

**St. George Planning Board
St. George Town Office
March 23, 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, Ray Emerson, Mary K. Hewlett, Michael Jordan, and Alan Letourneau. (Anne Cogger was absent.) Also present: CEO Terry Brackett, Richard Bates, Everett Allen, Carl Danielson, John Dick, Will Gartley, Loreen Meyer, and Chris Leavitt.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: None.

Review of the Minutes:

Planning Board Meeting - The minutes of March 9, 2021, were corrected as follows:

Page 1, under also present, line 3, Greg Soutiea

Page 1, under Building Permits, line 2, Charles Dorr.

Page 3, paragraph 5, line 1, change to: Brackett: This is where...

Page 7, paragraph 2, line 2, change to read: ...of defined off-street parking spaces.

Page 7 paragraph 3, line 2, delete work it; change to read: Soutiea stated he would, ...

Page 7, paragraph 4, line 3, change affluent to effluent

Page 9, under 16, line 3, delete wording: No change. Change to read: ...existing location. No other hazardous materials will be stored on site.

Page 9, 1st paragraph after #20, change to: 1. If the applicant finds that parking is not being monitored or is an issue, ...

A motion was made by Jordan, seconded by Hewlett, to approve the minutes of March 9, 2021, as amended. The vote was 5-0. The motion carried.

Findings of Fact and Conclusions of Law:

Craignair Inn by the Sea, 5 3rd Street, Spruce Head

A motion was made by Jordan, seconded by Letourneau, to approve the Findings of Fact and Conclusions of Law, as amended. The vote was 5-0. The motion passed.

Public Comments: None.

Building Permits:

a. Carl Danielson, 35 Factory Road / Map 101, Lot 058

The applicant was present. The application is to stabilize approximately 171' of existing rip-rapped shoreline along the bank of the applicant's property in Port Clyde. Existing and Proposed Use is Residential.

Danielson has sought assistance from Gartley & Dorsky Engineering & Surveying for his project. According to Gartley & Dorsky's Activity Description, the existing rip rap has been along the shoreline bank since Danielson purchased the property in 1982. The description also states the existing slope along both sides of the point and around the existing rip rap shows significant signs of erosion.

Danielson explained that over time the ocean waves have been eroding the soil along the shoreline area and the erosion seems to occur more during a northwest wind. He stated that in July of 2020, the earth

and the soil started to wash into the harbor. The proposal is to replace the existing material and stabilize the slope with block granite stones and filter fiber.

The Gartley & Dorsky Activity Description states the applicants propose to stabilize the slope with a minimum of 28" stones and the rip rap will be underlain by coarse blasted ledge over geotextile filter fiber fabric to promote drainage at the base of the slope.

Chair Cox: Will the grass surface remain grass?

Danielson: The grass surface has stopped growing. It is not grass; it is more weeds. The soils are washing away, and we are proposing half-inch crushed stone as opposed to grass.

Hewlett: Has the Army Corps of Engineers approved your application?

Danielson: The Army Corps of Engineers approved it several weeks ago. CEO Brackett has a copy of the approval.

Gartley stated the email they received from the USACE indicated the permit was issued. They also received the DEP Permit by Rule.

Hewlett asked Danielson if he felt that the rip rap was going to be a high enough structure for sea rise or would he be doing it again later?

Danielson thought the project would increase in height 6" to 8" higher than what was there now plus the filter fabric behind it would keep the gravel and the fines in the gravel from washing out. Danielson thought his wooden wharf might need to be raised in the future; Gartley stated they are about 4½ feet above the highest annual tide lines, at this time, so the stabilization should help for quite a while.

A motion was made by Letourneau, seconded by Jordan to accept Carl F. Danielson's application as complete. The vote was 5-0. Motion carried.

The Planning Board referred to the Shoreland Zoning Ordinance, page 24, Section 15(C) Piers, Docks, Wharves, Bridges, Other Structures and Shoreline Stabilization and reviewed and discussed shoreline stabilization. Jordan thought the only item required was a permit from the DEP as he could not find a reference to stabilization anywhere else in the section or the whole ordinance. Chair Cox referenced Section 15(C) 2. "Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion." She thought it spoke to the issue of how it was constructed and that the rip rap did not interfere with beach areas.

Brackett: Within the last couple of years, I saw a rip rap job in St. George that was done with regular rock and not angular rock to lock it in. As far as looking at the material they are using, I think it is good for the Planning Board to look at that.

The Planning Board discussed the material the applicant proposed to use. Chair Cox said it looked like angular stone. Brackett stated that Gartley & Dorsky always used angular stone, but this was a job where the contractor elected not to use angular stone. Hewlett asked if it would wash out. Brackett said it was in an area that he did not think would wash out. He said he tried to get DEP to look at it, but they did not look at it.

Chair Cox stated that overall, it seemed DEP maybe was in flux and unclear as the Board was. She thought potentially all the Board needed was the permit from DEP, as Jordan had stated. Hewlett agreed and said it states that under Section 15(C), page 25, first paragraph, under NOTE.

It is noted for the record that the DEP Permit by Rule and the Army Corps of Engineers permits have been received and are in the applicant's file.

A motion was made by Letourneau, seconded by Brown to approve the application because the applicant has received a permit from the Department of Environmental Protection and the project appears to be using appropriate materials; and any grass that will be lost is already dead, as reported by the applicant. The vote was 5-0. The motion carried.

b. John Dick, 85 Barter's Point Road / Map 105, Lot 012 (Modifications to a Permitted Project)
The applicant was present. The application is to reconfigure an existing bedroom, add a third bedroom and bathroom on the second-floor addition. Shoreland Zone: Marine Residential.

The applicant stated that in October 2020, they received a permit to renovate their house on Barter's Point Road and it included raising the roof to put a small studio on a second story, a small addition to the deck, replacing windows, and renovations to the interior of the house. He stated that they have not started these projects and have reconsidered their plans from their original application.

He stated the new proposed plan is to expand the second-floor part of their plan by adding 280 s.f. on the second floor making it a multi-purpose room. It is shown on the new plan as a bedroom but will be an office for him with a pullout couch and a bathroom. The plan is to make the addition a little larger. The changes do not have any impact on the footprint of the house. The house was originally built as a three-bedroom and this will continue to make it a three-bedroom house. He stated the septic system is sized for that. Dick stated the height of the building does not change relative to the plan they originally submitted.

Chair Cox asked if just the yoga studio had been changed. Dick stated correct and referred the Board to the Design Update of the Upper Floor Plan and explained that the portion on the left of the plan was what they would like to add.

Jordan asked if they were replacing the circular staircase with a "U" staircase. Dick stated correct; it would be just a regular staircase.

Hewlett asked if it was above the existing footprint of his house. Dick stated that was correct.

Hewlett: In essence, you are raising the roof.

Dick: Yes. The original part was to the left of the chimney and had the diagonal roof that goes from right to left. The part that is now over the far left is what we would like to add to the project.

Cox asked Brackett if he saw any issues with the change in plan.

Brackett: I don't because the roof is a little bit lower than what the Board approved in October. It is just about the same height initially, but then it does slope down. It states in the plan that it is flat, but it really is not flat; it has about a one-foot slope to it.

Hewlett referred to page one on the application. If it is going to be bedroom number three, it was written that the septic design is only for two bedrooms.

Dick: I believe it is three. The house was originally three bedrooms and the septic system was sized for that when the house was built. At some point, they eliminated the third bedroom and enlarged the kitchen, so we are adding back that third bedroom, though it is not going to be used as a bedroom.

Brackett: You have a new septic system plan that is designed for three bedrooms, right?

Dick: Yes, when we bought the property, we had Doug Meservey look at the property and engineer a new septic system, should it be needed. But so far, we have not had any issues with the septic system that is there. We wanted to make sure if we did need to do have a new septic system sometime in the future, we had an approved plan that we could go to.

Brackett: The town does not know what is in there for a septic system based on our computer records. Our paper records may have it, but we are not sure what years to look at. Dick believed the system to be to the right of the house.

There were discrepancies on page one of the application according to Hewlett. The Planning Board reviewed this information with Dick and made the following changes: Under Number of Bedrooms and the Septic System Design, those were amended to Bedrooms present: 2; Bedrooms proposed: 1; Total: 3.

Hewlett recommended amending page one of the application under the project description to: "Adding a third bedroom and bathroom to the upper floor." Brackett asked if the bathroom was already included in the application, and Dick stated no. Dick said after they discussed it, it was decided they should add a bathroom to the second floor.

Hewlett asked Brackett if that would require him to issue a new permit. Brackett stated yes, he would issue a new permit, in this case.

Hewlett asked the applicant if he was aware the lot coverage was 19.23%. Dick stated when they did the original application, he and Brackett had that dialogue and thought that had been corrected. The lot coverage had originally included the boathouse which is on the dock.

Brackett stated he did take that off. Dick stated he knew he was close to being maxed out. Chair Cox stated the Lot Coverage should be Total: 19.43% and included the previously approved stairs.

A motion was made by Jordan, seconded by Brown to approve the changes just made to the Dick application, and accept the amended application as complete. The vote was 5-0. The motion carried.

Chair Cox noted that on the applicant's previous application it stated two bedrooms and it was approved by the Board for two bedrooms. She recommended a statement be included that the applicant believes his current system is designed for three bedrooms and has a new plan should the existing septic system fail.

Brackett explained that since Dick has the new plan if his existing system should fail then he can install the new septic system.

A motion was made by Brown, seconded by Jordan to approve the application because there is no increase in the footprint from the prior approved application permitted in October 2020, and the applicant believes the existing septic system is sufficient for a three-bedroom house. But should the existing system fail, Mr. Dick has a three-bedroom plan for a new septic system. The vote was 5-0. The motion carried.

c. Debra Partners, LLC, 52 Port Clyde Road / Map 215, Lot 002

Will Gartley of Gartley & Dorsky Engineering & Surveying represented the property owner, Debra Partners, LLC. The application is to request stabilization of the existing eroded shoreline with stone rip rap. Shoreland Zone District: Marine Residential. Floodplain Designation: AE-12.

Gartley explained the application. This is about 140 linear feet of shoreline. It is approximately 4' to 5' in height and a fairly well-vegetated area above the slope. There is a line of trees along that area; the applicant is hoping to save most of the trees and work around them. On the westerly end, there is a sizeable undercut and they will try to repair that.

Gartley stated they have a permit from the DEP and the Army Corps of Engineers. There is a section of salt-tolerant grass he says they have identified; it is forward of the rip rap and they are trying to stay away from that.

Chair Cox asked about the rock surrounding some of the spruce trees.

Gartley: They wanted to try to save them all. Some of the trees are still standing and surviving. This area is pretty well protected. I am not really sure why it gets eroded as badly as it does but they are hoping they can save the trees, especially the area that is undercut on the west end. They are hoping they can pack material in under there and leave that whole root structure that is on top.

Hewlett asked if the work would be done from the land or from a barge.

Gartley stated the work will be done from the land and referred to picture 4. "You can see there are good sized gaps between some of the trees and they can get in there. They will likely do limbing work on the trees to get access. A lot of the lower limbs that are hanging down over the bank will have to be limbed up."

Chair Cox: In the plan, it states 4" loam, seed, and mulch over any disturbed areas. Are the plans to do grass or to restore some of the varied vegetation?

Gartley stated most of that area is grass or sparse grass and referred to pictures 4 and 6. "You can see that area. You've got the trees and behind it is all lawn area around the buildings. The trees provide a lot of privacy and screening on the opposite side of the shore. This cove is not all that wide so that is why they wanted to keep the trees."

Hewlett asked why it abruptly stopped. Gartley stated that beyond that area there is some sizeable rock that is holding quite well.

Gartley: The vegetation along the top is beach roses and a lot of low-growing shrubs and they have been able to maintain that quite well. But where the spruce trees are, they are creating so much shade that underneath the spruce there is no vegetation, and it is not holding as well.

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

Chair Cox asked Brackett if permits from the DEP and the US Army Corps of Engineers had been received. Brackett stated he did not have the pictures or the permits in his packet but those may be at the town office. Hewlett said those items were in the Board packets.

Gartley: The Army Corps of Engineers was approved on December 30, 2020, and the DEP was approved on February 10, 2021. Brackett requested those and Gartley stated he would send him the photos and

permits via email. Letourneau asked Gartley to hold the documents up to the camera so the Board could verify the permits and signatures.

Chair Cox to Gartley: DEP has asked you to avoid disturbing the salt-tolerant grasses in the project?

Gartley: Yes, we usually always try to identify those and stay away from them. We labeled them on our cross-section, on the site plan. We noted that they need to be avoided and the DEP has also noted that.

Hewlett asked if a contractor had been selected and Gartley was not sure. Letourneau asked why the project was being done onshore as opposed from the water. Was it too shallow there? Gartley said it was not because it was too shallow but because it was always cheaper to do it from the shore if there was access. Chair Cox asked if they would be disturbing or removing vegetation to access the site for the proposed project. Gartley stated no, other than the trees that have to be limbed up. Chair Cox asked if they would be restoring any lawn area. Gartley stated definitely the lawn area which is conditioned in the DEP permit.

Chair Cox: Other than limbing up trees as necessary, there is no vegetation removal involved. She referred to Section 15(C)(10) of the Shoreland Zoning Ordinance.

Gartley: The only thing I would say is that some of those trees are undermined so hopefully, they make it. The goal is to keep them. The client and the owner really want to keep that upper area.

A motion was made by Letourneau, seconded by Brown, to approve the application based on its approval by the DEP and the US Army Corps of Engineers' attestation that there will be minimal disturbance to the grasses and the trees. The vote was 5-0. The motion carried.

d. Everett Allen, 31 Barters Point Road / Map 105, Lot 021

Will Gartley represented the applicant. The applicant, Everett Allen, was also present via Zoom. The application is to remove and replace the existing building with a new foundation and an expanded structure and install a new septic system. This is a non-conforming structure. Shoreland Zone: Marine Residential. Floodplain Designation: VE-12

Gartley explained the application. The proposed project has an existing house on a parcel that has a small building envelope. We did an as-built survey of the property and on that plan, it shows the existing structures. There is a driveway, an existing house, deck, a set of stairs that go from the deck to a lower level. There is a daylight basement on the low side that slopes from Barter's Point Road down to Tenants Harbor. There is a shed and a set of solar panels that are quite close to the shoreline.

Gartley: Based on the setbacks we have shown what the actual building envelope will be based on those setbacks. "You can see it is a small sliver that runs east to west right through the house. About one-half of the existing building is within the 75-foot setback so on the proposed plan, we are proposing to eliminate the shed, eliminate most of the solar panels leaving a small platform that is proposed to eventually be part of the access to the shore. Then keeping the driveway and ending up with overall less lot coverage and square footage that we have now but the house itself is growing by a little over 300 s.f. and that is a combination of area taken from the solar panels and the shed."

Gartley stated they are allowed under the non-conforming section, a 30% expansion but they are not close to getting to 30%. He stated it is a non-conforming building and by tearing it down and removing it that meant they had to look at moving it back to the greatest practical extent. He stated they feel like there is not much room for moving this building. "We have a new septic system that is needed so it cannot be moved too much further to the west. We are already within 25' from Barter's Point Road which is pretty

close to the road. We have a small parking area to be able to just have enough room to be onto the property and not out into the right of way."

Chair Cox asked about the retaining wall for the septic system.

Gartley: The reason we proposed the retaining wall is, it is 2' or less, but the fill slopes for the septic system just were not catching up with existing grade so this allowed us to cut those fill slopes off a little quicker rather than having them continue down towards the shore, filling more in. In the ordinance, I do think it is allowed to have a shore retaining wall to do exactly this.

Hewlett: This house is in a very tight location. The proposed deck is totally within the 25'. She asked Brackett if the solar collectors were ever permitted. Brackett said he did not know; he had not looked it up.

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

Hewlett: I am not sure you can put a 12' x 10' deck within 25'. I understand exactly how you calculated everything, but I don't understand how you can do that. The only other question I have is for Brackett. They are not meeting the setback from Barters Point Road but there are several houses on that road that we have not been able to meet the setback for.

Brackett: Yes. This is a non-conforming house for more reasons than one.

Hewlett: If we are to approve this, we should note that we are aware of the fact that it does not meet the setback from Barters Point Road. It is 4' short.

Jordan: I think the analysis on that would be it just does not increase the non-conformity because the non-conformity is measured from the Barters Point Road side of the walkway and the walkway is staying as it is. I do think that the house moves slightly toward the road because the overhang may be a little bit closer to the road, but it does not increase the non-conformity because the measure of that is where the walkway is.

Chair Cox read from Section 12(E)(1)(a). She stated: The question is this expansion, but halfway into that paragraph under (1)(a), 'expansion of an accessory structure that is located closer to the normal highwater line of a water body than the principal structure is prohibited even if expansion will not increase non-conformity with the water body.' Cox: It seems like the deck is an accessory structure. It talks about accessory structures as opposed to principal structures.

Gartley: The reason why we proposed what we did is that this seemed to be focused on expansion, so we reduced the square footage that is there now.

Hewlett: Yes, but that 25 feet. That is why I was interested to know if the solar panels had ever been permitted. My guess is they were never permitted. They were not permitted by this Board. If you are saying that eventually, they are going to put a dock and a pier in even then you would be limited to 6', so that doesn't work, either. I was interested to know how you were justifying it. I understand you think you are getting under the square footage.

Gartley: I felt like overall the total lot coverage would be reduced and under Section 12(E)(1)(a) that Chair Cox referred to, I didn't necessarily see the big question and what I didn't know was how long it's

been there. I was pretty sure there were probably no permits for it, but I didn't know how long it had been there.

Jordan: Now they are clearly reducing the amount of occupied space within the 25'. The question is, if they are reducing something already illegal, it wasn't there before the ordinance, so it is not grandfathered. It was just put there illegally. If that is the case, I don't know if it is or not, what effect does it have on our decision? If it was illegally put there after the ordinance was enacted, then I think there is an issue.

Gartley: If this can't happen, then really the house is the most important part.

Hewlett: If we asked you to delete it from the plan, would you still want us to start talking about the house? Gartley stated absolutely.

Chair Cox stated they would set the deck issue aside and look at the house plan.

Gartley: In looking at some of the elevations and dimensions, a lot of that has to do with trying to fit into the setbacks, ordinance, and height restrictions at the different setback locations. The road side of the house meets the 35' height that is allowed outside the 75' setback and everything else matches the height of the existing building that is within the 75' setback. It was a creative way to maximize the footprint and allowable space that is there.

Hewlett: The pictures are good at illustrating the slope. There is quite a slope. If you look at the septic design, it is in four tiers. If you look at picture 2, you get an idea there is quite a slope. If you look at picture 4, you can see it is not an expansive driveway. If there is a car in that driveway, you cannot get (for example) the ambulance in that driveway, and the ambulance ends up being parked halfway onto Barter's Point Road. That is how tight it is.

Gartley: That is why we did not want to shrink the road setback anymore. It is tight, not to mention being within 20 feet of the road.

Letourneau: I am looking at heights. For structures located less than 75 feet from the normal high-water line has a maximum height of 25 feet, and we are saying the application says 35 feet?

Chair Cox: I believe where it is 35 feet is upland of the 75-foot setback. (Gartley stated that is correct).

Cox: The 75-foot line runs through the middle of the building and is shown on one of the plans.

Letourneau reviewed Section 12(C)(1)(c)(i) and (ii) and had questions regarding that section. Brackett explained {under (ii)} that the 100' setback is for freshwater lakes and ponds. Cox thought they were good beyond the 75' setback and they could do the 35' height. Brackett stated Section (c) was referring to an accessory structure. Cox: (c) states all legally existing non-conforming principal and accessory structures.

Letourneau added: Could be altered as follows and then there is a 1. which is for structures located less than 75' and there is a 2. for structures located less than 100' and the respective maximum height is 20' and 25' feet.

Jordan: In C(ii) it is 100' from a great pond not from the ocean; 75' from the upland edge of the wetland which is where we are. Cox believes this project is outside the 75' setback where it is allowed.

Gartley agreed and explained that outside the 75' setback, it is just whatever the height limitation is in the rest of the town. Inside the 75' setback, it is 20' or the height of the existing structure whichever is

greater. This is on a steep slope and in this case within 75' we are matching the height of the existing building. Outside the 75' setback, we are allowed the 35-foot height, and we are just under that. Hewlett noted it was 34 feet.

Chair Cox: The argument has been made that there is no place to relocate this structure.

Hewlett: For the proposed septic, it looks like there are several large trees. Are those trees in picture 6 coming down?

Gartley stated yes. If you look at picture 6, just uphill of the stake that is closest to you in the picture, the system is staked out there, so there is a flag in a tree on the left side of that photo. In between that stake and that flag, there are a few trees there that will likely have to go.

Cox: The trees to the right of picture 6 are not going to be disturbed but probably that group of trees just left of the front stake will need to go.

Gartley: There is not much flexibility on where that septic system goes and to try to keep it as far away from the water as we can. The well is on the opposite side of the house, so this helped us maintain the setback, also.

Hewlett: When you look at C-1 where the proposed septic is, to the left of that there is a 12" oak on the property line and a 9" oak, so are you trying to keep those two? Gartley stated those should be able to stay.

Hewlett: As long as the proposed septic is underground, it can be within the 20' setback?

Gartley: No, it does not. The 20' is a structure setback, so the septic system is allowed there.

Jordan: Isn't there a requirement for a 100' setback from the water for a septic field?

Gartley: There are replacement system rules that relax some of those standards.

Brackett: Yes, and on the Subsurface Wastewater Disposal System Plan there are five requested variances listed: A well that is only 84' away; a septic system within 10' of a full foundation; a setback for system to major water body of 55'; a setback for tank to new building with a full foundation down to 5 feet; and a proposed finish grade, fill extension is 3:1.

Brackett added: The plan has not been approved by anyone at this point, but I should be able to grant all those variances if I see fit. They would fall under my jurisdiction. It does not have to go to the State. My feeling is, generally, it is better to have the septic system in there with the listed variances than have no septic system at all.

Jordan asked about the retaining wall for the septic system. Was that for erosion control?

Gartley: Referring to the cross-section under the subject of fill slope, it is not catching up because of the existing slope of the ground, so once we get a certain distance away from the field itself, it allowed us to stop having a fill slope continue down towards the water. It will help limit the amount of fill that is required and stabilize that section and leave what is below it undisturbed.

Jordan asked if they could limit the height of the retaining wall to 2 feet. Gartley: Yes. We want to limit the amount of wall there as much as we can. The goal was not to have a wall. They would prefer to have the least amount of it. We've shown what is on there as a conservative approach to limit the fill slope.

Hewlett: It looks like you are on the non-water side. On the house side, you are not going to even see the retaining wall because you are putting topsoil fill up to it. You will only see the retaining wall from the waterside.

Chair Cox: Should we separate the deck from the plan or look at it altogether? Can we separate it and look at the house then we could go back and talk about the deck as a separate issue? Or we can look at it altogether? Hewlett thought it would be easier to do it without the deck. Letourneau said the Board was missing information about the deck and someone was going to look to see whether or not there is a record of it, or if it was in fact put there without a permit.

Chair Cox asked Gartley if they were planning to remove the solar panels, regardless. He stated right, that would be an option.

Hewlett: If you look historically at our decisions about decks, we have always asked they be moved back as far as possible and that would be an option. The applicant needs to tell us what they want to do about the deck.

Gartley: To simplify this, if we could just focus on the house and table the deck discussion until we figure out what the history is then we can go from there. Part of the reason we were going to put the deck there was that the foundation for the solar panels was already there. It was going to be easy to set this on those concrete supports that are already in the ground. The focus has always been to make sure we do the house and do it right. If we find out something that is supportive or we want to do something a little different or talk about where it could go, we could come back to the deck. I am just asking to table the deck discussion, not the whole application.

Hewlett stated the deck needs to be deleted from the project description on this application. Gartley stated that was fine. Chair Cox noted the Board will remove the deck request and look at the house.

Chair Cox stated that given the constraints of the property, there appeared to be no way this structure could be moved to any other location, and the applicant was not making it more non-conforming than the existing house. Hewlett recommended noting that the non-conforming footprint was not being enlarged. Cox felt there appeared to be several different parts at issue and suggested making several different motions.

The Planning Board referenced the Shoreland Zoning Ordinance, pages 7 and 8, Section 12(C)(2)(3)(4).

*This motion was withdrawn by Hewlett and Brown. A motion was made by Hewlett, seconded by Brown as there is no other area on the property for the structure to be built given the constraints of the setbacks, the building is not more non-conforming than it currently is.

Jordan: If we are talking about the water setback, the area of the building within the 75' water setback is not being enlarged, it is being shrunk. If we are talking about the roadway setback, it is not increasing and therefore, the non-conforming is not increasing. On the east side of the house where it is already non-conforming, the non-conformity is not being increased, it is being shrunk slightly because the stairs are slightly farther away from the property line, and there is no issue on the west side of the house.

A motion was made by Jordan, seconded by Hewlett that the Planning Board finds the setback requirements for the house are satisfied. The vote was 5-0. Motion carried.

A motion was made by Jordan, seconded by Letourneau that the Planning Board finds the retaining wall is compliant on the condition that it be no higher than 2 feet. The vote was 5-0. Motion carried.

A motion was made by Jordan, seconded by Brown that the Planning Board finds the height standard is met because the portion within the 75' setback is not going to be any higher than it is now and that the portion outside the 75' setback is not going to be higher than 35' as shown on the plans. The vote was 5-0. The motion carried.

Chair Cox asked if a condition should be made that any trees removed be replaced somewhere on the property with native trees. Brackett stated there was not much room there and the realtor had a lot of trees taken down just before the house was sold to get air flowing around the house. Cox said okay and asked if there were any other issues to cover.

*Emerson stated a point of order on a motion which Hewlett made, and Brown seconded but was not dealt with. Chair Cox asked Hewlett if she would like to continue or withdraw her previous motion. Hewlett stated she would withdraw her motion because Jordan covered it. Brown agreed.

On a motion by Jordan, seconded by Letourneau, it was voted 5-0 to approve the Allen application, subject to two conditions:

1. The withdrawal of the proposal with respect to the deck within the footprint of the existing solar panels.
2. The 24" height limitation of the retaining wall.

Other Business: Chair Cox reminded the Board that on April 13, 2021, at 6 p.m., Bill Najpauer would meet with the Planning Board to review, discuss, and explain how to process various types of applications. Chair Cox suggested they review a shoreland stabilization application with Najpauer.

Letourneau asked about the informal working group. Jordan and Chair Cox stated they would be contacting him soon.

Jordan received information from the MMA regarding several programs they would be offering in the next month on Affordable Housing and Short-Term Rentals. He planned to sign up and if anyone wanted the email and information to contact him.

There was no further business to come before the Board. On a motion by Letourneau, seconded by Hewlett, it was voted 5-0 to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary