

**St. George Planning Board  
St. George Town Office  
February 22, 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, Mary K. Hewlett, Michael Jordan, Van Thompson, and Richard Moskowitz. (Anne Cogger was absent.) Also present by Zoom were: CEO Terry Brackett, Matt O'Malia, Loreen Meyer, Keith Gallant, Joanna Waley-Cohen, and Veronika Carlson.

**Quorum:** Alternate Richard Moskowitz was elevated to voting status, as Anne Cogger was absent. A quorum was present.

**Conflict of Interest:** None.

**Adjustments to Agenda** - The following adjustment was made:

- A Discussion on In-Person Meetings was added to the agenda.

**Review of the Minutes:**

**Planning Board Meeting** - February 8, 2022 – The minutes were reviewed and corrected.

A motion was made by Hewlett, seconded by Brown, to approve the minutes of February 8, 2022, as amended. The vote was 5-0. The motion carried.

**Public Comments:** None.

**Building Permits:**

**a. Keith Bradoc Gallant and Joanna Waley-Cohen**, 14 Vannah Lane / Map 103, Lot 014 Matthew O'Malia, OPAL Architecture, Belfast, Maine represented the applicants. The applicants and property owners, Keith Gallant and Joanna Waley-Cohen were present. The application proposes the demolition and reconstruction of an existing 4-bedroom, seasonal, and non-conforming residence located within the 75' Shoreland setback and to construct a conforming garage and guest quarters on 14 Vannah Lane, Port Clyde. Shoreland Zone District: . Floodplain Designation: VE-11.

O'Malia stated he would be covering for Riley Pratt, the lead architect on this project, as Pratt was not available for tonight's meeting.

O'Malia: The applicants have applied for a residential permit for a reconstruction of an existing structure that is in the Shoreland setback. There is an existing building that has a house footprint of 611 sq. ft. in the Shoreland Zone plus an additional 258 sq. ft. of covered outdoor porch, totaling 869 sq. ft. in the Shoreland Zone. A small portion of that encroaches on the 25' setback, and as they are considering the reconstruction strategy in the future, they will be proposing to shift the structure out of the 25' setback, so they are clear of that area. In addition to rebuilding in the Shoreland Zone by the main house, they are also proposing an additional structure which will be a garage, exercise space, and bedrooms outside of the Shoreland Zone. This project will be within the Shoreland Zone; the reconstruction on the existing footprint with a slightly less than 30% expansion and then an additional structure which is the garage and those accessory uses outside of the 75' setback.

There are two structures: The reconstruction of the existing and new construction. The owners have lived on this site for over 30 years. They have a deep connection to the place and the specific location. The building, itself, is about 100 years old, but with recent storms, the cottage has become very difficult to maintain with trees down and tree damage to the roof.

Another reason they focused on upgrading the existing structure is that it has very tight stairs from the first floor to the second floor which for accessibility in the future for the owners will be extremely difficult and limiting. There are several reasons why instead of just remaining in the existing structure, the goal is to rebuild the structure to make it resilient and sustainable as well as accessible for the long term.

As it stands, the building is a very tight four-bedroom seasonal structure. They are proposing one bedroom in the reconstruction and two in the proposed accessory structure. The existing septic will be replaced with a new septic system. An appropriate site has been located for the new septic system.

Chair Cox: There are three different descriptions of the size of the lot: .69 acres, 1.18 acres, and 4.73 acres.

O'Malia: We had a survey completed which indicates a .69 acre lot, but I would prefer to have the owners speak to that.

Gallant: That is our understanding from the survey. In our conversation with Chris Morrill, a Vannah grandson said this property was all part of the Vannah farm. It got divided up about 25 to 40 years ago and his parents and some other folks in the area did some reconfiguring of property lines, and there may be some old records that are no longer accurate. They were all cousins, so Morrill wasn't sure if they cared that much about what they had or didn't have.

The surveyors told us that the existing stone walls were almost foot per foot exactly what their records showed on the side towards the Wyeth property (Eight Bells) and the other side towards Chris and Susanne Morrill's property. Because of some changes that were made, it was a little harder to figure out where the line was, but the surveyors were confident they got it right when they said .69 acres.

Hewlett to the Planning Board: If they are going to be demolishing the structure in the 75' setback and they have demonstrated that they can move it back behind the 75' setback, aren't we looking at that one structure and not the other structure for approval?

Chair Cox: I think we should go to that issue right now.

Hewlett to O'Malia: I got the impression that you (and Pratt) were concerned about the 25' setback. In St. George, we are very strict about the 75' setback. Any time we have an opportunity to move a structure out of the 75' setback, we do. Historically, it is very, very easy to look back on all of our decisions. Where did the 25' setback come from?

O'Malia: In our minds, the 25' setback was an extreme minimum for locating the building, and as we looked at options, things evolved as we weighed renovation strategies versus new construction strategies.

With the owners having spent the last 30 years in this location and their relationship to the site, we designed a renovation trying to make it work within the existing structure maintaining that footprint, location, and views realizing that the proximity was very close to the ocean. Our goal was to explore that first, but the structure was quite old when they bought it. It was in disrepair, and they have been repairing it constantly. The real issue was accessibility and comfort. We then realized that we were never going to be able to build in that constricted footprint and be able to accommodate the long-term accessibility in that structure.

Our plans then shifted to a rebuild approach and realizing the volume, getting a proper size bedroom and a kitchen/dining room in that tiny footprint led us to this strategy. We read the ordinance and understand the Shoreland Zone approach and recommendation. In this case, it came out of this incremental approach trying to maintain that distinct location, trying to find the accessibility, and then working within that as much as possible.

Chair Cox: The Shoreland Zoning Ordinance states, if the total amount of the footprint of the original structure can be relocated or reconstructed beyond the required setback area (75'), no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure (75').

By having the secondary building with a garage out of the setback, you demonstrated that you could build something out of the 75' setback on the lot. If there is no practical place for leach fields, wells, etc., to move, then we could look at some compromise, getting it as far back from the resource as possible.

Gallant: We are not going to tear down Big Thunder and build something somewhere else. It is a very important place to us. If we need to make modest adjustments to it and build something else somewhere else on the property, we will consider doing that.

What we are trying to do with this design is to make it a place that is much more consistent with environmental sustainability, and with accessibility for us as we move there on a full-time basis. It does not have a proper foundation right now. It never has as far as I can tell. It has a lot of structural issues which can be corrected. But to us, it would be infinitely preferable if we were able to make it a building that was sensitive to the environment that utilized alternative sources of energy.

We lose power constantly on Horse Point Road. That is something we would have to address. It is a big issue for us, and we would be designing this in such a way that was not a problem. I read the regulations also. I happen to be a lawyer, so I understood those although I am not a Zoning lawyer. I think there is scope to say that I don't think that you can relocate Big Thunder without destroying it outside of the place where it is right now. One way or another, it is our expectation it will be there, but we were just trying to make it a better place both for us and for the environment by making these changes to it.

Jordan: I am sympathetic to this, but we are constrained by the ordinance. I would urge you to go back and look at Section 12(C)(4) of the Shoreland Zoning Ordinance which deals with replacement of structures or replacement of something that has been either destroyed, damaged, or torn down to the extent of 50% or more of its value. The ordinance requires us to make you rebuild it in back of the 75' setback requirement if that is practicable, and we do not have discretion. It is a state-wide regulation.

Chair Cox: Without replacing the foundation, you would be able to keep the existing structure and you could even add 30% onto the uphill side.

Jordan: Thirty percent (30%) or 1,000 sq. ft. whichever is greater. You have more room to enlarge on the uphill side than you have given yourself credit for. You mentioned that the foundation is a problem. There is a separate provision in the ordinance that states if you are replacing the foundation, you have to build it back away from the water to the greatest extent you can.

Gallant: There is no doubt it would be possible to do some repairs to Big Thunder. We have to remove a couple of the trees because of their condition. In that whole area, the forest is very old and very sick and needs reforestation. I don't know if anyone has walked down there but it is quite striking how different it looks now than from photographs of 25 years ago. There are a lot of dead trees, and a lot has gone down, but not too many have landed on the house.

I do believe it is possible to make repairs to Big Thunder and leave it where it is as a seasonal house not as a permanent, year-round house, and to build a different structure on the property. That is possible. But I think from my perspective that is less in keeping with the intent of the regulations than what we are proposing. Our goal was to find a way that we could be respectful of the site and do something there that would improve the whole property for everybody. I've talked with my neighbors, in particular Chris and Susanne Morrill, who own most of the property around me. I am not going to argue with you that it is possible to build something bigger and further up the hill, but I do not think that is as good a result for anybody as what we are proposing.

CEO Brackett: I think before this goes any further, the property owners or the architect should have a surveyor go in there and establish where that 75' line is because I believe that building sets right on the bluff – what little bluff there is there. But I don't believe that high tide line comes up to that bluff. If they establish where that 75' line is, you may find that building does not have to be moved as far back as some might think.

O'Malia: We did conduct a survey with the 75' and 25' setbacks and have based this on the survey data which we submitted with our plans to CEO Brackett and the Board for review.

CEO Brackett: But is the 75' marked out? When I was down there, I didn't notice that it had been marked out.

O'Malia: No, I don't think we have delineated on-site. We just have it as a surveyed document.

Chair Cox: I understand you want to be environmentally healthy and responsible, but the environmental objective here is to get as many structures as we can out of the setback area; that is the objective of our Shoreland Zoning Ordinance.

Gallant: What I am trying to say is that won't necessarily be achieved by prohibiting us from reconstructing it. Because I am not at all inclined to tear down Big Thunder and simply build something somewhere else. What we are trying to do with that property is not just leave it as it is, right where it is. We are trying to move it back a little bit. We do want to make it a safer, better place for us to live in, and we think what we are proposing is consistent with the intent of

the regulations to minimize environmental disruption. That is why the septic system is going to be moved all the way up to Vannah Lane.

Hewlett asked if the Board needed to see a separation between the two structures because of the dollar value.

Jordan: What is reflected in the application is to tear down the whole thing. So that is 100% of the value of the structure. What I think I said is if you could figure out a way to tear down less than 50% of the value of the structure and add to it on the landward, uphill side then there is probably a way to do that so long as you do not replace the foundation. That is a technical requirement built into the ordinance. To be clear, this is not something St. George made up; it is a state mandate.

Gallant: We respect that and when we said we understand that you have to balance all the different considerations, we appreciate that. We are going to figure out a way to do what we believe we need to do consistent with the regulations. For example, and I would appreciate your wisdom on this, it may be possible for us to build a structure, tearing down less than 50% of Big Thunder? Some of it is going to fall down on its own accord if we do not do something about it fairly soon. Which we will do, we want it to be safe; and build a seasonal boathouse type structure there. Maybe that is a good solution to the problem. It is certainly one that we would consider, and it is one that Matt looked at. We just were convinced what we believe to be the intent of the regulations was going to be satisfied by this approach. But I appreciate what Mr. Jordan has said that there are specific terms.

For example, when we talk about what is possible and what is not possible, it isn't clear to me reading those words (in the ordinance) whether that means possible to have something less appropriate to the spot; less beautiful, less consistent with the sense of the place? If that is not possible by building something somewhere else, is it nevertheless possible because there is actually a spot on the property where you could put another house? That is your decision what those words mean. I just ask that you consider this is not a large structure we are proposing. We think that it will be a better building than what is there now. But if you won't approve it, the architect will start over, and we will pursue whatever our options are. We are not going to have a fight with people about this. That is not our way.

Chair Cox stated she understood but did not write the regulations. Cox: When it comes to the greatest practical extent to move it, we have to consider the size of the lot, the slope of the land, soil erosion, location of other structures, location of the septic system, physical things.

Chair Cox offered suggestions about their application. Cox: You've probably got the sense of what we are saying. That we are constrained with the fact that you can move this or renovate the existing structure and build something else. You could say we want to withdraw the application and come back having filed a new application. Or you could say we can proceed with this application and see where it goes.

Gallant: I am not asking you to bind yourselves in any way. For example, if the structure that we replaced it with or turned it into, was smaller than the current structure, would that be something that you would be willing to consider?

Chair Cox explained 50% of the value of the existing structure in terms of upgrades and what was considered the trigger point.

Jordan: Or a little more precisely, it is not upgrades so you can spend as much money refurbishing it as you want. The trigger is if you tear down more than half of it. One that I think would work here, and you might consider, is to engineer around that so that you keep the existing building intact or as intact as you can without tearing down more than half of it. Then you are allowed to add onto it on the landward side; not just 30% but 1,000 sq. feet. So, you can make a larger building out of it in that way.

The only two things that you would have to pay attention to is that you can't tear down more than 50% of its value and you can't put in a new foundation. You can put in a new foundation under the new part of the building, but you cannot replace the foundation in the existing building.

Gallant: I have great confidence in Matt O'Malia's architectural skills and his colleagues. I think this has been an enormously helpful discussion.

Hewlett: Share the town assessment record with O'Malia. We have a copy of the assessment record, and it is showing that the buildings were \$79,200. I am not sure if that includes the existing shed. Dollar-wise on the existing structure that is there, you are going to be restricted. You can add onto the backside, and you do not have to include those calculations, but you are going to have to include those calculations in the existing structure.

Gallant: We need to replace the roof no matter what we do. Is that considered to be part of the half of the \$79,200?

Jordan: I would be inclined to say no because you are not tearing it down.

Hewlett stated it was maintenance but cautioned them that they would have to come back to the Planning Board depending on the extent of structural issues they found, i.e., if they discovered the structure could not be saved. She suggested they have O'Malia look into this.

Gallant: I would love to keep it where it is and maintain the cottage as it is. The stairs need to be changed as they are not safe. I've talked with O'Malia about an idea for the stairs. So, with that and the 1,000 sq. ft., maybe you have given us a better solution.

Chair Cox: If you do an addition on what is there, you will be limited on the roof height, but anything outside the 75' setback can be up to 35' high.

Gallant: We will go back and talk to Matt and Riley and figure out what to do. I don't want to say right now that we want to withdraw our application, but can we do that within the next few days and let you know?

Jordan: If you consent to extend whatever the limits are on our requirement to act, then that is fine.

Gallant: Yes. Of course.

Hewlett: Could you verify the acreage with documentation?

O'Malia: We will confirm that.

Thompson: For a complete application, we would need to see the location of the new drainage field.

O'Malia: We do have that in the process of being documented.

Hewlett: I would suggest that we do an on-site inspection when the plan comes back to us.

Chair Cox: We will hold onto your application and wait to hear from you as to whether you want to withdraw this or what you want to do.

Gallant: Thank you.

**b. Tenants Harbor General Store, LLC, 16 Main Street / Map 104, Lot 101**

Veronika Carlson represented the Tenants Harbor General Store by Zoom. The application is to install a new exhaust hood, duct, exhaust fan, and fire suppression system required by the Maine State Fire Marshal's Office. Shoreland Zone District: N/A Floodplain Designation: N/A

Chair Cox to CEO Brackett: Has the Fire Marshal approved this plan?

CEO Brackett: I have not heard or received anything from the Fire Marshal's office at this time.

Carlson: I attached the letter from the Fire Marshal's Office to the application requesting what they needed, what has been quoted, and what I am trying to get a permit for.

Chair Cox: You had J/M Superior Fire Services, Inc. design this?

Carlson: Yes.

Chair Cox asked: It is their design that has the ductwork running along the back of the building from the existing pizza fan location to the south side of the building and going up above the room?

Carlson: The hood system. Each one is always unique to the design of the building and ours has to be installed that way because it has to meet setbacks from the windows along the roofline.

Chair Cox: Are we missing any information on this application?

Jordan: I noticed one thing that might need an explanation. On the west side of the building, the front corner of the building already encroaches on the neighbor's lot. But it looks from the drawing as though the new ductwork that is going up the west side of the building will also encroach. (Brown: Yes.)

Jordan: Am I wrong about that?

Carlson: No, I would agree with you that it is getting closer to the property line but that is the only way that the hood system can be designed.

Jordan: The question is not whether it is getting closer to the property line. The question is whether it is going over the property line?

Carlson: I don't think it is. We own about 2' off the side of the store. It is not going off of that.

Hewlett: According to the plan we have, it is definitely over the line. That was my concern, too. I was wondering why it couldn't extend up to the right and above the eave window? That way, it could be on your property and not your neighbors.

Carlson: We own 2' off the corner of the building. I don't feel it is going on over the property line.

Hewlett: It is directly over the boat.

Carlson: Not really. It is in the corner of the building.

Chair Cox: How wide is this ductwork and the fan?

Carlson: The measurements are in the design provided. The ductwork is about 2' wide, 1' deep, and the fan will be located on top of the ductwork and the fan is around 2' to 3' for a commercial fan.

Chair Cox: If you own 2 feet and it is set back from the building some and it goes over 3 feet, you are over the property line.

Carlson: It would be centered, so it would be 1.5' right, 1.5' left. I still don't foresee it going over. I have met with the neighbors, and they are fine with it.

Thompson: The depth shown on the drawing is 2 feet, 5 inches.

Hewlett: Then it has to go around that eave.

Chair Cox: Then the conclusion is, it is probably a few inches over?

Thompson and Hewlett: Yes.

Chair Cox to Carlson: Is there any way, given the requirements of distance from windows, this could not go to the side but go straight up the back of the building?

Carlson: When I was at the site with them, they acted as if this was the only way it could be installed due to accessibility and access to install it along with cleaning it and the window setback.

Hewlett: Could it go to the right and then above the eaves?

Carlson: There is no way to install it to the right. It would require a man lift to install and one can't access the back right side of the store.

Chair Cox: You already have staging there.

Carlson: Yes, but a man lift (Brown: a bucket lift) is needed to install the ductwork, not staging.

Jordan: How would you do it on the west side?

Carlson: We are accessing it over the neighbor's property.

Thompson: The boat will move.

Carlson: Yes, the boat will go out.



Chair Cox: So, the lift can't come down in the back?

Carlson: No, it is not wide enough for the lift to come down that way.

Hewlett: And the lift can't reach over that end from where the dumpster is?

Carlson: No. The back of the building sticks out much farther than where the dumpster is now. They would not be able to access it. The lift needs to be able to get set up so they have to put out the arms to stabilize it, and from there it would not be able to come around the back of the building.

Chair Cox: We still have the fact that while it is inches, it is a little over the property line.

Brown: We will have to do an on-site.

Chair Cox and Jordan: Yes.

Chair Cox: I have a question that is hard to discern. What will the noise level be? I was able to pull from the specs that 5 feet from the fan are about 65.1 decibels. I know that noise becomes cumulative, and you have those four different heat pumps.

The Planning Board scheduled an on-site inspection for Thursday, March 10, 2022, at 4 p.m.

Carlson: You are concerned with noise for the hood system. How will doing an on-site help?

Chair Cox: We won't know the noise of the hood system but between now and then, if you could get the manufacturer's data about decibel levels. For example, if it is 65 decibels up there, what is it 20' at ground level or 25' away? We do not have a decibel meter, but we will be able to hear the heat pumps.

Carlson: They are air conditioning units, and they are all off.

Moskowitz: There should be a spec sheet on the heat pumps that would indicate what the decibel level is.

Carlson: CEO Brackett will already have that information because the Planning Board reviewed those.

Chair Cox to Brackett: Between now and then, will you be able to pull that information up from the previous application? (Brackett stated he would try but they are short-handed at the office, and he was dealing with other issues.)

Chair Cox: We will hold on to this application and review the application again at the March 22, 2022, Planning Board meeting.

Carlson: For the on-site, I will try to mark out the property line. If we are going over the property line, Terry, how is that going to be handled?

CEO Brackett: You can't infringe upon the property line, so I am not sure. That is something that will need to be looked at.

Carlson: What will we figure out at the on-site about decibels? The system is not installed, and the air condition units are shut off for the winter, so noise-wise we are not going to be able to hear what that level of noise is.

Chair Cox: I think the property line is governing the application right now and the on-site will help us understand the problem you have described getting the lift in there or an alternative.

Carlson: On the other side of the building, there is a slant for the concrete wall on one side, and Diane Hall's fence on the other side. It is only about 4' wide and the man lift (vehicle) that would have to drive down there is about 6' to 6.5' wide. That is why that can't get there.

CEO Brackett: Is there any other configuration of ductwork they could use? Like a rectangular ductwork instead of a round configuration?

Carlson: Let me look into that. I'll contact J/M Superior Representative and get back to you. Do you mean to try to keep it tighter to the building? Wider and not as deep?

**Other Business:**

- Return to In-Person Meetings: The Planning Board discussed whether to return to in-person meetings.

Chair Cox noted that Covid-19 numbers seemed to be decreasing, people were traveling more, and at Dr. Shah's last briefing, he was waiting to see what happened after school vacation week before making recommendations for schools. Cox, "If numbers keep going down and things look good, would people want to return to in-person meetings at the town office as of March 22, 2022, wearing masks?"

Hewlett stated she would like that but has a hard time hearing people in masks.

CEO Brackett: Wearing masks is the policy of the town and the policy would have to get changed.

Chair Cox stated as long as the town office policy was to wear masks, they had to follow the policy. Moskowitz suggested they discuss this issue again at the March 8 meeting to see where things were as far as Covid case numbers. Chair Cox agreed.

There was no further business to come before the Board. On a motion by Jordan, seconded by Moskowitz, by a roll call of 5-0, in favor it was voted to adjourn the meeting at 8:11 p.m.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary