

**St. George Planning Board
St. George Town Office
August 10, 2021 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Present in person were: Anne Cox, Chair; Mary K. Hewlett, Michael Jordan, and Van Thompson. (Jane Brown and Anne Cogger were absent.) Also present in person were: CEO Terry Brackett, Richard Bates, Ken Oelberger, Tom Gorrill, and John Meyer. Present via Zoom were: Marshall Cole and Loreen Meyer.

Quorum: Van Thompson was elevated to voting status. A quorum of four was present.

Conflict of Interest: None.

Adjustments to Agenda: None

Review of the Minutes:

Planning Board Meeting — July 27, 2021 – The minutes were corrected as follows:

Page 3, 1st full paragraph 2, line 5, change to read: The existing building **is**:

Page 3, 3rd full paragraph, line 2, and **ing** to re-doing and adding

Page 5, #4, lines 2 & 3, delete from because to end of sentence. Change to read: ...**based on statements by the applicant and the Code Enforcement Officer that there was sufficient parking space and adequate space for circulation.**

Page 5, #5, lines 2 & 3, change to read: ... is proposed **that would affect** surface water drainage.

Page 5, #8, lines 2 & 3, delete **have interior noise** and change to read: ...the coolers are **inside and will not produce noise audible from outside the building.**

Page 7, paragraph 1, line 7, insert the word **read, ...read** the following into the record.

Page 8, last paragraph, line 5, correct the word to **nonconforming**.

Page 11, paragraph 7, line 2, change: proposing the to ... proposing **to** remove...

Page 15, paragraph 5, line 2, correct date to August **24**, 2021.

A motion was made by Thompson, seconded by Jordan, to approve the Planning Board minutes of July 27, 2021, as amended. The roll call vote was 4-0. The motion carried.

Public Hearing Minutes – July 13, 2021 – Robert Lehman / Map 217, Lot 042
Number the pages.

A motion was made by Jordan, seconded by Thompson, to approve the Lehmann Public Hearing minutes of July 13, 2021. The roll call vote was 4-0. The motion carried.

Findings of Fact and Conclusions of Law - Port Clyde Fresh Catch, 3 Culver Road
Amend Findings of Fact #4, #5, #8 as stated in the July 27 Planning Board minute corrections.

A motion was made by Jordan, seconded by Thompson, to approve the Findings of Fact & Conclusions of Law for Port Clyde Fresh Catch, and authorize Chair Cox to sign on behalf of the Planning Board. The roll call vote was 4-0, in favor. The motion carried.

Public Hearing on Policy for Remote Participation in Public Proceedings – July 27, 2021

A motion was made by Jordan, seconded by Thompson, to approve the Public Hearing minutes on the Remote Participation Policy, as written. The roll call vote was 4-0, in favor. The motion carried.

Public Comments: None.

Site Plan Review:

A. Town of St. George - Fort Point Trail / Map 235, Lot 007

The applicant is the Town of St. George. Members of the Conservation Commission, Ken Oelberger, Tom Gorrill, and John Meyer were present. The proposed project is located at Fort Point in Wiley's Corner, St. George, Maine. The proposed work is to rehabilitate the existing trail to make it sustainable and meet federal standards for Universal Access (UA) and replace the School House Brook crossing bridge. Shoreland Zone District: Marine Residential. Floodplain Designation: AE-12.

Oelberger explained the project. The Conservation Commission (CC) is embarking on the planned project to improve the Fort Point Trail. The basic aspect is to replace the bridge and upgrade the trail and its length, within the confines of the town property, to a UA compliant trail. The CC is applying for a Recreational Trails Program grant through the State of Maine, Bureau of Parks and Land. The Conservation Commission started working on this project in 2019 as the trail had deteriorated. The Bureau of Parks and Land is in favor of the CC's plan and encouraged them to apply for the larger grant.

Oelberger stated the CC is applying for a Use Permit to do the trail work. They have hired Gartley & Dorsky Surveying and Engineering to file for and carry out the permitting process.

Chair Cox: We do need the Maine DEP permits for the stream crossing in the wetlands.

Gorrill: Those have been filed. The Maine DEP came down and walked the trail because we, the CC, requested a waiver for the Wetlands of Special Significance.

The Planning Board reviewed the Conservation Commission's copy of the Gartley and Dorsky Site Plan.

Chair Cox: Basically, the trail is following the existing one.

Meyer: Where possible.

Oelberger: Where possible but there are areas we are controlling; we are trying to stay out of some of the serious wetland areas. In the end, we feel there is less impact on the wetlands than the current trail has.

Gorrill: That is the idea. To make it more sustainable so there is less maintenance.

Chair Cox: Will you have to do bridging with the new trail plan?

Oelberger: In areas to minimize the impact of that as well, but we would be replacing it with a UA compliant bridge. We will be making a trail, so it leads to UA criteria for a firm and stable surface. Grades for 80% of the trail have to be less than 7.5 percent. We will be moving the location of the bridge so we can approach it at a grade that is not so steep.

Chair Cox: What is the material of the firm and stable surface?

Gorrill: It is a very fine gravel that is very compactable.

Thompson asked: You have already got a planking trail in this area that you are going to continue to use?

Oelberger: We may use it there or we may use it in some other area. Referring to the Site Plan, he stated, "When you get out here and start to do it, you may deviate from this line a bit during the actual construction process."

Gorrill: One of the things we want to do, is not take down trees, if we can avoid that.

Hewlett: Are there any setback requirements for a trail?

Thompson: Or is this the setback here (referring to the plan)?

Oelberger: No that is Paulsen's (abutter's) property.

Chair Cox pointed out the area where the town's property connects to the state's property.

Oelberger pointed out the connection and the right of way for Rt. 131.

Hewlett: I don't think we mention trails in any of our ordinances regarding setbacks.

Jordan: The ordinance discusses mostly buildings, and the one exception is the paved parking lots for structures, but this is neither paved nor a parking lot.

Chair Cox asked about the 75' buffer zone setback from the Highest Annual Tide Line. Gorrill stated DEP came down and walked the property because the state and town property are within 250' of the Wetlands of Special Significance. So, the CC asked for a waiver, and the Maine DEP did not want to grant one without walking it. Chair Cox asked Gorrill if DEP granted the CC a waiver and he stated they did.

Jordan: I saw something in the package that said the trail was going to cross a stream. Where is this?

Oelberger: Where it crosses it now. We are going to change it and move it over a bit. The bridge is in disrepair.

Gorrill: Last year, we made some temporary improvements to the bridge which made it better than what it was.

Chair Cox asked about page 6 of the 53-page document in the packet.

Oelberger: That was the original plan; we had a professional trail designer design the trail for the Conservation Commission.

Hewlett: Do you have a parking schematic?

Oelberger: The current parking is on state property. We are not changing parking. That is part of the agreement that we have with the abutters; that we are not going to have increased parking or have increased usage at this point.

Hewlett: Are you going to have handicapped parking?

Oelberger: We will have a sign near that area. It is not handicapped. We are not asking it to be ADA compliant.

Jordan: How many parking spaces are there?

Meyer: Seven.

Jordan: Is there any history of that being a problem? Too many people coming in and out?

Oelberger: Sometimes people will park along the other side when people are trying to get in and use the spring. I did bring that up to the Select Board about putting some signs there and their answer was, "Let's wait and see if there is a problem."

Jordan: One of the standards the Planning Board needs to apply, is there sufficient parking, and I am wondering if the improvements of the trail are going to increase traffic, which will be a problem. Isn't that going to overtax the available parking in the area and what is your plan?

Oelberger: I think the only thing we can do is to do what we have done with the other trails. Put up a sign that says, if the parking lot is full, use one of these other trails and get people to use other trails.

Brackett: That could be a problem putting a sign on state property.

Thompson: Good point.

Hewlett: Could you put it on the kiosk (for visitors to see)?

Chair Cox: The visitors will already have parked.

Hewlett wondered if the CC could talk with the Wiley's Corner Grange to see if they could work out a deal for overflow parking.

Jordan: I guess you can't propose to put up a sign, although if you want to later, you may be able to get permission from the state.

Oelberger: We have a 25-year lease with the state for access through the right of way.

Chair Cox: That may not fall in our purview since it is in the state property.

Jordan: We can approve the application without saying anything about signs, but if you ever do need to put up a sign, you will have to come back.

A motion was made by Thompson, seconded by Jordan, to accept the Fort Point Trail application, as complete. The roll call vote was 4-0, in favor. The motion carried.

PERFORMANCE STANDARDS

1. Preserve and Enhance the Landscape – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because this is a trail through the woods, it will be as soft an impact as possible, there will be minimal tree removal and the restoring of vegetation on the old trail.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Thompson, seconded by Jordan, the Planning Board determined by a roll call vote of 4-0 that the standard has been met as the Conservation Commission received a waiver from the Maine DEP for Wetlands of Special Significance and there will be minimal impact to the environment.
3. Vehicular Access – On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because this is about getting into the parking lot from the road and there is no change to vehicular access.
4. Parking and Pedestrian Circulation – On a motion by Hewlett, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is met as no change is proposed to parking and pedestrian circulation.
5. Surface Water Drainage – On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because the trail replacing portions of the existing trail should not affect surface water drainage, subject to DEP's agreement with the applicant's statement.
6. Existing Utilities – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because none of the specified utilities will be used.
7. Advertising Features – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because no advertising features are proposed at this time.
8. Special Features – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because there are no storage areas, machinery, or service areas proposed; and the hours of operation are from "Dawn to Dusk."

9. Exterior Lighting – On a motion by Hewlett, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because there is no exterior lighting proposed.
10. Emergency Vehicle Access – On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because the improvements to the trail will make it easier for emergency services to access the trail.
11. Municipal Services – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because none of the specified municipal services will be utilized for the project.
12. Water/Air Protection – On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because the trail should not contribute to water or air pollution.
13. Water Supply – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because the changes in the trail will not create any need for an additional supply even though there is a water supply on the abutting property.
14. Soil Erosion – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because the trail will not contribute to soil erosion.
15. Sewage Waste Disposal – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because the project will not generate sewage waste.
16. Hazardous, Special, and Radioactive Materials – On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because there is no proposal to store hazardous materials onsite.
17. Financial/Technical Capacity – On a motion by Hewlett, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met; the applicant has the technical capacity to carry out the plan based on Gartley & Dorsky's Site Plan, and the financial capacity is based on the applicant's statement they have applied for a grant and if the grant is denied, the applicant will re-apply for another grant.
18. Shoreland Zone – On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is met because the trail within the buffer zone of the Shoreland Zone is less than 6' wide and meandering and parallel to the shore.
19. Flood Plain – On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because the trail is not a structure.

20. Lot Standards - On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because this is not a structure so there is no setback requirement.

On a motion by Thompson, seconded by Jordan, the Planning Board voted by roll call vote of 4-0 to approve the Town of St. George application on Fort Point Trail pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance, and contingent upon receipt of the Maine DEP permits and the permits from the Army Corps of Engineers.

B. Craginair Inn, 5 Third Street / Map 106, Lot 016
The applicant was not present. The application was placed on hold.

C. Gartley & Dorsky Engineering & Surveying, for John & Leslie Malone, Mosquito Island / Map 202, Lot 001

Marshall Cole of Gartley & Dorsky represented the property owners, John and Leslie Malone. The application is to remove the existing concrete boat ramp and construct a new boat ramp 500 feet west of the existing boat ramp. The proposed boat ramp will have the same use as the existing boat ramp, access to the island for residential use. Shoreland Zone District: Marine Residential. Floodplain Designation: Zone VE-19.

Chair Cox explained that the Planning Board had taken up this application on May 25, 2021, but they needed more information before completing their review.

Cole stated that since coming before the Planning Board, Gartley & Dorsky has received both the DEP permit and the Army Corps of Engineers permit. He also stated that Gartley & Dorsky counted the Planning Board's previous meeting as their public hearing for the purpose of their DEP permit.

Chair Cox stated they now have the application materials, and the DEP and Army Corps of Engineers permit.

Thompson: The Army Corps of Engineers has it down as a 12' x 58' ramp yet everywhere else it is written as 13' wide. Is that anything of contention? I don't know. In the majority of places, it is 13 feet and occasionally it shows up as 12 feet.

Hewlett: Are they limited to a 6-foot width?

Jordan: No, they are not.

Hewlett: Do you know if it is a 12' or 13' width? The width goes back and forth.

Cole: On the (unintelligible) set of plans it is 12' wide. If my memory serves me correctly, we may have reduced the width at some point to reduce impact.

Chair Cox: So, the 12' wide is the correct?

Cole stated yes.

Brackett: The Gartley & Dorsky plan shows the ramp at 12' wide along with the Army Corps of Engineers' authorization letter. Thompson agreed and Hewlett requested the Project Description be updated to: a new boat ramp will be *58' long x 12' wide*

Jordan's questions about riprap: One is, on either side of the pier going out into water, that is all below the Highest Annual Tide (HAT) line? And there is 40' of riprap stabilization on the point above the HAT lines?

Cole: Most all of that is below HAT but along the ramp, some of it may be above it. Were you referencing around that corner near the existing ramp?

Jordan: I saw something in the Maine DEP Findings of Fact and Order that suggested it.

Cole: We included that stabilization near the existing ramp in the DEP permit. We were initially going to try to put the new ramp in the same location as the existing one but then we decided that this new location would be a better location for the ramp. Erosion occurs in the existing location; it is not very well protected there. My point is that area's stabilization isn't below HAT. So as far as I am concerned, it doesn't need to be a part of the building permit or this as part of the Shoreland Zoning.

Jordan: The part that is protecting the ramp. Is that what you mean?

Cole: Near the existing one, yes.

Jordan: In addition, you are not proposing to do the shoreland stabilization that is riprap parallel to the waterline? Or are you? Are you proposing to lay 40 linear feet of riprap along the shoreline?

Thompson: Parallel to the waterline.

Hewlett: I think the answer is yes.

Brackett: Yes. That is what the Gartley & Dorsky's letter states.

Jordan: I saw it in the DEP application. I don't see it on the plan. Not that I could tell. I do see it handwritten by Brackett on the application, but I am not clear that is what you are actually doing. If it is, it is fine.

Brackett: In the letter from Mr. Gartley, it states, "The intent of this letter is to authorize Gartley & Dorsky Engineering and Surveying, Inc. to act as my agent, submitting municipal, state, and federal applications and answering questions associated with the boat ramp and shoreline stabilization project in St. George, Maine."

Cole wanted to clarify that two separate issues are going on. "There is the new boat ramp that will have riprap all along it, and then the old existing boat ramp that will be removed and there is a portion of eroded shoreline that will all be stabilized with riprap as well.

Jordan asked if the construction would take place from the land side and not with a barge on the water as stated in the DEP Findings and Order.

Cole stated the actual boat ramp would have to be constructed by barge. Jordan read a section of the DEP Findings which stated, "All materials will be transported to the site from the water, and access to the site will be across the subject property. The equipment will work from the top of the bank. Construction of the proposed boat ramp will be performed during low tide. Permanent construction will start near the water and proceed upland. No machinery or equipment will be working in the water."

Cole: They will start at the bottom and work their way up. They will be able to do this since the Mean Low Water is so far out from the end of the ramp. It is basically beyond the end of the ramp. At low tide, they will be able to start construction at the bottom of the ramp and they will be able to construct it all from upland.

Chair Cox: They will need to get materials out there by barge. (Cole stated yes.)

Jordan: But the heavy equipment is going to be on a barge.

Jordan: What is the land just above the high water line? From the picture, it looks like large to medium size rock. Or is there vegetation in that area?

Cole: It is mixed. Where the existing boat ramp is, is quite a cobbly beach. At the top of the bank, there is grass, no trees. There is grass around the corner where we are installing riprap for stabilization. The area for the new boat ramp has a very sandy beach; not much for cobbles and at the top of the bank, there is grass.

On a motion by Thompson, seconded by Jordan, the Planning Board voted to accept the Malone application, as complete. The roll call vote was 4-0, in favor. The motion carried.

Section 15(C)

Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland and Shoreline Stabilization

1. No more than one pier, dock, wharf, or similar structure extending or located below the normal high-water line of the water body or within a wetland is allowed on a single lot. - On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard has been met because no more than one ramp is proposed.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. - On a motion by Jordan, seconded Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met based on the Maine DEP Findings of Fact and Order and the approval that the Planning Board should condition the approval on the use of Best Management Practices.

3. The location shall not interfere with existing developed or natural beach areas. - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met as this is a privately owned 208-acre island, the project is a ramp, and does not prevent you going in and around the tidal water.
4. The facility shall be located so as to minimize adverse effects on fisheries. - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met based upon the Maine DEP Findings of Fact and Order to the same effect.
5. The facility shall be no longer in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A pier, dock, or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
 - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met as the project is consistent with the surrounding character of the property based on the photographs in the file and based on the Maine DEP Findings of Fact and Order and because the width limit does not apply in tidal waters.
6. No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity. - On a motion by Jordan, seconded Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because no structures are existing or are proposed.
7. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act. - On a motion by Jordan, seconded Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because this project is in tidal waters.
8. No existing structures built on, over, or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district. - On a motion by Jordan, seconded Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because there is no existing structure.
9. Except in the Commercial Fisheries/Maritime Activities District, structures built on, over, or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. - On a motion by Jordan, seconded Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because no structures are existing or proposed to be built on the ramp.

10. Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board. – On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard has been met based on the applicant's statement that any vegetation that is disturbed will be revegetated and mulched.

SECTION 16(D)

Procedure for Administering Permits

1. Will maintain safe and healthful conditions. - On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is met because the new ramp will create safer conditions as the old ramp is in disrepair and is not safe.
2. Will not result in water pollution, erosion, or sedimentation to surface waters. - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is met based on the Maine DEP Findings of Fact and Order that the project will not result in water pollution, erosion, or sedimentation and Best Management Practices will be used.
3. Will adequately provide for the disposal of all wastewaters. - On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is met because the project will not produce wastewater.
4. Will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat. - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is met based on the Maine DEP Findings of Fact and Order and the findings of the Department of Marine Resources cited in the Maine DEP's Findings of Fact.
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is met based on the photographs in the file.
6. Will protect archaeological and historic resources as designated in the comprehensive plan. - On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a roll call vote of 4-0 that the standard is met based on the applicant's statement that no archaeological or historic resources were identified.
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District. - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because the property is not in a CMFA district.
8. Will avoid problems associated with flood plain development and use. - On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 4-0 that the standard is not applicable because no buildings or structures are proposed.

9. Is in conformance with the provisions of Section 15, Land Use Standards. This standard was approved by the Planning Board under Section 15 (C).

A motion was made by Thompson, seconded by Hewlett, to approve John and Leslie Malone's application to remove an existing boat ramp and construct a new boat ramp on Mosquito Island per plan and utilizing Best Management Practices required by the Maine DEP as stated in their Findings of Fact and Order. The roll call vote was 4-0, in favor. The motion carried.

There was no further business to come before the Board. On a motion by Thompson, seconded by Jordan, it was voted 4-0 to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary