

**St. George Planning Board
St. George Town Office
April 27, 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, Richard Bates, Loreen Meyer, and Joe Richardi.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: None.

Review of the Minutes:

Planning Board Meeting - The minutes of April 13, 2021 were corrected as follows:

Page 2, paragraph 7, line 1, changed to read: ...asked **if** they received...

Page 3, third paragraph, line 1, delete the line in its entirety.

Page 3, paragraph 7, line 1, change to read: ...The Planning Board **decided that** an on-site visit **is not necessary**.

Page 5, under #20, third motion, lines 1 & 2, change to read: ... the Planning Board **approved the application** by a vote of 5-0 **pursuant** to...

Page 7, under #8, line 3, insert the word: ...features have **not** been...

Page 7, under #12, line 2, insert: ... met because **the filtration system in the exhaust fan is adequate**.

Page 8, under #20, 2nd motion, line 1, change to read: ...the Planning Board **approved the application** by a vote of 5-0 pursuant...

A motion was made by Letourneau, seconded by Hewlett, to approve the minutes of April 13, 2021, as amended. The vote was 5-0. The motion carried.

Findings of Fact and Conclusions of Law:

Herring Gut Learning Center, 59 Factory Road – The Findings of Fact were corrected as follows:

Page 1, Under project Description, lines 4 & 5, change to read: ...The **pump house** will be insulated, and doors and windows **will be replaced in the main building**.

A motion was made by Jordan, seconded by Letourneau, to approve the Findings of Fact and Conclusions of Law for Herring Gut Learning Center, as amended and authorize Chair Anne Cox to sign and date the Findings of Fact on behalf of the Planning Board. The vote was 5-0, in favor.

Malcolm Bedell, d/b/a Ancho Honey, 6 Wallston Road – The Findings of Fact were corrected as follows:

Page 2, under #8, line 3, insert: ... features have **not** been ...

Page 2, under #12, line 2, insert: ... met because the filtration system in the exhaust fan is adequate.

A motion was made by Letourneau, seconded by Jordan, to approve the Findings of Fact and Conclusions of Law for Ancho Honey, as amended and authorize Chair Anne Cox to sign and date the Findings of Fact on behalf of the Planning Board. The vote was 5-0, in favor.

Public Comments: None.

Site Plan Review:

a. Joe Richardi (pre-application) – 3 River View Lane, Otis Point

Joe Richardi of J. Richardi Construction, Inc. represented the property owners Kim and Robert Lehman of Scarborough, Maine. This is a pre-application, and the proposed plan is to demolish the existing structure at 3 River View Lane and rebuild a new house according to state and local codes. The existing and proposed use: Year-round house. Shoreland District: Marine Residential. Floodplain Designation is AE-13.

Richardi who is listed as the contractor and manager of the project stated that Gartley & Dorsky Engineering and 2-A Architects are working on this project. Richardi thought the plans would be ready for tonight's meeting, but he learned that they are two months behind in their work. He asked if the Planning Board could approve the pre-application plan and have CEO Brackett follow through on the work.

Chair Cox explained that the site plan they received was small and difficult to read, but from what she could see, there appeared to be several competing issues: The individual property rights, the right to fix up and do everything with the building, and the 75' setback requirement. Chair Cox also noted that as far as she could discern, it looked like approximately 80% of the property was all within the 75' setback. Richardi stated the existing building was in the 75' setback, as well as the new location of the proposed structure.

Chair Cox: What is the footprint of the existing building? What is the footprint of the proposed building? Part of the Shoreland Zoning Ordinance states that if the building is being torn down, it needs to move as far away from the resource as is practicable. I can't tell from this information whether it would be practicable to move it at all.

Richardi explained the site plan drawing. "It has the same footprint, but it is moved back." Richardi referred the Board to Site Plan C-1 and stated the 75' setback mark was at one of the property lines on the top of the page. It is a red dotted line, 75' setback: the closest red dotted line to the road. Jordan and Hewlett noted it was hard to read.

Chair Cox: The site plan is hard for us to see, but I think it would be useful for us to talk about some of the issues that we will need to have addressed. It looks like from your description; you want to do a little bit of an addition.

Richardi: We thought the existing footprint was 1,148 square feet. Maximum expansion is 30% and the proposed expansion would be 144 square feet. That doesn't show on this drawing right now but as the architect designs it, he may use some of that 144 sq. ft in the footprint.

Chair Cox explained until the Board had a complete application, they could not make any decisions.

Richardi: Understood. Nothing would be towards the water. There is a deck on there now that we are taking off on the waterside.

Brackett explained they could not exceed 20% of the lot coverage, and that there was not too much property there. Richardi said currently it was about 27%, so the 144 sq. ft. probably could not happen. Brackett agreed.

Hewlett asked who corrected the lot coverage from 13% to 29.8 %. Chair Cox noted the square footage of lot size was 9,300 and then in red, it was 11,325 sq. ft. Brackett said he made the changes on the application page. Hewlett stated there was a big difference between 29.8% and 13% in lot coverage and asked if the driveway was paved. Richardi and Brackett stated no. Chair Cox said there is (quite) a difference between 9,300 sq. ft. and 11,325 sq. ft. Brackett said he took those numbers off the tax card but did not know where the other numbers on the application came from.

Richardi referred to C-1 on the schematic site plan. "There is a little box. The recorded owner of surveyed property. The lot area to HAT is 9,283. Lot coverage is 25, meaning 27.8%. That is worked out by the engineers. That is what we would have to go by. What I would get out of that is they do have a maximum expansion. They have that and they have a proposed expansion, 144 sq. ft. I am going to have to either let the engineers explain that or it just can't happen because of the 27%."

Chair Cox said 20% was the maximum lot coverage allowed and if that were correct, the Board would need to address that issue. Hewlett stated it appeared the town tax card was different than what Richardi showed on his plan, and she recommended he work with CEO Brackett to get the correct lot coverage and current property information.

Richardi pointed out the driveway and the lot line that went past the driveway. He stated it was a right of way, but the question was who owned the right of way. Chair Cox stated that issue would need to be resolved. Jordan thought there was a possible explanation and referred to the note on C-1. "The lot size was measured based on the High Annual Tide (HAT). The definition in our ordinance on lot area says it is based on the Normal High-water Line which would be further out. That may be why the tax cards show it differently than the surveyor's (information)."

Richardi noted that the Mean High-water Line was marked on the drawing. Hewlett noted the northwest pin was found (the purple mark by the road) but the property line was not drawn to the pin because of a right of way issue.

Chair Cox stated the lot coverage issues needed to be resolved and to be able to assess those correctly, the Board would need to see what the existing building was and then what the proposed building would be. "Is it at all practical to move it further back? Where are the right-of-way setbacks? What is the building envelope? What happens if you expand your property by going to the pin? That potentially changes setback issues." Richardi thought it could be a deed issue.

Chair Cox referred Richardi to Section 12, Non-conforming Structures in the Shoreland Zoning Ordinance. Richardi stated he was working with Andrew at Gartley & Dorsky and 2-A Architects who were using the St. George Shoreland Zoning Ordinance as guidance.

Jordan asked how long the existing building had been there. "When was it built?" Richardi thought it went back to the 1960s. He stated he renovated the building 42-43 years ago and that Sally Lansburg used to live there.

Hewlett: "I am looking at tax map 217 and it says that lot 42 is 0.212 acres and there is definitely an interesting angle on River View Lane right at this property. It runs halfway through the property. It goes straight and then it turns left on a portion of this property." She stated that according to the tax map, on the west side of the driveway it turns left towards that pin. It is not straight the way it is drawn by Gartley & Dorsky. She said it had a left-hand turn right after the corner of the driveway on the tax map and that might give them a little more acreage or square footage.

Richardi: "And if that happens, we could move it back a little bit. It's 25 feet from an easement or roadway. We are staying 25 feet off the lot line. We would ask you if you would consider making that 25-foot setback from the edge of the road?" Jordan thought the ordinance stated, "the lot line."

Chair Cox asked if there was an ordinance that pertained to neighboring structures that were close to the roadway. Jordan thought the Board would have to see what was on the lots next door. Chair Cox and Hewlett felt an on-site visitation would be needed after they received a complete application.

Richardi: It is very tight, but we are trying to better the property. We are going to move it off the water by 25' back further from where it is right now. It is literally on the water. We are going to get it behind the 13' elevation line which is the flood line. The first floor (the cellar floor) would be about 6" above the 13' line and right now, we are in it. We are just trying to better the property. We are going to utilize the foundation. We plan to do some blasting and to utilize the cellar as a live-in type of space. The upstairs is just a ranch house. We would only go three feet higher on the peak and we are working that out.

Chair Cox: We can't do what you were suggesting and approve this plan and have CEO Brackett make the decisions. Dealing with the Shoreland Zone is our job. Richardi said he understood.

Hewlett: On a totally different question. With regards to when the dock comes before us because it is an inner cove, will it fall under Riparian Rights or be measured by the Colonial Method?

Richardi stated they were trying the Colonial Method, but one abutter was not agreeing to it. "It is so close, and we needed to get them to sign off, but they would not do it. So, right now the pier as shown on this drawing is not going to happen. It cannot happen unless they sign off on it."

Chair Cox stated the pier was not then part of the Board's purview. Richardi stated it was not but said the owners may want to put in a seasonal pier and ramp just off the front property sometime in the future.

Jordan thought the applicant needed to submit a more complete application, and the plans should focus on how far back he could move it. Hewlett added, the Planning Board needed to have full-scale drawings. Richardi said he understood and was not sure when the plans would be completed, but they did not plan to start the project until after September 2021.

There were no other questions.

Other Business: None.

There was no further business to come before the Board. On a motion by Hewlett, seconded by Brown, it was voted 5-0 to adjourn the meeting at 7:40 p.m. and the Planning Board immediately went into a workshop on ordinance review.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary