

**St. George Planning Board Meeting
7PM at Town Office and via Zoom
April 25, 2023
Minutes**

The Planning Board meeting was called to order at 7:00pm. Planning Board Members present were Chair Anne Cox, Mary K. Hewlett, Alison Briggs, Richard Moskowitz, Anne Cogger and Michael B. Jordan. Also present were Regan Myers, Michelle Young, Amy Myers, Will Gartley, Jim Dorsky, Terry Brackett and Richard Bates.

Zoom: Loreen Myers was present.

Quorum:

A quorum was present. Briggs was elevated in place of Brown who was absent.

Conflict of Interest:

There were no conflicts of interest.

Adjustments to the Agenda

Three items are added to the agenda:

1. Timing of next meeting
2. Packet Distribution
3. Plans for future discussion of PFAS

The Findings of Facts and Conclusions of Law for 165 Howards Head Rd. is removed from the agenda.

Minutes

Hewlett moved to approve the April 11, 2023 Planning Board Meeting Minutes, as corrected, seconded by Cogger, and by a unanimous vote, the minutes were approved.

Jordan moved to approve the April 10, 2023 Public Hearing and On-Site Inspection, for 38 Wahebe Rd. Minutes as corrected, seconded by Cogger, and by a unanimous vote, the minutes were approved.

Jordan moved to approve the April 10, 2023 Public Hearing and On-Site Inspection, for 165 Howards Head Rd. Minutes as corrected, seconded by Cogger, and by a unanimous vote, the minutes were approved.

Hewlett moved to approve the Findings of Fact and Conclusions of Law for the Application of Philip Parsons at 38 Wahebe Rd. as corrected, seconded by Briggs, and by a unanimous vote, the document was approved.

Public Comment

Regan Myers, Michelle Young and Amy Myers

Regan Myers

My name is Regan Myers and I'm with Michelle Young and Amy Myers. We spoke with the Select Board last night regarding a fundraiser that we're organizing in support of St. George lobstermen, in which we will be donating the proceeds to the Maine Lobstermen Association Legal Defense Fund which advocates on their behalf, and in doing that, we would like to display their buoys. What we brought to the Select Board last night was, we would like to put that display on the property adjacent to the old library and the Historical Society. We have a small-scale model. We ran out of buoys so it's not a true depiction. It is missing some buoys in the back. Amy took a lot of time building it. I'm very proud of it. We started with the idea of a tree which has been done by several communities, but it sort of evolved. Rather than looking sort of Christmasy, we wanted something that the public could be a part of, learn from, and be an art display, so we ended up with a buoy tent, essentially. It could go as high as 14 feet, but the footprint of it would be six by six.

Hewlett

Feet or yards?

Regan Myers

Feet. As you can see inside it would have messaging showing each lobsterman.

Briggs

How long would it be up; what would be the timeframe?

Regan Myers

Our first thought had been three to four years, at which time we would auction it off to a private property and then donate that money to the MLA but the Select Board showed interest in making it permanent.

Cogger

Who would maintain it?

Regan Myers

For the first few years, we would agree to maintain it. If the town decided that they wanted to make it permanent, we would likely set up a stewardship for it. We plan to be here for the rest of our days, but there is always a younger generation. We think it's something that will not only be really beautiful and something residents and visitors can be proud of, but we also think it really will stand as a sign to our lobsterman that they are valued and vital.

Moskowitz

Not to overcomplicate anything, but how would you make sure it is stable over that period of time?

Regan Myers

Duke Ellis, who was at the Select Board meeting last night, called us. He's donating lumber and labor. He's going to help construct it, and Amy's son who works for Harbor Builders is going to hopefully help us with the design.

Amy Myers

It will definitely be anchored. Brooks is donating wire for the outside of it. They can attach it, staple it really well and make it solid. It will create some weight and stability.

Cogger

It will really need to be attached well if this is here year-round.

Regan Myers

We'll likely look to see if it's rope or zip ties that work. We'll be looking at how often we're going to need to possibly replace them with newer ones. They are in a good spot there. It's not in direct sunlight and there is good tree coverage, so they won't be in direct sunlight. We would make sure that they are not too aged before we swap them out.

Chair Cox

It occurs to me that this is a proposal for a structure that you are imagining would be permanent, or semi-permanent, if you are saying three or four years. We probably would need to have a building permit application for it. It also occurs to me that there are some things that we do not know, such as the liability to the town. Can the town have something that would assist a fundraiser for an organization, and what does that mean for other organizations that would want to do fundraising? That is something that I think we have got to think about and explore.

Hewlett

I think the other point is how we are able to put a monument on town land.

Chair Cox

We have a Firemen's Memorial out here.

Hewlett

We have a building permit for that.

Chair Cox

The town would have to sign off on it as the owner of the property.

Hewlett

And there would have to be some type of agreement for maintenance.

Cogger

It's kind of interesting, because to me, it's almost like an art installation.

Chair Cox

It's a combination of an art installation and a fundraiser and that is what we need to think about.

Briggs

Suppose somebody was opposed or took the opposite view of the St. George lobstermen and wanted to put a competing structure nearby.

Regan Myers

Would it make a difference if there was no messaging on it that referred to future donations to the MLA or why it was erected?

Chair Cox

That's a good question. We cannot hash it all out tonight, but I think we all need to think about those issues, and Terry can help you with a building application.

Briggs

The structural part of it does not necessarily seem like the most daunting part. The biggest question is exactly what we would be doing to make sure that it serves the purpose it is intended for and does not create more problems either for the town or for your group.

Jordan

I might just suggest that those questions, and others such as insurance, are not within the purview of the Planning Board. They are in the purview of the Select Board, who has actually authorized the land to be used for this purpose because it is town land.

Hewlett

There is also maintenance to consider.

Jordan

We can assist with maintenance because that is kind of what we do.

Cogger

And signage.

Jordan

Yes. The effect it might have on other people who want to do something similar, or something opposite, is for the Select Board to deal with. We just deal with land use.

Hewlett

If you look at the Site Plan Review Ordinance, because of the issues of exterior lighting, electricity, etc., I think they need to go back to this Select Board for clarity first.

Chair Cox

I agree because I think there may be some issues about purpose.

Regan Myers

Last night, they all agreed when we presented it to them. They asked questions and they said they were in agreement, and advised the next step would be to discuss this with the Planning Board.

Chair Cox

Were they in agreement with it as a fundraiser?

Regan Myers

This structure itself is not the fundraiser. For the fundraiser, we collect two buoys from all St. George lobsterman. Any donator for the fundraiser will receive one buoy to display at their own discretion, on their own property; the second one will be attached to this structure as a show of support to St. George lobstermen. This itself is not the fundraiser. We told the Select Board last night that our hope would be to unveil it, so to speak, at St. George Days. So that's the timeline we're working with but at that point, it would really just be about possibly congratulating the MLA on how much we were able to raise. We don't need to have www.mlalegalfund.com on the actual display. This was really meant to be a display to show off the local fishermen to the public, what their buoy colors are, where they fish, and if they're generational; that's it.

Hewlett

It's like "buy a buoy"; you get two.

Regan Myers

Yes. They get one for their home and then the other one will be displayed for the public.

Chair Cox

I think the next step is to have that written out very clearly and to work with Terry on what you need for a building permit. Draw a site map of where you see it going on the property. Terry, do you have anything to add?

Terry Brackett

Not at this time. They can get in touch with me, and we will work on it.

Hewlett

The model was very helpful. Otherwise, we would have had a hard time visualizing it.

The Gregg and Kerri King Trust Pier and Shoreline Stabilization Project – 261 Otis Point Rd.

Will Gartley

I'm Will Gartley, representing Gregg and Kerry King, on their application for a new pier and shoreline stabilization on Otis Point Rd. The pier is 6' wide by 60' long. It actually extends just under 50' beyond high water and stops at the short low water. There is a 50' gangway and a 12'

by 24' float. The shoreline stabilization is a bunch of inlet crevices between the ledges. You can also see in the photos that you have these little holes of ledge that stick out, and then in between them it creates these little crevices where the water is washed away and taking out trees and vegetation. Each one of them is a little nook that they're trying to stabilize in between the ledge of outcrops. We have our permits from the DEP and the Army Corps. The DEP visited the site with us and there is a pier on the property to the north and there is one to the south you can see in the photos that we submitted.

Chair Cox

Terry, we have just one permit, but you put it on the agenda as two items.

Terry Brackett

I did, just to point out that there are two issues, but yes, there is one application.

Chair Cox

A big question is about vegetation being removed. In the DEP permit, you stated that you will be putting native vegetation back in.

Will Gartley

Yes. The new vegetation that needs to be removed is very minimal. If you look at the photos, there are definitely some low growth shrubs, but most of that is growing over the top of the ledge. The areas that are getting stabilized, seen in photos number one and two, is the area that previous owners have put brush into. That is an area where brush is going to be taken out and rock put in. The goal is to work around the existing trees that are there, and I know that Gregg has already talked to somebody about using small equipment. There is not a lot of room to get to this property, so it's going to be a small excavator that they're going to use to replace the stone. We use smaller stone than we do in a lot of places because it doesn't really get a lot of big wave action. Again, it's kind of a unique geometry in the way that ledge is forming that that creates the problem for them, and it's undermining those trees. In a couple of the photos, you can see some small stuff that's growing down over the bank, that is probably going to get disturbed, but no trees.

Jordan

(Inaudible). It looks to me like the vegetation is all within the existing ledge and that those areas are to be filled with wood with riprap.

Will Gartley

Right. Between those ledge outcrops is where the riprap is going to be. In fact, a couple of those spots have stone in them already, and riprap. It wasn't really done quite well enough to stop it.

Hewlett

Stop the erosion.

Chair Cox

The pictures submitted show that. Will you be putting the underlayment fabric in?

Will Gartley

Right, and then putting the stone in.

Jordan

The DEP permit stated that more vegetation was going to be added upland.

Will Gartley

Right. It's going to allow us to level it off above that stone, and there's a little strip that can be planted along the top of the bank, with something low growing.

Will Gartley

The pier is coming off of the ledge. It worked out that it's relatively close to the center of the lot and well within the setbacks. There's a nice outcropping there that provides a good access point.

Cogger

Is that shown on picture four?

Will Gartley

Yes. In fact, where you can see the surveyor setup in that picture is where the walkway comes down and will access the pier.

Hewlett

It looks like using your National Flood picture. There are already five pier systems in that little area.

Will Gartley

There are quite a few on that little strip. Luckily, you can see after low water, it drops off pretty quickly, so we have good deep water there.

Hewlett

Yes. We can see it in that shadow.

Chair Cox

Normally we don't see 8' of drop, maybe 4'.

Will Gartley

It just drops really quickly. From the first 40' out beyond the end of the pier, it drops off about 5', and then in the next 10-15', it drops another 5'.

Jordan

If you were to place the float closer to the land, what would be the issue?

Will Gartley

I would say inclination is my biggest concern because of being too steep.

Jordan

It would make the gangway too steep.

Will Gartley

Right. 50' is a pretty good length for low tide.

Hewlett

Tides can easily go 8-12' in that area.

Chair Cox

Are there other questions that we might have here?

Jordan

There are a couple of things I had not seen before. I don't know much about piers and gangways. This is the first one I've seen where the float is anchored, not just with the two cross pieces further out, but also with chains back to the pier structure. Did I miss that?

Will Gartley

No. Sometimes people might not show it on the plan but here you've got both the tide and the current, so it's going to be very helpful to have it held on from both directions. It will reduce the stress on the connection of the gangway to the permanent pier.

Jordan

Good. This is the first time I've seen these batter piles. I looked those up to find out what they were.

Will Gartley

Those piles will be at an angle to help provide support. We have ice issues in the river, so they are very helpful in providing resistance when you've got ice on the shore and the tide goes out.

Jordan

Is that unusual? I'm just curious.

Will Gartley

It's pretty common; we use them quite a bit. For a lot of the piers we have done, we've used granite for supports so then we don't have that. It depends on the length. It depends on whether they're being pinned to the ledge or we're driving them into deep mud. All of those things go into play when you try to figure that out. They're also called dolphins sometimes when they're put in at an angle.

Hewlett

This is a section of the river they call the Narrows, because it narrows down, so there is a lot of current in this spot. You have to be a good boater to get on and off your float.

Hewlett

With the navigation issues, does the Harbormaster have any issue with this?

Brackett

No.

Chair Cox

Any other questions? Typically, with piers we do a site visit, even though we have a very complete application. Do we feel like we need to do a site visit, which has been a standard thing for us to do?

Cogger

And let the neighbors know this is happening.

Chair Cox

Yes, let the neighbors know that this is happening here, and it will give us a chance to see indeed what you are talking about and the relationship to the other piers in the area. I am thinking that that might be the case. I have looked at the calendar and wonder if Monday May 8th would work, or perhaps we can do it earlier.

Terry Brackett

I don't know if you can do that. That is not giving seven days' notice in the paper.

Chair Cox

We have yet to change that necessity. How about 5:00p.m. on Monday May 15th.

Will Gartley

That will be about mid tide.

Chair Cox

That will be good so we can see the lay of the land. Our next meeting would be the 23rd of May.

Will Gartley

Is there any potential to do that at 5:30p.m? I have a meeting at three that's going to make it hard for me to get here by 5:30p.m.

Chair Cox

That will be fine. Then the next Planning Board meeting would be May 23rd.

Hewlett

The tide that day is going from 0 -10' and you'll be there when it is 4'.

Chair Cox

Okay, thank you.

Long Cove Woods Subdivision – Combine two lots into one; Map 232, Lots 9 and 10

Jim Dorsky

I'm Jim Dorsky of Gartley and Dorsky, representing Sal and Jennifer Lauria. They currently own lot 9 and 10 on Ledgewood Dr. in Long Cove Subdivision. The whole point of the amendment is solely to merge those two lots into one. You will notice on the tax map that they bought both lots at the same time from the MacMillons who were the original people that bought those lots. The tax map already shows it as one lot, but the subdivision has never been amended. They're looking at finally doing something there. They don't plan to ever sell them separately and the property line creates setback issues, so they just want to get rid of the division line. It's labeled on the plan as "former lot line being eliminated by this amendment" with a note that explains what the purpose of the amendment is in reference to the prior plan. I marked it out on the back, if you wanted to look at that, and I brought with me the other two. This would be the fourth version of the subdivision plan. It really doesn't have any effect on anything else. Of course, when you merge lots and simply eliminate a lot line, both lots become more conforming than they were. There's likely to be less development so anything related to the review criteria would be better.

Hewlett

Looking at the documents for the subdivision, and seeing the easement for access on lot ten, how is that being addressed?

Jim Dorsky

It will still be there. They can't unilaterally change that. That will still be in effect.

Cogger

Is that for clamming?

Jordan

It's for access for the rest of the lots.

Chair Cox

If you read the covenants, it is discussed.

Jim Dorsky

This cannot change anything in the covenants.

Hewlett

Does the client know about that?

Jim Dorsky

Yes, it's in their deed.

Jordan

Does the amendment to the plan require a vote of the homeowner association?

Jim Dorsky

No. It doesn't affect the association. I tried to find out exactly how their maintenance fees work. I got copies of the Declaration and the owners talked to Andy MacMillon, who was the one who hired us to do the subdivision originally, and he's the president of the association. They checked with the attorney who said it wouldn't make any difference. I think basically it is the fact that the covenants refer to the third plan, which is the one this is amending, and so they still own what is referred to as lots 9 and 10. I think they will still have two votes, but they'll pay double the amount, even though the property line is gone for zoning purposes. As far as the covenants go, it doesn't affect them.

Chair Cox

That is their issue.

Jordan

Yes, that is not for us to worry about.

Chair Cox

You are the one who looked up what the State says.

Jordan

I reread the subdivision ordinance because I had not read it for five years, and I didn't see anything that would prohibit this. There would be issues if you are trying to further subdivide a lot into two lots but just the opposite is happening here, and the ordinance is silent on this. The only thing it says is that in order to approve the application, the Planning Board has to make findings that it does not result in a violation of any of the requirements of Section 1 of the Subdivision Ordinance. I read all those and I sent them around to the Board and I can't see how combining two lots into one violates any of those requirements under section 1. When we get around to it, I would have an appropriate motion.

Hewlett

The only thing I could find was on page 25 of the Subdivision Ordinance, "Revisions to Approve Plans", but it doesn't tell you much.

Jim Dorsky

That's the same thing I read in the Subdivision Statute. There's a section on the statute about revisions to approve plans and it basically says the same thing. The Board has to make findings of fact in relation to the review criteria, which is your Section One in your ordinance. That's all of those things about pollution and (Inaudible)

Hewlett

Page 25 discusses creation of additional lots, which you're not doing.

Chair Cox

It is not pertinent. Do we have all the information we need?

Jim Dorsky

If you look at that section that you were just referring to, the only thing it says about doing a revision to an approved plan is to submit one copy of the approved original plan and seven copies of the new one. That's all it says. I figured I would give you the deed, the tax map and all of the covenants.

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

On a motion by Jordan, seconded by Hewlett, the Planning Board concluded by unanimous vote, the proposed amendment of the plan does not adversely affect any of the standards in Section 1, A through T of the Subdivision Ordinance, and the motion carried.

On a motion by Jordan, seconded by Briggs, the Planning Board, by unanimous vote, approved the application on the basis of its conclusion under Section 1 of the Subdivision Ordinance, and the motion carried.

St George MSU CTE School Project**Terry Brackett**

Mike and I had a conversation late yesterday afternoon and he wanted to withdraw the application for this meeting. They have some septic issues, but I felt they could still come here if they wanted because we can work through the issues as they are not that serious, but he felt better knowing what the septic situation is. He will be here, I'm assuming, on May 23rd.

Timing of the Next Meeting**Chair Cox**

We do not meet in two weeks due to the town meeting. Do we have such a heavy agenda that we need to try to schedule a meeting that week?

Brackett

I've been assuming that you weren't going to have a meeting that week and putting everything off on until May 23rd. Right now, I think you would have the school project, and there is another site plan review project that probably will be coming in. I think that is about it.

Chair Cox

There is also the pier project we just reviewed. Okay, so we will delay it until May 23rd.

Packet Distribution

Let's get clear about how to get our Planning Board packets. I was confused with the email that went out. It does not make sense to try to scan everything.

Jordan

Particularly the oversized things.

Chair Cox

Yes, and I know we're trying to save money. I'm just wondering if maybe we should plan to pick up our packets and not worry about trying to convert everything to PDFs since we have a hard time getting the oversized drawings and we ask applicants to submit seven copies of the oversized drawings.

Cogger

I generally pick up copies anyway, but sometimes they are not complete.

Briggs

For a Tuesday meeting, should everything usually be available for pickup by Friday?

Brackett

Yes, by Friday.

Briggs

I'm not here Monday through Thursday. I'm not in town anytime the office is open except for Friday.

Chair Cox

On Friday, they are generally available, and if there is any problem, I will pick up your copy.

Hewlett

So, we are not going to get it via email anymore?

Chair Cox

No, not via email. However, the minutes can be converted into a PDF and send via email, along with the agenda and any findings of fact, but the actual applications will be picked up.

Hewlett

It really does help to have the big prints. When you try to reduce it, I personally can't read it. The applicant is supposed to be presenting seven full copies to the Planning Board office. Does that happen?

Brackett

Yes, it does. The commercial projects and piers are copied for us. If it's a residential project, I might have to copy the application. I cannot copy the big prints.

Hewlett

Technically you could send them to have it copied because per the ordinances they're supposed to be providing you with the seven copies.

Chair Cox

There are only a few residential sorts of things. So, we agree we will pick up our packets on Friday but the minutes, findings of fact and an agenda will be emailed. We need to make sure Jane knows.

Plans for future discussion of PFAS

Briggs

I saw that Brunswick had a Planning Board issue recently which I thought might happen to St. George someday. It was an issue of building a community solar plan. One of the big issues for people who were opposed to the project or concerned about it was that solar panels have PFAS. It was a combined area, so part of it was in an area that was adjacent to bodies of water. The concern was that the PFAS would be an issue with new state regulations and new EPA regulations about water contamination, soil contamination or runoff. I wonder if that has already come up with our Planning Board. For instance, in the Subdivision Ordinance, should PFAS be one of the issues to evaluate under this statute and under our ordinance, and it looked to me like it would be something that people should think about. Terry, what will happen with PFAS?

Terry Brackett

We don't usually look at the building materials that they use, but under contaminated materials, it could be an issue.

Chair Cox

I wonder if MMA has any insight on this or any bills going through the state legislature regarding this that might be affecting us.

Briggs

I could look into the bills in the State legislature. I saw a whole list of them and only looked at one, and that particular legislation had already been passed, and only goes to the issue of what can be sold in the state of Maine, and does not reference the direct use of it, so it is incumbent on the seller or distributor of materials that contain PFAS, to make sure that the amount of PFAS is within the EPA guidelines or fits an exception because it might be a product that absolutely must be used, or a project that could not be completed without this material, or it is something that is central to the purpose of the community or town where it is located. I would be happy to get a copy of the legislation and distribute it, but I did not see anything in the proposed legislation or in the current legislation that would necessarily be an issue for somebody who came with an application.

Cogger

I think it is still going forward.

Briggs

Going forward, I think it is going to be an issue. It is already an issue for Brunswick. It could be for the school or something like that, where down the line some community members decide we should remediate or that this issue should have been considered previously.

Jordan

There are environmental contamination standards in the Site Plan Review Ordinance, which is what would apply for things like that. We should see if there is anything we need to be saying now that we are not already.

Moskowitz

Are you referring to the Hazardous Special Radioactive Materials section?

Jordan

No, I was thinking more about water pollution and ground contamination.

Chair Cox

I have one other thing; Richard is this your last time with us as a member of the Select Board?

Bates

Yes.

Chair Cox

I wanted to acknowledge that and to say thank you. You have been a great liaison, and you've kept us on our toes.

Hewlett

It's been a pleasure.

Cogger

Ten years is a long time. Thank you for your service to our town.

Adjournment

On a motion by Hewlett, seconded by Briggs, the Board decided by a unanimous vote to adjourn the meeting and at 8:05 p.m. the meeting was adjourned.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine