

St. George Planning Board Meeting
7PM at Town Office and via Zoom
September 13, 2022
Minutes

The Planning Board meeting was called to order at 7:00pm. Planning Board Members present were Chair Anne Cox, Anne Cogger, Richard Moskowitz, Michael B. Jordan, Jane Brown and Mary K. Hewlett. Also present were: CEO Terry Brackett, Richard Bates, Veronica Hallowell, Mike Lunt, Chuck Campbell, Jonathan Bailey and Jane Matthews.

Present via Zoom were Adele Welch and Matt Tibbetts-Tibbetts Marine Construction

Quorum

A quorum was present.

Conflict of Interest:

There were no conflicts of interest.

Adjustments to Agenda:

1. Report on the ordinance review process
2. Role of informing the public of regulations, particularly regarding shoreland zoning issues

Review of the Minutes:

Richard Moskowitz was elevated to voting status for the purpose of reviewing the three sets of minutes.

Cogger moved to approve the August 23, 2022 Planning Board meeting minutes as corrected, seconded by Hewlett. By a 5-0 vote, the minutes were approved.

Cogger moved to approve the Findings of Fact and Conclusions of Law for the Application of the St. George Municipal School Unit CTE/Makerspace Building, dated August 23, 2022 as corrected, seconded by Jordan. By a 5-0 vote, the minutes were approved. Hewlett moved to allow Acting Chair Jordan, on behalf of the board, to sign the Findings of Fact and Conclusions of Law of the Application of the St. George Municipal School Unit CTE/Makerspace Building, dated August 23, 2022 and was seconded by Brown. By a 5-0 vote, the motion carried.

Hewlett moved to approve the August 23, 2022 Planning Board Public Hearing minutes for the St. George Municipal School Unit CTE/Makerspace building as noted, seconded by Brown. By a 5-0 vote, the minutes were approved.

Public Comments:

Jonathan Biley

My name is Jonathan Bailey. I live at 339 River Road near Long Cove Road. I've got some questions and some statements to make about Long Cove Quarry. There's recently been some extensive earth work performed at the quarry at the behest of the new owner Michael Mullins. I understand from Terry Brackett that no codes have been violated. However, an ad hoc group of us felt we should speak to you about a few concerns about the work that's been performed so far. Our questions and concerns include what is the physical impact on the wells in the immediate vicinity? What is the impact on the water in the wells and in the quarry and in Long Cove? What is the potential impact on the surrounding habitat, including birds, mammals and marine life? What is the impact on the wetland area adjacent to Long Cove Road, near where the work has already been formed? What is the impact on the neighboring homes from the heavy trucks on Long Cove Road and the earthmoving equipment working in the quarry? And finally, because Mr. Mullins has not come before the board with his overall plan, we're wondering if the work performed to date conflicts with the goals, the objectives and the policies of St. George's comprehensive plan? Thank you.

Chair Cox

I'm not sure what we can do because we don't have an application before us other than be totally cognizant of the fact that something is going on.

Biley

We just thought it was time to say something in an official way.

Terry Brackett

I have been asked to go down there and visit that site by a couple people. I went today. At this point in time, I don't think they have exceeded any of our ordinances. The only thing I can see is that there is a sign that is going up that should be permitted. I think that right now, that is the only thing I need to check on.

Jordan

What are they doing?

Terry Brackett

I guess it kind of depends on how you look at it. On Long Cove Rd., they are cleaning up the area that was the parking lot. So, it's basically some landscaping type of thing and going up on to the top where most of the mined granite is located, they've leveled it off so that they can have better

access to get the materials out of there is what I was told. As I said, I am watching what's going on.

Chair Cox

A swimming club has been implemented and we have no jurisdiction over a swimming club.

Hewlett

Apparently, people are asked to sign waivers. Terry, do you know if the fire chief has been in touch with him because that's one of our huge water holes that we can access water from.

Mike Lunt

So, I actually went down and spoke with him about that the other day. He says for now, and in the future, he has no problems with us pulling water out of there. So as far as what he does a year or two years from now, I don't know what could change, but as of right now, we still have access.

Hewlett

Do we still have a key to the gate?

Mike Lunt

We still have a key to the gate and if he does change the lock, we still have a key to the gate.

Hewlett

That's one of our big draws for water to fight fires.

Jonathan Biley

I would add that while the work that has been done follows code, and you see no contradictions to the code, everything that he has done is consistent with the state of plans that he has for the property. And it seems to me that he's kind of getting a little "hors d oeuvre" in here and getting some stuff taken care of before he has to go through the process.

Terry Brackett

I'm not sure that it does follow code as far as building on it.

Chair Cox

We'll be ready should anything come before us.

Chair Cox called the meeting to recess at 7:21pm in order that the Public Hearing on the J.D. Miller application could begin.

The Public Hearing on the J.D. Miller application closed at 7:26pm and the Planning Board meeting resumed at that time.

Building Permits

J.D. Miller Construction

Chair Cox

Okay, we have the application before us, and I don't think we accepted this as complete at the last meeting.

Chuck Campbell

I do have a new copy of the site plan with the parking lines on it. I was going to bring it to the site walk last night but I thought I'd wait in case there were other changes that needed to be made.

Chair Cox

So, we have this revised plan which shows the parking spaces lined out. Basically they're 18' by 9' parking spaces.

A motion was made by Hewlett, seconded by Brown, that the application be accepted as complete with the revised site drawings, showing the parking lines. By a 5-0 vote, the motion carried, and the application was accepted as complete.

V.A. Performance Standards

1. Preserve and enhance the landscape. On a motion by Hewlett, seconded by Brown, the Board found, by a vote of four in favor to one opposed, that because, no change is proposed to the footprint of the existing structure and no new structures are proposed, the existing landscape will be essentially unchanged, on the condition, in view of a concern expressed by a neighbor at the public hearing, that the existing vegetation along the southern property line will be preserved.

2. Relationship of the Proposed Buildings/Structures to the Environment. On a motion by Jordan, seconded by Hewlett, the Board found by a unanimous vote that because no change is proposed to the footprint of the existing structure and no new structures are proposed, the relationship to the environment will be essentially unchanged.

3. Vehicular Access. On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that proposed change of use will have no effect on vehicular access from River Road to the premises.

4. Parking and Pedestrian Circulation. On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the area to the east of the building provides parking adequate for the proposed uses and allows for safe vehicle and pedestrian circulation, subject to the condition that vehicles will not be parked facing to the south after dark so as to minimize the glare of headlights on the abutting property.

5. Surface Water Drainage. On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the change of use will have no effect on surface water drainage.

6. Existing Utilities. On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the new use will not make use of any of the utilities specified in section V.A.6 of the Site Plan Review Ordinance.

7. Advertising Features. On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the sign proposed to be placed next to the gravel drive and near to River Road will comply with the applicable requirements of the Sign Ordinance on the conditions that (a) the sign shall not be greater than 20 square feet in size and (b) the sign shall not be placed on property not owned by the applicant or an affiliate of the applicant without the consent of the property owner.

8. Special Features. On a motion made by Brown, seconded by Hewlett, the Board found by a unanimous vote that the new use does not present any features that that requires screening. The regular hours of operation of the businesses to be conducted at the premises shall not exceed 6:00 a.m. to 9:00 p.m., six days a week.

9. Exterior Lighting. On a motion made by Hewlett, seconded by Brown, the Board found by a unanimous vote that the applicant does not propose to install additional lighting. Existing lighting will continue to be down-shielded, and the applicant has agreed to a condition that any motion sensors that activate lights will be calibrated so as not to respond to motion on any neighboring property.

10. Emergency Vehicle Access. On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that the change of use will have no effect on emergency vehicle access.

11. Municipal Services. On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that the change of use will have no effect on any of the municipal services specified in section B.A.11 of the Site Plan Review Ordinance.

12. Water/Air Protection. On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that the new use will not cause additional water or air pollution.

13. Water Supply. On a motion made by Cogger, seconded by Jordan, the Board found by a unanimous vote that the new well will provide sufficient water for the new use.

14. Soil Erosion. On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that the new use will not cause soil erosion.

15. Sewage Waste Disposal. On a motion made by Jordan, seconded by Cogger, the Board found by a unanimous vote that the Local Plumbing Inspector has advised the Board that a permit has been issued for a new septic system and that the design of the system is adequate for the new use.

16. Hazardous, Special and Radioactive Materials. On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that the new use will not use or generate flammable or other hazardous materials.

17. Financial/Technical Capacity. On a motion made by Jordan, seconded by Cogger, the Board found by a unanimous vote that the applicant has the financial and technical capacity to complete the work necessary to accommodate the new use.

18. Shoreland Zone. On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the premises is not located in the shoreland zone.

19. Flood Plain. On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the premises is not located in a floodplain.

20. Lot Standards. On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that no new structure or expansion of the existing structure is proposed.

On the basis of the foregoing findings of fact, the Planning Board concluded by unanimous vote that each of the performance standards in section V.A of the Site Plan Review Ordinance either has been satisfied or is not applicable.

On the basis of the foregoing findings of fact and conclusions of law, the Planning Board unanimously approved the application, subject to the conditions stated in findings of fact 1, 4, 7, 8, and 9.

Eric Brown – Docking System, Hupper Island

Chair Cox

We have an application for a pier. Briefly, talk us through it.

Matt Tibbetts

I'm representing Eric Brown, and he's proposing to install a docking system on Hupper Island consisting of a pier and a seasonal ramp and float. The property is kind of inaccessible from the water. It's all rough ledge to the shore. So, we'd like to get water access to the property, especially for living at the house, to make it much more practical. Not just for coming and going but daily things, groceries and supplies. Right now, he currently gets there via the other end of the island using either the shared dock or a friend's dock but then it is about a half mile from there to his house. So, it's kind of hit or miss, borrowing the pier of the neighbors.

Chair Cox

And I see from the photos that it's looking right out at Marshall point. Matt, are there some neighboring piers?

Matt Tibbetts

Yes. There's one about every two houses. They're all similar length, size, and style. Existing you know, just simple wooden piers.

Jordan

Is there a ledge there?

Chair Cox

Is it further out than the neighboring piers?

Matt Tibbetts

It's similar. I don't have the exact measurements of the neighbors, but they are similar, meaning it goes only as far as the low water. We're not going to go any further than the water line, and then the ramp can float to finish the rest.

Moskowitz

I'm looking at Google Maps on some of the adjacent ones, and it looks like three quarters of the ones that are there right now are over the ledge. Only a small portion are over the water.

Chair Cox

This one is proposed to be over the ledge quite a bit, correct?

Matt Tibbetts

Yes. It's completely over the ledge. It's all ledge and broken rock. You really can't even bring in a skiff. Just to do a site visit, basically I had to jump off the bow to get onto the ledge.

Chair Cox

You can see the drawing that we have shows the approximate mean low water line and the pier structure itself goes right to that. At low tide, it would be completely exposed, and then the 60 foot ramp would go down to the float. And you've had Army Corps and DEP approval?

Matt Tibbetts

Yes.

Hewlett

Do we need a site visit?

Chair Cox

That's what I'm getting to. One of our main concerns is vegetation removal and I believe you're not planning to remove any vegetation.

Matt Tibbetts

That's correct.

Chair Cox

So, are there comments from the Board?

Hewlett

If you look on the tax map, they are showing two other existing piers already.

Chair Cox

As Matt said, every two lots seem to have a pier.

Matt Tibbetts

I will kind of throw this out there for food for thought. Like Kate was saying as far as if we need a site visit, it is definitely a difficult one to access. I kind of jumped off the bow to get onto it. Other than if we went to the other end of the island and found the way over.

Chair Cox

I guess that's sort of where I was going, We are an intrepid crew and have been to some difficult places.

Cogger

Well, it was helpful to see how far the dock went out, it was marked in the water.

Jordan

On Teal Island we took a boat over but didn't go onto the land. From the water, we can get some idea of what it would look like. I don't feel strongly about this one way or another.

Hewlett

Has the Harbormaster looked at this?

Terry Brackett

Yes, he has. He looked at it and signed off on both forms, on the back of the building permit and the permit application that Matt has to turn in.

Hewlett

Okay, because we don't have those.

Chair Cox

So that's good to know and I think the photographs are very helpful.

Hewlett

The color photographs, I thought were extremely helpful.

Chair Cox

That sort of helpful to see what it is and like I said, one of the big issues where we have input in particular is vegetation removal, and there is none.

Hewlett

It looks pretty dead where they have the marking due to sea rise would be my guess.

Chair Cox

So, should we waive a site visit?

Hewlett

It's okay with me.

Jordan

I'd rather say we decided not to do one than waive one.

Chair Cox

There's no requirement. Okay. So, we've decided not to do it, Let's look at the application. Do we feel it is complete?

A motion was made by Hewlett, seconded by Brown, that with the addition of the plan provided to the Planning Board by the CEO, this application is complete.

15C of the Shoreland Zoning Ordinance

The Board made the following findings of fact:

- 1. No more than one pier, dock or wharf is allowed on a single lot.** On a motion by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the plans call for only one pier.
- 2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.** On a motion made by Jordan, seconded by Cogger, the Board found by a unanimous vote that the entire structure shall be rebuilt on ledge and other kinds of rock and has been approved by the DEP.
- 3. The location shall not interfere with existing developed or natural beach areas.** On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that there is no beach area on the property.

4. **The facility shall be located so as to minimize adverse effects on fisheries.** On a motion made by Cogger, seconded by Hewlett, the Board found by a unanimous vote that the DEP and the Harbormaster have approved the project.
5. **The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.** On a motion made by Hewlett, seconded by Cogger, the Board found by a unanimous vote that the dimensions of the pier are no larger than necessary to gain access to the property and the plan is consistent with other existing piers and wharfs on the surrounding properties.
6. **No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.** On a motion by Jordan, seconded by Hewlett, the Board found by a unanimous vote no such structures are proposed.
7. **New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.** On a motion by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the pier is proposed to be built over tidal water.
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 Hewlett, the Board found by a unanimous vote there are no such existing structures.
9. **Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.** On a motion by Jordan, seconded by Hewlett, the Board found by a unanimous vote that no such structures are 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 Jordan, seconded by Hewlett, the Board found by a unanimous vote that there is no vegetation that will be removed, and construction will only be accessed by barge.

On the basis of the foregoing findings of fact, the Planning Board concluded by unanimous vote that each of the requirements of section 15C of the Shoreland Zoning Ordinance either has been satisfied or is not applicable.

On a motion by Jordan, seconded by Hewlett, the Board approved the application by a unanimous vote.

Other Business

Chair Cox

Okay, I added a couple of items to the agenda and it won't take long. First is a report on the ordinance revision process

Jordan

The draft ordinances were sent out to the town attorney, and there has been a bit of a delay so I regret to tell you that this is not going to be done in time to be on the November ballot. So now we will shoot for May.

Chair Cox

She says she is working on it. The second item is I received a letter from someone who was confused about the regulations regarding shoreland zoning issues and how much clearing you can do on your land. Cutting back vegetation and so forth. It's not really our purview, but I just want to raise the issue to get the board thinking about how we might be able to communicate to the public about what is in the Shoreland Zoning Ordinance and what homeowners can and cannot do. So, if you have any ideas, talk with the CEO.

Cogger

I think it would be helpful to have the Conservation Commission comment. For example, trees that are greater than four inches may not be removed and there are reasons why those decisions have been made. I think that if you are investing in our town, you should know that.

Chair Cox

Terry, way back when, we received the Homeowners Guide to Environmental Laws Affecting Shorefront Properties in Maine Towns, and this is basically a little booklet that was written around 1997. It's probably woefully out of date.

Terry Brackett

I doubt it has been updated. I can ask if they still have them.

Chair Cox

It doesn't cover everything, but it does cover some of the reasoning.

Cogger

That's good to be able to give somebody information or direct them to a website.

Jordan

This is from the DEP? Maybe they have something on their website.

Chair Cox

Maybe we can link our website to the DEP website to help folks. It seems like that would be reasonable.

Bates

It really depends on the neighbors of the offenders to know about this.

Cogger

I think if there is something for the neighbors to reference, it is helpful.

Chair Cox

If we can do something to keep Terry from having to field 20 phone calls a day.

Terry Brackett

I don't mind fielding phone calls as long as they call and ask.

On a motion by Cogger, seconded by Hewlett, the Board found by a unanimous vote to adjourn at 8:48p.m.

Respectfully submitted,

Tammy Taylor
Recording Secretary