

**St. George Planning Board
St. George Town Office
February 8, 2022 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Present by Zoom were: Anne Cox, Chair; Jane Brown, Anne Cogger, Mary K. Hewlett, Michael Jordan, Van Thompson, and Richard Moskowitz. Also present by Zoom were: CEO Terry Brackett and Richard Bates.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda - The following adjustment was made:

- Discussion on How to Handle and Present Findings of Fact and Conclusions of Law was added under Other Business.

Review of the Minutes:

Planning Board Meeting — January 25, 2022 – The minutes were reviewed and corrected.

A motion was made by Thompson, seconded by Jordan, to approve the minutes of January 25, 2022, as amended. The roll call vote was 5-0. The motion carried.

Public Hearing Minutes – Alexander Metviner – January 25, 2022 – The minutes were reviewed and corrected.

A motion was made by Cogger, seconded by Thompson, to approve the Metviner public hearing minutes of January 25, 2022. The roll call vote was 5-0. The motion carried.

On-site Inspection Minutes – Alexander Metviner – January 15, 2022 – The minutes were reviewed.

A motion was made by Thompson, seconded by Jordan, to approve the Metviner on-site minutes of January 15, 2022, as written. The roll call vote was 5-0. The motion carried.

Public Comments: None.

Other Business:

- How to Handle and Present Findings of Fact and Conclusions of Law: Chair Cox lead the discussion on this issue.

Chair Cox explained that the Planning Board did Findings of Fact and Conclusions of Law under the Site Plan Review; they get signed and become part of the record. The Board reviews Section 15(C) and Section 16(D), Piers, Docks, and Wharfs and does extensive Findings and reviews administrative procedures which are written into the meeting minutes. Chair Cox stated that on the advice from counsel these embedded Findings in the minutes may not be a sufficient record.

Chair Cox: I suggest that written Findings for all of the ordinances be done similar to a Site Plan Review. We would do a written Finding then cut and paste what we approved in the minutes. Then that would become the Findings of Fact and we would sign those. We also have smaller, simpler applications that may not have as many steps, but we still would do Findings. We would look at the appropriate ordinance and do Findings of why we approved it or disapproved it.

Cogger: It seems redundant. Could you explain why that would be done?

Chair Cox: It is redundant. It is basically taking what is in our minutes and creating something that would be attached to the application.

Cogger: So the record for the applicant would be clear? Is that what you are talking about?

Chair Cox: Exactly.

Jordan: In case there is an appeal.

Hewlett: So, in essence, the recording secretary will be cutting and pasting whenever we talk about an application in any of our minutes. She will be cutting and pasting it, and putting it with the Findings of Fact?

Chair Cox: It may only be three Findings. It would be the way we have extensive Findings for Site Plan Review, and we have extensive points that we approve for piers, so it would be just taking that out. Having a separate document that would be attached to the application.

Jordan: Other than those where we go through item by item for those two situations, it may be that we won't do that as we go through the application; it will all be reflected in the minutes. So, for things like that, I am thinking until we get some experience with this, I might volunteer to do simple Findings for simple applications.

For example, the Otis Point Road application and the issue with all the ledge and the blasting, which is something where it's not a regular item, but we discuss each item. Maybe that is something the recording secretary can't quite extract the way she does with Site Plan Review and Piers. For things like that or things that are simpler, I don't know what they would look like but I could probably figure it out as I go along, and then we could do some education about it.

Cogger: What do other towns do?

Chair Cox: Evidently, a lot of towns do that. Very few towns have as extensive minutes as we have. That is why a lot of towns do this. In the workshop with Attorney Mary Costigan, she said that the court said the Findings embedded in the minutes are insufficient.

Cogger: If you want to make it more transparent to townspeople, they are more interested in their document and what happened. So, to have it attached to their application would make it more transparent for them.

Hewlett: It would certainly be a lot easier to follow, chronologically with the Findings attached to the permit.

Chair Cox: Yes, rather than have to go research the minutes on whatever date.

Chair Cox: What we would try to do but something like what we just did for the Metviner pier application. I think it would be fairly easy to cut and paste that into a document. It would be like the Site Plan Review. We would need separate Findings.

Jordan: What we were thinking about was that the Pier and Wharf is a lot like the Site Plan. There are items that always appear in the minutes for piers just the same way they appear in the minutes for Site Plan Review. It would be a word processing job to turn the things you see in the approved minutes into Findings. For other things, I was suggesting that somebody else like me might have to take a crack and try to figure out what they might look at because the discussion is always a little more "free form."

Brackett to Jordan: Are you talking about doing Conclusions of Law, also?

Jordan: Yes.

Chair Cox: I'll send the recording secretary an email about my thoughts for the Pier and Wharf document.

There was no further business to come before the Board. At 7:22 p.m., it was voted 5-0 to adjourn the meeting and go directly into a workshop on Ordinance Review.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary