining wall is necessary for erosion control." Dick said a retaining wall will help manage storm run-off, as there is a hill there between the driveway and the house and when it rains, it washes everything down in front of the house.

Hewlett asked, "How long is the retaining wall?" Chair Cox stated 24 inches high, but no length is listed. Hewlett, "The height of this wall is very important; however, if we say it is for erosion control. But I don't think erosion is the same thing as water." Cox said he has a slope and probably has a combination of mud and water. Hewlett said she did not hear that. She heard that water was coming down the hill.

Jordan, "But what does water do to soil?" Hewlett asked Dick what was currently between his driveway and the house. Dick said soil and it all washes down in front of the house when it rains. Chair Cox restated that the 24-inch wall could be necessary for erosion control and Hewlett agreed. Chair Cox asked if the Planning Board had enough information for a complete application.

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

Jordan, "The landscaping. Other than the wall in front of the house, are there any constraints on that? That is probably outside of the 75' but we would need to make sure they use native species.

Chair Cox said not all the plants on their list are natives, but there are no invasives on their list. Jordan said it is more than 75' away, and asked if the Board needs to insist on native plants? Hewlett did not think it was 75' away, according to Bing. Chair Cox said if you look at the map, it looks like it is right there.

Jordan said it is pretty much in the very front of the house and a little bit more. "But I do not know how much more distant these plantings will be. I cannot tell."

Letourneau commented. The back of the house is 75' from the water and explained how he calculated it. He took the width of the house plus the 36' to the water from the front of the deck. Added on the 11' of the deck that did not include the bulging out part in the front, and that came up to 74' without the bulging part of the deck. He said, those three together, brought him to the back of the house. It was 74' but he did not include the bulging part of the deck which was from where the 36' was measured. Letourneau thought it looked like it was okay. Chair Cox said good and the Dicks can plant whatever they wanted as long as they are not invasive plants.

Cox, "The three issues before us related to the Shoreland Zone are the expansion of the deck and stairs, the second-floor elevation expansion, and the retaining wall."

A motion was made by Letourneau, seconded by Jordan, to approve the application based on the Planning Board's findings that the retaining wall is necessary for erosion control, and the stair/deck addition runs parallel to the back of the house, does not increase the non-conformity, and the height change of the building is still below the 20 feet. It, therefore, appears the applicant has made a significant attempt to be in compliance with the Shoreland Zoning Ordinance. The vote was 5-0. The motion carried.

b. Santiago Diaz – 11 Southern Avenue / Map 230, Lot 065

Jon Levenseler represented the applicant. The application is to replace a wood floor with a concrete floor, replace two sliding doors, and install a bathroom in an accessory building located at 11 Southern Avenue. Existing Use: Residential storage, exercise, and pool house. Proposed Use: Same. Shoreland Zone District: Marine Residential. Floodplain Designation: VE19.

Levenseler explained the project. There is a boathouse on the property, and it is adjacent to a swimming pool. This building is currently used for storage and there is a recreation room on the second floor. There are no bathroom facilities in the building.

There are three items the applicant wants to do. Install a shower and a bathroom. That is the focus and most important to the project as they have a swimming pool close to the building. The other item is to replace the sliding glass doors with the same size doors on the second floor and pull out the wooden floor and pour a concrete floor on the first floor. The existing structure sits on concrete posts and there will be no expansion to the footprint.

Chair Cox asked if footing work will be done when they pour the concrete floor. Levenseler said no footing work will be done. The building sits on piers and they will pour the concrete from inside the building.

Chair Cox, "We have a list of all the outbuildings and additions that occurred on the property. Brackett said they are discussing the two-story frame building. Chair Cox, "That was built in 1977?" Brackett said no. For some reason, it is on the assessment card as the one underneath it: the one-story frame and the framed shed. Chair Cox said she was confused because the photographs were of a two-story frame. Brackett agreed but, on the assessment, it was done differently.

Chair Cox asked Levenseler, "On the property, is there a two-story frame and a framed shed?" He stated there is the house, and he believes the boathouse is a two-story frame. Chair Cox noted the boathouse is entirely in the 75' setback. Hewlett said she did not note any other structure besides the main house and this building.

Chair Cox to Brackett, "This is VE-19. Is that the elevation of this?"

Brackett, "I believe it is just out of the floodplain." Hewlett stated the application says 41' back from the water. Brackett stated that a building that is used just for storage did not need to be out of the floodplain.

Hewlett, "But if they are converting it to living quarters?" Brackett said they are not converting to living quarters. Hewlett asked why are they putting in a bathroom and a shower? Cox said they are converting it to a pool house. Levenseler said they have games, videos, and a gaming room upstairs.

Brackett said the building could have been built in 1995, but it seemed more appropriate that it was built in 1977; although he did not think it cost \$64,000 to build. Chair Cox said \$55,505 was the current value. Brackett said correct. Hewlett said it would still be more than 50% of the value if it said \$30,000 for the cost. Levenseler said they did not have to do the doors upstairs and they did not have to do the floor.

Hewlett asked if the bath and shower will be tied into the existing septic system. Levenseler said there is already a seasonal waterline. Cox asked if the waterline is piped into the building. Hewlett asked what is a seasonal septic system? He said it is not a frost-protected unit. The

wastewater is frost protected but the supply lines are not; they are above ground. Levenseler explained the bathroom will tie into the existing home septic system.

Hewlett, "The issue is that this building is within the 75' setback, and can it be relocated? Is that the issue we are talking about?"

Jordan, "Why is there an issue about whether it needs to be relocated?" Hewlett said because of 50% of the value and it is a nonconforming structure.

Jordan, "None of it is proposed to be taken down and the foundation is not proposed to be replaced." Hewlett said but it is over 50% of the value. Jordan said it matters only if it is going to be 50% demolished or a new, enlarged, or replacement foundation. Hewlett said there is a foundation. Chair Cox asked Levenseler if they are putting in a new foundation. He said no and explained that there are rats under the building and underneath the wood floor, so they want to take out the wood floor and seal it down to the ground so they don't have that area of deadwood. Chair Cox said they already have the sills, and they will be pouring the slab to rest against that, so they are not building a new foundation.

Hewlett referenced the Shoreland Zoning Ordinance, page 7, Section 12(C)(2) regarding foundations. Chair Cox said it has nothing to do with foundations. Jordan said it is just a floor. He is just pouring concrete on that and he is not tearing anything down, so he is not tearing 50% or more.

Letourneau asked where the septic system for the house was located? Levenseler said one was installed about 10 years ago and part of it is under the driveway and the balance of the septic system is in the field towards Southern Avenue.

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

Chair Cox stated her main questions regarding the footing issue were answered under Section 12(C)(2) of the Shoreland Zoning Ordinance. CEO Brackett believed the Planning Board had covered everything. He said the doors need to be replaced but that is maintenance and repair issues. Chair Cox said there is no change to the footprint and the changes will be done to the interior of the building.

A motion was made by Jordan, seconded by Hewlett, to approve the application based on the Planning Board's findings under Section 12(C)(2) of the Shoreland Zoning Ordinance for a nonconforming structure. There is no change in the footprint of the structure, the construction, maintenance, and repair work will be on the interior of the building. The vote was 5-0. The motion carried.

Piers:

a. Janie and Don Ed Holmes – 87 Haupt Road / Map 217, Lot 011

Jeff Senders, Ph.D., PE, Camden, Maine represented the applicants. The application is to build a new, private pier and a set of 4' wide stone steps to access the ledge where the pier starts from the house, and a 58' granite supported pier with steps, a 3' x 50' aluminum ramp, and a 12' x 18' float. Shoreland Zone District is Marine Residential. Floodplain Designation Zone: AE-13.

Jeff Senders explained the application. The Holmes purchased the 87 Haupt Road property last year. The Holmes are boaters and want to be able to access the water from their property. He said there is a nice piece of ledge to pin the pier to. The pier will be constructed with a 3' wide x 58' long pier and a 3' wide by 50' long seasonal ramp with a 12' wide by 18' long seasonal float that will be secured in place and pinned to a flat, solid piece of ledge. The proposed pier will be supported by a 13' x 13' granite crib. Senders said he recommends a 50' gangway (ramp) because tides are changing, and sea levels are rising.

Chair Cox asked if Senders had submitted the application to DEP and he said yes. Senders said the Army Corps of Engineers had reviewed the project and had no concerns with the application. He said there is no Army Corps permitting, but if the town wants something in writing from them that is not a problem. Senders has the Natural Resources Protection Act (NRPA) permit.

Senders stated there is no eelgrass or habitats of concern. Three spruce trees will be cut down and this is documented in the full NRPA packet as well as photos of the trees. In the replanting, he is calling for a sugar maple, and white birch, and a blue spruce to be planted in place of these trees.

Chair Cox asked CEO Brackett if he has the DEP permit on file. He said he did but only sent the Board the last page of the DEP permit. Hewlett asked if the Harbormaster has approved the length of the pier. Brackett said they have talked about it, but Cline has not seen the plans yet.

Hewlett thinks the pier will be in the main thoroughfare on the river. Brackett does not think the pier will extend out that far. Senders explained that the pier will not impact the thoroughfare or anything in the river. He said the pier is still in the intertidal zone, but the float will be out. He noted the float is only in 4' of water at low tide and there are no lobster traps in that area. He said the applicants plan to get a mooring which will be a little further out.

Jordan asked if Brackett would send the entire DEP permit application to the Board as they are required to do findings and it helps them have a basis for that. Senders said he already has the DEP permit in a PDF and will send it to Brackett.

The consensus of the Planning Board was to hold an on-site inspection visit and was scheduled for Monday, October 12, 2020, at 5 p.m. Abutters will be notified, and a Public Hearing was scheduled for Tuesday, October 13, 2020, at 7 p.m. via Zoom.

Other Business: Chair Cox noted the on-site inspection for the Mid-Coast Medical Marijuana application is scheduled for October 5, 2020, not September 28, 2020, as previously noted. CEO Brackett will notify Kyle Murdock of the October 5th date.

Sea Level Rise: Chair Cox stated the ad hoc committee on the Sea Level Rise (SLR) is resuming. She also noted the State is working on Shoreland Zoning changes dealing with Sea Level Rise and those will need to be reviewed in the future.

Richard Bates also reported on SLR. He stated that St. George and Vinalhaven have been chosen as the test sites for the Sea Level Rise program the university is developing. Chair Cox asked the Planning Board to keep this issue at the forefront as this will be coming before the Planning Board in the future. Bates said the state is reviewing the Shoreland Zoning Ordinance and they have a website for the Climate Council which has information and some ideas that will be proposed to the governor in December.

There was no further business to come before the Board. On a motion by Brown, seconded by Letourneau, it was voted 5-0 to adjourn the meeting at 8:41 p.m. and went directly into a workshop to review and discuss variances and residential setbacks.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary