

**St. George Planning Board
St. George Town Office
July 13, 2021 - 7 p.m.**

The Planning Board meeting was called to order at 7:13 p.m. Present in person were: Anne Cox, Chair; Jane Brown, Anne Cogger, Mary K. Hewlett, Michael Jordan, and Van Thompson. Also present in person were: CEO Terry Brackett, Richard Bates, Richard Erb, Bill and Karen Hardy, Jane Poskus, Rosalee Alligood, Sondra Perry, Raelani Marton, Gerrit Lansing, Glen Hall, Elaine Wilson, Dawn Hill, Joe Richardi, and Andrew Hedrich Present via Zoom were: Devin and Sandra Prock, Kim and Robert Lehmann, Bruce Garrity, Loreen Meyer, and David and Ruth Crater.

Quorum: A quorum was present. Alan Letourneau resigned from the Planning Board and alternate member, Anne Cogger, has replaced Letourneau as a regular voting member.

For the record, Hewlett thanked Letourneau for his time on the Planning Board, and Board members also expressed appreciation for his service.

Conflict of Interest: None.

Election of Planning Board Chairperson: A motion was made by Jordan, seconded by Brown to nominate Anne Cox to serve as Chair of the Planning Board through June 30, 2022. The vote was unanimous. The motion carried.

Adjustments to Agenda - The following adjustments were made:

- Election of Chairperson to the Planning Board was added and voted on
- Update on the Schroeder Application was added under Other Business
- Permitting with Prock, LLC was corrected on the agenda to: Shoreland Zoning Ordinance Review

Review of the Minutes:

Planning Board Meeting — June 22, 2021 – The minutes were corrected as follows:

Page 2, paragraph 5, line 2, correct clams to **claims**

Page 3, 7th full paragraph, line 2, change to read: ... visuals, **as to** being able...

Page 3, 2nd paragraph, line 5, delete the second **to**

Page 5, and all, change pop to **pup**

Page 7, paragraph 5, line 4, delete the second word: **delineated**

Page 7, paragraph 8, line 5, change to read: Schroeder stated, "**Exactly**, and that was why **we...** because **we** have three acres."

Page 10, paragraph 6, line 3, change root to **roof**.

Page 12, paragraph 5, line 4, change simply to **simplify**

A motion was made by Hewlett, seconded by Jordan, to approve the Planning Board minutes of June 22, 2021, as amended. The roll call vote was 5-0. The motion carried.

Public Hearing Minutes – June 22, 2021 / Jeffrey Schroeder, 162 Drift Inn Road

A motion was made by Jordan, seconded by Hewlett to approve the June 22, 2021, Public Hearing Minutes for Jeffrey and Trina Schroeder, as written. The roll call vote was 5-0. The motion carried.

Public Comments: Chair Cox asked for Public Comments. (non-verbatim)

Garrity commented via Zoom: I am one of the abutters listed as number seven on the Buckwold riprap application. (He asked if this application would be taken up this evening. Chair Cox explained they would be, they just corrected the agenda to say it was a Shoreland Zoning Ordinance issue.)

Garrity: Thank you. It was not clear to me whether this was a pre-application review or what amounted to a public hearing. We only found out about this last night. We are the abutters and while we have no objection to the Buckwold's reinforcing their wall, we do have a couple of concerns. One being that we do not want the riprap put in a way that is going to divert the water to our shoreland property and in anyway damage a road or have any impact on what we are doing.

The second thing. I did speak to Mr. Prock at one point, and it was not clear what his answer was. What kind of equipment is going to be used and how close that will be to our property? As I understand it and it is a big understanding, their plan is to use trucks or land-based machinery to go down and install this riprap rather than floating a barge and doing it that way. We do not really know how that is going to work and what the possible impact will be on us. We do not want to frustrate the Buckwold's reinforcing their wall, but we certainly do not want to be impacted by it either. (Chair Cox explained those issues would be addressed further into the meeting.)

Chair Cox: For the record, I have received a letter to the Planning Board from Steve Cartwright about the possible event center in Long Cove. We do not have an application before us, so I will give this letter to CEO Brackett to place on file and should it come before us, then we will read it at that time.

A. Permitting with Prock, LLC, Ralph Buckwold, 93 Barters Point Road / Map 105, Lot 010 Devin Prock, of Prock Marine Company represented the property owner, Ralph Buckwold. The application is to place and maintain 275 sq. ft (0.006 ac) of stone below the High Tide Line along 55 feet of Long Cove/Tenants Harbor located at the 93 Barter's Point Road property. The stone will be used to stabilize the base of an existing stone retaining wall. Shoreland Zone District: Marine Residential. Floodplain Designation: AE-12.

Prock stated they sent letters by certified mail to all the abutters, prior to submitting any permits. He said he received a phone call from every abutter of the Buckwold's.

Prock stated a change was made because the DEP had several abutters contact them who requested the project be done by barge, and that was the way DEP approved the permit. Now all rock, material, and equipment will be coming in by water which will facilitate a quicker turnaround in getting the project done. Prock stated he has not been able to let Mr. Buckwold know the change yet, but that is DEP's condition on the issuance of the permit.

Prock explained that the rock should match one of the existing abutter's riprap and it is a blasted granite material. From the property pin in it and seven feet from the Buckwold's property line will be the starting point for installing the riprap. He stated they will armor and secure the base of the existing wall to protect from erosion and further deterioration. Buckwold is trying to get ahead of the problem and prevent a bigger issue down the road.

Chair Cox stated they will be doing the work by barge, but asked will any vegetation be disturbed?

Prock stated no. They will float in at high tide, place the excavator and rocks on mats placed on the shore and then back the barge out so the barge will always be floating in water. There is no eel grass in the area. There is some seaweed but very little. Then they will stack the rocks in place, pin the rocks to ledge so they do not continue to move in the future, and stack the rocks in behind to strengthen/straighten up the wall a little.

Chair Cox asked: The excavator will be coming in over the land?

Prock: No. We set it on the beach with the crane. We can reach about 100' from the barge to set it on shore.

Jordan: I think the only thing it said about access from the landward side was that the people who were going to do the work would have to come in by land. That may have been a change from the prior plan, but I do not think it is a change from the application.

The Planning Board thought the question before them concerned the vegetation and referenced the Shoreland Zoning Ordinance, page 24, Section 15(C)(10).

Jordan: The way I read that provision is that it asks us to look at two things. One is if vegetation is going to be removed. If so, then that can only happen with a permit conditioned on replacing the vegetation, if the removal is in excess of what can normally be taken down. (Cox agreed.) In this case, from what Prock said and from the photographs, it appears that there is really no vegetation being removed.

Jordan: The second thing is if the Planning Board determines it to be possible then the activity has to take place from seaward side and not the landward side, and we just established that is going to happen. So, it seems to me that the application complies with those provisions. (Cox agreed.) What is not clear to me is whether they need a permit or just a finding that it complies.

Hewlett asked if this should come before the Planning Board. Jordan thought it did and to determine if they needed to apply the two standards. Chair Cox stated the Board did and it was for them to say there was no vegetation being removed and that indeed construction equipment was accessing the shore by barge. Jordan thought the simplest thing was to approach it as approving the application on those bases. (The Board agreed.)

Hewlett noted that typically the Town of St. George notified the abutters, published it in the paper, and asked if that was per town ordinance. Jordan stated that none of the town ordinances required the Board to do that in any case. The only situations (since he has been on the Board) in which the Board routinely does it are Site Plan Reviews and Piers and Docks. He did not think

any of those are required, just that the Board thinks it is a good idea. Hewlett agreed that it is a good idea.

Prock: The Army Corps of Engineers requires it be done if you are working below the Highest Annual Tide line. You must notify the Native American Tribes; the DEP requires it. So, that is why we sent notification.

Hewlett: Garrity is worried if this is done on one property that it is going to affect his property. I would like to ask Prock what they think.

Chair Cox: What is your sense if this armors one property. Is there going to be spillover and erosion as eddies occur?

Prock: I do not believe there will be any additional spillover on his neighbor's side considering there is already some riprap there. The "stuff" in between the existing riprap is all high ledge so I do not think there will be any increase movement of any sediment or soils.

Chair Cox: If you look at the aerial photograph in the packet, you can see the wall and that there is riprap to the downside and on the upside. You can see the ledge that he is referring to.

Prock: The property to the south of the Buckwolds looks like it is very well armored with existing riprap. I did not see any signs of erosion on their property when I glanced at it.

Prock: There has been a lot of mortar in the wall which traps water behind. Buckwold wanted to try concrete, and I said that was the worst thing he could do. I would just armor it with riprap so water could come and go as it pleases.

Hewlett: You can see from that aerial that he does extends out farther than his two neighbors, and Prock answered my question.

A motion was made by Jordan, seconded by Hewlett, to approve the Ralph Buckwold application on the basis that there is no proposed removal of vegetation and that the riprap will be brought in from the seaward side of the location, not on the landward side; and therefore, it meets both requirements in Section 15(C)(10) of the Shoreland Zoning Ordinance. The roll call vote was 5-0. The motion carried.

Building Permits:

a. Robert & Kimberly Lehmann, 3 Riverview Lane / Map 217, Lot 042

Andrew Hedrich, Civil Engineer from Gartley & Dorsky, and Joe Richardi of Richardi Construction represented the applicants and were present and in person. The applicants, Robert and Kimberly Lehmann, were present via Zoom. The application is to remove and replace the existing residence from the edge of the shoreline to the fullest extent possible. Shoreland Zone District: Marine Residential. Floodplain: VE-13.

Chair Cox stated the application has several issues, but the operative section of the ordinance deals with nonconforming structures. The Planning Board referred to the Shoreland Zoning Ordinance, page 8, Section 12(C)(4) Reconstruction or Replacement, and Chair Cox read paragraph one of Section 12(C)(4) Reconstruction or Replacement.

Chair Cox: That section is governing a lot of what we are going to have to look at. I think we have clearly heard from the neighbors who have quite a bit of concern about the impact of this construction should we choose to permit it, and the technique of the construction in terms of how it will affect the right of way issue. There is also the issue of the wells and septic systems, other structures, and the subterranean issues that might be impacted by potential blasting.

The Planning Board reviewed the application. Hewlett noted the Project Description did not get amended on the new application that was submitted and there were several new changes to be made.

Under *Project Description*: The following changes were made at the last meeting, "Applicant would like to remove and replace the existing residence back from the edge of the shoreline to the full extent possible."

Under *Property Information*:

Side setback was corrected to 17 feet.

Front setback corrected to 25' from the water

Right of Way corrected to 6.2 to the property lines

Jordan asked if the applicant consented to the changes, and Hedrich asked if they were using the application they resubmitted. Cox stated yes, and Hedrich stated he agreed with the changes.

CEO Brackett: The right of way is showing 25 feet. They do not have 25 feet. Chair Cox asked Hedrich about this.

Hedrich: From the boundary line, it is 6 feet. It is what a nearest point of the structure is which is the corner of the deck. The corner of the deck sticks out about 6 feet. The difficulty is that there is no clear right of way through that area. We are encroaching within that setback regardless and right now we are about 6' from the edge of the boundary line excluding that triangular piece.

Jordan: How does the triangular piece go right to the right of way?

Hedrich explained using the enlarged Site Plan. He stated: Here are the property lines we are talking about. Here is the right of way. It is an owned piece of land by the abutters up here. This piece of land runs something like this. But this is that odd area in between which is owned by the Overlocks. What we are looking at here, is that right of way that says the road runs within that property line or in that unowned land (here). This is the setback. We are within 8' of our 6.2' within the depth corner there. If you are looking where the actual right of way would be, in this location, where it was originally intended before they sold, that is where that original right of way was intended to be. Where the road currently exists.

Cogger: Is the road wider than the right of way?

Hedrich: It extends beyond where the original right of way was intended to be.

Chair Cox: The road is ignoring the right of way.

Jordan: Yes. Some portion of the width on the side of this property of the road is really outside the right of way. So, it gives them a few more inches.

Perry: It is my driveway. You do not have my driveway up there on that.

Hedrich: Yes, it is there.

Hewlett: Is your driveway the gravel drive or the tan driveway?

Hedrich: The gravel driveway. It is the small, dotted line.

Jordan: This is the gravel area where the cars park?

Hedrich: Yes, this is their current driveway now. So, here is the edge of their current driveway right where they all park. That is where they will be parking. We have not expanded that or changed it.

Perry: Where is my driveway on that (site plan)?

Hedrich and Richardi pointed it out.

Bill Hardy: But that land is not theirs.

Perry: It is Linda Duncan's.

Chair Cox: The Planning Board understands that.

Jordan: Can the building setback from the right of way be calculated based on what we discussed?

Hedrich: We currently have calculated a base on where the boundary line is. We have taken the worst-case scenario. We have set it on where the existing boundary line is, ignoring where the one may currently exist, and we set 25' back from that boundary line, not clearly understanding where the right of way is. The actual existing in place is 6.2 feet.

Hedrich: The big question still is the difference in here (pointing to the site plan). This is considered an easement and access for driveway. So, the whole definition of the right of way becomes confusing, but we just based it on the property boundary there.

After discussion regarding the right of way, the property information was amended to read 6.2 feet to the property line. Hewlett felt that was more accurate. This change has been noted on Page 5.

Hewlett noted the Board now had a new application packet and the old application packet. She suggested they retain the pictures, the site location and the ariel photos. Hedrich stated it was their intent that the Planning Board take the first three pages off the original application form and replace them with the new forms he had provided. Chair Cox stated they would do that and substitute the C-1 diagram of June 24th.

Chair Cox: Do we understand the blasting issue sufficiently to decide if this is a complete application?

Jordan: Whether it is complete depends on how much information we think we need to have about the blasting parts. If we need more information, it is not complete. If we do not think we have anything to say about blasting, then it is not complete. I am a little bit in doubt as to what power the ordinances give us over blasting.

Chair Cox agreed saying there is nothing in the ordinances about that. Hewlett also agreed but thinks this is of great concern and they might need to put conditions on about blasting. The Planning Board reviewed Page 50 of the Shoreland Zoning Ordinance, Section 16(D)(2.) on maintaining safe and healthful conditions.

Cogger: Is there any where it says will not impact the neighbors' wells? (Cox said no.) And who is concerned with that? To me that is a public health issue. If we do not deal with that, who does?

Chair Cox: it is the purpose of the Shoreland Zoning Ordinance to prevent and control water pollution, to protect fish, etc.

Cogger: So, does that water pollution include wells?

Chair Cox: It could, I think. There are also unknowns. To protect buildings and lands from flooding and accelerated erosion. But there is nothing that specifically says that. There is nothing specifically about blasting.

Cogger: I just wonder about the liability of the blasting companies.

Richardi: They have to have it. They will send an engineer to visit all the houses who will do a survey of what they have. I do not know about the wells, the water and testing the water.

Hedrich: It is often required in these circumstances. It is in their regulations according to how they are licensed on when they have to monitor the well. They will test the water to make sure there is no saltwater intrusion, and then they test it afterwards to see if it holds true.

Chair Cox: What happens if there is saltwater intrusion?

Hedrich: Then it would be their insurance to re-drill a new suitable well or several wells depending on the circumstance. The surveys are based on the proximity to the project. They go around 500'-1000' and look at all the buildings. Take pictures of the buildings and often, if they believe they need to, they will get into the basement and take pictures throughout the basement to make sure they can document that. The blasters are licensed and certified in the state of Maine; they must be.

Cogger: They always go to neighbors' houses?

Hedrich: They do with every project. They have to prepare a blasting plan for any time they put explosives in the ground, and the plan has to include who they have notified. They have to follow the blasting plan which is around a 250-page manual on what they have to do before each project. This plan is reviewed by a state agency.

Richardi: The question is, is it within 250' or 500' of the area as to how many people they must contact? So, we have people within 300 feet, and I was going to give them that to make sure they get in touch with all these people.

Poskus: How will they check the septic tanks?

Hedrich: Generally speaking, they do not get into the septic tanks because they are reinforced concrete that will not just open up but in a close proximity situation. They may open a tank and inspect to make sure it is holding liquid and check it afterwards to prove it is still holding liquid. I do not know exactly how they handle septic tanks. I only know in my past experience in blasting they have not gone around and opened up septic systems.

Cogger: They are so close to the water; I am concerned as we are called to make sure the water is protected.

Chair Cox: Is the hydraulic hammering an option?

Richardi: Yes, it is an option.

Hedrich: We anticipate ledge removal will be required but we are not anticipating we will create an 8' deep trench the full width of this building. The ledge is over towards a corner and that is the purpose of moving it forward, up an elevation, and away from where this ledge is. We are trying to minimize that ledge impact. If we end up determining that there is only a little sliver of ledge there, then you can use a hammer to break off the edge; but when it gets thick and hard, we are going to use some explosives in those locations. We are hoping that we can avoid it as much as possible, but with ledge you just do not know what you are going to run into until you get into the ground.

Chair Cox: Have you thought about artful contours on the interior of the structure?

Hedrich: I assume they would be receptive. I thought it would be a lot less expensive to deal with some artful interior shapes to blast that ledge out of there. We will need to see what everything is once it is uncovered.

Jordan asked CEO Brackett if what Hedrich and Richardi said about blasting made sense. CEO Brackett stated what they said as far as the blasting, was 100% accurate.

Cogger asked if the Board could have the blasting company check the septic systems. Hewlett added since one was only 5 feet away. Richardi stated he would rather the blasting company answered that question, themselves. Chair Cox noted the Board could opt to make it a condition, and Richardi stated yes, the Board could put that in as a condition. Cogger did not know if the application was complete if they did not know about the blasting company checking the septic systems. Cogger, "We hear what the company might do and have the regulations."

Chair Cox: We do know they have to be licensed and inspected by the state.

Hedrich: When we do a big site project that involves heavy permitting, often what happens and if we do handle the blasting component that is accepted by the state regulators, we simply indicate that a blasting plan will be provided a certified, licensed blaster but that is a condition of the permit. So, when a blaster comes to a site, they must provide a blasting plan which is a requirement with the state, but they just add it into the permit language which would be no different than this. We do not know if there is going to be blasting. We anticipate it, so we are planning for it, and we have been up front with the fact that there may be blasting down there. But until we get into the ground, we do not know. To have them provide a plan not knowing what is down there, or if we are going to need it (would be unnecessary at this point).

Cogger: What about this triangle that is in question? How does that impact this?

Jordan: We do not have jurisdiction over boundaries. They have to go to court.

Chair Cox: It is a civil matter.

Motion:

A motion was made by Jordan, seconded by Brown to accept the Lehmann application as complete, as amended by the Planning Board. The roll call vote was 5-0 in favor. The motion carried.

Hewlett said there is the issue of parking. The cars are in the right of way. Chair Cox said it is not really in the right of way, but it is "kind of" in the gravel driveway; the second vehicle is. Hewlett stated that it is off the property line and Chair Cox agreed.

Hedrich: The irony of this triangle is the owners have maintained that space and have for years so that is theirs to maintain and treat. They put the gravel down and it is there and the car that we show in that picture does not extend any further beyond the driveway that is currently there.

Jordan again noted the Board did not have jurisdiction over boundary disputes. He said, "If they are trespassing, it is up to the owner to enforce it. There is nothing we can do about it." Chair Cox agreed.

Jordan: We are not going to make them move the shed, either.

Hewlett: Exactly. The shed is going to stay.

Thompson: Is there any reason the parking area could not be moved 6' to the south? You have the septic field there. How close can you be to a septic field?

Hedrich: Yes, that is the septic field. We cannot drive over it. There is definitely some flexibility. We could try to slide some of those boulders around and configure a little bit more room in there.

Thompson: That would move that car that is shown back to the property line.

Hendrich: Again, it is a graphical thing where we put that on there trying to be helpful, showing where the vehicles would potentially be parked. We have a little bit of room. We could have moved that graphic up a little bit to show it over the landscaping and rock area. If we shift them over a little bit and rotate them, I am sure we can find space to get two vehicles outside of that right of way.

Chair Cox: Has this been moved in the greatest extent practical away from the resource and trying to observe setbacks in an appropriate way? I feel they had done their best. They have gotten out of the 25' setback zone. They have moved it away from the neighbors significantly. They are not impinging on the other neighbor's sideline. What they are impinging in on more is by moving it back, they are closer to the road and the right of way. That was one reason we visited the site. It seemed like there were few options.

Hewlett: We should also note this is a smaller structure than what is currently existing.

The Planning Board referenced Section 12(C)(4) Reconstruction or Replacement on page 8 of the Shoreland Zoning Ordinance for their Findings.

Motion:

On a motion by Jordan, seconded by Cogger, the Planning Board finds that the plan complies with the requirement to relocate the structure as far away from the water as practical based on their observation of the land, the drawings, the location of the septic field and the other stated requirements under Section 12(C)(4) of the Shoreland Zoning Ordinance. The roll call vote was 5-0. The motion carried.

CEO Brackett: You are going to allow the structure to be within 6 feet of the road?

Jordan: Section 12(C)(4) provides that what you do is not allowed to increase the nonconformity. Now we already had a nonconforming situation on the setback from the road or the right of way. The question is whether this is making it worse. Now it is moving the building closer to the road and to the right of way than the present building. But the current situation is that the gravel driveway already runs up to and maybe beyond, and that counts. So, when you reconstruct the house, within the line where the end of the gravel driveway is, you have not increased the nonconformity. (Cox said correct.)

Motion:

On a motion by Jordan, seconded by Brown, the Planning Board finds that the location of the building closer to the front property or right of way does not increase the nonconformity on that dimension because of the location of the existing gravel driveway. The roll call vote was 5-0 in favor. The motion carried.

Jordan: One thing was raised in public comment. This section deals with the ability to increase the size of the structure, and it was pointed out that the interior volume of the structure will be increased by the addition of the full basement. I just want to observe that I understand that once upon a time before I got onto the Planning Board, they did regulate the volume of the interior area of the building but for several years now, the only thing that is regulated is the footprint of the building. That is why even though there is more space inside the building, our ordinance does not count that. It only counts the footprint.

Chair Cox: We have a limit on the height, but this is within the parameters for the height.

Bill Hardy: You said the height is not going to change?

Chair Cox: It is going to be within the acceptable parameters.

Hardy: Twenty-five feet?

Hewlett: No, not in Shoreland Zoning.

Cogger: It says it is going to stay just the same.

Thompson: It says 22.25'

Chair Cox: It is going to stay the same as it is currently.

Perry: I thought they were raising the basement?

Hedrich: Twenty-two and two and one-quarter feet above the original grade in that location. So, the building is coming up about three feet, but it is moving up the grade as well. The building height is not going to increase but the top of the roof is going up an elevation as it slides up the slope.

Jordan noted that is allowed, and Hewlett stated it is to get out of the floodplain. Hedrich stated right and because of the ledge. Cox stated they are getting out of the floodplain which is a requirement.

The Board discussed where the Board had jurisdiction around blasting and safety and requesting a blasting plan. Jordan thought it would be proper for the company to prepare a blasting permit required by state law before any blasting was done. He did not think there was an upside to reviewing the permit and the downside was if the Planning Board reviewed it, they may end up responsible for what was in it. He felt the Board did not have the expertise to assume that responsibility, but the state government had that expertise.

If the Board makes a condition, Jordan suggests it say the blasting company has to get a permit, has to do a plan if they are going to do blasting, has to submit it to the state regulatory authority as required by law, and the Planning Board requests wells and septic systems be included in the plan.

Chair Cox: How great a distance from the project are abutters notified? Within 300 feet? 500 feet?

Hedrich: The state standards regulate all that and if you start imposing your setback, my fear is that you might get beyond or change the limitations on what the state is already governing. My suggestion is to have it state in accordance with the state standards already in place for this type of blasting project.

Chair Cox: For peace of mind for people in attendance, is it 2 feet or 300 feet?

Hedrich: I do not recall on this certain thing. I thought it was up to about 500 feet for this type of project. The companies have liability in place. They want to know for themselves, and they make those determinations every single day. They work with the state, and they follow their licensing, and they make sure they are in compliance with everything they are going to do.

Motions:

On a motion by Jordan, second by Hewlett, as a condition of the application, the Planning Board requires a blasting plan be prepared before and if any blasting is to be undertaken, and the blasting plan will include wells and septic systems in close proximity to the site. The roll call vote was 5-0. The motion carried.

On a motion by Jordan, seconded by Brown, as a condition of the application, the Planning Board requires that parking be moved to the south as much as possible given the location of the leach field and other conditions of the terrain. The roll call vote was 5-0. The motion carried.

Hewlett: The other issue is emergency vehicle access during construction. We must be able to get all the way around Otis Point Road with the ambulance and the fire truck. When we visited the site, there is no way Engine 3 was getting through that road, and it is not the type of road we can back out of and go the other way.

Richardi: There is a little area that I have been thinking about just as you drive in the driveway. You can back in between the lot line and the septic system and use it as a temporary parking area.

Question: Do you think the other side is where all the water lines are? Across the road?

Richardi: No, I know where they are. Yes, they are above the ground.

Chair Cox: I think it would be very important to make sure all access is open.

Richardi stated he understood.

Hedrich: Is there a way that the contractor can notify emergency if there is a temporary blocking and they have to get something big in there, like the concrete truck or the pumper truck? They would notify emergency, and everybody would be aware of the situation should the road need to be blocked temporarily.

Perry: If I have a fire, is that going to help me, at all?

Hedrich: No, but they would be aware that that is being blocked and if your building is on fire, I am sure the pumper truck would move out of the way.

Hewlett: Do you let Knox Regional Communications Center (KRCC) know? Richardi stated he could.

Motion:

On an amended motion by Hewlett, seconded by Jordan, as a condition of the application, all access routes be open and preserved during construction of the project, but should the contractor have to block the road temporarily during the day, the contractor will notify Knox Regional Communications Center fifteen (15) minutes prior to the blocking. The roll call vote was 5-0. The motion carried.

Perry asked about her egress and ingress rights. Did she have any? Hedrich stated she did, and the contractor would work with her to make sure she was not blocked and had access at all times. Perry stated that according to her deed, she had ingress and egress on their lawn.

Hedrich: Correct. That will not be blocked. Richardi will be overseeing construction out here and if a truck is in the way to temporarily unload something, let him know and they will gladly move out of the way to let you in and out of your property. It is very tight down there, so they will work with you and do the best they can to stay out of your way.

Motion:

On a motion by Jordan, seconded by Cogger, the Planning Board approved the Lehmann application on the basis of the findings made and with the conditions that were voted on to impose. The roll call vote was 5-0. The motion carried.

Conditions of the application:

On a motion by Jordan, second by Hewlett, as a condition of the application, the Planning Board requires a blasting plan be prepared before and if any blasting is to be undertaken, and the blasting plan will include wells and septic systems in close proximity to the site. The roll call vote was 5-0. The motion carried.

On a motion by Jordan, seconded by Brown, as a condition of the application, the Planning Board requires that parking be moved to the south as much as possible given the location of the leach field and other conditions of the terrain. The roll call vote was 5-0. The motion carried.

On an amended motion by Hewlett, seconded by Jordan, as a condition of the application, all access routes be open and preserved during construction of the project, but should the contractor have to block the road temporarily during the day, the contractor will notify Knox Regional Communications Center fifteen (15) minutes prior to the blocking. The roll call vote was 5-0. The motion carried.

Other Business:

Discussion of the Remote Participation Policy in Public Proceedings: Michael Jordan drafted a copy of the policy for the Planning Board Policy on Remote Participation in Public Proceedings for Board review. Jordan explained the policy is based on a model policy provided by the Maine Municipal Association. MMA based the policy on a new law that permits bodies like the Planning Board to allow members to participate remotely. This requires members to participate in person unless there is a good reason not to such as there is an emergency or because someone is sick or is out of town. Those are the exceptions for members of the body.

Jordan noted that after discussions with Chair Cox and Chairperson Bates, they decided it was good to include public participants to make it easy for them. So, the policy allows (but does not legally have to) the public and others to participate remotely, including applicants.

Jordan explained that a Public Hearing will need to be held before this policy can be adopted. To hold a Public Hearing, the Board must hold a preliminary vote to propose the policy, to order a publication, schedule a date and time, and give proper notice.

The Planning Board discussed timeframes on noticing. Jordan felt there needed to be five days between the publication and this meeting. He noted that the Board usually does 10 days, but he stated that he could not find where that needed to be the requirement. He stated the state law says that if you hold a hearing, you have to give notice a reasonable time before. For this type of issue, five days seems plenty. Cox and Cogger agreed.

Information regarding this policy will be on the town website, will be posted on the bulletin board in the Town Office lobby, and Brackett will send the Public Hearing ad to the paper.

Motion:

On a motion by Jordan, seconded by Brown, the Planning Board determined by a roll call vote of 5-0 to approve holding a Public Hearing on July 27, 2021, on a proposal to adopt a policy permitting members of the Board, under limited circumstances, to participate in meeting of the Board by remote access. The motion carried.

Jeffrey Schroeder Application: Chair Cox explained that after the last meeting, it was realized that the Schroeders did not need to do all that was necessary for a Site Plan Review if only one building could be allowed. This would be considered rental property and considered under a normal building permit. She contacted CEO Brackett immediately and asked if he would let them know this, so they did not spend a lot of unnecessary energy.

CEO Brackett stated he contacted the Schroeders. Mr. Schroeder said he was working on a plan to come back to the Planning Board. Brackett said it did not appear this would be the next meeting's agenda but possibly the first Planning Board meeting in August.

Other Business: Chair Cox will plan to schedule a workshop to discuss rentals, dwelling units, bed and breakfasts, etc.

There was no further business to come before the Board. On a motion by Cogger, seconded by Brown, it was voted 5-0 by roll call vote to adjourn the meeting at 8:51 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary