

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

The Planning Board meeting was called to order at 7:00 p.m. via Zoom. There were 56 attendees. Present by Zoom were: Anne Cox, Chair; Jane Brown, Mary K. Hewlett, Michael Jordan, Van Thompson, and Richard Moskowitz. (Anne Cogger was absent.) Present by Zoom included: CEO Terry Brackett, Richard Bates, Rick Erb, Tammy Willey, William Reinhardt, Ben Vail, David and Bonnie Percival, John Falla, Dan and Kristin Falla, Stephanie Smith, Meg Rasmussen, Melissa Starbird, Betty and Larry Oakes, Philip Reinhardt, Greg Howland, Chris Moses, Alexa Z., Gayle Elfast, J. Limmen, Brendan Chase, Nina Anthoine, Chris Elwell, Shasta Minery, Becky Delaney, Fletcher McNaboe, Suzy Kane, Julie Sirois, Emily Chadwick, a GRLT staff member, Loreen Meyer, S. Luzi, Alison Fongemie, Barbara Aras, and other participants.

Quorum: Van Thompson was elevated to voting status as Anne Cogger was absent. A quorum was present. Michael Jordan stepped down due to a conflict of interest as a voting member for The Happy Clam permit application, and Richard Moskowitz stepped up as the voting member.

Adjustments to Agenda - The following adjustments were made:

- Metviner Findings of Fact and Conclusions of Law was added under Review of the Minutes.
- Discussion of In-Person Meetings was added under Other Business.

Review of the Minutes:

Planning Board Meeting — February 22, 2022 – The minutes were reviewed and corrected.

A motion was made by Thompson, seconded by Hewlett, to approve the minutes of February 22, 2022, as amended. The vote was 5-0. The motion carried.

Findings of Fact and Conclusions of Law - Alexander Metviner, 398 Wallston Road

A motion was made by Jordan, seconded by Brown, to approve the Findings of Fact & Conclusions of Law and authorize Anne Cox, Planning Board Chair, to sign the Findings on behalf of the Planning Board members. The roll call vote was 5-0. The motion carried.

Public Comments: Chair Cox explained that the two commercial applications being heard tonight, would have Public Hearings held at a later date. Hewlett noted that the commercial applications would most likely have on-site inspection visits, and people could comment then.

Kane: I just read Dan Falla's letter, and I think everyone should hear it.

Chair Cox read the following email into the record:

To: Terry Brackett
Re: Outback Saloon/Happy Clam
Tue, Mar 8, 2022

I am respectfully submitting this memo in the hope that St. George will not institute a noise ordinance and/or restrictions (on additional business plans) on the above-mentioned business. I believe this business is a responsible neighbor. From what I have read, the requested improvements are within reason and the saloon closes at 5 pm on Sundays.

Respectively submitted, Nancy Frederick, 319 Port Clyde Rd.

Chair Cox read the following letter into the record:

Dear Planning Board Members:

My name is Dan Falla, and I am a lifelong resident of Saint George, specifically Tenants Harbor, and twenty years of which have been on Watts Ave. This town has changed greatly over the years but has always maintained its character and its peaceful qualities that we have all enjoyed. We are a community and for the most part either enjoy each other's company or keep to ourselves. When I moved to Watts Ave, we were the youngest on the street. Now we have children and many other families have moved back onto Watts Ave, it is the neighborhood I remember as a child.

The addition of the Happy Clam was not an unwelcome one, another restaurant in town is healthy competition and allows for a variety of dining experiences. I saw many neighbors and townspeople there and frequented myself plenty, but then the tone slowly shifted. It appeared that more and more staff were staying at the property at the Howland residence across the street. The staff enjoyed partying after work, and we all grew used to the commotion. Things continued to get more rowdy until on Mother's Day I received a call from my wife that at 4 am there was a bulldozer coming down the property line behind our house plowing down trees (where the proposed parking area is). I was out of state but came home immediately and confronted Greg who told me it was a drunk/high employee acting on his own. I was furious and didn't go back to the restaurant that year. After seeing Greg the following spring, I was assured that "that employee overdosed and won't be a problem again" so I should give the Happy Clam another chance. The following year one of his employees was involved in a high-speed chase that ended at the Howland residence before that person ran into the woods which prompted a manhunt and lockdown of Watts Ave when my children had to wait in our vehicle while the police checked out our house. During this period of time, more campers/trailers and people seemed to be staying at the Howland residence and our neighbors started to call the police due to late-night disturbances. Then we came into the summer of the concerts.

Please let me say that I am not against allowing entertainment at a reasonable level in our town, this is just not happening at the Happy Clam. The noise level is just intolerable at times. Those that enjoy going there will say that it is only from 2- 5 pm on Sunday and they have the freedom to decide if they want to participate. Those that live on Watts Ave. and surrounding areas do not have that choice. I'm sure people are doubtful of how obnoxious it is, but when you have the windows vibrate as far away as my house is, that isn't reasonable. This is the situation currently, but what if the concerts sound like a good idea on Saturday, or maybe a Tuesday. We typically leave town during "Sunday Funday" because we don't want to deal with it. I don't doubt that this is fun for people, but if it was

in their backyard, they would feel just like we do. We never are allowed to enjoy a Sunday in our own backyard during the time the Outback Saloon is operating. This type of entertainment should take place in a more remote location.

I am writing this because Greg has continued to profess his family-oriented environment at his business, but that has not been the experience of the residents around him. We have been a tolerant bunch until recently and our lack of complaints has led to what appears to be a lack of enforcement and too much forgiveness on the part of the town regarding the Happy Clam's operations. He has operated on an act now and get forgiveness later which has worked so far, but we are starting to pay for these acts of kindness. The Outback was built on filled-in wetlands which he received after the fact approval for. His license to operate hinged on having sound-reducing shrubbery or fencing in place which never happened last year. In fact, the opposite happened. As he was assuring the town he was finding solutions to the neighbors' problems, he decided to clear a large section of trees on the property between Watts Ave and Route 131. He told town officials that this was not a parking area and that he was just clearing his land, and then he added stone and fill to that cleared land. Now he is applying for a "change of use" of that land to be a parking area for his business. I have no doubts that no matter what you decide this will now be used as a parking area because that is how he operates.

In closing, I want to say that this was not what any of us wanted. As I said above, we all tolerated this through the years because "it can't get any worse" but it has. Our family is planning on moving within the next year or so to other property we own in Tenants Harbor. This is not about our one more year tolerating this behavior, it is about all the other families that live in town that will have to deal with it after we are gone. The Watts Ave community deserves better. We need to get a handle on the current operations at this business before allowing it to expand further. Something needs to be done to help the members of this community regain some sanity while living with the Happy Clam in our village. We are also taxpayers with rights. The wishes of one business are disrupting the lives of countless others and ruining the peaceful community and the character of our village. This is what the Planning Board is supposed to protect for its residents.

Respectfully Submitted, Dan Falla, 19 Watts Ave

Howland: "Me and Rick are working on several things right now. As far as somebody chasing somebody. That's never happened. There are so many unfounded claims going on here."

Chair Cox: One understands, and we are not going to go back and forth, in he said, she said situation.

Michael Jordan stepped down as a participant and voting member on The Happy Clam application, and Richard Moskowitz stepped up to replace Jordan.

Commercial Building Permits:

a. Gregory L. Howland d/b/a The Happy Clam Restaurant & Outback Saloon, 13 River Road / Map 105, Lot 076

Greg Howland, owner of The Happy Clam Restaurant and Outback Saloon was present. William Reinhardt was also present and stated he was available to answer any technical questions about the application. The application is to add an 8' x 24' food prep trailer and a 12' x 24' open deck onto the road side of the Outback Saloon, to add a 12' x 24' storage and sales building onto the back of The Happy Clam Restaurant, and construct a 0.5 acres gravel parking area across Rt. 131, Map 105, Lot 002.

Howland: There are four things on the application. One is a food trailer which was suggested by the Health Inspector and reiterated by the CEO when I talked about building another kitchen out there. Also, I want to put a deck on the side of the Outback and a storage/tee-shirt shack basically on the back of the Happy Clam. Then across the street, I want to add parking so that we can alleviate any parking problems that existed in the past. I never said or presented it any other way. I don't even know where that came from.

Chair Cox: We have your application before us. There are three additions on The Happy Clam property and then the parking area on your home lot.

Howland: Yes.

Hewlett: What is the use of the new deck? Will it have tables, music?

Howland: No, no. Just tables.

Hewlett: Tables. Okay. At some point, I would want a schematic of the number of tables and the seating arrangement, and have you applied for a permit for the additional tables?

Howland: I have not. I've got plenty of room in the waste system to accommodate that.

Hewlett: Terry, doesn't he need the number of tables for his restaurant license?

CEO Brackett: We are going to need the number that he is licensed for now and the number that he proposes to add to his deck.

Howland: Right, and I can have that probably within a week from the Health Inspector.

Chair Cox: That is the information we will need before we go further.

Howland: Right. Okay.

Hewlett: I want to hear about the hours of operation.

Chair Cox: In the schematic, we see where the open deck and the food trailer are and there is a little corner between the deck and the food trailer. What is that? It has been highlighted.

Howland did not have his plan and asked Reinhardt if he knew.

Reinhardt: It's part of the deck.

Thompson: That is an access ramp, isn't it? To have access. (Reinhardt: Yes.)

Chair Cox: That is part of the deck. Okay.

Howland: I would assume it would be a landing to get your food.

Reinhardt: There is a door into the Outback (there), so that is part of the deck. Right now, two steps are there, but the deck would include that.

Chair Cox: So, the deck is not merely 12' x 45', it includes that triangle, as well.

Reinhardt: Correct.

Hewlett: Do we know the setback from the property line where that food trailer is going?

Reinhardt: It is 20 feet.

Thompson: The property line is right there. You can see it.

Hewlett: Is that the right-hand side setback? (Cox: Yes.)

Chair Cox: That raises a couple of questions. We have received two different schematics. One is of the deck and the trailer, and the other is of the storage and sales, 12' x 24' structure attached to The Happy Clam. We need a full site plan. We need something that shows these two structures in relationship to each other, in relationship to where the septic system is, in relationship to the existing parking. We need a full site plan.

Reinhardt: We submitted a full site plan with the application. I don't know what you have in your packets, but there was a full site plan of the entire property.

Chair Cox: And it showed the septic and all?

Reinhardt: The septic is not on the property. It is on an abutter's property.

Chair Cox: It shows where it is though?

Brackett to Chair Cox: They did submit a large drawing. It was not professionally drawn, but they did submit a large drawing. I had no way to copy it so that is why you got two separate papers.

Hewlett: I think we can ask the applicant to get us eight copies.

Chair Cox: We will be able to see it when we meet in person if we meet in person. But that is what applicants have done, and I think that is what our ordinance asks for, enough copies for everybody.

Thompson: I have a question that has to do with lot coverage (under Property Information). It says the Present is 8.0% and the Proposed is 10.0% and the Total becomes 10.0%. There is something wrong. Just a matter of straightening that out.

Chair Cox: I believe the Proposed is 2.0%. Would that be correct?

Reinhardt: That is correct.

Thompson: And that applies as well to the parking area?

Reinhardt: No, it does not.

Chair Cox: That raises an issue. It seems to me that there should be a separate application for the parking because it is a separate lot, and it is a "change of use." We can deal with them concurrently, but it should be a separate application.

Reinhardt: Brackett already emailed me late this afternoon and asked for a separate application for the parking area. The town office will have that either tomorrow or the next day.

Chair Cox: When we get to the parking application, it is going to be important to know what the layout of the parking will be and what the circulation will be within that. We have standards for how the circulation should be, the number of spaces that this is intended to serve, and if there is any landscaping/screening planned for it. Those are standard questions in the Site Plan Review.

Thompson: Parking space width; parking space orientation.

Moskowitz: Is the trailer a permanent structure? A trailer usually is moveable but is that going to be positioned permanently?

Howland: It will always be a trailer. It is moveable. I thought in the end if we ever decided to pull out of there, we could use that for something else. So, I would not make it permanent.

Thompson: So, it is a food preparation trailer?

Howland: Yes, it is a complete kitchen on wheels. Just like you would see at the seafood festival. Everything is self-contained.

Hewlett: Will it have a sink?

Howland: Yes, a three-bay sink. It has everything.

Chair Cox: How is that plumbed?

Howland: Just a line in. It has its own hot water and everything. A line in, and then it's got a 2" drainpipe into the septic system.

Hewlett: Will there be a fryolator and cooking exhaust?

Howland: Yes, there is exhaust. I had a picture of it that; I think it got submitted.

Chair Cox to Brackett: Did he submit a picture?

Brackett: I believe you got everything that was in the folder.

Chair Cox: We did not receive a picture of the trailer.

Howland: Okay, I can do that again. It is 24' long. It has an exhaust fan on top just like in any commercial kitchen. It's got exhausts vents.

Thompson: According to the ordinance, we would need to know, again, "Can the septic system handle the additional kitchen facility?"

Hewlett: We also need to know the decibels of the exhaust fan. The specs on the exhaust fan. How it's vented. Where it's vented and which side. We need a lot more information on this application.

Howland: Okay.

Chair Cox: It is customary when we have a commercial application, to have an on-site visit inspection. It is to see the physical layout and some questions may arise from the inspection. The public will be invited to the on-site visit. After having an on-site visit inspection, we will schedule a public hearing.

Reinhardt reviewed the list of items the Planning Board requested:

- The decibel level of the exhaust fan capacity on the food trailer (the Db's of the exhaust fan).
- The septic capacity. "What would suffice? Four years ago, when he got his approval for the Outback, we explained and submitted the overwhelming capacity of that septic system was built for a laundromat."
- We discussed the added seats that were for the Outback.
- What would you want for a statement regarding a sink in the food trailer adding to the capacity of that septic system as to whether it could handle it or not? It is designed for several thousand gallons a day.

Chair Cox: You are adding more tables on the deck.

Reinhardt: He is only taking the tables that are on the grass and putting some of them on the deck. He has tables on the grass.

Chair Cox: We know how many people he is planning to serve. It is more than who he was serving with the first application. So, how many more?

Thompson: Again, a lot of us on the Planning Board don't know what was done previously. We need to know about it.

Reinhardt: What do you need to know about?

Thompson: The capacity of the system. And if it's fine, it's fine. It is something that is part of all the applications.

Chair Cox to Brackett: This is your department as well. Is there something we can help clarify what we need to know?

Brackett: At this point, the only thing I need to know is the number of seats that he is licensed for now and the number of seats that he is proposing. I have a meeting that is partially set up with Brent Lawson and Rebecca from the Department of Health & Human Services to go over how they are going to calculate it. We will come up with an answer when I get the total number of seats that will be there.

Chair Cox: I believe we also asked for the layout of the parking and the flow. Also, will there be signage related to parking, and any landscaping, screening, and buffering for headlights? We need that information.

Hewlett to CEO Brackett: Are the number of bathrooms based on the number of people occupying the restaurant?

Brackett: Are you referring to the restaurant or the Saloon, or both?

Hewlett and Thompson: Both.

Brackett: I do not know what is in the restaurant, frankly. I haven't had to deal with that at this point. We will take a look at that. But I am pretty sure they are okay.

Hewlett: I understand there is an issue of not having enough bathrooms on-site.

Brackett: It might surprise you, how few facilities you need on-site but we will take a look at that.

Chair Cox to Reinhardt: I would suggest running through the Standards on the Site Plan Review and see if anything flags for you as well because we go through the Site Plan Review standards during the application process.

Hewlett to Reinhardt: If we could get a picture of the food trailer.

Reinhardt: I have one, but I will make a copy of it and also make six copies of the larger-scale site plan and get that to Brackett.

Hewlett to Reinhardt: The only other thing. Are patrons going to go to the truck? Is there a window that you order your food from?

Howland: Yes.

There was no further discussion. An on-site inspection was scheduled for Saturday, April 16, 2022, at 9 a.m. The Public Hearing will be held on Tuesday, April 26, 2022, at 7 p.m.

Alternate member, Richard Moskowitz, stepped down as the voting member and regular member, Michael Jordan resumed his voting status.

b. Town of St. George, 731 Port Clyde Road / Map 205, Lot 002 (Skateboard Park & Accessories)

Recreation Director Ben Vail was present and represented the Town of St. George Recreation Committee. The application is to build a 40' x 40' concrete pad for a skateboard park and a few accessories located at 731 Port Clyde Road, St. George Town property at the Port Clyde Fire Station.

Vail explained the proposed plan. There are a number of youngsters who are active with bicycles and skateboards with not a clearly defined place to be. That has led to concerns in some areas about safety for the children and also safety in terms of traffic in Port Clyde, and

interaction of different age groups in the Collins Park. There has been some steady movement over the last 6-8 years to develop a skate park.

One of the Rec Committee's goals was to find a space for a skateboard park. In my riding around town, I had a sudden thought and focused on the front lawn of the Port Clyde Fire Station where there is great visibility, a flat space, not an area that is used with a lot of traffic and I saw possibilities. I had conversations with members of the Fire Department and Rick Erb who are supportive of the idea, and I have had subsequent conversations with an abutter and have begun a conversation with the Port Clyde Water Company. I feel this is a viable plan. Some things need to be worked out. We are not in the final stages but would like to get approval from the Planning Board so we can move forward with the plan.

Chair Cox: You are proposing a 40' x 40' concrete pad for a skateboard park and a few accessories. What are the few accessories?

Vail: If we are to get approval, we will reach out to young people and community members and get some ideas about what would be appropriate; what they would like to see. I think the kids would have some good ideas. Guilford Butler School has a substantial skate park, but St. George's would not be as big or have as many pieces of equipment.

Thompson: I like the idea. The initiative. I raise the concern, "How do people get there? This is kind of out in the middle of things. Would this be something they would be going along Route 131 to get there?"

Vail: Yes, because they are already riding their bikes to Collins Park.

Thompson: Okay. "In looking at the site, where would this be on the site? You didn't give us any idea of that."

Vail: It would be on the front lawn between the flagpole and the tree line.

Thompson: Okay. At some point, a diagram of that would help. The other thing, is 40' x 40' big enough?

Vail: It is what the space will allow. That will give it a little bit of a buffer all the way around. I don't want to have the concrete pad go up to the ditch or right up against the flagpole. I don't want anyone to be hitting the flagpole.

Thompson: This would be reinforced concrete?

Vail: I don't know.

Chair Cox: I think it would be helpful to have a drawing of the site that shows the parking area, where the firehouse is, where the flagpole is. Where everything is, and where this is proposed to be so that we have a plan that shows all the physical elements including circulation, and vehicular assess. All of those questions need to be dealt with.

Thompson: Will there be any sanitary facilities there?

Vail: In all likelihood, if this comes to pass, yes, we will be putting a porta-potty there.

Hewlett: We should add that to the application. We will also need the property line setbacks on this concrete pad.

Chair Cox: How far it is from the right-of-way, side setbacks, all of that.

Vail: Sure.

Moskowitz: Has there been any discussion of liability if someone hurts themselves at the park?

Vail: My sense is it would be under the town's insurance policy. I don't have an exact answer, but I would think it would be something we are building and taking responsibility for.

Chair Cox: So, similar to the tennis courts and ball fields.

Thompson: And skating rink.

Hewlett: Is there any lighting proposed?

Vail: No. This would be like all our other parks. It would be a dawn to dusk operation.

Jordan: Any signs?

Vail: The only sign would be in line with our other parks which would be the expectations for behavior in the park.

Chair Cox: Information about the sign should be noted on the site plan and what it will say.

Vail: Would you rather I come back with all the information before holding an on-site visit?

Chair Cox: (No.) We may see some things at the on-site inspection that raise some questions that you might want to put on the application.

Thompson: It would be helpful at the on-site visit if you had the area staked out, so we have the idea where it would sit.

Chair Cox: You could put orange cones on the corners.

An on-site inspection visitation was scheduled for Thursday, April 7, 2022, at 5 p.m. at the Port Clyde Fire Station/Port Clyde Water District. The Public Hearing will be held on Tuesday, April 12, 2022, at 7 p.m.

Other Business:

- Return to In-Person Meetings: Chair Cox asked if Board members had any problems with returning to in-person meetings starting March 22, 2022. The consensus of the Board was to meet in person.

Hewlett: Will we still be able to Zoom in, as I will be out of town?

Chair Cox: We will always be able to tune in via Zoom. That is included in our remote participation policy.

Chair Cox: There was a question about wearing masks when returning to in-person meetings or if masks would be optional. We said it would be based on Town Office protocol. Has that changed or are we still masked at the Town Office?

Brackett: We are still masked at this point but at some point, it will change.

Chair Cox: Then we will wear masks unless the Town Office protocol changes.

Chair Cox: Reminder of the on-site inspection visitation at the Tenants Harbor General Store on Thursday, March 10, 2022, at 4 p.m.

There was no further business to come before the Board. On a motion by Brown, seconded by Thompson, by roll call, it was voted 5-0 to adjourn the meeting at 8:14 p.m. and the Planning Board went directly into the ordinance workshop.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary