

**St. George Planning Board  
St. George Town Office  
September 28, 2021 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Present in person were: Anne Cox, Chair; Jane Brown, Anne Cogger, Michael Jordan, Van Thompson, (Mary K. Hewlett was absent). Also present in person were: CEO Terry Brackett, Richard Bates, Melissa Starbird, Bill Reinhardt, Kristin and Dan Falla, Nancy Vanasse, Beckie Delaney, Greg Howland, Susan Murphy, Bonnie and David Percival, Barbara Aras, Mark Bartholomew, Robert and Cynthia Cremonni, Chris Moses, Jane Hall, and Randall Thissell. Present via Zoom were: Loreen Meyer, Gayle Elfast, Suzy Kane, John Koros, Will Gartley, Mike Papka, Matt Shultz, and Matt Tibbetts.

**Quorum:** Van Thompson was elevated to voting status as Mary K. Hewlett was absent. A quorum was present.

**Conflict of Interest:** None.

**Adjustments to Agenda:** None.

**Review of the Minutes:**

**Planning Board Meeting** —September 14, 2021 – The minutes were corrected as follows:

Page 3, paragraph 4, line 3, change: ...to preserve **the building**.

Page 4, paragraph 7, correct word to **dammed**

Page 4, paragraph 9, line 3, change to read: ... which **could permit** a foundation...

Page 5, 1<sup>st</sup> complete paragraph, lines 2&3: Chair Cox stated, "Exactly. And to the... practicable."

Page 5, paragraph 6, line 4, correct word to: **dammed**

Page 6, paragraph 2, line 1, delete one **in** and change to read: ...goes in and puts in the concrete,

Page 7, paragraph 1, line 1, change word ell to **level**

Page 7, paragraph 7, line 5, delete the word **risen**, change to read: A separate tank and...

Page 8, indent the text of letter

Page 10, paragraph 5, line 4, correct the word **folds** to holes

Page 13, paragraph 2, line 6, change to read: ... assess what **is** needed to...

Page 14, paragraph 7, line 2, correct word silk to **silt**

A motion was made by Thompson, seconded by Cogger, to approve the minutes of September 14, 2021, as amended. The vote was 5-0. The motion carried.

**Public Comments:**

**Jane Hall:** I am opposed to any changes in what is going on at the Happy Clam. I don't even live that close but on Sunday afternoons I can hear the music, and this week it ran well beyond 5 o'clock. I was sitting on my deck, and it was after 6 or 6:30 p.m. before the music stopped. So, they are not even abiding by what was set out already, and I think there are many of us who are opposed to a change in that.

**Chris Moses, 9 Main St.:** I think this arrangement of commotion and the traffic generated by the Happy Clam Outback is not appropriate for this community. People are parking on both sides of the road. They are screaming out of the bar and causing near accidents. I think the whole thing is a great idea but move it out into the woods. Not have it in a residential community where

people are impacted who cannot sit on their front porches Sunday afternoons from 2 to 5 p.m. or whatever the hours are because of the "Bummba. Bummba. Bumm. Bumm." People hear it from over across the harbor. It is an invasion of people's privacy as well to make your music what everybody has to listen to. So, I am opposed to any extension of hours on the property of the Happy Clam.

**Cynthia Cremonni:** I agree. I am at the end of School Street, and I sat out on the porch, and I heard the vibrations, "Voom, voom, voom." Besides all the noise issues, I am worried about safety. The other day we came down, I know there were over 100 cars there. We are bound to have an accident, there is no place for them to park, and they have taken up the parking spots at the post office and the Odd Fellows building. A friend of ours works at the grocery store and she has lost her parking spot because they have taken it. It is not the image for this town. This is a family community, and we are bound to have some sort of violence and accidents, eventually.

**Melissa Starbird:** First, this is a family-oriented place. This is not your typical bar. Second of all, we are very respectful. We always stop anything outside at 9 o'clock. We are not asking for a change of use. We are just adjusting our time based on some confusing minutes on the Findings of Fact. So, we want clarification tonight.

Chair Cox: Let me say. You will have a chance to address what it is you are planning to do when we get to your application.

Starbird: I asked for a sit-down meeting with all of you and not one of you, not one of you took me up on that. Ask Terry. I spoke with the Town Manager and Terry. I asked them to ask you. (A member of the public disagreed with Starbird's statement.)

Chair Cox: We are not going to get into a back and forth on this. We are hearing concerns and we will be looking at all of this when we get to that.

**Kristen Falla, Watts Avenue:** We are probably just as close as everyone here. I just wanted to check for clarification that we are going to go through a full site plan review. There will be Public Hearings and going through (the 20 questions) and seeing that we are going to be following all of the rules? The 20 checkpoints that need to be followed to be approved.

Chair Cox: We will do the 20 Performance Standards. We have yet to determine whether we would have a separate public hearing.

Kristen Falla: I do have some concerns based on those. If you want me to say them tonight or I can wait until we are going through the standards. We have all been riding it out. We were not going to be here unless this was actually brought up, but we want to expand what is going on. We have tried to be neighborly.

Chair Cox: Let's put it like this. It will be up to me to decide whether we need more information from people who are here when we get to that point. I know that you are here, and we may decide we have enough information. But I know you are here willing to discuss it, but we do not know yet if we are going to want to have a separate public hearing.

**Bonnie Percival, High St.:** One of my major concerns on what is happening, particularly on Sundays, is the parking along Rt. 131 occurring for quite a distance on both sides. It is really a

problem when you are trying to navigate that section of the road. People come out from behind cars; people going to cars, and it is really troublesome, and I would like to see an end to that.

Chair Cox: Is there some new information?

**Mark Bartholomew:** I would like to point out that from the Odd Fellows standpoint our parking lot is private, and we expect anyone who parks there to have permission and to make a donation. These are two very important things. It cost the Odd Fellows a lot of money to keep that parking lot up.

**Barbara Aras, Watts Avenue:** We were here a few years ago when it was brought forth to do a Tiki bar and barbeque and many of us already resisted that because of what the nature of that would be in our community. This Board did not see its way clear to protect our neighborhood from that, but it didn't matter because the quiet and peacefulness of our homes were destroyed by what is occurring there now. There is no Tiki bar. No barbeque but instead it is overcrowded, obnoxiously loud, and dangerous. And it is a concert venue in the midst of our neighborhood and our homes, and it is substantial and unreasonable, in light of where it is located in our community. I am asking that you understand what has happened in our backyards. We cannot entertain our friends and families outside because of the intense, offensive noise several times a week; the base being hard and felt inside our homes.

Our neighborhood is filled with families, with infants, toddlers, and older children and residents in their mid to late eighties. We all want to enjoy our homes especially on weekends and evenings and your rulings have made that impossible when the circus starts at the Clam. This screeching of cars, trucks, and motorcycles is commonplace. It is so densely packed that cars at the post office parking lot spill into the Odd Fellows parking lot where it is posted private property, and as Bonnie Percival brought out, it is dangerous on Rt. 131.

As the owner races through town, public streets, and non-streets, he isn't there picking up the trash thrown on the street by his customers. Did you walk your dog through town today? I just walked by it on my way here. You would have seen smashed plastic cups, cocktail stirrers on the sidewalk, in the street, and the yards. Not your yards, they are our yards. But it is also your town.

Now let's talk about the name change. That name change has already occurred. Please look in your St. George Visitor's Guide and see how it is listed. Most of you do not live in the area that is on this Planning Board, and I am wondering if you have ventured down to our neighborhood during the outdoor concerts when bottles are being dumped late in the night. When fights break out at the owner's property across the property at Rt. 131 in the middle of the night. When music comes from the properties until dawn.

Has the Enforcement Officer been there on Sunday afternoon? Have you driven past it recently on Sunday when music is blaring? If you did, please notice the cars parked on Rt. 131. I did. This Sunday I was coming home, and a car swerved around those cars and almost hit me head-on.

Please be concerned this time about the impact in our neighborhood and I'll state it again, the establishment is a nuisance. We are forwarding the tape as community welfare for consideration not just from the person looking to feather his pockets regardless of the impact on others. We

ask you for your guidance to make it possible to reclaim our neighborhood and its peacefulness if you believe we deserve it.

I made a recording a few weeks ago from my yard. I would like to play it. (Chair Cox: I think we are getting the point.) Yes, but I would like you to understand what we listen to in this very short recording; it's a matter of seconds. (The recording was played.) This is in my yard. I invite you to come to sit and try and have a conversation or play your music. Oh, by the way, if you know where I live, it is not close, and this truly is from my backyard.

Chair Cox: Does anybody have anything additional beyond what has been said?

Vanasse: I had a legal question. Is it okay for trucks to block up a part of the lane on Rt. 131?

Chair Cox: No, it is not. It is illegal. I'm not a lawyer, but we know that that's not legal.

Cynthia Cremonni: I am worried about the safety of children. There are three or four boys that ride their bicycles around, and they go into the grocery store to get a popsicle or something. There is going to be a serious accident because of the volume that this place is attracting.

Chair Cox: We hear you and know that we will be addressing these concerns when we get to this. We are not unfeeling people. I am going to bring the public comments to a close.

Jordan: Could I ask you to instruct the members of the public to keep their masks up over their noses?

Chair Cox: Yes, would you please keep your masks over your mouth and nose for coverage. Thank you.

#### **Wharfs:**

**a. Ron Papka and Rebecca Eisenberg-Papka**, 22 Benjamin's Way / Map 235, Lot 037  
Will Gartley of Gartley & Dorsky Engineering & Surveying represented the applicants Ron and Rebecca Papka. The application is to construct a 30' long x 5' wide pier with five stairs, a 3' x 50' ramp, and a 12' x 24' wood float. Shoreland Zone District: Marine Residential.  
Floodplain Designation is: AE-12.

Will Gartley explained the project. He stated the Papka's are seeking permission to install a pier on their property located on Thornbush Lane. The DEP and the Army Corps of Engineers permits have been included as part of the submission packet. It is a short platform at the top of a bluff that leads to a set of stairs down to a second platform, then a gangway/ramp that is 50' long, 3' wide, and a 12' x 24' float. The total permanent structure that is on the slope is only 30' long. None of the permanent structure is out beyond high water, just the gangway and the float.

Chair Cox stated, "Normally with a pier in a residential area, we do an on-site so the abutting neighbors can be notified, and the Board can see if there are similar structures in the area. Does the Planning Board feel we need to do that?"

Jordan: Yes.

Gartley: Standing at this location, you cannot see any additional piers on this side of the river. This location is approximately one-half mile north of Fort Point in St. George.

Chair Cox: There are neighbors, correct?

Gartley: Yes.

The Planning Board decided to hold an on-site inspection of the site, and it is scheduled for Tuesday, October 19, 2021, at 3:30 p.m.

**b. Erickson Holding Corporation, McGee Island / Map 401, Lot 002**

Matt Tibbetts of Art Tibbetts Marine Contractor represented the applicant and property holder Erickson Holding Corporation (Michael Erickson). The application is to build a new 6' x 90' long wood piling supported walkway pier, with a seasonal 4' x 50' aluminum ramp and a 12' x 24' wood float. Existing use and proposed use: Island rental house. Shoreland Zone District: Marine Residential and Floodplain Designation: AE-14.

Tibbetts explained the project. The Erickson Corporation proposes to build a new wood piling supported pier with a seasonal ramp and wood float located on McGee Island. This is a family-owned private island used primarily for vacation rentals during the summer months. The applicants would like to have an all-tide access pier to improve access to the island. The new pier system will be located approximately 300' to 400' feet from the existing pier area on the island. The existing pier system does not have a ramp or float. If there are renters, they have to time their arrivals and departures from the island by high tide. If there is an emergency, the renters cannot get off the island. It is also difficult to get luggage and goods on and off the island.

Tibbetts stated that all Federal and State permits were submitted and approved, i.e., MHPC, all Maine native tribes, DEP, and USACE. Copies of the DEP and Army Corps of Engineers permits were included in the application packet.

Chair Cox: To restate. The Erickson Holding Corporation owns McGee Island and Barter's Island.

Tibbetts: Yes.

Thompson: I was looking at Google Earth, and I noticed you could see that the area they are proposing to place the new pier looks like it has been cleared of some of the rock. So, they do have some depth off the end of the pier?

Tibbetts: Right. Basically, that is the spot they used for years if they had to drag a skiff up. In one of the pictures, it shows the dinghy. It is a cobbly rock area and would work out well for the new pier.

Chair Cox: There are steps already there?

Tibbetts: Yes.

Chair Cox: Has there been existing access from the pier to the shore?

Tibbetts: There is an existing path traversing down to the pier, and there is a small stone wall and steps in place. No vegetation will be disturbed on the path.

Chair Cox asked Tibbetts if the Ericksons' planned to remove the existing pier.

Tibbetts: They do not. They opted to leave it in place rather than move it. It has been there for decades. It is a granite-filled crib and removing it would be a huge task and costly. It is not very

functional. They can use it on a high tide but on a low to mid-tide there is no water, and there has never been a ramp or float attached to the pier. There is a ladder off the side that they climb up to get onto the shore.

Chair Cox: How far is the existing pier from the proposed dock?

Tibbetts: It is around 300' from the existing pier.

Chair Cox: The ordinance states you have to have more than 200', so this is more than 200' away.

CEO Brackett: And there are multiple dwellings on this island.

Jordan: I think the purpose of the ordinance is that generally speaking you do not need more than one point to access the water and here there is one that is not very functional, so I think we could find the existing one does not count.

Chair Cox: There are a couple of issues before us. Do we need to hold an on-site inspection for this proposed project? This is a privately owned island. The Erickson's also own Barter's Island, and the whole passageway is in the same ownership. There are good photographs enclosed with the application. Do we have enough information?

Thompson: I would suggest we do.

Cogger: I would like to know if there is anything else that strikes you as particularly needing an on-site visit?

Chair Cox: There are statements in two places in the DEP permit that states no trees or vegetation will be removed. That is one of the things we look at. The other standard is, "Is this no longer than necessary, and does it fit in with the environment?"

Cogger: I don't know if anything happens in that area regarding fishing?

Jordan: The Dept. of Inland Fisheries & Wildlife (MDIFW) addressed that question as reflected in DEP Findings of Fact and Order.

Chair Cox read the DEP Findings of Fact, #4, Habitat Considerations, "Provided no construction occurs between April 15<sup>th</sup> and August 31<sup>st</sup> of any calendar year."

A motion was made by Jordan, seconded by Thompson that an on-site inspection for this proposed project is not needed as this is a privately owned island by the Erickson Holding Corporation; the Ericksons also own Barter's Island which is close to McGee Island. The roll call vote was 5-0, in favor.

Jordan asked if an Agent Representation Letter had been received. CEO Brackett stated he contacted Tibbetts a few days ago, and Tibbetts sent the Representation Letter. Brackett noted it has been placed in the file.

On a motion by Jordan, seconded by Thompson, the Planning Board determined by a roll call vote of 5-0 that the application was complete. The motion carried.

## **Section 15(C)**

### **Piers, Docks, Wharfs, 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 Brown the Planning Board determined by a roll call vote of 5-0 that the standard has been met on the basis that the existing pier is not completely functional. The applicant is proposing to construct only one pier with all tide access.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. - On a motion by Brown, seconded by Thompson, the Planning Board determined by a roll call vote of 5-0 that the standard is not applicable as there will be no change to the existing path and no measurable soil disturbance will occur. The ground that underlies the proposed pier is cobblestone rocks and appropriate to install a pier over.
3. The location shall not interfere with existing developed or natural beach areas. - On a motion by Brown, seconded by Jordan, the Planning Board determined by a roll call vote of 5-0 that the standard is not applicable. There is no beach area.
4. The facility shall be located so as to minimize adverse effects on fisheries. - On a motion by Jordan, seconded by Brown, the Planning Board determined by a roll call vote of 5-0 that the standard has been met based on the determination of the Maine Department of Marine Resources and the Inland Fisheries & Wildlife as reflected in the DEP approval.
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 Brown, the Planning Board determined by a roll call vote of 5-0 that the standard has been met. The structure gets far enough out to be able to be used at all tide levels and not much farther than that (will extend no farther than necessary over the water to be used at all tide levels), and having a pier located in the proposed area is consistent with having access to the water from an island.
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. NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft. - On a motion by Jordan, seconded by Brown, the Planning Board determined by a roll call vote of 5-0 that the standard is not applicable because no structures are existing or 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 Thompson, seconded by Jordan, the Planning

Board determined by a roll call vote of 5-0 that the standard is not applicable because this is 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 by Brown, the Planning Board determined by a roll call vote of 5-0 that the standard is not applicable because no structures are existing or proposed.
9. Except in the Commercial Fisheries/Marine 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 by Brown, the Planning Board determined by a roll call vote of 5-0 that the standard is not applicable because no structures are existing or proposed.
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 Brown, seconded by Jordan, the Planning Board determined by a roll call vote of 5-0 that the standard has been met. No vegetation is proposed to be removed, and construction will be conducted by barge as stated in the application.

## **SECTION 16 (D)**

### **PROCEDURE FOR ADMINISTRATIVE PERMITS**

#### **SHORELAND ZONING ORDINANCE, PAGE 50**

After the submission of a complete application to the Planning Board, Code Enforcement Officer, or Local Plumbing Inspector, the application shall be approved, or approved with conditions, if a positive finding is made based on the information presented that the proposed use:

#### **Procedure for Administering Permits:**

1. Will maintain safe and healthful conditions. - On a motion by Brown, seconded by Jordan, the Planning Board determined by a roll call vote of 5-0, the proposed pier will allow access to the island at all tides, including emergencies.
2. Will not result in water pollution, erosion, or sedimentation to surface waters. - On a motion by Thompson, seconded by Jordan, the Planning Board determined by a roll call vote of 5-0 that Best Management Practices will be utilized in the construction of this pier and there will be no unreasonable erosion of soil.
3. Will adequately provide for the disposal of all wastewater. - On a motion by Brown, seconded by Thompson, the Planning Board determined by a roll call vote of 5-0 that this does not apply. There is no wastewater disposal.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. - On a motion by Thompson, seconded by Brown, the Planning Board determined by a roll call vote of 5-0 that there will be no construction during April 15<sup>th</sup> and August 31<sup>st</sup> as specified by the Maine Dept. of Inland Fisheries & Wildlife.



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 5-0 as there will not be any effect on shore cover and visual or actual access to the island and surrounding waters.

6. Will protect archaeological and historic resources as designated in the comprehensive plan. - On a motion by Thompson, seconded by Cogger, the Planning Board determined by a roll call vote of 5-0, this does not apply as there are no archaeological and historic resources the Planning Board is aware of.

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 Brown, the Planning Board determined by a roll call vote of 5-0, this does not apply as this project is not in the Commercial Fisheries/Maritime Activities (CFMA) District.

8. Will avoid problems associated with flood plain development and use. - On a motion by Thompson, seconded by Brown, the Planning Board determined by a roll call vote of 5-0, this does not apply as this structure will be built in a flood plain AE-19.

9. Is in conformance with the provisions of Section 15, Land Use Standards. - On a motion by Thompson, seconded by Brown, the Planning Board determined by a roll call vote of 5-0 that Section 15(C) was met.

On a motion by Cogger, seconded by Brown, the Planning Board determined by a roll call vote of 5-0 to approve the Erickson Holding Corporation (Michael Erickson) application for a pier and seasonal ramp wood float.

**c. David Hawkins, 337 Island Ave., Rackliff Island / Map 230, Lot 036**

Matt Tibbetts of Art Tibbetts Marine Contractor represented the applicant and property owner David Hawkins. The application is to build a new 5' x 70' long wood piling supported aluminum walkway pier, with a seasonal 3' x 50' aluminum ramp and a 12' x 24' wood float. Existing and Proposed Use: Residential. Shoreland Zone District: Marine Residential. Floodplain Designation: AE-18.

Tibbetts explained the proposed project. David Hawkins is requesting to build a residential pier on Rackliff Island. The pier will be a 5' x 70' long wood piling supported aluminum walkway pier with a seasonal 3' x 50' aluminum ramp and a seasonal 12' x 24' wood float. The majority of this pier is located over ledge. The float will be held by four (4) pilings instead of a chain-to-mooring system to help alleviate any concerns for eelgrass.

All Federal and State permits have been submitted and approved by the DEP, USACE, MHPC, and all Maine native tribes. Copies of the DEP and Army Corp permits were included with the application packet.

Jordan asked if an Agent Representation Letter had been received. Brackett stated yes, one had been received. Jordan pointed out that one of the abutters identified in the application sold their house and moved away. He will get the name and address of the new owners. Brackett said he would take the new information as he was not sure the office had that information yet.

Chair Cox: This proposed project is for a pier on Rackliff Island and is located in a residential area. The Planning Board agreed that an on-site inspection should be held. Abutters will be notified. An on-site visit is scheduled for Tuesday, October 19, 2021, at approximately 4:00 p.m. or shortly thereafter.

**Site Plan Review:**

**a. SouWoo, LLC d/b/a Caignair Inn and Causeway Restaurant / Map 106, Lot 016**  
John Korkos of ReVision Energy represented the Caignair Inn. The project is to install a roof-mounted 16.9 kW solar electric system consisting of (47) 360-watt modules, (2) 7600-watt inverters, and a battery energy storage system consisting of (4) Tesla Powerwall batteries and (1) Tesla Gateway energy manager.

Korkos stated the proposal is for a 16.9 kW DC solar array for the roof on the Caignair Inn for Greg Soutiea. There will be 47 black modules which are 360-watt RECs and 7600 kW inverters. There will be a DC disconnect on the side of the building next to the meter as per the electrical code. ReVision has received CMP approval with no upgrades necessary.

Chair Cox: Are all of the panels are on the ocean-facing side?

Korkos: Yes, that is correct.

Chair Cox: Where will you be putting the battery power wall?

Korkos: There are four power walls, and they are going in the basement. There will also be a disconnect for the power walls as per the electrical code on the outside of the building.

Chair Cox asked CEO Brackett if anything was missing in the application. Brackett stated he had not seen anything missing. Jordan asked if the Agent's Representative Letter was received. Brackett stated it is filed in the application packet. There were no other questions regarding the application.

On a motion by Thompson, seconded by Brown, the Planning Board determined by a roll call vote of 5-0, the SouWoo, LLC application was complete.

There were no other questions. The Planning Board began the Site Plan Review.

The Performance Standards were discussed, and the Planning Board determined that the installation of rooftop solar panels would not increase the footprint of the building. The solar panels would not use municipal services or utilities, would not cause erosion, generate wastewater, interfere with emergency vehicle access, or interfere with pedestrian parking.

For Performance Standard #2, the Planning Board noted that the solar panels would relate harmoniously to existing buildings in the vicinity, would not be visible from the road or be visible from any building, and would blend in with the roof.

**PERFORMANCE STANDARDS**

1. Preserve and Enhance the Landscape
2. Relationship of the Proposed Buildings/Structure to the Environment – The Planning Board determined that the standard has been met because the solar panels do not detract from the appearance of the building.

3. Vehicular Access
4. Parking and Pedestrian Circulation
5. Surface Water Drainage
6. Existing Utilities
7. Advertising Features
8. Special Features
9. Exterior Lighting
10. Emergency Vehicle Access
11. Municipal Services
12. Water/Air Protection
13. Water Supply
14. Soil Erosion
15. Sewage Waste Disposal
16. Hazardous, Special, and Radioactive Materials
17. Financial/Technical Capacity
18. Shoreland Zone
19. Flood Plain
20. Lot Standards

On a motion by Thompson, seconded by Jordan, the Planning Board determined by a roll call vote of 5-0 to find the elements of the 20 Performance Standards, Section V, A1-20 of the Site Plan Review Ordinance are met.

On a motion by Jordan, seconded by Thompson, determined by a roll call vote of 5-0 to approve SouWoo, d/b/a Craginair Inn and Causeway Restaurant's application.

**b. Greg Howland, d/b/a The Happy Clam, 13 River Road / Map 105, Lot 076**

Melissa Starbird represented the applicant and property owner, Greg Howland who was present in person. The application is to modify the current permitted hours of operation of the "Outback Saloon" to be the same as the Happy Clam Restaurant. This is not in the Shoreland Zone District or in a Floodplain Designation area.

The Project Description states: Modify the current permitted hours of operation of the "Outback Saloon" to be the same as the Happy Clam Restaurant. That is:

- 7 a.m. to midnight, 7 days per week, inside of saloon with windows closed.
- 7 a.m. to 9 p.m. outside.
- Allowing serving of food, drinks, and alcohol after 9 p.m. (and before).
- Allowing music and tv after 9 p.m. (and before).
- No live entertainment (bands) after 9 p.m.

Starbird: This is pretty basic. We are not looking to change anything. My name is Melissa Starbird. I am here today just to clarify the hours because, in the Findings of Fact, it states the hours of operation for the Tiki Hut/barbeque will be the same as the current hours of operation for the Happy Clam Restaurant. The Happy Clam Restaurant's operating hours are until midnight. That is why I was running things until midnight. Then it says right after that, "No serving food or alcohol served at the Tiki-bar after 9 p.m."

Starbird: So, it was a little unclear when I received this and talked with Brackett. We went ahead and shut it down at 9 p.m. Also, the name of it was never Tiki-Hut. Tiki-Hut is just the type of bar it is. We are still doing business as d/b/a The Happy Clam. Everything is the Happy Clam. The building's name is the Outback Saloon, and on our shirts, it even says, "The Happy Clam Outback." So, we are not looking to change anything. We are just looking to clarify our hours, and we were hoping to be able to serve until midnight.

Chair Cox: You have heard concerns?

Starbird: Yes.

Chair Cox stated she received a letter and two emails which were read into the record:

Members of the Planning Board:

As you know, news travels fast, and word has spread that Greg Howland and the Happy Clam are on the agenda for tonight's planning board meeting for a change of name and change of use. I have to say that this seems most inappropriate. Looking back, it seems they applied, for one thing, did another, and are now asking for a modification. Seriously? The applicant, in this case, has displayed a blatant disregard for our ordinance, our planning board, CEO/LPI, and community neighbors.

I've voiced my position to the CEO repeatedly along with Brendan Chase on behalf of Jamie Wyeth. The conditions of the "tiki hut" approval remain unmet as the planning intended – mainly the tree planting – and I feel that the CEO erred in approving this condition. Additionally, the applicant relocated a storage trailer along my property line, not part of the approved plan.

Overall, the neighborhood has wanted to be supportive of the local business and has been tolerant. The area extending up and down Route 131, including Main Street, River Road, Watts Avenue, Barter Point Road, Spruce Lane, Sea Street, High Street, Juniper Street, and beyond, have been unfairly subjected to obnoxiously loud music and excessive traffic every Sunday, all summer. Oh, and not to mention the men regularly relieving themselves in the yard behind the building! (Sunday at 4:50, travel up the peninsula was reduced to one lane from Watts Avenue to beyond the Schoolhouse Bakery due to multiple vehicles left in the state right of way.) Thankfully it ends by 5:30 or 6 pm and is slated to end on Columbus Day weekend. The silence will be temporary.

There are far more seats than proposed or approved, clearly not enough parking to accommodate all the seats. It appears the number exceeds the limitations of the subsurface waste disposal system. The LPI told me he had ordered a licensed plumber be contracted for the interior plumbing because Greg has done it himself. The hired plumber had to re-do everything.

The bottom line is this, I can't attend the meeting tonight, and I believe the public, including the abutting neighbors and those within earshot of the facility, should be provided ample notice of the application before the planning board. Additionally, a public hearing seems warranted.

We, as a town, need to get a handle on the site plan review ordinance, the administration of the ordinance, and most importantly, the findings of fact need to include all the promises the

applicants make to the neighbors so that the CEO can enforce when things don't happen as promised.

I have always believed that residences and commercial ventures can co-exist, with respect and all parties following the same rules in the same way. I am confident in the board and their ability and hope an acceptable compromise can be reached.

-Respectfully, Diane Hall, 5 River Road & 13 Mechanic Street

September 28, 2021, at 4:14 p.m.

To: Terry Brackett ([t.brackett@stgeorgemaine.com](mailto:t.brackett@stgeorgemaine.com))

Dear Mr. Brackett:

I have property in Tenants Harbor that abuts the property of the Happy Clam. I understand that Greg has applied to change the hours that the restaurant is open. Where would I find that application so I can understand what he is proposing? I would assume that he wants to extend his nighttime hours and if that is the case, I would vehemently oppose that change of use.

Would you be able to send me the application? Thank you.

- Jamie Wyeth

September 28, 2021, at 11:41 a.m.

To: Beth Smith

Subject: Happy Clam

Hello Beth:

I would like to officially represent our support for the Happy Clam approval of their application to extend their hours that is on the agenda for tonight. Thank you.

- Greg & Lauren Soutiea, Craignair Inn by the Sea and Causeway Restaurant

Chair Cox: There are a lot of issues.

Starbird: Yes. But tonight, we are on the agenda for the hours.

Chair Cox: Tonight, you are on the agenda for the hours, the change of name. And by the way, the original application did say Tiki-Hut, but beyond that, the Site Plan Review process is going to open up and we are going to go through all of these.

Starbird: I would ask that Bill Reinhardt come and sit with me because he is the one who originally helped us with that. So, he could probably, because we have tried very hard, and I believe we have met all the guidelines, and Bill knows better about that.

Reinhardt: I am just a friend of Greg's. I helped him with his original application which is now over four years ago getting the Army Corps of Engineers to permit it and a few things. He actually started operating just this year because he has been three years building it. When he initially started operating and having the afternoon "Sunday Fundays," it was brought to his attention by the Code Officer that the hours he had were to be closed at 9 p.m. We did not realize that until he actually got a copy of the Findings of Fact, three years later, and actually looked it up. There was some ambiguity in that where it said there were the same hours as the

restaurant which is 7 a.m. to midnight. But then it said you couldn't serve alcohol or food after 9 p.m. He talked to Brackett and that is why he is coming here to the Board.

He would prefer to be able to not pull the doors down at 9 p.m. on some of the evenings. Occasionally when they have (customers) after 9 p.m. and they do not want to have to shut it up at 9 p.m. That is the only reason he is here. Tiki-Hut was never intended to be the name. It is a generic term of what the building is; separate from the restaurant and the fact that it is a Tiki-hut/bar is used to describe the kind of construction being open-sided. A tiki-hut you normally think of being open and in his application, it was two-sided; it would be closed, and the other two sides would be open. That is a generic name. He is not applying here for a name change.

Chair Cox: That's a minor thing.

Reinhardt: So, he wants clarification of the hours. He'd prefer to be able to operate the same as the restaurant, and that's not every day.

Brackett: But the restaurant, they can't serve on the deck after 9 o'clock.

Reinhardt: That is correct, Terry. They are prohibited from serving. They can finish meals on the deck after 9 p.m., but they cannot serve after 9 p.m. (Chair Cox: Right.) So, it was intended, and we had thought, and he had thought, that he had the same hours as that.

Chair Cox: I believe that the intention and I do agree it seems ambiguous when you look at the Findings of Fact. But I believe that because this construction is open on two sides that the intention was that nothing, because of the sound, the noise, that nothing would happen out there after 9 p.m., the same way on the deck. So, I believe that was the intention.

Chair Cox: I will also say that I am severely disappointed that #1. Preserve and Enhance the Landscape under the Performance Standards, there was to be a perimeter of evergreen trees, 3' to 4' high. The intention was to provide screening.

Starbird: Actually, Greg did that. He and Terry talked. Some of the trees have died but when you are talking about 3' or 4' pine trees, they all do not live, and he planted over 100 trees there. But the fact is that they haven't grown up yet.

Chair Cox: The intention is screening. (Starbird: Right.) I have seen some photographs of this. It feels very much like it is ignoring the importance of the screening issue for the neighbors.

Starbird: I assure you that honestly, he spent days and Terry even told him to plant more trees, so he went back and planted more. But because they are little, it takes time for them to grow up.

Chair Cox: I certainly know that.

Starbird: And it was different types of trees he planted. It wasn't just pine trees. He planted the ones to create more cover. We want that as much as you want it.

Chair Cox: Let me just say that if you wanted screening for your neighbors, you would not plant spindly little saplings. You would plant trees that would begin to look like the cedars that are along the border with the School House Bakery. You would invest in some decent plants that would give your neighbors some screening.

Jordan: I have to say the photographs of this do not look like what you just described.

Starbird: It did, honestly. And Terry. We went and looked three times.

Brackett: They were saplings that I would say that they dug up across the street, not nursery grown trees.

Starbird: Right. And replanted. We have a whole forest over there.

Brackett: But if you want a tree to live, you have to nurture it and water and that sort of thing, and I don't know if that happened.

Starbird: I mean, that is something we definitely want to make better. But it was not the issue as far as this being disrespectful. It wasn't that. That wasn't the intention.

Cogger: I just think because the screening is so important, it is great that he did that, but he is not a gardener, arborist, or forester. He is not a person who is an expert in these and with this particular need, there needs to be an expert.

Chair Cox: There are a number of other questions we have. When this came up, I went back, and I looked through all the minutes. I believe that this was permitted for an additional 24 seats. And that you have sufficient parking. Clearly from what we are hearing and observing, you do not have sufficient parking. So, clearly you are exceeding what was represented that you would be doing.

Reinhardt: He applied for the number of seats that he has in that building and those are correct, and Terry can vouch for that. The problem is that a couple of his venues during the week have been very successful and there are people standing up, dancing, and whatever and there has been a parking problem. He was planning on addressing that in another application. The application that he has here is just, as Terry's suggestion, to clarify the hours.

The Board reviewed the original site plan with Reinhardt and Starbird.

Reinhardt: This was the one that was approved; it was to scale. Terry has the one that showed the entire site.

Brackett: Our other one shows more of the restaurant, itself.

Chair Cox: There are enough spaces for the number of seats in the structure?

Reinhardt: That's right.

Chair Cox: I understand with COVID, but now we see picnic tables outside.

Reinhardt: For spacing.

Chair Cox: It's great that you have been successful, but it has become a problem in the town. A safety problem with the parking and the application that was approved said nothing about, I could be corrected, live music the way it has been going.

Reinhardt: It was discussed at the meetings. If you look at the minutes.

Chair Cox: Was it?

Reinhardt: Yes, that was what was planned on.

Starbird: There was also discussion that 50 people standing up behind the seats as well as 24 seats.

Chair Cox: That was I think discussed with a, "We hope that does not happen" kind of discussion.

Howland: We're permitted for 120 seats total on the State Department of Health, Food & Lodging certificate.

Chair Cox: Here is the thing. I know that you have come asking for the hours to be changed, and I need the Board member's insight, but I am not inclined to change the hours. But what has happened by coming here, and this is new territory to know how to navigate, there are so many issues with how the success of your business and how it is impacting this town that I am not sure what to do. We can have another public hearing and address these issues, and I think we would hear much more of what we heard tonight.

Starbird: I think you will find because most of our neighbors actually come and visit me almost daily (chuckles from the public). Believe it or not and they are very nice, and it is not a bar scene. It is where our friends and our family come to sit down and talk with each other, to meet each other just to hang out before they go home.

Chair Cox: So, we have different perceptions. (Starbird: Right. We do.) We understand this. I am hearing some very definite perceptions, and I heard some very definite loud music. (Starbird: Yeah.) So, I am not sure where to go with this.

Jordan: It seems to me that we are being asked to approve changes in the hours of operation when, from what I am hearing, there is a big question in my mind about whether the applicant has complied with the terms of the original approval. Until that question is straight in my mind, I would not be inclined to approve any expansion of what they are doing now until I am satisfied that I am wrong about concluding that they didn't comply or until they comply.

Jordan: On the trees, as I understand the building is not quite the same building that was approved. It is closed.

Starbird: It's exactly.

Jordan: Well, no, we just heard it was open on two sides.

Reinhardt: It is open on two sides, but you can't leave it open for people to come in and steal liquor at night, so he has roll-down doors on two sides. The main entryway is a roll-down door and the side has roll-down windows. (Starbird: Yeah.) So, it is open 90% of the time. The only thing that changed from what was proposed originally, and since I made the application for him four years ago, he reconfigured the bathrooms. He turned them 90% from what he originally thought he was going to have, and the workroom; he had a little storage room. He has two bathrooms, and they are turned 90 percent. The handicapped ramp, Terry approved that, because originally, we were going to have a handicapped ramp on the front of the building, but we needed the extra length, so they put it on the backside. But other than that, pretty much what it was designed as.



Chair Cox: But clearly the capacity is overflowing your parking capacity. And picnic tables have given you more seats, so this is not conforming because what was approved was filling up these parking spaces, not along the road.

Reinhardt: Correct. He is in his first year of operation of that and yes, (Starbird: Right.) things have apparently from what I have been told and seen some weekends, and definitely, on a Sunday afternoon, it is very popular from 2 p.m. to 5:30 p.m. or whatever. (Starbird: It is between 2 p.m. to 5 or 6 p.m.) And that he has some ideas of what he wants to do to address the parking issue. Howland has assured me that he doesn't want people parking on the road. He doesn't want them parking on private property. He doesn't want them to park in public parking places that they are not supposed to.

Cynthia Cremmoni: What is he suggesting?

Reinhardt: He has some ideas, but this is not the venue for this.

Chair Cox: We will get to all of this. We are trying to figure out where we are going to go from here procedurally.

Cynthia Cremmoni: I want to address the issue of the noise, again.

Chair Cox: We will get to that. We are not losing that issue. The only place that the noise was probably covered in the original permit had to do with, "You will plant and maintain an adequate number of trees for noise reduction." That has not happened.

Thompson: Might we propose that these issues were brought to our attention and what we need to do is schedule a time to hear what might be done to ameliorate the problems? (Starbird: Thank you.) Then make some decisions or open it for the public. All of those are possible to provide input to us. But I think right now we are hanging here (Starbird: Right.) because we have very different concerns. The question is what could be done about it, and we have to look at how we might evaluate that. That is my suggestion.

A Member of the Public: One quick comment. Impact on marketability and values of the property.

Chair Cox: Thank you. Yes.

Thompson: It is all in there.

Chair Cox: I am stymied. If we did our normal Site Plan Review, we are going to open up all of these questions.

Thompson: And we would have to wait for them to be addressed.

Chair Cox: Exactly. So, we could ask you to present the solutions and to tell us exactly how you are going to deal with the sound. If those trees had been planted three years ago, they would be 5' by now. How are we going to address that? The parking is a huge issue. The noise is a huge issue. All of that. We could say we are not going to deal with this until we have all that information, and the hours would be part of that.

Starbird: Okay. I am good with that.

Reinhardt: The only thing I can say is that on the application you have in front of you when Missy was talking with Terry, was that they wanted the extended three hours. It never amounts to that from what I was told by Greg, but they were willing to pull down the windows from after 9 p.m. but if that is not going to make a difference, we will withdraw the application for the

extended hours. They only have two more weeks of operation and what they will do is work out a plan for next year, the parking. They will also, it is in their application, they will address the plantings and things like that.

Chair Cox: May I strongly urge you to be very serious about those plantings because it is a bit of an insult, those little saplings that are there.

Starbird: I want to reiterate that the cost of everything that we have done for this. I know. But the fact that he did do it. It wasn't right. (Chair Cox: It doesn't matter.) But it wasn't his intention to be mean or rude. He did, he spent a lot of time planting 100 trees. We are willing to fix it for you.

Chair Cox: I understand. So, you are willing to withdraw this application and then come back and show us how you are meeting the requirements of the original conditions and the parking.

Reinhardt: Wait a minute. He'll withdraw the application for the extended hours. Anything having to do with the existing permit can be dealt with by the Code Officer, like the plantings, replacing the plantings, or planting new ones. He has a valid permit for operation until 9 p.m., Monday through Sunday, 7 days a week, and he has a valid permit for the seating and the parking which he is willing to address.

Chair Cox: But he has violated it, so it will be (unintelligible). Terry, it would be incumbent on you to get how he plans to address these issues?

Brackett: How he plans to address them?

Chair Cox: What his parking plan is.

Brackett: I can get that but (unintelligible).

Chair Cox: The parking plan and also the fact that he was permitted for just so many vehicles.

Starbird: That is part of the parking plan, right? We are already working on that. (Reinhardt: Right.) We did not realize that it was going to be an issue.

Chair Cox: This may be, but it also has to do with the number of people who are here (tonight). So, my strong suspicion is that you are exceeding even what you have been permitted for by the state. I don't know. Just given the number of vehicles that are there.

Reinhardt: 120. I think Greg just said.

Chair Cox: I think he said 123. That was going to be as many people as could fit there, so the fact that you have so many cars means that you have many more people. That is an issue. Just fixing your parking, finding a remote place is not going to solve the fact that you have more people here than 123 seats.

Starbird: I don't think we had more than 123 seats.

Reinhardt: We don't have.

A Member of the Public: With all due respect, Anne, isn't it appropriate when someone does not follow these (rules), in my experience in businesses, when you don't follow, when you start breaking and violating your application that your business is enjoined from operating until you comply with that. I happen to be in the town office when this application was brought in. And

there was a huge explanation to the Town Manager about how on October 10<sup>th</sup> they are bringing in two live bands. There is going to be a blowout. A great time. Everybody should come. We do not want to be a part of that in the neighborhood. Something needs to occur, and somebody who has the authority to enforce this needs to help the rest of us. And we respectfully ask that the town help the rest of us.

Starbird: There aren't going to be two bands.

Chair Cox: This falls to your purview. They have violated conditions.

Reinhardt: Anne, I would like to have you state for the record what conditions he has violated other than the plantings. The trees. Other than the plantings which he has tried, and he will replace, and he has stated that he will do that. Just throwing out saying violations is kind of generic.

Chair Cox: You are right. Parking. You have exceeded the parking spaces that you said you were going to use. Seating. The seating outside, as well as inside.

Starbird: Right, but we are allowed to serve 123 people. Even 50 cars in that parking. If you put 3 persons in a car.

Brown: I have seen people in there. And there are more than 120 people in there. I have driven by.

Starbird: I don't want to argue, but I can tell you at one time there is not more than 123 people in there. I take pictures. I know who is in my bar. They are outside. Most of them are coming in and out.

Chair Cox: Okay, most of them are coming in and out. They are outside on the premises. That seems you have more people there than you have parking spaces for.

Starbird: And we need to deal with that, yes.

Chair Cox: This, I would say would be a violation of what you said you would do.

Starbird: Okay. Is that a violation or is it the fact of growing pains? (Reinhardt: That's right.) We did not expect that was going to happen. We have grown.

Chair Cox: I think that does not matter. I don't know how you say, "Sorry people, closed. You can't come in. We have met capacity and you can't park on the side of the road; you can't come in."

Reinhardt: That can be done. Yes, certainly they can be told they cannot park on the side of the road, and they can't park in the Legion's Post Office parking lot or anything like that without permission. That is correct.

Chair Cox: The whole other issue is the noise.

Starbird: We have done that, though. We are going to work on the trees and come up with a noise solution. We've got two weeks left. We just want to get through the next two weeks and deal with the issue of how we have grown faster than we ever expected. We did not expect to grow this fast. We thought it was going to be a quiet summer. We were successful, so please don't punish us for being successful.

Chair Cox: Your being successful is great. (Starbird: Is it?) It is good for you financially, but your success is causing a lot of distress from many of the neighbors, so there has to be a compromise.

Starbird: But we have told you tonight, several times. We are going around and around. I feel like I am on a hamster wheel. We have told you; we want to address those issues. (Chair Cox: Okay.) But right now, we just want you to either say yea or nay on the hours and finish up our season. That is all we want to do. We have two weeks left.

Chair Cox: I heard you say that you will withdraw the application for the hours.

Starbird: I am good with that. We have been doing that anyway. We have been shutting down at 9 p.m. ever since Terry told me. And that is not a problem. I am being respectful. I am trying to be.

Brackett: I don't think you have been shutting down. I think you have been closing the building. Starbird: Ask anybody who comes in there. I won't serve them after 9 o'clock because that is what we talked about.

Chair Cox: The question though, is as was brought up, what is the penalty for the fact that there are violations?

Brackett: I am not sure they have too many violations at this point. If the parking lot was full and people are parking on Rt. 131, it's a violation but that is not up to me to take care of.

Starbird: And I don't want people to park on the road but that is (what's happening). We are not telling them to park on the road. As a matter of fact, when we see somebody and we know they parked on the road, we ask them to move.

Chair Cox: Is there any way we can get a Sheriff's Deputy down here on Sunday afternoons to clear the road?

Starbird: I tried.

A Member of the Public: Anne, could we request they pay a Sheriff's Deputy every night that they are open?

Reinhardt and Starbird: No.

A Member of the Public: It's their responsibility. They are the ones creating this. Let them pay.

Reinhardt: The only time I have ever seen a parking problem was on Sunday afternoon.

Starbird: Right.

Chair Cox: But it is a problem on Sunday afternoon.

Reinhardt: Yeah.

Starbird: Right. At this point, I know that the Odd Fellows had said, and I would be all for this, and I am sure Greg would be for this, but we would love to make a donation to the Odd Fellows and have parking. That was something he said. At least ask for permission or make a donation. I had no idea people were parking there. No, because our capacity is 123. You can't fit that many people in the bar.

Chair Cox: The bar, the Clam, the deck, the picnic tables. You've got a lot of people there and we have to address the issue of loud music. But that is not covered in the permit that you have.

Starbird: No, it is not.

Chair Cox: The only thing that was covered related to sound was the screening which I might respectfully suggest that you go overboard on that rather than the severely underboard.

Starbird: Absolutely. I would love to agree.

Cogger: I just have to say that a big problem here is that we do not have zoning in this town. This is a residential area but there is no zoning, so they were able to come in and start a business. I don't want to run their business out but there are problems.

Member of the Public: There however is a state statute that covers if it is a nuisance and therefore under all areas of the State statute that it's a nuisance. So, it violates the State code let alone, and yes, it would be nice to have zoning in town as well.

Reinhardt: That discussion has been going on for 50 years.

Member of the Public: But this is where it is.

Chair Cox asked Reinhardt if he has withdrawn this application. Reinhardt stated, yes, they will withdraw it and address some of the other issues

Bob Cremmoni: May I make a statement? This has not been discussed yet. There is one way to decrease the traffic to the Happy Clam. It is to have the Happy Clam raise their prices.

Reinhardt: I can't go away this evening without saying something. You've got to be consistent because I was on the Planning Board for 20 years, and the Board of Appeals but the parking issue. Go down to Port Clyde. The General Store, by their permit, is supposed to have a certain number of dedicated spaces there. They had leased some for a while; now they don't. Nothing ever happened about that, did it?

**Other Business:** CEO Brackett stated he had at least two applicants that applied to the Board and received permits. One was for riprap, and one was for a pier. The wharf has not been built. The person who was permitted for the riprap decided the contractor had not contacted them to do the riprap this year, so he did another project and did not have the funds to do the riprap this year. Brackett stated both permits were about to run out and the issue was that DEP issued permits for four years, but the town issued permits for two years.

Brackett asked how the Planning Board wanted to handle the two applications. Do they need to come back and reapply or could they do it through a letter? Brackett noted these were residential applications, they had not expired but were very close to expiring.

Jordan: The pier comes under Shoreland Zoning Ordinance which says the Board can grant an extension for one year. The riprap is in the Shoreland Zone. Jordan referred to the Shoreland Zoning Ordinance, Section 16, page 51 which Chair Cox read.

Jordan: This seems to say that they can get an extension only if they have made a substantial start within the two years, and they have not in either case.

Brackett: They have not but it is no fault of their own. It is the contactors.

Thompson: So, if they have not made a substantial start, they have to do a new application?

Jordan: Yes, they have to reapply.

Cogger: Is that there because there might be changes after two years that happened to the rules and regulations? Perhaps there haven't been changes.

Jordan: Pretty sure there haven't been.

Cogger: I would think because of that, we could do an extension. I think it is there as a safety net.

Brackett: As I said, DEP issues the same permit for four years. I am not suggesting we do it, but I am just saying.

Jordan: Technically because they haven't started, they have to apply for a new permit, but could we simplify it by having them write us a letter that says we hereby apply for a new permit on the same terms on which the earlier permit was granted? You could call that a reapplication rather than a renewal or an extension.

Cogger: Could it be more concise because we already have the application?

Jordan suggested the letter state, "That on the basis of the application and the approval and permit previously granted with no changes." He thought they did not need to charge a fee for that. Brackett agreed, as well as the other Board members. Jordan thought this would streamline their applications.

There was no further business to come before the Board. On a motion by Thompson, seconded by Brown, by roll call, it was voted 5-0 to adjourn the meeting at 8:54 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary