

**St. George Planning Board  
St. George Town Office  
March 9, 2021 - 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, Anne Cogger, Ray Emerson, Mary K. Hewlett, Michael Jordan, and Alan Letourneau. Also present: CEO Terry Brackett, Chris Leavitt, Greg Soutiea, and Loreen Meyer.

**Quorum:** A quorum was present.

**Conflict of Interest:** None.

**Adjustments to Agenda -** The following was added under Other Business:

- B. Announcement regarding a Workshop by Chair Cox
- C. Climate Change Information by Alan Letourneau

**Review of the Minutes:**

**Planning Board Meeting** — February 23, 2021 – The minutes were corrected as follows:  
Page 4, paragraph 1, line 3, change to read: ... to get the deck in there according to this plan.

A motion was made by Brown, seconded by Hewlett, to approve the minutes of February 23, 2021, as amended. The vote was 5-0. The motion carried.

**Public Comments:** None.

**Building Permits:**

**a. Leavitt Property Services** for Charles Dorr, 17 Cottage Road / Map 101, Lot 042  
Chris Leavitt represented the property owner, Charles Dorr. The application is to replace the existing wood-posted foundation piers with new concrete posts that will be pinned to ledge. The cottage will be raised 24" from its current elevation. This is a Historical Cottage. Shoreland Zone District: Marine Residential. Floodplain Designation: AE-11.

Leavitt explained the proposed application. They are in the process of securing all the permits to replace the foundation piers on a property located on 17 Cottage Road. The existing foundation consists of wooden posts supported by concrete pads and cinder blocks. The piers will be changed out to concrete with a drilled and pinned footing to ledge, elevate the building 2 feet from its existing height, and then perform this work.

Chair Cox asked if the 2-foot elevation is because of the floodplain.

Leavitt stated the building is above the floodplain. The adjacent grade is below the floodplain. What we are trying to accomplish by doing this is getting the building higher to solely protect the foundation and stabilize the structure, not to get it 100% floodplain compliant. To bring it into floodplain compliance, we would have to bring cubic yards of soil in by the hundreds, rebuild the retaining wall out front, and get it so the land was elevated not the building. The building is

going to pass fine being one foot above base flood. It is the adjacent grade that is going to be below the base flood elevation. So, there will be no change in that.

Chair Cox: Explain to me why we have quite a bit of information on the floodplain in the application packet.

Leavitt: That is to show and document the fact the building is compliant, but the adjacent grade is below.

Chair Cox: So, it is necessary to raise it 2 feet because of the construction of the piers.

Leavitt: Correct. It will give us more room to work but also protect the building that much more because it will be 2 feet higher than the existing elevation.

Hewlett stated there is no change in the footprint.

Leavitt stated yes. It is going to go straight up and come straight down. We are trying to lift it to a minimal amount to perform the work. A lot of this going to be handwork.

Hewlett: Is there any issue with the National Registry?

Leavitt: From everything that I understand, it is going to be able to keep its status with no change, changing to concrete from a wood pier. It is preserving the building in its existing environment.

Chair Cox: They do not have any problems with how it will visually look two feet higher?

Leavitt stated no, not that he had been made aware of. He just got DEP approval yesterday. He said DEP will be sending Brackett and me a copy of the approved DEP paperwork and DMR has approved the timing activity paperwork; those two approvals are in place.

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

Chair Cox thought they would have to be dealing with floodplain issues. Jordan asked CEO Brackett what the situation was regarding this application because this proposed project is in a floodplain. What did he think?

Brackett stated it is in an AE floodplain, so you could have a foundation in that area, but the lowest floor is going to be above the floodplain, and according to our Ordinance, it has to be one foot above the floodplain. Chair Cox stated that is the documentation we have. Correct? Brackett stated yes.

Chair Cox referred to the Shoreland Zoning Ordinance, Section 12(C) Non-conforming Structures and Section 12(C)(1) Expansions. Cox did not believe this project was an expansion.

Looking at the Site Plan, Chair Cox believed the project to be entirely within the 75-foot setback and a portion of the building was within 25 feet of the water. Leavitt stated that was correct.

The Board then reviewed Section 12(C)(2) Foundations. Chair Cox stated they were replacing the piers which were essentially the foundation for the building. She did not know if this section applied because the existing structure was 20' high and the plan was to lift it to 22' which might be a conflict with the ordinance.

Chair Cox then referred to Section 12(C)(b)(i). Cox also referenced Section 12(C)(c)(i) on page 7 which states the maximum height of any structure may not be greater than 20 feet or the height of the existing structure, whichever is greater and located less than 75 feet. Cox noted that the whole structure is less than 75 feet and part of it is less than 25 feet.

Hewlett noted on the first page of the application under property information, it stated the setback is 16 feet from the water. Cox continued to question whether this was considered an expansion (in height) or foundation and reviewed Section 12(C)(2).

Brackett: This is where the State and Federal authorities oppose each other because in order to get out of the floodplain, the state looks at moving it back, but the Feds will allow you to move it up. In this case, you pretty much cannot move it back out of the 75-foot buffer zone because there is no room to do it on the property. You could move it 25 feet back, but I would suggest that if they are not adding on to it, adding up, allow them to move it up to 2 feet to get it out of the floodplain and that should meet state and federal approval. Chair Cox agreed but wondered if the Planning Board could do that or did they need to make them get a variance.

Chair Cox: For it to be the historic designation, it should be exactly where it is. In looking at floodplain ordinances, there are variances granted for historic structures. That is one of the things that can be applied for. But I don't know if the Planning Board has the authority to do that. It makes sense but we have conflicting issues here.

Jordan: One thing the Planning Board does not have the authority to do is to make them move the building back away from the water. We could do that if there was a change in the foundation but if you look at the definition of foundation, it does not include piers.

Hewlett: That was my thinking, too.

Jordan: I don't think we can make them move it back from where it is, and I don't think we should. But the height issue in the ordinance strikes me as being a bit of a problem. If it is within 25 feet, we are just not allowed to make it any taller. In fact, if it is within 75 feet, we are not allowed to make it any taller.

Letourneau: If we rule out the expansion language. We say it is not an expansion.

Jordan: It is not an expansion. If you look at the definition of expansion that is only about the footprint.

Letourneau: Why don't we then just consider it under foundations?

Hewlett read the definition of Foundations and noted that as Jordan pointed out, it is not a foundation. She said Leavitt is replacing wooden posts with concrete but not putting in any type of foundation, no cinder block, etc.

Letourneau: The ordinance does not specifically address this remedial work that is to be done. (Chair Cox, Hewlett, and Jordan agreed.) Letourneau: We have nothing to prohibit the work from going on.

Chair Cox referred to Section 12(C)(4) Reconstruction or Replacement and asked if this applied because there is a reconstruction of the piers.

Hewlett: It is not more than 50% of the market value of the structure.

Cox: Okay that has nothing to do with it. I just want to make sure we covered everything. I like what Letourneau was saying that we have nothing that governs this. (When we do our ordinance review, we will try to figure this one out.) It makes sense to do this. Could we have language that explains it properly?

Hewlett: I think we would need to know that it is not a foundation. It is strictly replacing wooden pilings with concrete pilings. It is meeting the flood plain requirement. It is maintaining the historic designation.

Chair Cox: From what Leavitt has said, the additional height is important for the integrity of the piers. Is that correct?

Leavitt: Yes. The integrity of the building. It is more of preservation than it is an expansion or anything on the cottage. It is just preserving the structure in its existing location. If we were to move this back, even 5 feet, we would be raising it higher than 2 feet to accomplish that and would still be within 75 feet.

Hewlett: Because of the slope of the land? Leavitt: Because of ledge restrictions and the slope of the land. We took the minimalist approach for the greatest good to save the building.

Jordan: Here is what I suggest about the two height restrictions in Section 12(C)(1)(c)(d). The one that states no greater than 15 feet or the height of the existing building and no greater than 20 feet or the height of the existing structure. Those seem to apply only if there is an expansion going on. I think the way it actually reads is that if you are expanding the structure which means increasing the footprint, you can't also raise it higher. But if you are not expanding the structure and keeping to the existing footprint then end of the story. Cox: It's not covered.

Letourneau suggested that this fits under Section 12(B)(2) Repair and Maintenance and Section 12(B)(3) Restoration of Unsafe Property on page 6, and it allows without a permit the normal upkeep, maintenance of nonconforming uses and structures including repairs which do not

involve expansion of the nonconforming use or structure. I would consider it a repair, maintenance to an existing building.

A motion was made by Letourneau, seconded by Jordan, to approve the application because it is repair and maintenance to an existing building as is based on Section 12(B)(2) Repair and Maintenance. The vote was 5-0. The motion carried.

**Site Plan Review:**

**a. Craignair Inn,** Greg and Lauren Soutiea, 5 3rd Street, Spruce Head / Map 106, Lot 016  
The applicant was present. The application is to expand outdoor seating, add a second-floor balcony on the water side, and expand the existing deck located on the water side of the building. The proposed project was reviewed at the February 23, 2021, Planning Board meeting. The application was not accepted as complete as further information was needed and it was placed on hold until the March 9th meeting.

The following items were corrected or added to page one of the application:

Shoreland Zone District: *Marine Residential*.

Total Lot Coverage: *14.36%*.

Side setback: (to the road) *6 feet 10 inches*.

Floodplain: N/A; this project is not in a floodplain.

Present sq. ft of the building: *3,981sq. ft.*

The deck: *1,085 total sq. ft.*

Proposed: *1,045 sq. ft.*

In Soutiea's written comments, he stated the deck would not get any closer to the setback. Chair Cox asked him how he would shave off some of the deck. Soutiea stated they would keep the far edge along Clark Island Road, at least 6 feet, 10 inches away, and narrow it in.

Hewlett asked if the stairs were going to be inset. Soutiea stated the stairs would be inset into the porch. He said they could not take the stairs out far enough as they would be on top of the leach field if they were not inset. Hewlett agreed and requested that it be noted the setback from Clark Island Road must be at least the 6'10" that exists now.

Chair Cox asked Brackett if he would draw a diagonal across the new extended deck section and note 6'10" from Clark Island Road on the official plan for documentation. Brackett stated he just drew that information in on the official plan.

Brackett interjected and explained to the Board and Soutiea the following: "I did get a hold of Ed Green after I saw you, Greg, on Monday. He was coming down on Thursday but now he is coming down on Wednesday. So, tomorrow morning we are going to go over there and locate that leach field. That will give us a lot more answers on exactly what is going to happen here." Soutiea, "That is going to be a state variance, right?"

Brackett, "It will entail a state variance, but it may also tell us exactly how far you can go out. I am hoping it will be far enough away so you can get your 10 feet."

Chair Cox asked Soutiea what he would do if he could not go out 14 feet but 12 feet. Soutiea stated they would take it out as far as the state would allow him, rearrange the tables, and figure out what they could do with the space provided and allowed. Chair Cox asked the Board if they needed more information than what had been provided.

Jordan thought they needed to ask more questions about parking capacity. Chair Cox thought they should review parking standards before voting whether to accept the application and asked Brackett about restaurant parking standards. Brackett said the standards he gave Soutiea were the same ones the Planning Board used for the Ocean House in Port Clyde. Brackett said it was based on standards the Kennebec Valley Council used, one vehicle for three restaurant seats. Brackett asked Soutiea if his plan had 30 parking spaces.

Soutiea stated there were 30 existing parking spaces just in the main lot, not counting the first row of cars which he might be able to push out a little to get the official 18 foot and another 10 or so on the inn side of the street where staff usually parks. He stated that area could serve for overflow if they got in a pinch. Soutiea stated he spoke with his neighbor, Bernard Davis, and Davis was willing to work with them or at the very least let some employees park there if needed in July and August.

Soutiea stated he had spoken with Maine Coast Heritage Trust (MCHT) today and noted there were times last summer when there were 10 to 20 cars parked at the beach. MCHT talked about having their staff at the preserve on Fridays and Saturdays or sunny days during low tide and that a representative would be there on Thursday to talk with him. MCHT is aware this is a popular site, parking is an issue, and they will need to add manpower or more funding. Soutiea said they are working with MCHT, working with their neighbors, and being proactive to make sure parking does not become a problem.

Brackett suggested a couple of options for alternative parking, Outward Bound in Clark Island and the rope factory if need be. Soutiea stated MCHT was also trying to explore other options and nearby properties for parking.

Hewlett stated parking was definitely an issue and that the inn had 22 spaces, not 30 because 8 of those were for MCHT. Soutiea stated the 8 spaces were for daytime use only for the preserve. At night, once the restaurant opened and people were parking for the hotel, the 8 spaces would be open.

Hewlett recommended they designate on the parking schematic, the 10 spaces that are next to the Inn as employee parking and innkeeper parking since they are increasing seating from 55 to 100 seats. Jordan stated Soutiea is nearly doubling the seating. Hewlett asked if there was any way to parallel park on the side of the road. Soutiea stated there was and people could park head in. He said he has been looking at that. There is some ledge there, but he was going to explore that and push that a little further over to get the 18-foot needed for an official space.

Hewlett noted parking space #15 was a charging station for electric cars. Soutiea said last summer a lot of people ended up charging their cars there. Hewlett felt the charging station was a benefit to his business and suggested that could be an open parking space until it needed to be

used. Soutiea stated MCHT had 8 parking spots and it was their job to enforce the parking and to make sure their signage was appropriate. He said if there are people parking and walking around the preserve and not visiting the restaurant then that is a problem and MCHT is well aware as they want to make sure people are using the preserve and parking appropriately.

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

Jordan discussed the parking issue. He felt that the parking could be managed through a combination of dealing with MCHT, signage, and locating an area for a number of defined off-street parking spaces. Chair Cox said it is clear that Soutiea is working hard to find solutions that will prevent parking issues. She also explained the property needs to be accessible for emergency vehicles and fire trucks.

Chair Cox asked who would police the area. Soutiea stated he would, MCHT, and if they had to hire someone on busy days, they were prepared to do that. Hewlett stated July and August would be the worst time for his parking dilemma and suggested he review his Inn reservations during those months to make sure there was adequate parking.

Brackett: I spoke with Greg about the possibilities of installing a water meter, not for the supply but I am concerned with the sewage and waste. According to the subsurface wastewater standards, there is a prescriptive method that can be used to calculate how much effluent they are creating. The concern is the effluent and not the supply.

Brackett felt the amount of water should be monitored so Soutiea was not exceeding and did not exceed what his leach field would handle. Brackett stated the meter would be on the supply end of the system, but it could be put on the outgoing; it did not matter. Brackett thought Soutiea's two leach fields would handle what he was asking for but added, "When you start adding meals, every seat is 10 gallons by this prescriptive method, and it does not take long to add up."

Soutiea asked if Brackett had a chance to talk with Ed about the two septic systems if the 10 gallons, per seat, per meal, would be met without any monitoring? Brackett stated he did not believe they would because 100 seats would be 1,000 gallons per meal, and he was looking at two meals a day. Soutiea stated: "1,000 gallons per meal, 2,000 gallons per day."

Brackett added: "You have the inn on that, also. I think we do need to monitor it, and a meter on the in-flowing side would be the cheapest way to go."

The Planning Board began the Site Plan Review.

1. Preserve and Enhance the Landscape – On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the proposed project will not have a significant effect on the landscape.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the proposed project will not have a significant effect on the environment.

3. Vehicular Access – On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the proposed project will not have a significant effect on the vehicle access from the street.
4. Parking and Pedestrian Circulation - On a motion by Jordan, seconded by Brown, standard has been met, 5-0 because layout and design of the parking area are met, the amount of parking is sufficient as long as the applicant monitors it carefully during the inn's busiest times of the year to make sure street parking does not occur in that area. Condition: If the town finds that parking is not being monitored and is an issue, adjustments will be made.
5. Surface Water Drainage - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the proposed project will not have a significant effect on the surface water drainage.
6. Existing Utilities - On a motion by Jordan, seconded by Hewlett, standard is not applicable, 5-0 because in the proposed project none of the specified utilities will be used in this location.
7. Advertising Features - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. A small banner-type sign viewed in the application will be added to the railing and will not exceed 20 sq. ft.
8. Special Features - On a motion by Jordan, seconded by Letourneau, standard is not applicable, 5-0 because there are no machinery involved and no service or storage areas in the proposed application.

On a motion by Jordan, seconded by Brown, standard has been met, 5-0. The hours of operation for outdoor dining on the deck will be 7 a.m. to 10 p.m., 7 days a week. The applicant will clear guests from the outside deck at 10 p.m., be brought indoors, and will monitor noise and listen to the neighbors if there are any complaints.

9. Exterior Lighting - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0 because the lighting on the underside of the covered deck will be down shielded and the decorative string lights used around the deck railing will emit soft lighting and be turned off after the deck is cleared.
10. Emergency Vehicle Access - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the additional deck space will not affect emergency vehicle access.
11. Municipal Services – On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the additional deck space will not affect municipal services.
12. Water/Air Protection - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the additional deck space will have no effect on water or air pollution.
13. Water Supply - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0 based on the applicant's representation the wells are sufficient and can provide enough water for the business.
14. Soil Erosion - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the additional deck space will not cause unreasonable soil erosion.
15. Sewage Waste Disposal - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0 on the basis that the Plumbing Inspector believes there is sufficient waste disposal capacity but on the condition that fact is monitored by the installation of a meter, either on the in-flow or out-flow to make sure the disposal capacity is sufficient and if excessive, the issue will be revisited by the LPI.



16. Hazardous, Special, and Radioactive Materials - On a motion by Jordan, seconded by Brown, standard has been met, 5-0 because the addition of the deck space does not require the establishment's propane tanks to be moved from their existing location. No other hazardous materials will be stored on site.
17. Financial/Technical Capacity - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0 based on the applicant's representation that the financial and technical capacity exists to complete the project.
18. Shoreland Zone - On a motion by Jordan, seconded by Hewlett, standard has been met, 5-0 because the additional deck space will have no effect on Clark Cove or Seavey Cove.
19. Flood Plain - On a motion by Jordan, seconded by Brown, standard is not applicable, 5-0 because the property is not located in a floodplain.
20. Lot Standards - On a motion by Jordan, seconded by Letourneau, standard has been met, 5-0 as there will be no increase in the existing nonconformity to the setback requirements with respect to the distance between the structure and Clark Island Road because the corner of the proposed deck will be angled off to not increase the nonconformity.

The Planning Board reviewed the 20 Performance Standards and they have been met with two Conditions:

1. If the applicant finds that parking is not being monitored or is an issue, adjustments will be made.
2. The wastewater disposal system capacity will be monitored by the installation of a meter, either on the in-flow or out-flow to make sure the disposal capacity is sufficient, and if the usage becomes excessive, the water issue will be revisited by the Local Plumbing Inspector/Code Enforcement Officer.

A motion was made by Jordan, seconded by Brown, to approve the Craginair Inn by the Sea application pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review Ordinance with two conditions. The vote was 5-0. The motion carried.

**Other Business:** The Planning Board discussed whether they should continue the process of approving an application before the Findings of Fact were written and approved. They discussed the time limits regarding the applicant's right to appeal and approving a noncontroversial application.

Letourneau suggested that if the Planning Board had a controversial approval that it was within the Board's purview to defer voting until the Findings of Fact and Conclusions of Law were complete. Members of the Board agreed.

Report on Murdock Remand: CEO Brackett sent Kyle Murdock an email around the first of March. On March 5, 2021, Brackett received an email from Murdock which stated the remand was a moot point because his parents (John Murdock) had sold the mussel farm. Brackett stated that around the same time he read in the court registry that the mussel farm had been sold to D.D.M., LLC. Murdock stated in his email to Brackett that he was no longer pursuing growing medical marijuana at the mussel farm because he could not make arrangements with the new owners.

Brackett called Attorney Mazer on how to close the case. Attorney Mazer stated that as long as the Board had not advertised it, to just document the information in the minutes. The Planning Board did not have to do anything with the remand as the appeal was withdrawn.

Workshop with Bill Najpauer: Chair Cox reported that Richard Bates set up a workshop with Bill Najpauer for April 13, 2021, from 6 p.m. to 7 p.m. She said Najpauer would like a couple of applications the Planning Board dealt with so he could help members review the case and proceed. Bates suggested using the Murdock application as one to work through with Najpauer. Cox suggested using Chris Leavitt's application regarding the historical cottage located on 17 Cottage Road, Port Clyde.

Cogger asked how to determine when the Planning Board needed legal representation. Brackett stated that Najpauer had agreed to work with the Board on some complicated cases and help guide them through some of those decisions.

A Climate Change Program: Letourneau reported on a documentary made by the University of New England on "Reckoning with Climate Change in the Gulf of Maine," to be shown on MPBS, April 1 at 10 p.m. and April 3 at 2 p.m.

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 8:40 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary