

**St. George Planning Board
St. George Town Office
February 26, 2019 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Members present were: Anne Cox, Chair; Jane Brown, Brendan Chase, Ray Emerson (alternate), Mary K. Hewlett, and Michael Jordan. Also present: CEO Terry Brackett, Richard Bates, Gerry Cushman and Scott Sullivan and Bill Walker.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: None.

Review of the Minutes:

On a motion by Hewlett, seconded by Brown, it was voted 5-0 to elevate Ray Emerson to voting status for the February 12th Planning Board minutes, the January 26th onsite inspection minutes for 10 Cold Storage Road, and for the American Tower Findings of Facts and Conclusions of Law, as Brendan Chase was absent for those meetings.

Planning Board Meeting — The minutes of February 12, 2019 was amended as follows: Page 3, under Town of St. George, paragraph 7, line 3, change to read: ...higher on the ramp.

A motion was made by Hewlett, seconded by Brown, to approve the minutes of February 12, 2019, as amended. The vote was 5-0. The motion carried.

On-site Inspection Minutes – January 26, 2019

10 Cold Storage Road – On a motion by Emerson, seconded by Brown, it was voted to approve the on-site inspection minutes 5-0, as written.

Findings of Fact and Conclusions of Law – American Tower

A motion was made by Hewlett, seconded by Brown, to accept the Findings of Fact and Conclusions of Law for American Tower & Centerline Communications, as amended 5-0 pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance.

Public Comments: None.

Site Plan Review:

a. Gerry Cushman – 13 Rein Road / Map 232, Lot 058

Scott Sullivan, Maine State CSF, LLC and the applicant, Gerry Cushman, were present. The application is to purchase 1.3 acres of property on Rein Road to build a 3,000 square foot cold storage facility/bait freezer with parking and unloading located at 13 Rein Road, LLC. Proposed

use is commercial. This property is not in the Shoreland Zone District or a Floodplain Designation area.

Mr. Sullivan explained the reason for the proposed project. Because of restrictions (a quota) on herring, there is potential that lobster-fishermen will experience a bait shortage. Sullivan said for the fishermen to continue to lobster, they will have to operate off frozen fish and currently there is very limited cold storage space available in Maine. Sullivan stated, "The fishermen will not have any choice other than to go through retail bait dealers to buy the frozen fish."

Mr. Sullivan said he and Mr. Cushman located a piece of property in St. George to build a facility to store frozen fish bait. They are in discussions with Andrew MacCaffray, owner of Clark Island Boat Works, to purchase a 1.3-acre parcel of property located on the Clark Island Boat Works lot. Mark Ingraham surveyed the property and prepared the site plan. The preliminary soil/site investigation was done by Kenneth Stratton, CSS, LSE.

Mr. Sullivan said the total height of the building will be approximately 28 feet with the inside freezer walls roughly 14 feet high. The building will be a single story, stick frame structure, 50' x 60' with a 2,000 square foot freezer inside and another area which includes a cooling space. The total square footage will be 3,000 square feet. Sullivan and Cushman believe this model will serve approximately 20 fishermen.

Mr. Sullivan stated most of the deliveries will be made by semi-tractor trailer trucks. During the summer months, there will be approximately one delivery a day and the (20) fishermen will be responsible to pick up their own bait. During alewife season and when they fish for pogies, the plan is to freeze those inside barrels or in trays. The fish from the retail dealer will come all packaged, ready to go on pallets and put into the freezer.

Mr. Sullivan said Rein Road is fairly commercial though it has some residential areas at the very end. The lay out of the area allows trucks plenty of room to park, off-load the trailers, and turnaround. Sullivan said the site plan design includes a turnaround area. The trucks will enter, pull to the north side of the building, then back on the Rein Road, and exit. But Sullivan said most likely the trucks will come in off Rein Road, pull along the east side of the building, off-load the pallets, and then turnaround in the area by Clark Island Boat Works.

Chair Cox asked if Clark Island Boat Works would have a problem if trucks used their space as a turnaround. Cushman said they asked MacCaffrey and he indicated no problem. Sullivan said the property has a large flat area and there is ample space to create an entrance and a turnaround, if they needed to but did not want to take down trees and bring in fill if it was not necessary.

Chair Cox asked about the noise load of the freezer compressors and Hewlett asked how they work. Sullivan said current sizing of the freezer unit for a 2,000 square foot freezer is 2, 15 horse power compressors and they will cycle on and off. Cushman said the compressors have to be outside of the building and are no bigger than what is currently being used at the Port Clyde Co-op, other local businesses or local docks in Tenants Harbor that have cooler units. Chair Cox asked which side of the structure the compressor will be on. Cushman thinks the compressor will be installed on the backside the building. Hewlett asked if the compressors will require a

generator? Cushman said no because, "If it is insulated correctly, it is like a home freezer. If you do not open the door, you have seven days before issues would arise."

Ms. Hewlett asked if the bait storage freezer will have three-phase electric power. Sullivan said yes and this is a freezer which is different from coolers they have at various co-ops where the doors are opened and closed all the time and compressors are running consistently.

Chair Cox asked if they plan to drill a well and put in a septic system so they could hose out the storage building. Sullivan said they spoke with Doug Meserve about this, and he said at a minimum, the state requires you have a holding tank and they would prefer a septic system. Sullivan said, currently the plan is to not have any sort of drainage inside the building; but they had the test done, as they wanted to make sure the site could support a septic system.

Chair Cox noted that even if everything comes in frozen there most likely will be some bait spillage. Sullivan said there is a garage door on the building and they did not expect a lot of bait or bait juice spillage getting into the freezer area. They look at it like any garage, where you can take a hose in and hose it out if you need to. Sullivan said Meserve explained to them that the State's view regarding a small commercial industrial scale building is, if you do not have drains, you do not need a septic or holding tank; but if you have drains, the State wants to see a holding tank and preferably a septic system.

Mr. Cushman said there will be no processing done in the storage building. All the bait will be processed and delivered in closed containers. Hewlett asked if the bait will be delivered in 50-gallon drums. Cushman said it will be delivered in drums and at times in trays. It will depend on the product, what time of year it is coming in, and the different species caught. He thought they will get fresh bait potentially one to two months a year and the rest of the time, they will have to rely on frozen bait.

Ms. Hewlett asked if they will have a fork truck or any other type of equipment at the site. Cushman said they will use a fork truck but no hand jack.

Chair Cox asked about staffing. Sullivan said there will be a part-time person but did not know whether it will be him and Cushman or if they will hire someone. It will depend on the business model they choose. The options are: Have individual fishermen rent out a space inside of the freezer, do a co-op type model, or run it more like a bait dealer where the product comes in, they sell it, and deliver it out. They hope that it will be very low labor, and it will be fishermen or the co-ops they partner with, servicing themselves.

Chair Cox asked if there could be times when 10 to 15 people will get bait at the same time. Cushman said in the worst-case scenario maybe, but mostly likely no. Cushman said because fishermen come in from hauling at different times of the day, he feels the pickups for frozen bait will be staggered throughout the day.

CEO Brackett suggested that a condition of the application, if accepted, be the Planning Board get a set of complete plans for the structure to include information about the trusses, the framing, etc.

Ms. Hewlett asked if they had a deed to the property. Sullivan said it is contingent upon the Planning Board's approval. Chair Cox said the Board will need proof of ownership of the property before making a decision.

Mr. Chase asked if Rein Road was a town or private road. Sullivan said it was a private road. Hewlett feels an on-site inspection should be done because the project will add more volume of traffic to the area. Chair Cox agreed and feels the on-site will alert the neighbors to the type of the project going in. CEO Brackett noted Seal Harbor Road does not get posted for weight in the spring. Chase has concern about the weight of the trucks, what will happen to the road during the busy season, and how the traffic will affect the neighbors. Cushman said one reason they are building the storage freezer is to buy the bait in bulk so they can have it for a month and not have anymore activity.

Ms. Hewlett asked if they have dimensions of the sign and what the wording will be. Sullivan thinks the sign will just have the address or street number to aid deliveries. The Planning Board asked the applicant to provide the following items:

- Specify the size of the sign, what will be on the sign and the location of the sign
- Where the compressor units will be located
- Location of the down shielded exterior lights

An on-site inspection will be held on Monday, March 11, 2019 at 5 p.m. The Public Hearing will be held on Tuesday, March 12, 2019 prior to the Planning Board meeting.

b. American Tower and T-Mobile – 74 Wallston Road / Map 215, Lot 022

Bill Walker represented the applicant American Tower and T-Mobile. The application is to install seven (7) new T-Mobile antennas on the existing tower at 165' elevation. The tower is located on 74 Wallston Road, Map 215 – Lot 022. There will be a 10' x 15' concrete pad on which will set three cabinets and generator. A propane tank will be located near the concrete pad for fuel to the generator. There will be one exterior down shielded LED light located at a corner of the concrete pad and used for maintenance. It will include a waterproof switch to manually operate the light when needed.

Chair Cox said the application came before the Planning Board two weeks ago (a pre-application was done). Mr. Walker explained that Bob Gashlin started the process but the application process was not completed. Mr. Walker said he has come before the Board to complete whatever is necessary to move the application forward.

On a motion by Brown, seconded by Jordan, it was voted 5-0 to accept the application as complete.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The work performed on the tower is within the 75' existing compound and the concrete pad should not affect the landscape.

2. Relationship of the Proposed Buildings/Structure to the Environment - On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The project will relate harmoniously with the existing buildings within the 75' chain linked fence.
3. Vehicular Access - On a motion by Hewlett, seconded by Chase, standard is not applicable 5-0. The proposed project does not change the existing vehicle access.
4. Parking and Pedestrian Circulation - On a motion by Hewlett, seconded by Chase, standard is not applicable 5-0. There is no change.
5. Surface Water Drainage - On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The 10' x 15' concrete pad will not change the surface water drainage.
6. Existing Utilities - On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. None proposed.
7. Advertising Features - On a motion by Hewlett, seconded by Brown, standard has been met 5-0. There will be no advertising features placed on the equipment or at the site.
8. Special Features - On a motion by Chase, seconded by Brown, standard has been met 5-0. All the exposed storage will meet the minimum setbacks and will not have an adverse impact.
9. Exterior Lighting - On a motion by Brown, seconded by Hewlett, standard has been met 5-0. The exterior lighting will be used only as needed.
10. Emergency Vehicle Access - On a motion by Brown, seconded by Hewlett, standard is not applicable 5-0. No change.
11. Municipal Services - On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The proposed changes will enhance public services and cell services.
12. Water/Air Protection - On a motion by Brown, seconded by Hewlett, standard is not applicable 5-0. No change.
13. Water Supply - On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. There is no water supply being proposed for this project.
14. Soil Erosion - On a motion by Chase, seconded by Brown, standard has been met 5-0. There is no change to the current footprint which meets the standard.
15. Sewage Waste Disposal - On a motion by Hewlett, seconded by Chase, standard is not applicable 5-0. There is no sewage waste disposal located on this property.
16. Hazardous, Special and Radioactive Materials - On a motion by Jordan, seconded by Brown, standard has been met 5-0. The propane tank will be located more than 75' away from any lot line.
17. Financial/Technical Capacity - On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The applicant's representative states that the applicant has the financial and technical capacity to carry out this project.
18. Shoreland Zone - On a motion by Hewlett, seconded by Chase, standard is not applicable 5-0. The project is not located within the Shoreland Zone.
19. Flood Plain - On a motion by Hewlett, seconded by Chase, standard is not applicable 5-0. The project is not in a flood plain.
20. Lot Standards - On a motion by Brown, seconded by Hewlett, standard has been met 5-0. There are no proposed changes to the lot standards.

On a motion by Hewlett, seconded by Jordan, it was voted to approve the American Tower and T-Mobile application pursuant to the Performance Standards Review. The vote was 5-0. The motion carried.

- **Other Business** – Draft Sign Ordinance: Chair Cox and Michael Jordan spoke with Attorney William Kelly who reviewed the sign draft ordinance. Attorney Kelly explained to Cox and Jordan that the ability to regulate signs had changed somewhat by a 2015 decision of the U.S. Supreme Court. Jordan stated the supreme court ruling is - you cannot allow any distinction or discrimination between commercial and non-commercial speech.

Jordan felt the ruling may give the Board a chance to simplify the sign draft ordinance. He thought they may have to expand a little on what is allowed at a residential property but they may end up with fewer exceptions. He stated the sign ordinance could still restrict the size, color, illumination or flashing lights.

Jordan said Attorney Kelly spent a couple of hours looking at secondary sources and looking on the MMA website and his suggestion was rather than spend more money on him at this stage, take the updated draft ordinance (with his suggestions) to the Maine Municipal Association.

Chase asked if the sign ordinance could wait or should they move forward on it. Consensus of the Planning Board and CEO Brackett was to consider Attorney Kelly's recommendations, revise and simplify the ordinance and then have the MMA review it.

There was no further business. On a motion by Brown, seconded by Chase to adjourn the meeting at 8:10 p.m. and go directly into the Planning Board workshop on Planning Board Protocol.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary