

St. George Planning Board Meeting
7PM at Town Office and via Zoom
October 25, 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, Mary K. Hewlett. Also present were CEO Terry Brackett, Richard Bates, Jonathan Benner and Bill Rheinhardt.

Present via Zoom were Alison Briggs, Loreen Meyer, Adele Welch, Devin Prock, and Randy Deutsch.

Quorum

A quorum was present.

Conflict of Interest:

Michael B. Jordan has a conflict of interest regarding The Happy Clam and recuses himself from discussions.

Adjustments to Agenda:

There was an adjustment regarding the next meeting. It will be held on November 10th, as November 8th is election day.

Review of the Minutes:

Brown moved to approve the October 11, 2022 Planning Board meeting minutes as corrected, seconded by Hewlett and by unanimous vote, the minutes were approved.

Hewlett moved to approve as written the Findings of Facts and Conclusions of Law for Application of Keith Bradoc Gallant and Joanna Waley-Cohen at 14 Vannah Lane, Map 103, Lot 14, was seconded by Jordan and by unanimous vote, the document was approved.

Public Comments:

There were no public comments.

Building Permits

Modification of pier at 61 Haskell Point Rd.

Devin Prock

My name is Devin Prock; I am representing Permitting with Prock. I've provided to you today an application to modify a pier for Nicholas Dicke at 61 Haskell Point Road in Tenants Harbor. The reason for this is to make the pier more handicap accessible for boating activities for his elderly parents. That is his main reason for doing this. We are doing away with the mooring chains and just installing float piles. The modification of the pier consists of a six-foot wide by ten-foot-long landing on the side of the pier, so the owner can use a golf cart the full length of the existing pier and then have an area for offloading to get to the gangway and down onto the float. It's adding the landing and then just two additional piles. It's not a big undertaking. It's just a slight modification to the existing pier. If you have any questions at all, I'm more than happy to answer them.

Chair Cox

Great. I see that the DEP has reviewed and approved this as has the Corps of Engineers.

Devin Prock

Correct.

Hewlett

In the wintertime, I assume the ramp and the float are pulled and then the two piers will just sit there.

Devin Prock

Yes, the piling will be drilled and grounded into the ledge; we call it a socket. They will be permanent structures.

Hewlett

They will be stable enough once you remove the float and the ramp.

Devin Prock

Yes.

Hewlett

Thank you. Does our ordinance allow additional width more than six feet on a pier that's non-commercial?

Jordan

Yes. The only restriction on width was in non-tidal areas.

Chair Cox

In non-tidal waters, it cannot be wider than six feet.

Hewlett

Is there going to be a gate so people won't fall off that section?

Devin Prock

There will be a railing around the two sides that aren't connected to the pier, and where the ramp goes off at the very end, but if the town would like to have a safety gate of some sort, he'd be more than happy to.

Chair Cox

Are they going to have railings on two sides?

Devin Prock

Yes.

Chair Cox

Where the cantilevered landing platform is, the railing will be on the two exposed sides, and then the ramp would be on the third open side.

Devin Prock

There is a little sketch that kind of depicts it and drawings. I'm not sure if you all have a copy of that but all sides, except for the one with the ramp, will be detailed, as you said.

Hewlett

The open one shown on S-5 is where the ramp is going to attach?

Devin Prock

Correct.

Chair Cox

I have a few questions. Do we accept this as a completed application now? Do we feel we need to do a site visit? And even if we do not feel we need to do a site visit, do we need to do a public hearing just to let neighbors know, even though this is a very small modification.

Devin Prock

Per DEP requirements all abutters were notified by certified mail that this was a potential project, but I understand wanting to do a public hearing as well. So that's fine.

Hewlett

Did any neighbors respond?

Devin Prock

No, but everybody received their notice.

Cogger

I just wonder about consistency. If we're going to start this and really do this.

Chair Cox

I think we should do it.

Jordan

But I don't think we need to have a site visit.

Chair Cox

I don't think we need to do site visit for this either. We have some good photographs and good information and it's very clear what they want to do.

Hewlett

There is a lot of vegetation that is going to be hiding this addition from the neighbors, according to Google Earth map.

On a motion by Jordan, seconded by Cogger, the Board found, by a unanimous vote, that the application was complete.

Chair Cox

We have reserved this room for Thursday, November 10 since November 8 is election day, so we could hold the meeting then. It would be at the very beginning of our Planning Board meeting at 7:00p.m. and then we would deal with the application after that.

25 Barters Point Rd.

Cox

Our next application is for Jonathan Benner. Tell us about this project.

Jonathan Benner

Good evening, I've been hired by Randy Deutsch, the gentleman who used to own the East Wind Inn to work on his new house at 25 Barters Point Rd. We have been hired to install a new septic system as the previous one had failed. We're going to try to winterize the cottage by putting foundation frost walls underneath the additions that were built, I believe in the late 90s, to improve the shoulder months for Randy and his wife to be able to use the property. The project would also include a furnace and some kind of heating to give him more enjoyable stays than they have currently. We're going to insulate the ceilings in the main portion of the house to improve the space also and just do a few maintenance things here and there to satisfy their liking. In the document that you have, there's some photos that show the crawl spaces. Some of them are very small, but we still want to winterize them so we don't have blowing snow because as you can see there are pipes underneath some of them. Some are larger; I believe the larger one is about three to four feet and will have access underneath to be able to get to the

plumbing utilities, etc. We will put erosion control mulch along the shore, and we will use erosion mulch to protect the walkway and to gain access to do the septic system and the cross walls.

Chair Cox

It is a tight property.

Jonathan Benner

It is very tight.

Hewlett

It looks like nine tenths of the house is in the 75-foot range.

Jonathan Benner

I believe so.

Chair Cox

Are you intending to replace the septic system where the existing one is?

Jonathan Benner

Yes. We have a replacement system that's been designed by **Doug Merservey** and it will replace the system with a smaller system. Right now, it has infiltrators and we're going to be installing an Elgin drain system which will reduce the size of the system and pull it back from the high watermark. It is a pump system, a shared septic tank/pump tank. There is one pump tank at the corner of the building because there is a basement bathroom, so that one lift station pumps into the septic tank and then that septic tank pumps it into the field. We have looked at the option of eliminating the lower pump station if possible, and only having one pump system instead of having multiple, so there are less things to break and to go wrong. If there's too much ledge we will just resort to doing the one septic tank where it is currently. We will look at that as an option.

Chair Cox

A frost wall; is it a new foundation?

Jonathan Benner

It's going to be a new foundation underneath the existing building. The building is attached and very large, so we won't be able to jack the entire thing up. What we'll do is peel back all the vegetation, loamy stuff, sand, anything that's there, and we'll form footings directly on the ledge; it's shallow there. Once the footings are poured, then whatever we can get for a wall will be pumped in with a space for the pump hose to fit in and then we'll fill around the perimeter of the foundation with some pressure treated and put a skirt board around the entire house.

Chair Cox

It's essentially a new foundation?

Jonathan Benner

Exactly. It's more work but it's doable.

Hewlett

Has the septic system plan been given to the Code Enforcement Officer?

Terry Brackett

Yes, and I received the HHE200.

Jordan

That's for the Local Plumbing Inspector to decide, not us.

Chair Cox

Yes, we don't have anything to do with that.

Hewlett

Our goal is always to move it out of the 75-foot setback, especially if you are putting in a foundation but I don't really see any place to move it.

Jordan

I have a question about this picture. It looks like there is a house and then just above it, there's a shaded area I can't see.

Jonathan Benner

It's the angle I believe that the photo is taken from; the building is closer to the road than what's outlined in this picture.

Jordan

But is that part of the building?

Jonathan Benner

Yes, it is. It's all one. I think they were trying to get it out of the setback when they did the additions in the 1990s and that was their way of narrowing the building to be able to expand the bedrooms.

Chair Cox

In terms of the setbacks that we have here, I'm a little confused.

Jonathan Benner

We went with the sheds and outbuildings on the property that the setbacks are very close to. Those are already existing, so we use those as the setback for this permit. We are not expanding any of this house. We might replace some rotten deck boards here or there on what's existing, but we are not expanding any other footprint on this property.

Jordan

The application shows an eight-foot setback from the right of way.

Jonathan Benner

Yes, that's from the road to the shed.

Jordan

I can't really see it. There's no drawing.

Jonathan Benner

The shed is basically at a one or two o'clock position on this photo and is right against Barter's Point Rd., closer to the 105-021 neighbor's property.

Jordan

Do you know how far back the extension of the dwelling is that we just discussed?

Jonathan Benner

I would say approximately 30 feet.

Chair Cox

The aerial map shows the side setback is currently eight feet.

Jonathan Benner

Yes. The shed is actually very close to the side on that same property.

Chair Cox

Okay. I showed you the wrong location of the shed. It is over tucked into the right-hand corner.

Jonathan Benner

It's the northeast corner if we're looking at this and North is straight up. The main house itself is approximately centered on the property on that side, I would say probably 40 to 50 feet.

Chair Cox

The 57-foot setback is from the high watermark to the house?

Jonathan Benner

Yes.

Chair Cox

For the Height of Buildings, I think the present height is approximately 20 feet and you are not proposing to add any additional floors?

Jonathan Benner

No, absolutely not.

Chair Cox

Do we think we have enough information here?

Hewlett

What is that jutting out to the water?

Jonathan Benner

It's a stone pier. It used to be the steamship wharf. It's been there since the 1800s.

Hewlett

Is there a structure on it?

Jonathan Benner

No There are no structures. There is a gangway with a float.

On a motion by Jordan, seconded by Brown, the Board found, by a unanimous vote, that the application was complete.

Chair Cox

I believe that would fall under 12C-2 in the Shoreland Zoning Ordinance, on page seven, regarding foundations. "Whenever a new enlarged or replacement foundation is constructed under a non-conforming structure, the structure and foundation shall be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee". Can this foundation be moved? I've been on this property and know that there is no place for it to go. It's uphill to Barbers Point Rd. It's steep and the walkway is very treacherous.

Jonathan Benner

The existing main portion, before the additions in the 90s, is actually on a foundation itself with poured slabs. There's really no way to move that portion of the structure. The only thing we're putting the foundations under are the additions that were built.

Terry Brackett

Those additions probably were legal when they were built because the measurement criteria changed. DEP changed the point from which the buffer zone is measured. It was the mean high tide line not the highest annual tide line.

Chair Cox

What did they use to measure it?

Terry Brackett

The mean high tide.

Jordan

We could take a site visit but the photographs are pretty clear.

Hewlett

I agree. This whole road is very tight. This is a prime example.

Cogger

If a new foundation is constructed close to the water, I am concerned about what material that is made of?

Chair Cox

He said he will be using erosion control material during construction.

Jonathan Benner

Before we do any site work, we will install erosion control around all the surrounding area downhill. The materials would be erosion mulch or erosion eels, depending on what is best because he doesn't want anything to leach off. Once the concrete is set up, it's set up. The concrete takes about 28 days to harden fully, but it is hard enough to walk on the next day.

Chair Cox

We can make it a stipulation to say that the applicant will use best management practices. It's mainly a question of determining if the building can be moved to any other place, practically.

On a motion by Hewlett, seconded by Brown, the Board unanimously approved the application on the basis that the foundation must remain in its current location, the installation of the frost walls must remain within the existing footprint and best management practices will be adhered to as presented by the applicant.

The Happy Clam/Outback

Chair Cox

Mr. Reinhardt, we are ready to look at the Findings of Fact for The Happy Clam/Outback.

Bill Reinhardt

I apologize, we didn't realize that you wanted anybody here at the last meeting.

Chair Cox

We thought it would be prudent.

Bill Reinhardt

I apologize for that, because we understood that Terry was going to make a statement that the conditions had been met.

Chair Cox

Terry, will you take us through the conditions of approval. We have some documents from you. Take us through this and let us know if they have all been met.

Terry Brackett

Condition A is regarding the planting of sixty-five trees. He has planted trees around that property. I checked them tonight and they are all green.

Chair Cox

Great. I believe in the email we received from Dale Pierson that he issued some advice regarding maintenance.

Terry Brackett

In August, he made some suggestions to Greg such as mulching and weeding around the trees.

Applicant will install an eight-foot-high solid fence along the South, Southeast and east side of the property. In addition, the applicant must ensure that new fence, as well as the existing fence, is structurally sound and upright. He completed the requirements we agreed on for this year. I think in the Spring, he probably should prop up the existing fence.

Chair Cox

Yes. Technically that has not happened. Propping up the existing fence still needs to occur.

Terry Brackett

Section E states, "CEO shall inspect the slope of the existing ditch, riprap along the southeast and east side of the property to determine if they are indeed functioning. I did look at those back in August. It was hard to see, and I think I gave you pictures at the time. It was all very dry, but I think it is functioning properly.

Chair Cox

When you were over there today, did you see water backing up? Today would have been a good time to see that.

Terry Brackett

There was no water backing up and you have the same materials that I do from the Fire Marshal's office.

Hewlett

The application now reflects that it is referred to as a dance hall.

Terry Brackett

I believe in your packet, there is a letter regarding a permit for that.

Hewlett

But now it's listed as a dancehall; I thought it was a bar. I'm concerned that the Fire Marshal hasn't been told what it is.

Terry Brackett

Maybe Mr. Reinhardt can address this better than I. On Sunday Fun Days, there is music and dancing. When the liquor inspector was there, she thought they might need a permit for that and the Fire Marshal (inaudible).

Chair Cox

So, did the liquor inspector's visit bring up this issue?

Bill Reinhardt

I don't think the Fire Marshal was there. I think it was the Health Inspector.

Chair Cox

As CEO, you're convinced that the Fire Marshal's office knows everything that has happened at the property?

Hewlett

It says dance license. Where did that come from? That's now what the Fire Marshal is discussing.

Terry Brackett

They destroyed the check. It is referenced in the application packet, and he didn't need a permit for dancing.

Hewlett

Right, but do they understand it's a bar? It is not a meeting assembly which is also referenced; it's a bar.

Terry Brackett

Yes, they know it is a bar.

Chair Cox

I think we have some other correspondence about that. The Fire Marshal's Office has a floor layout that shows fixed tables and chairs and the number of occupants, so I think there is some previous information. I had the same question.

Hewlett

The letter states, "Hi Greg. We have reviewed the layout of your facility and find that you are not required to have any fire or dance license through the state of Maine."

Hewlett

Do we have a copy of the layout that was submitted?

Chair Cox

Yes. It is in the earlier packet. We have Bradley Loon stating. "You will need to provide me a floor layout that shows fixed tables to determine whether a construction barrier free permit should have to be applied for. I think this information was previously supplied. The live music is being staged inside using the Outback's sound system. I do have one other question. Has the storage trailer been moved, or will it be moved? That condition must be met before a permit is issued.

Bill Reinhardt

We will move that in the spring along with whatever other construction items were applied for and approved.

Chair Cox

I think we must hold on to the building permit until that has been moved. We need to make sure it happens.

Bill Reinhardt

(inaudible) to the west of the lunch wagon. We are going to pull it out from where it is, but it wasn't a condition of approval.

Chair Cox

I understand. It needs to happen.

Bill Reinhardt

Same for the additional fence that needs to be completed, but it wasn't a specific condition of approval for the permit.

Chair Cox

The one condition of approval that has not been met is the existing fence. It is not structurally sound enough right now.

Bill Reinhardt

It's actually structurally sound but leaning a little bit; it was put there years ago. It's not the same as the fence that he put up.

Cogger

In the past, was replacing the fence a condition?

Chair Cox

It's up to the CEO to issue the building permit. We really don't have any action except review the report on this and to suggest that the building permit not be issued until that fence is upright and solid.

Cogger

That's just a recommendation?

Chair Cox

Yes, we can vote on it, or we can just state that it is a recommendation. I recommend it because this does fall to the Code Enforcement Officer's purview. The applicant is probably not going to build anything until the spring anyways, so we can wait until then to make the fence upright and solid.

Terry Brackett

He needs to have a building permit. The Select Board is supposed to sign off.

Richard Bates

There was a misunderstanding with the papers Greg left at the last meeting; we failed to sign those papers regarding the liquor license. It's very straightforward.

Bill Reinhardt

DHS asked if we had a building permit yet and we replied that we did not have one.

Chair Cox

If you can get somebody to just straighten up that fence and tell Terry that it has been done, we will issue the building permit.

Just a reminder, we are going to meet on Thursday, November 10th at 7:00p.m.

On a motion by Cogger, seconded by Hewlett, the Board decided by a unanimous vote to adjourn the meeting and at 7:55p.m. the meeting was adjourned.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine