

**St. George Planning Board
St. George Town Office
April 13, 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, Loreen Meyer, Malcolm Bedell, and Patrick Burnham.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda - The following items were added to Other Business:

- Review of Revised Site Plan Review Template
- Enforcement Questions for CEO Brackett

Review of the Minutes:

Planning Board Meeting — March 23, 2021 – The minutes were corrected as follows:

Page 2, paragraph 9, line 2, change the word vines to fines

Page 3, 2nd full paragraph, line 1, influx to in flux

Page 6, paragraph 4, line 2, change buried to varied

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

Public Comments: None.

Building Permits:

a. Herring Gut Learning Center, 59 Factory Road / Map 101, Lot 49/50

Patrick Burnham represented the Herring Gut Learning Center. The application is to update the saltwater aquarium educational space located in a building near the shore on Teel Cove in Port Clyde. Shoreland Zone District: CFMA. Floodplain Designation: AE-11.

Burnham explained the application. There is a secondary educational building located near the lobster pound and shore. The main floor of the building is a classroom and below that is a sub-basement where a saltwater lab is located. In the past, the space has been used for growing kelp, filter feeders, mussels, clams, oysters, etc., and used for aquaculture research.

The plan is to take the rundown "wet lab" space that is not being used and retrofit it into an educational space for students of St. George and other towns. Burnham stated that eventually, the plan is for the school to get Wi-Fi and cameras so students can watch and observe the aquatic species in the saltwater tanks.

The existing intake and outfall PVC water lines that are buried underground are not sufficient for the amount of intake and outfall water needed for their new aquarium tanks. They would like to make this a free flow system, so water is constantly getting pulled in, falling into the tanks, draining out, and then going back out (returning) into the lobster pound, making the exchange of water more efficient.

Burnham stated that the existing pipes which are located between the shoreline and the building need to be dug up and replaced and a pump house that is located on the outside of that building reconstructed. The plan is to replace the doors and windows on the pump house and get it insulated for year-round use.

Chair Cox asked to clarify the location of the project. Burnham stated the project work will be on Lobster Pound Road. Port Clyde Fresh Catch is located on the left in the school's sea farm building and the work will take place at the building to the right.

Chair Cox asked if the trenching work will follow the same path as the current pipes and will the pipes be taken up and replaced. Burnham stated the plan is to have the PVC lines follow the existing path but before it gets to the building, diverge 3 to 4 feet to the small concrete shed and then into the building. The plan is to remove the old, unused oil tank and use the footprint of the shed to house the pipe.

Hewlett asked if they would dig up the road. Burnham stated there is an access way going to the residence on Lot 53 that they will have to dig up.

Hewlett asked for the existing diameter of the buried pipes and the diameter of the pipes that will be installed. Burnham stated the existing intake pipes are 2 inches and there are 4-inch drainage pipes for the outflow. The plan is to expand the intake pipe to a 3" to 4" pipe and the outflow to a 6" pipe. The school consulted with the lab manager from the Darling Marine Center to help HGLC figure out a plan.

Letourneau asked if the pipes were 3 feet underground. Burnham stated the contractor, Mike Eaton, did not believe they were that deep. Letourneau asked if the new pipes will be located in the same place or will they lay them down 3 feet which is normally the frost heave line. Burnham stated Eaton indicated that if the pipes are in less than 3 feet, they will try to get down to the standard of 3 feet. Eaton hopes the lines are in 3' so they can just lay them in the same area. Burnham stated the contractor believes the work can be completed in 1 to 2 days. Letourneau added they could run into granite, and Brackett suggested they put blueboard over them.

Brackett asked if they received the DEP permit. Burnham stated he called them, and they approved everything, and nothing had come back as out of order. They have the DMR Timing of Activity approval and have been verbally told by the DEP, the permit has been accepted. Brackett stated the DEP permit is a Permit-by-Rule. Burnham stated correct.

Hewlett asked if the pump is being installed in the shed to keep it from freezing. Will it be noisy? Will it run 24 hours a day? Burnham stated it will run 24 hours a day. He noted the school currently has a similar pump in their main building. He said they teach and work in the area all the time and it is not super loud, but it does emit some noise.

Burnham stated that the number one reason for having the pump house is for space as that is at a premium at the school. Chair Cox asked if the noise will be contained within the building and not exposed. Burnham said yes. He stated the height of the concrete for that building is three (3) feet and the plan is to raise the roof another three (3) feet and insulate it which will lessen the noise as well as contain the heat in the building.

Jordan asked about Lot 49. Burnham stated some digging will occur on Lot 49 which Herring Gut also owns.

Hewlett asked that the pipe dimension be added under Property Description. She noted the application was not signed and explained they needed a signed application. Burnham stated he would go to the Town Office (tomorrow) to sign the application.

Hewlett asked if the proposed pump house is within the 75' setback of the water. Burnham thinks the small (shed) building is within the 75' setback. The Planning Board had questions about Appendix E. Jordan asked if the rectangle on the plan is the existing building that houses the fuel pump. Burnham stated yes. The larger rectangle with no color is where the concrete slab is for the boiler. Burnham explained that #7 is just the new pump and the line around it is the building footprint. Cox stated the only addition is #8, the extension between the building footprint and the building.

Burnham: "The main classroom is beyond 75'. The existing pump building is within 75 feet."

Hewlett stated this is a water-dependent project because it needs and uses ocean water, and Chair Cox added this proposed project is not increasing non-conformity. Hewlett noted the pump building will be hidden by the two existing buildings. Burnham said yes.

Jordan thinks the addition of the building (that will connect it to the main building) will increase the footprint within 75 feet a little bit which is okay as it is less than 30% and less than 1000 sq. ft.

On a motion by Jordan, seconded by Letourneau, the Planning Board determined by a vote of 5-0, to accept the application as complete, subject to it being signed.

The Planning Board decided that an on-site visit is not necessary.

Chair Cox: There are some issues we need to be clear about. The 7.5 square foot addition, the digging of the trenches and those are essentially the issues that affect us. They are also going to be replacing front windows and doors on the main building. There were no further comments. The Planning Board began the Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because this is interior work except for a small amount of digging and therefore will not affect the landscape.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because the project will not affect the visual and other aspects of the environment.
3. Vehicular Access – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because this is interior work and will not affect vehicular access.

4. Parking and Pedestrian Circulation – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because this is interior work will not affect parking.
5. Surface Water Drainage – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because this is interior work, and it will not affect surface water drainage.
6. Existing Utilities – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard does not apply because the project will not use any of the specified utilities.
7. Advertising Features – On a motion by Jordan, seconded by Brown the Planning Board determined by a vote of 5-0 that the standard does not apply because no signs or advertising features are proposed.
8. Special Features – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because no exposed storage areas, exposed machinery installation, service areas, or other areas as specified in the ordinance are proposed.
9. Exterior Lighting – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because none is proposed.
10. Emergency Vehicle Access – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because this is interior work, and it does not affect emergency vehicle access.
11. Municipal Services – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard does not apply because the project will not use the municipal services specified in the ordinance.
12. Water/Air Protection – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because this is interior work, and it will not result in undue water or air pollution.
13. Water Supply – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard does not apply because the project will not affect water supply as the water is being drawn directly from the lobster pound.
14. Soil Erosion – On a motion by Brown, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard has been met because the contractor will use Best Management Practices when performing the trenching work to avoid any erosion into the water.
15. Sewage Waste Disposal – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard does not apply because no sewage is being generated by the project.

16. Hazardous, Special, and Radioactive Materials – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because no bulk storage of hazardous materials is proposed.

17. Financial/Technical Capacity – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the applicant has the financial and technical capacity to carry out the project.

18. Shoreland Zone – On a motion by Letourneau, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the applicant will be using Best Management Practices and will not be adversely affecting the shoreline or the body of water.

19. Flood Plain – On a motion by Brown, seconded by Letourneau, the Planning Board determined by a vote of 5-0 that the standard has been met because the project is not in the flood plain.

20. Lot Standards - On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard has been met because the project meets all the lot standards.

Chair Cox read Section 12(C)(1)(d) of the Shoreland Zoning Ordinance, and the Planning Board determined it is the applicant's responsibility to have the approved plan for expansion recorded with the Registry of Deeds as outlined in Section 12(C)(1)(d) of the Shoreland Zoning Ordinance.

On a motion by Letourneau, seconded by Brown, the Planning Board approved the application by a vote of 5-0 pursuant to the Performance Standards Review, Section V, A1-20 of the Site Plan Review Ordinance.

b. Malcolm Bedell, dba Ancho Honey, 6 Wallston Road / Map 104, Lot 059

Malcolm Bedell was present. The application is to install a 7-foot steel commercial exhaust hood and frame with fire suppression and frame in an existing window. This project is not in the Shoreland Zone District or in a Floodplain Designation area.

Bedell explained the project. He stated that since opening his restaurant, the customer base has grown. His burger sales have increased to the point he needs an exhaust system to handle the smoke. He said the smokey smell is the number one thing people notice when they walk in. He would like to install a 7' fire suppression exhaust hood. There will be no changes to the existing footprint, no new construction, and he has been working with J/M Superior Fire Services, Inc. regarding the exhaust hood.

Bedell said he spoke with CEO Brackett who suggests he (Bedell) be in close contact with the State Fire Marshal and work through the requirements they have. Bedell stated he has not officially submitted his application with them, but they did give it an informal review and said that it seems like he is "hitting everything he needs to hit."

Chair Cox asked where on the building will the exhaust be vented. Bedell referred to the photographs in the application packet. He stated it is on the southward facing side of the building; the window to the right of the large white door with the staircase. The plan is to frame

in the window and the exhaust will come out there. Bedell stated it is the only place in the building he can do it as there are antique ceilings in the kitchen area that they do not want to put holes in, and if he did not vent it through that window, the roofline right behind that window is complicated. J/M Services told him that because there are so many roof lines that converge into one place, he will not be able to get a seal on it.

Chair Cox asked if the exhaust hood will be installed on the opposite side of the takeout window. Hewlett stated it will face the barbershop. Bedell stated that is correct.

Hewlett asked how many decibels the exhaust fan will be. Bedell stated the fan is 65 decibels at 5' which is roughly equivalent to a household vacuum cleaner. He feels that at 10 to 20 feet or to the Rizkalla house, it will not be an overbearing amount of noise. He pointed out that he is only open from Thursday to Sunday, it is not a constant operation of 24 hours a day, so the exhaust fan will only run while they are in service.

Bedell indicated his goal is not only to get rid of some of the fumes but it is also a safety issue. He said he has grown from a one-man restaurant to now one full-time and two part-time employees who do not need to be breathing all that smoke. Eventually, there becomes a fire issue. If there is a lot of airborne greases, it can spontaneously catch fire sooner or later and he wants to avoid that. Bedell added that spewing all the grease inside the building is not great for the building, itself. He noted that the hoods have grease traps and filtration which may decrease the outside smells.

Bedell stated this will not be just a hood system; it will also include an integrated fire suppression system with both automatic and manual triggering capabilities. The State Fire Marshal has mandated there be an audible or visible alarm when that goes off. The hoods have grease traps, filtration. It is not just for his and his employees' comfort and the look of the place, but it is a safety issue as well.

Hewlett asked if this would allow him to change his menu items. Bedell said he did not plan to change his menu as the business is going well, and he did not see a reason to change the way they are doing things. He just wants to be able to keep doing what they are doing but more efficiently and safely.

On a motion by Hewlett, seconded by Jordan, the Planning Board determined by a vote of 5-0 that the Ancho Honey application is complete.

There was no further discussion. The Planning Board began the Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because this is interior work, and it will not affect the landscape.

2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because this is interior work, and it will not affect the visual and other aspects of the environment.

3. Vehicular Access – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because this is interior work, and it will not affect vehicular access.
4. Parking and Pedestrian Circulation – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because this is interior work, and it will not affect the parking and pedestrian circulation.
5. Surface Water Drainage – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because this is interior work, and it will not affect surface water drainage.
6. Existing Utilities – On a motion by Jordan, seconded by Letourneau, the Planning Board determined by a vote of 5-0 that the standard does not apply because the project will not use any of the specified utilities.
7. Advertising Features – On a motion by Jordan, seconded by Brown the Planning Board determined by a vote of 5-0 that the standard does not apply because this is interior work and no additional signage is being proposed.
8. Special Features – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard does not apply because exposed storage areas, exposed machinery, service areas, and other specified features have not been proposed, and no additional hours of operation have been proposed.
9. Exterior Lighting – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard does not apply because no exterior lighting is proposed as part of the project.
10. Emergency Vehicle Access – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because this is interior work, and it will not affect emergency vehicle access.
11. Municipal Services – On a motion by Jordan, seconded by Letourneau, the Planning Board determined by a vote of 5-0 that the standard does not apply because the project will not use any of the specified municipal services.
12. Water/Air Protection – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the filtration system in the exhaust fan is adequate.
13. Water Supply – On a motion by Jordan, seconded by Letourneau, the Planning Board determined by a vote of 5-0 that the standard does not apply as this project will have no effect on the water supply requirements of the business.
14. Soil Erosion – On a motion by Brown, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard has been met because this is interior work and no soil will be disturbed.

15. Sewage Waste Disposal – On a motion by Jordan, seconded by Letourneau, the Planning Board determined by a vote of 5-0 that the standard does not apply because the project will not affect sewage waste disposal.
16. Hazardous, Special, and Radioactive Materials – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because the storage of hazardous materials is not proposed.
17. Financial/Technical Capacity – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the applicant states he has the financial and technical capacity to carry out this project.
18. Shoreland Zone – On a motion by Letourneau, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard is not applicable because this project is not in the Shoreland Zone.
19. Flood Plain – On a motion by Brown, seconded by Hewlett, the Planning Board determined by a vote of 5-0 that the standard is not applicable because the project is not in the flood plain.
20. Lot Standards - On a motion by Jordan, seconded by Letourneau, the Planning Board determined by a vote of 5-0 that the standard has been met because there is no expansion of the footprint to make the Board want to consider dimensional requirements.

On a motion by Letourneau, seconded by Brown, the Planning Board approved the application by a vote of 5-0 pursuant to the Performance Standards Review, Section V, A1-20 of the Site Plan Review Ordinance with a condition. The determination was stated to be subject to the condition that the Planning Board receives the Fire Marshal's approval of the project.

Bedell stated the Fire Marshal Office (FMO) said the permit will take 5 to 8 weeks to issue because they are behind in their work and Bedell asked if he could start any aspect of the project sooner, as 5-8 weeks will take him up to his summer business. CEO Brackett suggested Bedell contact the Fire Marshal's office to see if they will write him a letter stating the permit is coming. Brackett stated if they write a letter, he will accept that until the permit comes in. The Fire Marshal's office has told Brackett he is not supposed to issue approval until he has their approval, and the FMO said in some cases they will write letters.

Other Business:

- Site Plan Review Template: For better readability for the minutes and Findings of Fact, Jordan created a written template with suggested wording for motions, voting, and other issues for the secretary and Planning Board.

- Enforcement Questions for CEO Brackett:

Chair Cox stated the building formerly known as the Tiki Bar, now The Outback Saloon has been completed. She asked if any of the trees that were a condition of the Planning Board's approval had been planted yet, and will Brackett deal with that condition before the owner can occupy the building?

Brackett stated he had the question asked of him last fall and did not pursue it then. He said most people could not get trees to plant because it was so dry. He stated he does plan to pursue it

this spring and trees will have to be planted there before opening. Brackett stated he will write Howland a letter advising him that planting trees were a condition of his approval.

Chair Cox stated she received an email from Judy Smith about the Neighbor-to-Neighbor signs. Smith had received communication that the road signs put up were not conforming to the sign ordinance as they did not have the dates the signs were put up on them. Cox stated that raised the question about how the sign ordinance is being dealt with and is it being dealt with evenhandedly.

Brackett stated the Neighbor-to-Neighbor signs did not have the dates on them when they were put out, and he did not think realtor signs fell into that category but will go back and review the ordinance. Brackett stated signs can be out for 90 days and he must know the date they were put out. He said he had heard the dates had now been put on the Neighbor-to-Neighbor signs.

Hewlett stated Neighbor to Neighbor received an anonymous letter about the signs and the signs were vandalized. Cox stated she wanted to make sure the sign ordinance was being treated evenhandedly as people did not know the date needed to go on the sign when putting it up.

Jordan asked if there are other temporary signs on the right of way this would apply to. Chair Cox said the only sign she can think of is the Black Harpoon. That sign is at the intersection of Rt. 131 and is a temporary sign that is in the right of way. She does not think it has a date on it, and it is there all the time.

Tenants Harbor General Store (THGS). Jane Brown was asked by community members if there was an apartment being built upstairs of the THGS as there was some type of construction occurring. Chair Cox noted the Planning Board had not received an application and Brackett had no knowledge of this. Brown was told windows were installed because pump jack staging was out behind the building. She also was told that Brackett had approved that part of it. Brackett stated the THGS was a commercial building so he could not approve the changes; it had to go to the Planning Board. Brackett said he would check into it.

Hewlett asked if Brackett would check the Wallston Road deck. He stated he had been dealing with that for a while and was pretty sure it was okay, but he would check it out.

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 8:19 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary