

St. George Planning Board Meeting

7PM at Town Office and via Zoom

June 27, 2023

Minutes

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

Quorum:

A quorum was present.

Conflict of Interest:

There were no conflicts of interest.

Adjustments to the Agenda

Response from DEP regarding the New Ordinance
Review of Planning Board Application Form
Planning Board Personnel Changes

Minutes

Cogger moved to approve the June 15, 2023 Planning Board Meeting Minutes, as corrected, seconded by Brown, and by a unanimous vote, the minutes were approved.

Hewlett moved to approve the Atwoods Quarry Rd. Onsite Minutes from June 12, 2023, as written, seconded by Brown, and by a unanimous vote, the minutes were approved.

Chair Cox

We don't have the Burgess Onsite Minutes because Tammy got lost. I will write up my recollection and float it by Michael.

Hewlett

We adjourned at 5:42. The town has a street directory cheat sheet from the post office to anywhere you want to go in town. Does anyone want a copy? We can probably request it from the town. It's three or four pages and it's extremely helpful. Terry, please ask Patty to copy it for everyone on the Planning Board.

Public Comments

There were no public comments.

Permit for Temporary Dock, 724 Wallston Rd.**Kaylyn Thornal**

My name is Kailyn Thornal. This is the first time I've been to a town meeting. I bought my house on Wallston Road about seven years ago, on the river in Watts Cove. I am here tonight to try to get a permit to put in a seasonal, temporary dock behind my house, mostly for kayaks and swimming. The reason being, the way that my house sits, the cove sort of flushes into my property and creates a lot of muck. For my kids to swim out there, it's not the most ideal situation. It is not always like that, but it would be nice to be able to get out a little bit from that when the tide is high. I am not a builder, but I am working with someone to build the dock for me, and this is my proposal. The ramp I've measured to be about 25 feet, and the float that would float during the tides doesn't get super deep right there, so the deepest are probably about five feet. The attachment would be up above the high tide line on my property and the way that the ramp would connect is through these four-by-four posts that will be up above the high tide line so that the dock would just kind of sway with the tide and go up and down with the tide.

Cogger

Is it anchored?

Kaylyn Thornal

Yes, they will be driven in.

Chair Cox

Will the ramp be removed?

Kaylyn Thornal

Yes, it will be removed. It probably isn't going to go in until July and it will probably be taken out by the end of September, but I noted June through October on the application because sometimes we get some nice fall weather. I spoke with the environmental folks at the state who told me that as long as it is one-hundred percent temporary, I don't need to get a state permit for it. As long as it is approved by the Planning Board and is temporary, it seems like it should be okay.

Moskowitz

Are the posts permanent, but the rest temporary?

Jordan

What exactly would you take away?

Kaylyn Thornal

Everything except for the posts come out, including the deck. I put on the application that I plan to put in a four-by-four platform, but in reality, I really don't need that. I just need the posts and so I probably will revise the plans for that, to just have the posts. So, the posts will stay permanent up on my land. The dock and the float would be removed.

Cogger

Are they two different pieces?

Kaylyn Thornal

Yes. It's two different pieces.

Cogger

It seems awkward to remove every year.

Kaylyn Thornal

My next-door neighbor designed one for his property that actually had a pier that went down and then slanted down. He didn't have any floats on the ramp, only on the actual floating dock. For the floating dock, the ramp was attached by hinge to two posts that connected to his pier. I would not just have the pier; I would only have the ramp and the float. My property doesn't have a steep decline. It's more of a gentle slope. I consulted with him as well and he was saying that you just don't need something that big, so everything would come out except for the posts that connected the ramp from the dock.

Jordan

The posts are above the high water line?

Kaylyn Thornal

That's right.

Cogger

(Inaudible). Let me see if I can find a picture.

Hewlett

This one is a pretty good one. Did you get a copy of that?

Kaylyn Thornal

I did. You can actually see Wayne's dock right there. If you look at my property, you can see that there's an opening here in between the grass. This is all low tide and there is some seagrass. The previous owners must have had something they launched from this area because there were rocks all down here and it is a flat portion of the land and so I just wanted to come out about even with the edge of the grass so that when the tide comes in, it will float and then it will just rest right there on the rocks, when the tide goes out.

Chair Cox

Okay, I think I've got a picture of this. We haven't dealt with temporary piers.

Cogger

I thought we looked at another seasonal pier.

Chair Cox

This is seasonal but the one we saw yesterday has a pier that extends over the high-water line. For this one, everything would be removed except for the posts in the lawn.

Hewlett

I remember when we approved Wayne Crockett's pier. This one looks a little bit bigger than what we approved. It was supposed to just be over the rocks and not go into the water. But one of the issues, and the reason there are not any other piers or docks on this side, is that it is the premiere significant wildlife habitat cove. It's huge. If you are a birder, you have a five-star area for migrating birds.

Kaylyn Thornal

I will tell you that unfortunately, they don't come through like they used to, which is kind of sad. I think they have moved further north and that changes eleven miles north every year.

Hewlett

If you look at our maps, it's significant. That is why there are no other piers and we have denied people on your road. Might I add that I live on your road. As you know, looking at your cove, Sawyer's is the only one that is there. Nobody else has anything and across your cove, we cannot have anything because it is an Indian burial ground. That is something to be aware of.

Kaylyn Thornal

I'm trying to make it as unobtrusive as possible because I am aware of that. Because of the way that the tides come in on my property, we get a lot of fishermen's gloves, cups, etc. There are a lot of clambers there that are constantly clamming and docking out there.

Chair Cox

How high are you expecting the ramp would be on the top of the posts?

Kaylyn Thornal

I think they are going to stay pretty close to the low end.

Chair Cox

So, it might be attached a foot above the ground?

Kaylyn Thornal

Yes. I think that the post will be higher, the way that we discussed it, and it will be connected by something that allows it to fluctuate but the water doesn't come up that high there.

Chair Cox

That's my question. The elevation is not going to fluctuate four feet, right?

Kaylyn Thornal

No.

Chair Cox

It is going to be on the ground, maybe about a foot high. That would have something to do with the impact.

Chair Cox

There are a couple questions we need to settle. For piers, and I would say this is new territory because it is temporary, we feel like we need to do a site visit to allow your abutting neighbors to have an opportunity for their questions and concerns. I do not know if this is a different category. We did look at one that was temporary on Harrington Cove, and we denied it because of the stability of the bank and the possibility of erosion. From that point of view, we might decide that we would like to do a site visit even though it seems like a very simple, low impact.

Cogger

There have been issues with people concerned about the birding issue.

Chair Cox

Right. So, we need to let the abutters know.

Briggs

I own the little brown house right before you take a right onto Wallston Road.

Hewlett

This is farther down in that Cove where the pontoon boat ended up because we denied a dock.

Chair Cox

We will schedule an onsite visit.

Kaylyn Thornal

I want you to know that I can be flexible with the design and size. This is just somewhere to start.

Cogger

How did you (Inaudible)?

Kaylyn Thornal

The same way my neighbors do. The same guy works on our house, and he puts their dock in every year and waits until high tide, floats it up, and then two guys pull it up and they leave it there for the winter. It is an all-day thing.

Cogger

I do wonder about the vegetation there too.

Chair Cox

We will go see it.

Hewlett

Do we need Army Corps approval?

Chair Cox

No, I don't think so. For temporary things, I am not sure they are required but we will find out. Terry, how long before we can schedule an onsite visit? How much time does the staff need?

Terry Brackett

I would not want to do it in the second week of July. There is a lot going on and people are out.

Chair Cox

Okay. The weather might turn warm, and I know you would like to have this done but this could take some time. The earliest that we could do it would be the end of the week of the 10th of July, is that what you're saying?

Terry Brackett

I would not want to schedule before that.

Chair Cox

All right. Our next Planning Board meeting will be July 25th. So that gives us some time. Does an onsite scheduled for Monday July 17th at 5:30 work?

Kaylyn Thornal

Probably.

Chair Cox

Okay. We will plan on that. If you suddenly find out that absolutely will not work, please get in touch with me and we will reschedule.

Kaylyn Thornal

Thank you all very much for your time. I appreciate it.

Ellen Burgess – Deck, Pier, Ramp and Float

Chair Cox

Just so you know, nobody came to the public hearing on this.

Will Gartley

Okay. I called Ryan today and talked with him. He had received the information previously, reviewed and approved it and I asked him specifically about the mooring blocks. He said at that location, he was not concerned because it is so shallow that by the time those blocks are exposed, that whole area is basically exposed and nobody should be boating there anyway, but he did say that he would take another drive there by boat when he gets a chance and if he does have concerns, let us know.

Hewlett

Great. For the worst-case scenario, maybe they should turn the mooring block sideways, instead of up and down.

Will Gartley

The mooring blocks do not need to be very big and at that location, they are probably going to settle down into the mud anyway, so I would be surprised if there were any issues, but you are right. We could potentially not even use them. I was really wanting to make sure that it was available as an option in case they found that it needed more stability.

Hewlett

That makes sense.

Chair Cox

We have looked at the application and updated it with the description of the sizes on the project.

Will Gartley

4' by 10' instead of 6'.

Chair Cox

Yes. We have the correct drawings that you gave us two weeks ago. Do we have any other questions?

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

Jordan

The small tree to the right, as we face the water, that is going to come out to make room for the dock, and should be replaced, right? I know it is not much of a tree but aren't we required to replace any trees that are removed?

Will Gartley

I know that they hired an arborist and did a complete study of the whole shoreline, and you could see when you were there, they have done some pruning and thinning, and went through an entire point system within the seventy-five feet to make sure that everything they did was based on the Shoreland Zoning Ordinance. Even though that cluster of oaks had been identified as being able to be removed, they are not taking that down. So, I doubt that those small little thin trees would have an impact on that.

Jordan

So, under 15C of the Shoreland Zoning Ordinance, that could be removed, without being replaced even if you are doing nothing else.

Hewlett

They did mention that one dead branch was coming out, but they were going to save the tree because they want the root system.

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 Jordan, seconded by Hewlett, the Board found by a unanimous vote that the construction is sitting over ledge and erosion is not an issue.
3. **The location shall not interfere with existing developed or natural beach areas.** On a motion made by Jordan, seconded by Brown, the Board found by a unanimous vote that there are no beach areas present.
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 Department of Marine Resources as described in the DEP's approval found no adverse effects regarding nearby fisheries.
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 based on observation the structure is no bigger than necessary, is consistent with the surrounding areas, and does not have to meet the six feet width requirement as it is in tidal waters.
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 Jordan, seconded by Hewlett, the Board found by a unanimous vote that no structures exist, and 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 Jordan, seconded by Brown, 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 Jordan, seconded by Hewlett, the Board found by a unanimous vote that no such structures exist, and no new 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 Jordan, seconded by Hewlett, the Board found by a unanimous vote that no such structures exist, and no new 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 Jordan, seconded by Brown, the Board found by a unanimous vote that there is no vegetation that will be removed in excess of the standards in Section 15(P) and that all equipment will be walked into the job site, as access to the project is not feasible by barge.

On a motion by Hewlett, seconded by Brown, based on the foregoing findings of fact, 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.

78 Main Street - Remove Existing Deck, Some of Existing Structure, and Replace with New Deck of Same Footprint - Alexa & Jerry Cunningham

Marcel Valliere

You knew we weren't going to keep the outhouse. I did bring a new cover sheet that has a signing block for the Planning Board, but I did not realize there were so many of you. I only put six slots, but I do not know how necessary it is.

Hewlett

Are they the ones on your application?

Marcel Valliere

It is the same first page. I will give you the quick lowdown because this is very simple, even though it looks more complicated than it is. We have a bump out that comes off the back of the building that contains a hallway and the two old outhouses that were built below. Our goal is to remove those structures along with the existing depths. Probably the easiest view is on the last page; there's a 3D view that shows the existing building that sort of pops off the end, and you have a deck on the left hand side and a deck on the right hand side.

Hewlett

Is that A 3.5 in back?

Marcel Valliere

Yes. That's the one. The goal here is to not change the amount of square footage that is beyond the building and also not let the deck get any closer to the water. We're keeping the distance off of the finished space that was already approved at our last gathering and taking a section of the deck that is on the western side there and removing it completely which includes the stairway and a little walking space and applying that square footage to the other side of the deck, keeping the total square footage exactly the same, but just pushing it to the east or southeast side of the building. This gives them a little bit more square footage as a larger deck area versus being broken up into very thin narrow spaces, and it also allows us to have a ramp. The grade is higher on the right-hand side of this drawing which would allow us to have a very gentle way to walk off the deck on to grade, versus before where we had ten or twelve steps to come down to grade, which made it uncomfortable to hang out in the yard and on the deck. Everybody loves a deck that's close to grade because you enjoy the yard and the grade. This new design is going to be nice for their living because when they're inside the lower section of the deck, which shows the dining room table, when they look out, they won't have to look through railings because it's four or five steps down. When they sit in the living room, they can look over the railing, not through the railing. It also means that when they're out on the deck in the couches or the sitting area once again they can look over the steps and then over the rail, beyond versus through the rail. And when you're at the dining table on the deck, you're already sitting at a higher level, so the railing doesn't block your view up the cove. Basically, it's the exact same square footage that already exists. We are just reallocating where it is and not making it any more non-conforming. I'm trying to be as clear without muddling it, but if anyone has any questions, I'm happy to try to describe it.

Chair Cox

It is very clear. Thank you and I have to admit I somehow missed the existing drawing, so I'm glad to have that.

Cogger

This is what it is currently and then you take out this thing.

Marcel Valliere

Yes. It is the proposed and the existing. We just chop it off but are not trying to create more area than already exists.

Cogger

Where it goes down right here, is this a ramp?

Marcel Valliere

Yes. The grade is higher on that side of the building. On 3.3 you can see an elevation that shows how the grade comes down, and because the grade is so high here, it's very easy to walk off with her dogs, or let's say somebody is coming to visit who has a wheelchair, now they would have access to the dining

area because they can come down around the building from the outside where they have access to the inside of the building. They can get to where the sofas are because there is no pane between the decking. It is just trying to make it accessible and comfortable for living.

Cogger

Is this a sink outside?

Marcel Valliere

Yes. We're proposing to have a small outdoor kitchen out there so that when they're entertaining, they can grill and rinse their hands and it would all be tied back into the same home system.

Hewlett

This was all very helpful to be able to figure out what's going on.

Chair Cox

Do we need to look at the application? Do we need any more information. It was very clear,

Hewlett

Do we want setbacks? Page one.

Chair Cox

There is no change.

Marcel Valliere

There's no change other than the fact that it extends closer to what would be the gallery. We're coming over that three feet to allow for the ramp and access but that's still the same property. It is not a separate building. There's so much land on that side, I see no reason that setbacks would apply to that side.

Jordan

Is it all the same lot?

Marcel Valliere

It's all the same lot. All three buildings are in a row there on the same lot. This all falls within the 75-foot line. That's why we're here today.

Hewlett

In essence, you are cutting back because you have allocated for the overhang of the old building. Did you include that when you did the deck?

Marcel Valliere

No. Just the six inches.

Hewlett

It's hard to tell on this.

Marcel Valliere

It's really not much. I went from the edge of the deck. I suppose I could have gotten a little more.

Chair Cox

Do we need any more information or are we satisfied?

Moskowitz

Just a clarifying question. Are you reducing the number of bedrooms?

Marcel Valliere

No. There shouldn't be any change in the living space. We already went through that in the last phase. There should be zero changes.

Chair Cox

It is a little confusing. I think for the questions here on the front page, where we say number of stories, number of bedrooms, number of bathrooms, we should just say, "no change".

Marcel Valliere

That's correct.

Chair Cox

It looks like you are proposing three bedrooms, but I think we should just cross those out and say, "no change". Would everyone be all right with that?

Hewlett

I think that makes sense.

Cogger

It is clearer.

Chair Cox

Under lot coverage, "no change". Under total square feet of buildings and decks, I think we should say, "Present is 3,612, proposed is 0, total is 3612". Anything else?

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

Chair Cox

For a reconstruction or replacement, on page eight in the Shoreland Zone Section 12C-8 Non-Conforming Structures, it says a non-conforming structure which is located less than the required setback and is removed, damaged or destroyed, regardless of the cause, by more than fifty percent of the value before such damage (the deck is being removed), it must be rebuilt and setback, to the greatest practical extent away from the resource or from the water. I do not think there is any other place this building could go. There is no change, and it is not getting any closer to the resource, nor is it impinging on setbacks.

Jordan

One might wonder if that little bit of building at the back fifty percent of the value.

Chair Cox

I thought it was the value of the deck.

Hewlett

It might be the whole structure. Also, he is getting rid of two outhouses that were overboard discharges.

Chair Cox

So that has no effect at all?

Jordan

That would be my take on it, but it is also true that there is no place else you could put it.

On a motion by Hewlett, seconded by Brown, based on the fact that there is no change in the square footage, no other location it can be placed, and is not encroaching on the resource any more than the current structure, the application was approved.

Pre-Application Site Plan Review: Maine RSA 31 Build of a 250 Foot Self Support Tower with Radio Equipment and Accessory Structures - 125 Wallston Road - Map 215 – Lot 029

Terry Brackett

I cannot get ahold of the applicant. I tried calling and left voicemail. He was just concerned that he had everything ready for next month and to make sure he had everything in order.

Chair Cox

Would you be in touch and explain any technical difficulties and if he wants to have a pre-application meeting with us, that is fine.

Terry Brackett

I suspect that he will have a regular meeting.

Carr

Is it going to be on the Water District Property?

Chair Cox

125 Walston Rd. is across the street from the transfer station, near Plumber Rd.

Hewlett

I won't be here for the meeting, but I do have a question. Why wouldn't they use the cell tower across the street?

Carr

I am sorry and know I am not supposed to comment but I am the Chair of the water district and we have an existing contract with a cell tower representative, not the owner per se, but through a middleman. I do not know if they actually have companies to go on the tower because we have all the vendors on the tower on the water district property. I know it does not make any difference but I'm curious.

Chair Cox

Well, that is what we are going to find out.

Hewlett

Is US Cellular on your tower? I think they are because they are hooked up with another company.

Hewlett

What is Maine RSA 31?

Carr

In general, they are sketchy. Not to sway you, but they are all sketchy.

Chair Cox

We should not be discussing this without the applicant.

Hewlett

Okay. I am leaving those questions on the table.

Chair Cox

But all of these questions will come up.

Response from DEP regarding the New Ordinance**Jordan**

We had to run the changes to the Shoreland Zoning Provisions in the new ordinance through the DEP, and I got an email on Thursday last week. Yesterday was the deadline, the 45th date to respond and I received an email from Colin Clark who is the DEP Shoreland Zoning Coordinator for this. He had some questions and raised some issues about what we had done in response to our earlier discussions and if it actually solved the problems. It looks to me like he has a couple of points that are well taken and some that are maybe less well taken that I can explain. I have not been able over the last few days to go into this in any detail, but I am planning to start on it tomorrow or the next day. In due course, we will work it out with them and see what we can do about this. My message is that for the moment, we are still operating under the old Shoreland Zoning Ordinance that we have because it is not repealed until he says we can replace it with our new one. We will see how that goes.

Review of Planning Board Application Form**Jordan**

I was editing the building permit application form, so that for example, we can avoid the problem of saying, “3200 square feet existing and 3200 square feet proposed and 3200 square feet total”, and fix things like that and a few other odds and ends. There is also that box near the upper right asking if this is a commercial property and entities like churches always say they are not, but commercial means anything other than residential.

Hewlett

Including, not for profit.

Jordan

I started on a form that will fix that and a few other similar things. There are some things in the existing form that I'm a little unsure about, what exactly they mean and why they are there and how much they are needed. I put a few questions into Terry to get an idea of what we could do without and whose approvals are required. Is the Harbormaster approval required for a dock?

Brackett

Yes.

Jordan

Okay. On the existing application, when we ask what other requirements are approved, we have the DEP, and the Army Corps of Engineers, but not the Harbormaster.

Briggs

What about for a temporary structure?

Terry Brackett

I asked him. He weighed in on the Burgess pier.

Chair Cox

(Inaudible).

Jordan

So anyway, that is in the works, and we will probably not launch that until after we're squared away with the DEP on what we're doing with the Shoreland Zoning Ordinance.

Chair Cox

It would be nice to clean it up and also very few people draw their site plans.

Jordan

I thought I would just take that off and tell him to draw one. It is one less piece of paper as part of the application.

Other Business

Chair Cox

Wendy mentioned that the Select Board last night approved Richard Moskowitz as a full-time member, as well as Alison Briggs' renewal as an alternate, and Dolly Taylor who is joining us as an alternate.

Also, this is Kate's last meeting.

Hewlett

It was great. Thank you for the experience.

Chair Cox

Thank you. How many years was it?

Hewlett

Fourteen or fifteen.

Chair Cox

You have given great service. We appreciate it.

Hewlett

Happy to do it.

Chair Cox

We appreciate it.

Cogger

Thanks so much. We will miss your knowledge. You are so knowledgeable.

Hewlett

The town is in good hands.

Briggs

Are you going to stay on with the ambulance?

Hewlett

I am still an EMT.

Moskowitz

To save the paper, I noticed the minutes and a lot of documentation are single sided. If there is any way that we can go double sided, that would cut the paper in half.

Chair Cox

Yes, that would be great.

Terry Brackett

Some things are single sided, because in order to scan it, it has to be single sided.

Chair Cox

And if the minutes are printed, they could certainly be double sided.

Hewlett

If you get minutes on your phone email, it would be helpful if it was noted that those are the corrected minutes.

Adjournment

On a motion by Briggs, seconded by Cogger, 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