

**St. George Planning Board  
St. George Town Office  
December 8, 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 Anne Cogger. Also present: CEO Terry Brackett, Richard Bates, William Torpey, Amber Libbey, Rita Simmons, Dale Pierson, Betsy Welch, Russell Wolfertz, Joseph R. LaBranche, Mark Bartholomew, John Norton, Eliza Bailey, and David Emery.

**Quorum:** A quorum was present.

**Conflict of Interest:** Michael Jordan disclosed he had been a past Board member and a past president of Jackson Memorial Library but had not served on the Board since August 2020. He also noted that during his time at JML, he did not know anything about the plan that was being proposed. Jordan did not feel he had a conflict. Planning Board members agreed and established there was no conflict of interest.

**Adjustments to Agenda** – None.

**Review of the Minutes:**

**Planning Board Meeting** - November 10, 2020 – The minutes were corrected as follows:

Page 2, paragraph 5, line 1, insert the word is after, Thalheimer's plan is to...

Page 3, paragraph 4, line 2, change to read: ...they only removed a portion of it...

Page 7, under c., paragraph 7, line 1, change to: Dwelling Units, Present: 1, Proposed: 0.

A motion was made by Letourneau, seconded by Jordan, to approve the minutes of November 10, 2020, as amended. The vote was 5-0. The motion carried.

**Planning Board Meeting** – November 24, 2020 – The minutes were corrected as follows:

Page 1, under on-site inspection, correct name to Kohl

Page 11, first paragraph, line 6, change to read: ...free standing building...

Page 11, paragraph 6, line 7, change to read: ...Brackett if he has an idea of how many...

A motion was made by Letourneau, seconded by Hewlett, to approve the minutes of November 24, 2020, as amended. The vote was 5-0. The motion carried.

**Findings of Fact and Conclusions of Law:**

**St. George community Holdings, LLC, 47 Main St.**

A motion was made by Jordan, seconded by Brown to approve the Findings of Fact & Conclusions of Law, as written. The vote was 5-0. The motion carried.

**Public Hearing Minutes:**

**James Kohl, Deep Cove, Glenmere Road** – November 24, 2020

A motion was made by Jordan, seconded by Letourneau, to approve the Public Hearing minutes, as written. The vote was 5-0. The motion carried.

**On-Site Inspection:**

**Amber Libbey**, 26 Sawmill Road - November 28, 2020

A motion was made by Hewlett, seconded by Brown to approve the on-site inspection minutes for 26 Sawmill, as written. The vote was 5-0. The motion carried.

**Public Comments:**

Rita Simmons and her husband live in a subdivision that abuts 26 Sawmill Road. Simmons stated: I am concerned about the right of way. My husband and I have lived here almost 35 years, and we have helped to maintain the road over the years when we could; but with trucks running in and out, I know it is going to be a problem. I wondered if anybody had any answers on that. The other question is, like fireworks, I hope we are not going to have noise past 10 p.m.

Chair Cox stated the Board will be responding to those questions and concerns when they take up Libbey's application later in the meeting.

There were no other comments.

**Building Permits:**

**a. William Torpey**, 159 Cline Road / Map 229, Lot 047

The applicant was present. The application is to lift an existing 22-foot x 22-foot garage off its current slab and move it temporarily to an adjacent area on the property. Remove existing broken slab and replace the old garage on the new slab. An on-site inspection was held on November 14, 2020. He and the Planning Board reviewed his application at the November 24, 2020 meeting and the application was placed on hold pending receipt of more information from Mr. Torpey.

Torpey: "You asked me to look at other options. We have little over an acre of land. We are bordered by ocean on three sides and bordered by two neighbors. Not a lot of options for moving that garage elsewhere. I think the best option is to do something with it where it is."

Torpey stated his interpretation of Section 12(A) of the Shoreland Zoning ordinance classifies the garage as a legally existing, non-conforming structure with regard to the water and his neighbor's property and asked if the Planning Board agrees with that. Chair Cox stated she thinks the Planning Board can agree that what he has right now is a legal non-conforming structure.

Torpey: "A structure. When you get to Section 12(C)(1)(c)(i), it allows for the expansion of a legally existing nonconforming structure. And in this case, from the water that variance for us would be up to 1,000 sq. ft. We talked earlier about 800 sq. ft. but that structure is not fully within the 25 foot zone. It is within 75 ft. zone, so it's a 1,000 sq. ft. We are only asking for 308 sq. ft. When you get to Section 17, Definitions on the increase of a nonconformity, there is no increase in nonconformity with the setback requirements for water bodies, wetlands, or tributary streams if the expansion extends no further than to the required setback area then does any portion of the existing non-conforming structure. As I read that, we are asking to expand an existing garage by 14 feet onto a driveway that is on my property."

Torpey: "So, it seems that we are expanding a legally existing non-conforming structure (garage), and we are not going to increase any nonconformity. We are not going to make it any

more nonconforming by expanding it. I think we got hung up earlier on Use of Foundations. The only way I can repair the foundation of that garage is to lift it and remove the current slab and replace it with another slab. But even that paragraph falls back to Section 12 which is all the things I just talked about.”

Chair Cox: “I would like first to determine whether we have enough information to accept this as a complete application and then deal with the issues. Given all the information we have had and the most recent iteration, do we feel that we have enough information to accept this as a complete application?”

Letourneau: “There is one piece of information that is missing (to me) in the argument that Mr. Torpey is making, which I believe is a solid case. The question is if the new slab is angled at a minimum to parallel the property line so not to increase the nonconformity as it was drawn, and we look at the 14-foot expansion (and you drew that property line closer to the abutting property line), what I need to know is (in the current application) are you proposing to angle that new foundation such that it does not further encroach upon or come closer to the property line and instead runs parallel, no closer than it is now?”

Torpey: “The answer is yes but let me make it clear so as not to confuse anybody. We have a garage and driveway. We are going to expand the garage onto that driveway. It will not go one inch closer to my neighbor’s property than it currently is.”

Chair Cox: “First of all, I wanted to accept this as complete and then deal with that issue. But if we want to deal with that issue, the way you have drawn it is that your addition is going onto the driveway but the structure itself is getting closer to the neighbor’s property line. So, you have not drawn this angled away from the property line.”

Torpey: “If we take the garage as it is right now and the driveway that runs directly into it, we are not going to move any closer to my neighbor’s property.”

Chair Cox: “You are not understanding. There is a difference between a driveway and a structure. The structure, yes it would be going on the driveway, but the structure itself would be moving closer to the property line if you keep it in the current alignment that you have drawn. Do you understand that?” Torpey stated that by expanding an existing structure onto an existing driveway, it was no closer to his neighbor; that was what he understood.

Hewlett stated she thought the side setback was an issue and that the Board now had two applications as the second application did not have everything that was on the first application. She recommended all the information be combined in one place. CEO Brackett said there is only one application as he had copied the whole application over for the meeting. Hewlett stated but not everything got copied.

Chair Cox: “I believe the application we have before us is the one that we received in our packets for tonight’s meeting and includes the three-page explanation from Mr. Torpey. I do believe we need to discuss the issues of the side setback and alignment, and we may end up doing some changes to his plan, his design. But do we have enough information to accept this application as complete?”

A motion was made by Jordan, seconded by Brown to accept the application as complete subject to the Planning Board's ability to make conditions. The vote was 5-0. The motion carried.

Chair Cox stated the issue is not the square footage that Torpey wants to add to the building, and it is clear he does not have any practical options for moving the whole structure on the property. Hewlett disagrees. Chair Cox said they now know where the property line is and just learned there are buried cables on the property. Chair Cox asked Hewlett if she believes Torpey has practical alternatives. Hewlett stated yes, referring to the letter he submitted under the heading Planning Board, page 4 on the second application.

Hewlett: "I think this is when we get to that language which says practical as possible and we have to remember that he is moving the structure off the existing foundation and our goal is to two things. One is to get farther away from the 75-foot setback but also the side setback is a real issue. I do believe that he would be able to shift it to the west where he said the southern side of the property (in the third paragraph). I think he could shift it up to where the existing well is. He would have to do some filling, but he would also still have a driveway. It wouldn't be straight, it would be a little angled, but he could still get into his driveway safely."

Jordan asked if Hewlett was suggesting he shift it to the left but not past the well. Hewlett said Torpey says he has 27 feet there. Torpey stated it is 21 feet from the well.

Jordan: "You are not suggesting that he shifts it to the other side of the well which was my suggestion last time." Torpey said it will interfere with his septic system. Jordan agreed and said plus the filling issue. Hewlett said the Board needs to know about the well and the septic but also thinks he can go 21 feet which will get him off that property line and allow him his expansion. Jordan said he did not know where the 21 feet came from.

Chair Cox said Torpey drew the well as if it was 21 feet from the side of the garage, and Hewlett was saying that she believes he can move it all the way there but there is the issue of a slight dip that will need to be filled. Chair Cox said she has been considering the issue of what will be the greater or lesser environmental impact of building up a platform for this and then having to taper the edges of that closer to the shore. She said that seems like a larger environmental impact as opposed to staying generally in the vicinity where the ground has already been disturbed with the existing slab.

Hewlett: "I think you are talking grass. It is existing grass; it is just going to get grassed over again."

Chair Cox: "Because it does dip a little towards the well, he would be raising the platform, so probably in the back of the garage it would probably end up being a couple of feet that he would have disturbed soil tapering into more than the 30 feet."

Hewlett: "But he'd get about 45 feet away from the water then. It is kind of accomplishing two things. It is getting them further away from the mean high-water mark and over from the property line. It is a difficult situation, I agree, but I do not think that you can get closer to the property line."

Torpey: "What is more important here? Is it the water or the property line?" Chair Cox stated they are both important and the same regulations cover both. She said if he looked at what he noted in Section 12(C)(1)(c): as long as other applicable standards of land use are met. Chair Cox said one of the standards of the land use is that in this Shoreland Zone, accessory structures such as a garage must be 20 feet from the property line, so both of those issues come into play.

Chair Cox: "How do you feel about Hewlett's proposal of shifting the whole thing over?"

Torpey: "What I suggested in my last paragraph of the last document you received was to move it 2 feet further away from the water. Reduce the expansion by 2 feet, from 14 feet to 12 feet. Move it 2 feet away from the ocean and 2 feet west toward the well. I do not want to get too close to the well and then find out it is not useable anymore. We may need that well at some point. So, it is 2 feet to the north, 2 feet to the west, and that way I would still be on the direct line of the road running to the garage right now. I would not have to make modifications to a circular driveway."

Jordan: "Two feet to the north and two feet to the west with or without re-orienting the angle? I think that would be in compliance, in my view. I have been thinking that if you rotated the orientation a little bit to the left, you could preserve a lot of benefit of the driveway and not have to give up the northern expansion."

Torpey: "Which I was saying two meetings ago. Just re-orient the garage so I would be further away in the front on the north side from the property line and still in alignment with the driveway."

Jordan: "If you could do that and make the orientation of the garage parallel to the property line without getting closer to the water, that would work too, I think."

Torpey: "But you say parallel to the property line. It is on an angle."

Jordan: "I know that and that is the problem. You would have to rotate the building enough to be parallel because you cannot get any closer to it."

Chair Cox: "This is what I was thinking. That you just would turn it so that it would be parallel so you would not be any closer to the property line than the closest point now."

Torpey: "Which is my intent that it is never any closer to the property line. If I could, I would move it away from the property line."

Chair Cox: "The confusion is what you have drawn is consistently showing the addition moving closer to the property line." She noted his drawing differed from what his text stated. Cox said he needs to make it, so the addition is at least 5 feet from the property line.

Hewlett thinks the problem is if he slants it towards the house, he will have a hard time getting something, such as a trailer, into the building. Chair Cox feels Torpey may need to do some reconfiguring of his parking. Jordan thinks a couple more feet might solve that issue. Hewlett said if he moves it over 21 feet, he will still have a direct shot into that garage and then he could hang equipment, kayaks, etc., on the property line side. Chair Cox said Torpey has some

options. She suggests the least invasive option might be to angle the garage, so it is parallel to the property line and adding a little bit of driveway.

Hewlett: "The only other question I had which we haven't brought up yet is right now the lot coverage is 16%. Does that include the driveway because the paved driveway is pretty substantial?"

Cox: "Yes. If you look at the first page of the application, it is 3,256 sq. ft. of driveway which is where we get the 7,471 sq. ft. total and it is included in the percentage of lot coverage."

Chair Cox explained to Torpey that as it is drawn, the Planning Board cannot approve it. She also explained he and the Board were looking at the driveway differently. Chair Cox: "Mr. Torpey is saying that you could cover the driveway, and the Planning Board is saying, no this is a structure that is different from the driveway and needs to be further from the property line than the driveway is."

Jordan made several suggestions. Move the garage some number of feet to the west and add on the extension. How far Torpey moves it depends on what it takes to keep the distance from the northern portion of the garage but no more than the present distance which is 5 feet. Jordan thinks it might work if Torpey moves it in the same orientation and does not get too close to the well. The other option is re-orient the garage by turning it to the west just enough to keep it close, so it will parallel the property line and be no closer than 5 feet to the property line.

Torpey: "Instead of 14 feet I am making 12 feet, but the northern section/end of that structure cannot be any more than 5 feet away from the property line?" Jordan stated that is right if the current distance between the northeast corner now is 5 feet.

Torpey: "Right. The driveway is 5 feet. (Jordan stated no, not the driveway, the corner of the building.) Torpey: "It is probably more than 5 feet because it is coming from 10 feet down to 5 feet, so we were measuring from the end of the expansion, which is the driveway, 5 feet going further back maybe 6.5 feet."

Jordan: "Okay that is your constraint. The constraint is nothing can get closer to the eastern property line than whatever the northeast corner of the building is."

Torpey: "So, if I move it 2 feet, as I suggested that should accommodate that."

Jordan: "Including the addition to the north. If that is true, then you can do that and keeping the building on its present alignment, just shift it over a couple of feet. (Torpey stated okay.) So, Mr. Torpey you are proposing not to re-orient the building by turning it on an axis to the left but keeping its present orientation. (Torpey said move it to the west.) My point is that if you wanted to turn it on an axis, the southwest corner cannot get any closer to the water than it is now."

Torpey: "And the southwest corner, in my latest proposal was to bring that 2 feet further away from the water. I will move it away from the water and move it away from the property line."

Findings of the Planning Board:

Jordan: "Since the proposal is to reconstruct the foundation of the building, we need to make a finding under Section 12(C)(2) that there is no other practical alternative to what has been proposed. There is no practical way to move the building so it would be a whole lot less non-conforming than on the north side of the property where there is no room. Anything you do there is going to be closer to the setbacks or else it would require demolishing the northern part of the driveway and most likely part of the existing garage." Hewlett noted that area also has the existing well and buried CMP cable lines, and to the west, there is the septic system and leach field as well as another well.

Jordan: "I move we find the layout of the property and the existing improvements create no other practical place to move the garage to."

Letourneau: I move the lot, the slope of the land, the protection of soil erosion, the location of other structures on the property, the location of the septic system, and all prohibit changing the building location.

Jordan: "Based on those, it cannot be moved much closer to the septic system. There is no place in the northern portion of the lot that would fit the property to the left. There would need to be too much filling to be done. The middle to the east of the house and there are existing structures that would not make it practical."

A motion was made by Jordan, seconded by Letourneau, that based on the above Findings of the Planning Board there is no practical alternative to move the structure to a greater extent than it is proposed. The vote was 5-0. The motion carried.

A motion was made by Jordan, seconded by Letourneau, to find the proposal to extend and place another foundation under the garage be approved on the following conditions: It will be done in such a way that no part of the structure will be closer to the eastern property line than the current northeast corner of the structure is and, that no portion of the structure will be closer to the water than any place on the current structure is. The vote was 5-0. The motion carried.

Chair Cox suggested Mr. Torpey contact CEO Brackett and work with him on measurements and the exact layout as they discussed, and that he understands the side and water setback issues.

**Site Plan Review:**

**Change of Use**

**a. Amber Libbey, 26 Sawmill Road / Map 235, Lot 046**

The applicant was present. The application is to open a repair business for commercial vehicles and trailers located at 26 Sawmill Road. The property owner is Justin Long. An on-site inspection was held on November 28, 2020, and a Public Hearing was held at 7 p.m. on December 8, 2020, via Zoom.

Chair Cox stated this is a change of use application and that Libbey will be renting the building from Justin Long. The business will be commercial truck repair.

Chair Cox asked Libbey about the size of the sign that she will hang over the building's door. Libbey stated the size of the sign will be a 2-foot by 3-foot. Hewlett suggests the measurements be documented on the file copy of Libbey's drawing.

Jordan asked about the cover sheet as there is no information about setbacks. Chair Cox stated Libbey is renting an existing structure not building a structure, so she is not sure that information is relevant. Jordan stated there was some discussion at the on-site visit about putting a sign on Kinney Woods Road. Chair Cox said the town had a new sign ordinance and Jordan noted that the sign would require a permit and that she would apply to Brackett for one but thought she would need the permission of whoever owns the property on which the sign would go. Libbey said she had thought a little about putting a sign at the end of the road but said she did not think that was something that she needed to do right now.

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

There were no further questions. The Planning Board began the Site Plan Review.

**Performance Standards:**

1. Preserve and Enhance the Landscape – On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no change to the topography of the land.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no construction proposed or other change to the topography.
3. Vehicular Access – On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no change to vehicular access.
4. Parking and Pedestrian Circulation - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no change to the parking and pedestrian circulation.
5. Surface Water Drainage - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no change to the surface water drainage.
6. Existing Utilities - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0. The new use of the building will not make use of the specified utilities.
7. Advertising Features – On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0. The proposed sign complies with the dimensions and requirements of the sign ordinance.
8. Special Features - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There are no storage areas, exposed machinery installation, service areas, or similar structures being added. The hours of operation will be 7:00 a.m. to 5 p.m., Monday – Friday.
9. Exterior Lighting - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0. No new lighting is proposed.
10. Emergency Vehicle Access - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0. There is no new construction or other changes that will affect emergency vehicle access.
11. Municipal Services – On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0. The proposed application will have no effect on the specified municipal services. The business will not use any water from any public source and will not generate sewage waste.



12. Water/Air Protection - On a motion by Jordan, seconded by Brown, standard has been met. There is no construction that will result in soil and slope problems.
13. Water Supply - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0. The business will not use any water from any public source.
14. Soil Erosion - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no construction that will cause soil erosion.
15. Sewage Waste Disposal - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0. The business will not generate sewage waste.
16. Hazardous, Special, and Radioactive Materials - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. No hazardous material storage is proposed, and the applicant has plans for the proper disposal of waste oil.
17. Financial/Technical Capacity - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0. No financial or technical capacity needs to be demonstrated as the applicant is renting the building for her business.
18. Shoreland Zone - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0. This project is not located in the Shoreland Zone.
19. Flood Plain - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0. This project is not located in the Flood Plain.
20. Lot Standards - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There is no new construction.

Chair Cox addressed a question that was raised earlier about maintaining the right of way road. She believes it is the landlord's responsibility and that Libbey has no control over that matter. Hewlett felt that would be spelled out in the subdivision documents which the Planning Board did not have access to.

The Planning Board has reviewed the 20 Performance Standards in the Site Plan Review ordinance.

A motion was made by Hewlett, seconded by Jordan, to approve the Amber Libbey application pursuant to the Performance Standards, Section V, A1-20 in the Site Plan Review ordinance. The vote was 5-0. Motion carried.

**b. Jackson Memorial Library, 71 Main Street / Map 104, Lot 073**

Dale Pierson represented the applicant. The applicant is Sharon Moskowitz for the Jackson Memorial Library. The property owner is Jackson Memorial Library. The application is to install a greenhouse structure over the existing raised beds located behind the library and to the left of the Community Garden area.

The Shoreland Zone is Resource Protection, and the Floodplain Designation is AE-12.

Pierson stated that Moskowitz called him several weeks ago, explained they have a grant and part of their grant criteria was to have an outside teaching space, and they discussed the proposed project. He explained that JLM has existing raised beds that are almost directly behind the storage building on the backside of the property to the left of the new community garden area. Pierson stated the proposal is to install a greenhouse structure over the existing raised beds. He stated he already owns part of the structure and could put a short extension onto those. It would be 17 feet wide, 28 feet long and about 12 feet high and the structure would be gothic shaped.

Pierson stated he has had a lot of experience over the last 30 to 40 years in putting up these structures. He stated he understands the product and it is perfect for what Moskowitz is planning. There will be no plumbing installed inside and there are no plans at this time to install electricity. It is a poly structure with pipes driven into the ground, about 24 inches. The designer is out of New Hampshire. The structures are of excellent quality, and he has never had any of the new style ones come down. He said the only issue is the marsh but according to his measurement the proposed structures will be outside of the 75-foot setback.

Chair Cox stated the plan is to include the four raised beds that are currently there. Pierson stated yes but it will not include the compost area which will be outside the structure. Chair Cox asked if was more than 75 feet from the marsh. Pierson stated yes. Chair Cox requested the measurement of 17 feet by 28 feet be added to the Project Description.

Jordan asked Brackett if he was confident that the proposed project was outside the setback requirement. Brackett stated he was pretty sure, but he had not physically measured it because of all the alders. Pierson stated it lines up well with the back corner of the library and the marsh wavers there. Brackett referred to the photographs in the application packet and noted the greenhouse is in line roughly with the front steps. Pierson stated he measured the area and got approximately 76.5 feet. Hewlett did not feel an on-site inspection was needed because the planters were existing, and they were only putting an enclosure on top of existing planters. A consensus of the Planning Board was to waive a site visit.

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

Letourneau referenced Section 1, Purpose in the Site Plan Review Ordinance and stated, "The proposed application is neither a 'Substantial development or major changes in the use of land that can cause a profound impact upon the cost and efficiency of municipal services and facilities, and upon the environment of the Town.' That the proposed project shall have no noticeable impact upon municipal schools, recreation facilities, public utilities, solid waste programs, police, fire, open space, road systems, space, transportation systems nor the general health, safety and welfare of the municipality. Therefore, I would suggest that we approve it."

A motion was made by Letourneau, seconded by Jordan, to approve the Jackson Memorial Library application because it meets the stated purpose of the Site Plan Review Ordinance of Section V, A1-20, Performance Standards. The vote was 5-0. The motion carried.

**c. St. George Sea Farm, LLC, 127 River Road / Map 219, Lot 085**

Russell Wolfertz and Joseph R. LaBranche of LaBranche Land Surveys represented the applicant. The application is to reconstruct the lobster pound containment for Marine Aquaculture, remove existing dwelling and commercial structure, construct a new commercial building; to build new structures, and remove existing old buildings. Shoreland Zone District is CFMA and Floodplain Designation is VE-12.

Wolfertz requested the Property Information on page 1 of the application be corrected; changes are in red:

Number of Bathrooms, Proposed: 1; Total 2

Number of Bedrooms Proposed: 0; Total 3

Septic System Design: Bedrooms Proposed: 0; Total 3  
Number of Dwelling Units: Proposed: 0; Total 1  
Lot Coverage: Proposed: not increasing coverage-10%  
Total Sq. ft. of all Buildings: Present 3,540; Total: 4,980  
(Drawing reflects 4,602 sq. ft. LaBranche stated the drawing needs to be adjusted to reflect the correction.)  
Height of Buildings: Present: 24 ft.; Total: 34 ft. (from the ground)

Wolfertz stated that the application is basically the same proposal as the pre-application with added updates on the drawings.

Jordan asked if all the buildings shown on the large-scale drawing with shading around the edges were coming down including the existing house and two sheds. LaBranche stated yes. Hewlett noted there is no ledger indicating they will be removed and recommended LaBranche document: Remove shed. Remove existing dwelling. On the building: Proposed new building. LaBranche said he made a note to correct that. Chair Cox stated there was a discrepancy in square footage that would need to be corrected, as well.

Hewlett said the new building was showing an 8-foot roof overhang soffit and asked if that was 8 feet all the way around. Was it included in the square footage of the building? LaBranche said it was not and stated, "The footprint of the building as shown is the foundation; the structural footprint, not including the overhang, I believe."

Wolfertz stated he agreed with LaBranche and the reason for the overhang was the type of building design; freestanding within the interior, and it allowed for a cantilevered roof system which allowed the building to be built with a lower sweeping roof, like a Kubota shape. That allowed it to be less intrusive when looking at it visually. Chair Cox said she thought Hewlett's concern was the overhang and the square footage issue.

Jordan: "I think we are required to count that on the footprint, for the lot coverage." LaBranche stated but not for the expansion. Chair Cox stated, not for the expansion but the lot coverage. LaBranche stated there should be no issue whatsoever with lot coverage.

Hewlett: "Don't we include it in the expansion percentage?" Chair Cox said she did not know, and the Board might have to look at that. Wolfertz said when they calculated square footage, they went solely by footprint.

Jordan: "The ordinance defines the footprint to include cantilevered or similar overhang extensions. We will have to go see where the footprint is used. We have in the past included that as lot coverage but whether it goes to expansion. We will have to look at that."

Hewlett asked if the Planning Board had the DEP and Army Corps of Engineers permits on file. CEO Brackett stated the applicant did not have any permits, and he (Brackett) did not believe they even owned the building yet. Chair Cox asked the representatives if they had begun the process with the DEP and Army Corps of Engineers.

Wolfertz: "Affirmative conversations are in place. Presently there is an overboard discharge system that is licensed and approved by DEP. We are presently discussing with DEP and they

are excited to see that disappear. Between LaBranche and his engineers and the Army Corps of Engineers, they are developing a Fuji system to stay within the location of the existing dwelling. It will be a state-of-the-art subsurface system cleaning up that mess. We need DEP permitting for that, but I think we have to have more new shifts in the contract to get us there.”

Chair Cox: “When dealing with the pound itself, your plans to shore it up and cantilever over it, I believe you will need to work with DEP on that.”

LaBranche: “We have plans to begin discussions with DEP and the Army Corps of Engineers with a general permit and possibly an individual permit with the DEP. Hopefully, it might go under a replacement structure and be a Permit by Rule. We will have to see, but the conversation with DEP and Army Corps of Engineers is forthcoming.”

CEO Brackett: “I think you are going to need a NRPA permit, too.” LaBranche agreed. Hewlett stated the Planning Board would need a copy of those applications when filed.

Chair Cox: “In the general notes there is a little bit more information than you presented at the pre-application meeting. Could you talk about the grout pile? What are you going to be doing with that as there are few people from Haskell Point Road who might have concerns?”

Wolfertz: “Plans for the grout pile is to minimize it. The slope of it is very favorable for removing individual rocks off from it. We don’t know if that was by design or by accident. Reinhardt looked at it and he was coming in from the Haskell Point Road to get on property owned by the applicant to do all that of removal work, staying away from the power line. There is no other logical way to get in there without disrupting the road but there are no plans to disrupt or block the road. Remove some individual rocks off from there. Make sure the pile remains stable and use those rocks (once they have the permitting from Army Corps of Engineers and DEP) to line the pound area and long the Haskell Point Road which should firm that up. It will also warm the pound allowing it to grow oysters a little more rapidly. Also, use any of the rubble or the smaller pieces to landscape down along Rt. 131, and then align that area with granite rock making it look very similar to the Drift Inn Beach Road. Remove the barbed wire fences and leave the road in the condition it was, if not better than when we started.”

CEO Brackett: “When are they going to purchase this property? When is the purchase supposed to take place?”

Wolfertz: “I think he’d like to see some approval of the building design before he completes the purchase. There are contracts that may or may not have to be extended in the next week or two. Theoretically, if the world were perfect, it would close before year’s end. The buildings would be removed by the middle of February 2021 and you would see a whole new structure in operation by next fall.”

Wolfertz: “I have spent some time talking with the neighbors on both sides, Haskell Point and Rt. 131. The general sense has been favorable. A couple of concerns that have come up that I need to reassure both the Board and the neighbors is that we have no intention of disrupting the road blocking the road, destroying the road, or impacting the road. Only to leave it in better condition and more stable.”

Wolfertz stated a couple of questions that came up were about noise and lighting. "The aquaculture operation that is contemplated will also include mussels at the bottom. The mussels will be grown in a container system, hydroponically using the tidal current of the reconfigured pound container and this will allow the oysters to flip automatically. There will be a small skiff used by employees who will flip the oysters about every two weeks. The noise on the waterfront will be less than what would be there now. We are not contemplating any dock sales from the waterfront for lobsters. The daytime operation should be more minimal than what is existing as there will not be the 5 a.m. boats going out and the 4 p.m. coming back. We are looking at 6 to 8 employees."

Wolfertz: "There is a conveyor belt that lifts the oysters out of the crates. They are processed inside by flipping them periodically as we intend to do this with the system that is being designed. There is no necessary scraping or grinding other than what you might see in a normal operation. They should be able to be culled on an automatic conveyor belt, just going down the inside of the building. That cuts down the labor costs. I don't see any other noise (actually less) than what we had with the pound operation."

Wolfertz: "The lighting issue. I have heard some objections there. Lighting should be less than what presently existed. The old pound, when I worked there, had floodlights around it, both to the waterfront and the parking lot and overlooking the pound. We do not need to illuminate oysters. We have talked with Bartholomew, Hickey, and Frieder who live across the street, and explained that all the lights on the building will be downward and will not be projected upward or outward. There is no need for a lot of lighting in the parking lot for 4 or 5 people as this will not be a major operation."

Hewlett asked if they would need to power wash the crates. Wolfertz stated they did not anticipate doing any power washing.

The Planning Board agreed that an on-site inspection was needed. CEO Brackett was not sure they could hold an on-site because the Board would need permission from the bank if the bank owned the property. Wolfertz stated the Board had permission as he was the bank's agent.

CEO Brackett: "You are the bank's agent?"

Wolfertz: "I am the bank's agent. But if you want written permission to set foot on the property, I can have that permission to you tomorrow. Maybe for your record, you do."

Chair Cox: "We are going to leave it in your hands to make sure that there is permission for us to hold an on-site inspection."

An on-site inspection of St. George Sea Farms, LLC, 127 River Road is scheduled for Saturday, January 2, 2021, at 9 a.m.

Wolfertz stated he had spoken to a couple of fishermen who were using the property. He said jersey barriers had been placed there, and he thought the property was now posted. He said the fishermen were using the property without permission, so they would now have to deal with that.

Hewlett noted that on the LaBranche Land Survey and the Site Plan, Lot 84 was omitted and suggested he might want to document that. LaBranche stated he requested the information from the town office directly and that was what they provided. Hewlett stated she did not want to see any technicalities arise because of the omission. LaBranche stated he would look into it further. Chair Cox stated that the town office would notify the abutters using current information on file. Hewlett stated she just wanted to make sure everyone got included.

Chair Cox stated she hoped the applicant would start the process with DEP, Army Corps of Engineers, and NRPA as the Planning Board did not want to proceed too far with the application until they had more information from the federal and state agencies. LaBranche stated the process would start tomorrow. Wolfertz noted that it was already in process with John Lewis and that Mr. Wagner had a meeting with the Army Corps of Engineers.

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 8:55 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary