

St. George Planning Board Meeting
7PM at Town Office and via Zoom
February 14, 2023
Minutes

The Planning Board meeting was called to order at 7:00pm. Planning Board Members present were Chair Anne Cox, Richard Moskowitz, Jane Brown, Kate Hewlett and Michael B. Jordan. Also present were Richard Bates, and Chris Hayden.

Present via Zoom was CEO Terry Brackett.

Quorum:

A quorum was present.

Conflict of Interest:

There were no conflicts of interest.

Adjustments to Agenda:

There were no adjustments to the agenda.

Review of the Minutes:

Moskowitz moved to approve the January 24, 2023 Planning Board Meeting Minutes as corrected, seconded by Jordan, and by a 3-0 vote, the minutes were approved (Hewlett and Brown were not present at that meeting and recused themselves).

Public Comments:

There were no public comments.

Building Permits:

**Pier Replacement Application – Chris Hayden/Kathleen Keene
Seavey Island Trust
Seavey Island, Map 401 – Lot 5A**

Chair Cox

Would you like to let us know what you are proposing?

Chris Hayden

The pier was built about twenty years ago. It was time for us to think about a new pier but unfortunately due to the storm on December 21st, it's now completely gone and unrepairable. I had previously hired Elizabeth Stockwell. Technically the property is in a trust now and my sister and I are the executors of the trust. I don't know if that causes any problems with the original application. When Stockwell did the work for us, she did a seagrass study and put this packet together, including information with the Army Corps of Engineers. I've been talking to Terry on and off for the last year or two but since December 21st, we've been talking a little bit more. This is a new process for me. I've never done this before. I think according to Terry's instructions, we have everything together here. We just want to try to build a new dock. I want to confirm you have all the information that you need. Also, if we want to make it bigger than it was, will more permitting need to be done?

Chair Cox

Correct.

Chris Hayden

Prock Marine went out today. We've taken other people out to take a look at it. We still don't have quotes, so we don't know how much it's going to cost, and we don't know exactly when it's going to be done because people are booked. We do have a lead on somebody who may be able to do it in May, but we don't know who we're going to hire for sure yet.

Chair Cox

There are two different things. One is a pure replacement of what you have now and that is what the application before us is. We may have some more questions but that is a fairly simple sort of thing because you're asking to replace exactly what was there. When you get into changing the pier, that's a

whole different process. You would have to start over because for a replacement pier, the DEP allows for what is called a permit by rule, whereas if you are changing the dimensions, lengthening, or moving the pier at all, then that becomes a different permitting process.

Chris Hayden

This is permit by rule. What would the other type be called?

Chair Cox

Terry, what's the technical name for a new dock permit?

Terry Brackett

I think it's a National Resource Protection Act Permit (NRPA).

Hewlett

When you say changes, what changes were you thinking about?

Chris Hayden

We are thinking about making it longer and wider, but, frankly, if it's that much of a hassle to go through the process, and if it's going to take an extra year or so to get it done, we probably won't do it.

Jordan

You should ask Prock what it would take in terms of time and effort.

Hewlett

Or your contractor.

Terry Brackett

The NRPA permits are usually at least six months.

Chair Cox

That is after they receive the application. It goes into much greater detail than what you have here.

Hewlett

Could he make it wider? It is currently six feet.

Jordan

The six-foot width limit does not apply in tidal water.

Chris Hayden

I wouldn't think so because Linda Bean's dock next door is massive. It is way more than 6 feet wide.

Chair Cox

When you get into extending the length or changing dimensions, that is a different story.

Chris Hayden

You are right. Prock would be able to give an estimate, and I think for a fee they would do all the permitting.

Chair Cox

Yes. We've dealt with permits from them, and they are quite good. In terms of their presentation to us, it has been very clear and thorough. Do you want to wait to deal with the replacement until you have all of the information and are able to make a decision about extending it or making it larger?

Chris Hayden

If we did Permit by Rule to get a stamp of approval, how does this all work?

Hewlett

We would work with what we have now, and you would have to realize you cannot make any changes.

Chair Cox

If we go ahead and work through this and end up approving the replacement and then you decide you want to do changes, then you will throw this out and submit a whole new application. I do have one question as I look through your application here. In one of the drawings, you talk about a breakwater. What's that?

Chris Hayden

In the pictures here, originally, this was built over the breakwater. That was there for many years. These pilings in these pictures are black and white. These pilings are driven down, right next to the breakwater. The ones that are holding the pier really aren't driven that far. They are kind of driven into the rock. They are not actually piled into the bottom like the ones holding the float. They are driven right into the bed, and I am pretty sure they are still there; the ones holding the float are still there. They might have to be reinforced but those are still there. I can send Terry a picture. The only thing that is left standing is this end piece of the dock, at the furthest end of the dock. That is still there but it's unsafe. Everything else is gone. On that picture. Everything else is gone.

Hewlett

Because of the damage, has anybody proposed granite cribbing instead of wood?

Chris Hayden

We were talking about granite with Prock, but not cribbing, reinforced granite.

Hewlett

That would change your application.

Chris Hayden

Good to know. Cribbing would but not reinforced granite.

Hewlett

Instead of using timbers to go into the ledge, you would literally use granite cribbing.

Chris Hayden

I wasn't there when my caretaker took them out, but the discussion was not about cribbing per se, but reinforcing granite on top of the breakwater with an extra layer.

Chair Cox

That is a change.

Chris Hayden

I'm glad we're bringing this stuff up. We've been talking to them about different options, but we haven't decided exactly what we're going to do. If Prock couldn't get to us for a year and a half, the easiest, and cleanest way to go is to just do it as is, but we might find somebody who is able to do it in May.

Chair Cox

Terry, I missed what you said.

Terry Brackett

He spoke about granite, building up that breakwater. That would be a different project than the pier.

Chair Cox

I agree. This application is for an identical replacement of what was there.

Hewlett

Even though what was there, has been demolished? Are there three owners on this island?

Chris Hayden

No. Our family owns the whole island. What we'd like to do would be to get a permit to do it as is. In the next two or three months if we decide to go in a different direction, this application goes in the trash, and we start the process all over again.

Chair Cox

In that decision making process, one thing you should be aware of is that the Permit by Rule you received from the state for replacement of structures is valid for three years. The date on this is October 30, 2020. That means this permit from the state is good through October.

Chris Hayden

Fair enough. I'm glad you saw that.

Hewlett

The DMR (Department of Marine Resources) shows that their start date was May 1, 2021, and the end date was November 1, 2021.

Chris Hayden

And then COVID came.

Hewlett

You might have to call DMR. I don't know how that works.

Chair Cox

I'm not sure.

Chris Hayden

When was the DMR?

Hewlett

DMR. It was signed by them on September 30th.

Jordan

They don't issue permits. What is their role in this?

Hewlett

It does mention the activity dates and that it is a replacement of an existing structure.

Chair Cox

Yes, but it's not a requirement. It says I plan to perform this activity, but it doesn't say that it must be. It does approve the project's timing as proposed. They did approve it. Whoever works with you, Prock or someone else, you should have them make sure that all of that is in order.

Hewlett

It does say the Permit by Rule is valid for two years and it was signed on 10/30/2020.

Chair Cox

Read further Kate. Except for replacements, you get three years. It goes through October 2023.

Hewlett

That should be in your packet. It says it was signed by them in 2020.

Chair Cox

This feels very similar to what we dealt with at our last meeting in terms of a replacement. According to the plan, you are not removing any vegetation. I expect it will be built from a barge, given that it is on an island. Is there any more information we need or is this a complete application for the replacement?

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

On a motion by Jordan, seconded by Hewlett, provided that the applicants meet the time requirements for the various state and federal applications, the Board approved the application, as it is purely a replacement pier with no change to the footprint, will be built from a barge, and there will be no removal of vegetation, and by a unanimous vote, the motion carried.

Chris Hayden

My sister filled out the application and might have emailed or spoke to Terry. We sent a \$50 check in. Is the fee based on the value of the construction costs? How does that work?

Chair Cox

The fee is \$2 per \$1,000 of the estimated costs.

Chris Hayden

Once we get the estimate, and the work is scheduled according to the deadline, do we send you a check at that time?

Chair Cox

You send a check. You've already paid \$50 towards it. We have it recorded and you send the balance.

Chris Hayden

Is there anything else you need on your end?

Chair Cox

That is all we need from you. Terry, when will he be able to pick up the building permit?

Terry Brackett

When he pays the final balance.

Chris Hayden

Do you need a written quote from the contractor?

Chair Cox

No. We trust you. Just know that it goes to support your town.

Chris Hayden

Well, thank-you. Thanks for having me. I appreciate it and I've learned a little today.

Proposed Land Use Ordinance

Jordan

I heard back from Colin Clark at DEP, and he produced some written comments and a couple of forms, and I looked at them and talked to Anne about them over the weekend, and on Sunday I sent him back some responses, which I've now sent to the rest of you. We await hearing from him. Our plan calls for the Planning Board to vote on this tonight, and the vote would be to recommend adoption of this to the Select Board, and then on February 27th, the Select Board, on that recommendation, would approve sending it to the voters, for a vote at the Town Meeting in May. That would trigger advertising and a formal public hearing. The first thing I'd like to know is whether anybody had any reaction to Colin Clark's comments and my response to them, or anything else they would like to talk about the ordinance tonight. Then I'm going to suggest we put it to a vote. Any questions, or any thoughts?

Hewlett

The only question that I had was after looking at the camping, RVs, etc. and this is strictly by EMT experience of responding to many campers. A lot of times, they're parked on the backside of properties that we didn't even know were there but are told to go find the camper in the back. There is usually a hose hooked up to the camper and an extension cord running out from the house. For those subsurface requirements, I'm wondering how we're going to enforce that. I realize Terry will be responsible. Recently, I responded to a trailer that had porta potties outside.

Jordan

We have limited resources for enforcement, not because Terry is particularly limited, but because there is only one of him.

Chair Cox

We could have deputy enforcers.

Jordan

We could raise our taxes and hire some people but how to go about enforcing it is a practical problem. If someone were to say, for example, the new provision in the ordinance about sewage hookup requirements may be satisfied by a porta potty, it is just not true. It would not comply with the ordinance but how do we go about finding out about it and enforcing it?

Hewlett

We would still have shower and sink water. Even if you're only using the toilet, you still have water.

Chair Cox

Gray water.

Hewlett

The other question is should we require a well, if we're going to require a septic because how are they going to get water?

Jordan

We don't require wells anywhere else that I know of, do we?

Hewlett

Not that I know of.

Brown

You could capture water, and use holding tanks.

Chair Cox

You can have cisterns.

Jordan

If there is a hose from the house, there is a well somewhere.

Hewlett

Those are my only comments. Besides that, I just wanted to say thank you. This is a huge amount of work.

Chair Cox

Terry, you suggested that with forest management activities, except for timber harvesting and roads, the areas of resource protection, stream protection and commercial activity would fall under the Planning Board review. It makes sense. Is there anything you want to say about why you thought that or anything you want to add?

Terry Brackett

You basically can't do anything in that resource protection area, so I felt that it should be for the Planning Board to deny it. It's more detailed if they are going to be allowed. It will take more than my say.

Chair Cox

I'm glad to add the restriction on that and I'm glad for the road frontage change as well, which is what we have now, right?

Jordan

Yes, this would be no change. What was there before would have been a change.

Chair Cox

It will be interesting. I really looked through it and tried to find some more things that I wanted to change, and I couldn't.

Hewlett

I feel the same way. It's really tightened up a lot.

Jordan

There are a few unresolved issues between Colin and us. If we're going to approve this tonight, I'd like to be able to approve it with leeway, for Anne and me to decide if additional language is needed to resolve some of the points on which we're not fully clear yet. Unfortunately, I can't give you a final draft that the DEP has signed off on.

On a motion by Jordan, seconded by Brown, the Planning Board unanimously adopted the following resolutions:

WHEREAS, the Planning Board has reviewed a draft dated January 26, 2023, of a proposed new Land Use Ordinance, together with three documents modifying that draft:

- (1) a document dated February 12, 2023, from the Secretary of the Board proposing a number of changes;
- (2) a set of comments on a draft of the ordinance from the Maine Department of Environmental Protection, which also includes the response of the Chair and the Secretary of the Board; and
- (3) excerpts from a draft of the ordinance containing proposed edits by the Maine Department of Environmental protection and the response of the Chair and the Secretary of the Board to those proposed edits;

now, therefore, be it

RESOLVED, that the Planning Board approves the proposed Land Use Ordinance, with the modifications set forth in the documents described above, and as it may be further modified, with the approval of the Chair and the Secretary of the Board, to address any further concerns raised by the Department of Environmental Protection.

FURTHER RESOLVED, that the Planning Board recommends that the Select Board approve the proposed Land Use Ordinance, as so modified, and that the Select Board order it to be submitted to the voters to be voted on at the Town Meeting scheduled for May 8, 2023.

Adjourn

On a motion by Moskowitz, seconded by Brown, the Board decided by a unanimous vote to adjourn the meeting and at 7:37p.m. the meeting was adjourned.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine