

**St. George Planning Board Meeting**  
**7PM at Town Office and via Zoom**  
**April 11, 2023**  
**Minutes**

The Planning Board meeting was called to order at 7:00pm. Planning Board Members present were Chair Anne Cox, Jane Brown, Mary K. Hewlett, Alison Briggs, Richard Moskowitz, Anne Cogger and Michael B. Jordan. Also present were Terry Brackett and Richard Bates.

Present via Zoom were Phillip Parsons, and Devin Prock.

**Quorum:**

A quorum was present. Briggs was elevated because she had been elevated in place of Cogger when the Parsons and Skipstone LLC applications were discussed at an earlier meeting.

**Conflict of Interest:**

There were no conflicts of interest.

**Minutes**

Briggs moved to approve the March 28, 2023 Planning Board Meeting Minutes as corrected, seconded by Hewlett, and by a unanimous vote, the minutes were approved (Cogger abstained because she did not attend that meeting).

Jordan moved to approve the Findings of Fact and Conclusions of Law for the Application of Hurricane Island Outward Bound School as written and to authorize the Secretary of the Board to sign them, seconded by Brown, and by a unanimous vote, the minutes were approved (Cogger abstained because she did not attend the meeting at which the application was approved).

**Public Comment**

There were no public comments.

**Building Permits:**

**Philip Parsons - Replace and Enlarge Existing Shed, 38 Wahebe Rd., Map 224 – Lot 034**

**Chair Cox**

We visited the property and saw the project. You outlined everything very well. Does anybody have anything they need to add to the application?

**Hewlett**

I want to confirm the project description.

**Chair Cox**

How about revising it to “replace the existing shed”. We already know that it is larger.

**Jordan**

Do we have a revised drawing that shows the placement of the electrical box and the well?

**Chair Cox**

We do not have a copy of that.

**Jordan**

We could draw it on the application that we have now, where they were and where they are now.

**Parsons**

The electrical system is not really material.

**Chair Cox**

They are important to our conversation. We will ask Terry, who has your official application, to draw in approximately where the electrical comes in and where the well is.

**Parsons**

I can send you a drawing of that section. It's not totally accurate, but it's very close.

**Chair Cox**

I think for our purposes, just to have it marked on what we have, is sufficient.

On a motion by Briggs, seconded by Brown, the Board found, by a unanimous vote, that the application was complete, and the motion carried (Cogger abstained because she did not attend that meeting).

## **Shoreland Zoning Ordinance, 12C4**

On a motion by Brown, seconded by Hewlett, the Board found that the requirement had been met, based on our observation at the site visit that the proposed building site is the only practical location on the property, and by a unanimous vote the motion carried.

On a motion by Jordan, seconded by Hewlett, the Board found that the square footage added for both the work in 2016, as well as the current application, is within the allowable expansion of 30%, and by a unanimous vote, the motion carried.

On a motion by Jordan, seconded by Hewlett, a condition was placed on the approval of the application to meet the requirement in Section 12C1D of the Shoreland Zoning Ordinance that within 90 days after approval, Mr. Parsons must file the required plan with the Knox County Registry of Deeds, reflecting both the 2016 additional coverage and the coverage allowed in the current application, and by a unanimous vote, the motion carried.

### **Parsons**

Do I just make this drawing and take it to the Registry of Deeds. Do I give a copy to the town as well?

### **Chair Cox**

It must be accurate and an approved plan for the expansion must be recorded by the applicant with the Registry of Deeds. Terry says it does not need to be done by a surveyor, so a drawing with written dimensions to the best of your ability is sufficient.

### **Parsons**

Okay. I'm happy to do that and I assume I file a copy with the Town as well.

### **Jordan**

Pay close attention to the requirements of the ordinance. It must show the existing and proposed footprint, the existing and proposed structure height, the footprint of other structures on the parcel, the shoreland zone boundary and evidence of approval, which is the building permit. It also needs to be drawn to scale.

### **Chair Cox**

You will be able to get your building permit from the Town as soon as I sign the application.

### **Parsons**

I'll be coming by next week. Terry.

**Hewlett**

Were the fees paid for that application?

**Brackett**

Yes.

**Permitting with Prock, Skipstone LLC/Emily Greenwald, 165 Howards Head Rd., Map 206 – Lot 012**

**Chair Cox**

We were there yesterday for a site visit and one thing I thought we should add to your project description is that you will replace the three trees that will be taken down with three native trees in that general location.

**Devin Prock**

Sounds good.

**Chair Cox**

Any other questions or additions to the application?

On a motion by Hewlett, seconded by Briggs, the Board found, by a unanimous vote, that the application was complete, and the motion carried (Cogger abstained because she did not attend that meeting).

**15C of the Shoreland Zoning Ordinance, Piers, Docks, Wharfs Bridges**

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 only one pier is proposed.
- 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 Hewlett, seconded by Brown, the Board found by a unanimous vote that the applicant plans on removing three existing dead trees, replanting three trees with native species, and will do all the work from the barge, so the only soil disturbance will be people walking to get to the barge.
- 3. The location shall not interfere with existing developed or natural beach areas.** On a motion made by Hewlett, seconded by Brown, the Board found by a unanimous vote that this is not a developed or natural beach area.

4. **The facility shall be located so as to minimize adverse effects on fisheries.** On a motion made by Jordan, seconded by Hewlett, the Board found by a unanimous vote that the DEP approval advised that the Department of Marine Resources did not find any issues affecting nearby aquaculture.
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 Jordan, seconded by Hewlett, the Board found by a unanimous vote that the length of the pier is necessary to accommodate the float, the pier is a sufficient height to handle storm surges at high tide, the Harbormaster has advised it will not interfere with boating activities in the area, and there are a number of other piers in the surrounding area.
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 Hewlett, seconded by Brown, the Board found by a unanimous vote that no new 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 Hewlett, seconded by Jordan, the Board found by a unanimous vote that the pier is in 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 Brown, seconded by Hewlett, the Board found by a unanimous vote that no such structures are proposed.
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 Brown, seconded by Jordan, 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 Brown, seconded by Cogger, the Board found by a unanimous vote that there is no vegetation that will be removed for

access, and the three trees that will be removed will be replaced with native species in the same general area.

On a motion by Jordan, seconded by Hewlett, based on the foregoing findings of fact, with a condition that the three trees will be replaced as described in Paragraph 10, 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 and therefore the application was approved.

### **Question Regarding Subdivision Changes**

#### **Terry Brackett**

This question was based on our last revision to the subdivision ordinance. The question was, “If a subdivision combines the last two lots into one lot, is written approval from all the landowners in that subdivision required”?

#### **Hewlett**

Is that in the ordinance?

#### **Terry Brackett**

It doesn't say a thing about that, but last time, over on Adric Lane, you wanted permission from all the other landowners for the changes that they wanted to make.

#### **Hewlett**

How much of the subdivision has sold.

#### **Terry Brackett**

It is the last two lots in the subdivision.

#### **Anne Cogger**

Is he buying both lots and want to put one house on it?

#### **Terry Brackett**

That is what it sounds like to me.

#### **Jordan**

Is it someone who is going to buy it or is it the developer?

#### **Terry Brackett**

Jim Dorsky asked the question.

**Chair Cox**

Gartley and Dorsky Engineering.

**Jordan**

Who is proposing to do it?

**Terry Brackett**

I do not know.

**Hewlett**

We set a precedent with Adric Lane.

**Chair Cox**

What was the reasoning?

**Terry Brackett**

They had setback issues, and I don't remember the other one. It was a lot more complicated. This one is just combining two lots into one. It is less than what the subdivision was approved for.

**Chair Cox**

With Adric Lane, there were complications dealing with resource protection issues that were potentially impacting the other people in the subdivision in terms of where the house might be built and what their assumptions might have been about where the house might be built. Without seeing it, I would not know if there are issues that might impact others in the subdivision.

**Jordan**

I doubt it. Most of those things are regulated by the subdivision agreement itself. I remember some years ago we approved an application for a Rackliff Island subdivision to combine two separate lots that were owned by the same person. We did not make them require a vote by the other lot owners. I cannot remember whether we required them to disclose to the residents of the association.

**Chair Cox**

I do not think we did. I think that it was clear because it was combining. This is just to combine two adjacent lots into one.

**Briggs**

On the on the town's property maps, will it have one lot number?

**Terry Brackett**

Yes, one number will be on it.

**Briggs**

Not with respect to subdivisions, but with other properties, it has been permissible to combine the two.

**Terry Brackett**

We do it all the time on other properties, but this is a subdivision, and we have an ordinance. Jim wants to make sure.

**Chair Cox**

My gut feeling is if it is very clear, and there are no underlying issues that we are unaware of, it will be okay.

**Terry Brackett**

This person bought the last two lots there and for some reason they want to combine them.

**Chair Cox**

Is it because they want to be able to have enough frontage on the water to put a pier on it?

**Briggs**

Is there a lot coverage issue allowing for a certain size house if you had the one lot, but with two combined, allowing for a larger house? I'm not saying that is good or bad.

**Terry Brackett**

That would be a covenant within the subdivision. We do not worry about covenants.

**Jordan**

There is a twenty percent lot coverage limitation.

**Chair Cox**

I think you can give them feedback that if it is combining them in the way it would be done if it was not a subdivision, and there are no other hidden issues, it is acceptable.

**Terry Brackett**

Knowing that it is Jim Dorsky, there should not be anything hidden.

**Chair Cox**

They are above board.

**Terry Brackett**

That was my feeling also.



**Chair Cox**

Anything more on that?

**Terry Brackett**

I'm okay with that.

**Adjournment**

On a motion by Brown, seconded by Briggs, the Board decided by a unanimous vote to adjourn the meeting and at 7:40 p.m. the meeting was adjourned.

Respectfully submitted,

Tammy Taylor

Recording Secretary

Town of St. George, Maine