

St. George Public Planning Board Meeting
7:00PM at Town Office and via Zoom
September 26, 2023
Minutes

The Planning Board meeting was called to order at 7:00 pm. Planning Board Members present were Chair Anne Cox, Anne Cogger, Richard Moskowitz, Michael B. Jordan, Jane Brown, Alison Briggs and Elaine Taylor. Also present in person were CEO Terry Brackett, Wendy Carr, Chris Leavitt and Chuck Campbell.

Quorum:

A quorum was present.

Conflicts of Interest:

There were no conflicts of interest.

Adjustments to the Agenda

There were no adjustments to the agenda.

Minutes

Cogger moved to approve the September 12, 2023 Planning Board Meeting Minutes, as corrected, seconded by Moskowitz, and by a unanimous vote, the minutes were approved.

Moskowitz moved to approve the September 12, 2023 Maine RSA #1 Public Hearing Minutes, as written, seconded by Cogger, and by a unanimous vote, the minutes were approved.

Cogger moved to approve the Findings of Fact and Conclusions of Law, as corrected, seconded by Jordan, and by a unanimous vote, the minutes were approved.

Public Comments

There were no public comments.

Building Permit – Repair Boat House 222 Harts Neck Rd. – Map 216, - Lot 025

Chuck Campbell

The Aldriches own the property at 222 Harts Neck Rd. and there is currently an existing boathouse there that is in disrepair at this point. In some of the photographs, you can see the corner foundation is about ready to wash out. It has rotated from storm surges at one point or another. The existing foundation under it, other than that corner, is just old concrete blocks and they're all broken and rotated. The Aldriches would like to repair the boathouse and in talking with Terry, in order to do that, we needed to come in and get approval from the Planning Board. They don't want to change it. They don't want to make it bigger. They just want to repair it.

Chair Cox

How are they going to deal with the foundation?

Chuck Campbell

More than likely, they'll have to jack it up in order to work on it.

Jordan

How much of the foundation needs to be replaced?

Chuck Campbell

The whole plane.

Cogger

It does not look like it is able to be jacked up. It looks like the whole thing is falling apart.

Chuck Campbell

That's the logistical issue. I'm hoping they can do it.

Cogger

Do you think that you just need to replace the siding and that the foundation and building are pretty good?

Chuck Campbell

Yes.

Chair Cox

It totally makes sense but here is where I run into a question that we need to look at and that is, with foundations in the setback area when you are doing a new foundation, we are required to look for any place practicable to move it to be more conforming.

Chuck Campbell

But we are talking about a boathouse that is marine dependent.

Chair Cox

We have run into this issue before.

Jordan

They amended the statute some years ago, to provide that a boat house is not marine dependent.

Chuck Campbell

So, if you want a boat house you need to have it away from the water.

Jordan

If you want to have a boat house, you can.

Chair Cox

If you were building new, and you wanted a boathouse, you could not do it. You could do it 75 feet back.

Jordan

It is not very useful for a boathouse but that is what the ordinance says. It has been that way for a number of years.

Chair Cox

What you are asking totally makes sense but if I read what the application states, when you're replacing the foundation, you are jacking it up and replacing it.

Chuck Campbell

I totally understand and I agree that is what it says, but this is the first time I've run into it. If it is an existing boathouse, you want to repair the foundation. It's the first time I've run into that scenario.

Chair Cox

The definition is boathouse and nonresidential structure designed for the purpose of protecting and storing boats.

Jordan

To finish the thought, the definition in the ordinance of functional water dependent use states recreational boat storage buildings are not considered to be a functionally water dependent use. The DEP decided to get rid of that some years ago.

Chuck Campbell

So, you are telling anybody who has a boathouse once it needs to be repaired, it is gone.

Jordan

No. If it needs to be repaired, you have to replace the foundation.

Chuck Campbell

If the foundation needs to be repaired, it is gone.

Jordan

Not repaired but replaced. If you could live with shoring up only that corner of it, then it would not be a new or replacement, but, if you cannot...

Chuck Campbell

Well, the foundation is too far gone. If we just do that corner, the rest of the building is going to...

Jordan

I do not think we are in a position to approve it.

Chair Cox

Because of that problem, that it is not considered functionally water dependent, because you can store the boat anywhere, I guess, is what the DEP decided, and you do know that their long-term goal is to get rid of anything within the 75-foot setback.

Jordan

That is consistent with what they want to do.

Chair Cox

Even though there are provisions to make things workable.

Cogger

If you could repair that corner, that would be okay, and not replace the whole thing. What becomes a replacement, more than half?

Chair Cox

Who knows. It doesn't have a foundation essentially, so you are trying to give it a foundation.

Chuck Campbell

It has a foundation function, but it's falling apart. It needs repair.

Chair Cox

Yes, and essentially needs to be replaced. You cannot just knock those concrete blocks back in alignment.

Chuck Campbell

Right.

Chair Cox

It is more than that. I just do not see, given that constraint, unless anybody else sees a way to work around it. I just don't see it.

Cogger

How close to the water is it?

Chuck Campbell

It's right on the water.

Chair Cox

Let's face it, sea level is rising and so this is going to happen again and simply replacing the foundation is going to cause them some trouble, maybe in ten years.

Chuck Campbell

Well, I would hope that we would do a little bit better than what they did.

Chair Cox

The sea level is rising.

Chuck Campbell

I understand. The way they did this foundation, they just put a little bit of concrete on top of the ground and put concrete blocks on top of it. It wasn't anchored yet.

Jordan

If this were allowed, you would probably want to raise it higher. You would probably want to because of the floodplain ordinance.

Chuck Campbell

I haven't read through St. George's Flood Plane Ordinance cover to cover. Typically, if it's a boathouse, you're allowed to be (Inaudible).

Chair Cox

I looked it up and as long as it is nonresidential, you don't have to deal with the elevation. I did look that up this afternoon. The other alternative is if they need a place to store their boats and they have a place on their property that this shed could be moved to, then that could happen.

Chuck Campbell

At this point, it'll probably just fall down.

Chair Cox

That is a sad thing for them.

Jordan

If they are going to do something else on the property, they would probably build a new one. What would be the point of repairing this and moving it?

Chair Cox

If they wanted to do that, we could entertain that. I do not think we can approve it. I am sorry.

Jordan

Do you want to withdraw the application, or do you want us to deny it?

Chuck Campbell

It's just too bad we had to spend the money to be told. When Terry and I talked about it, he didn't say it was not a problem. We thought it was something that would be permissible.

Jordan

It will depend on the extent of the work.

Chair Cox

Do you want withdrawn or do you want us to formally deny it?

Chuck Campbell

I paid the money. You might as well formally deny it.

Chair Cox

Okay, so we need to accept it as complete.

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

Jordan

Do you want to find out if they will consider rebuilding outside of the 75-foot setback, a place for boat storage, because if they want to apply to do that, they can amend the existing application.

Chuck Campbell

I have to talk to him.

Jordan

Maybe we should not deny the application.

Chair Cox

Should we just hold it until the next meeting?

On a motion by Jordan, seconded by Cogger, the Board unanimously denied the application unless an amendment to the application to have the project comply with Section 12 C2 of the Shoreline Zoning Ordinance is filed within 30 days.

Chair Cox

Then they do not have to pay the fee, if they decide to do it.

Building Permit – Renovate Single Family Dwelling – 39 Rocky Point Rd. – Map 229 – Lot 032

Chris Leavitt

Mine is really not that complicated. We are proposing to renovate an existing single-family dwelling at 39 Rocky Point Road in Spruce Head. It is an existing structure built in 1978. It is a complete renovation of the interior and siding exterior of the house as well with no expansion to the footprint.

Jordan

Part of it is in the Shoreland Zone.

Chris Leavitt

It is all in the Shoreland Zone. Yes.

Jordan

I'm sorry. I meant part of it is within the 75-foot setback.

Chris Leavitt

Yes, that's why we're here, because of the portion that's non-conforming.

Chair Cox

And because it's more than \$10,000 worth of work, even with lopping off that section.

Chris Leavitt

Correct. Even just lopping off that little section.

Brackett

It is also in the floodplain.

Chair Cox

Is it floodplain compliant?

Chris Leavitt

When it was built in 1978 it was floodplain compliant. With the new shift and adjustment, it is now non-compliant, however, part of the proposal is taking the structure in its entirety, moving all the utilities to the second floor so that we have no utilities below grade which is where they have been in the small storage area and waterproofing the foundation. We have no hydraulic access for water to get in. Two thirds of the house are now on slab so elevating it isn't practical and the portion that is below grade, this basement area, is going to be empty and just for storage. No utilities. It was actually an AE 10, I believe, which was the designation back in 1993 when Shoreland Zoning entered that area, so it was compliant when it was built but it is no longer compliant. Now it's in a VE 18 and it was originally in an AE 10. We've taken it to the greatest practical extent possible to comply by getting all the utilities to the second floor.

Chair Cox

So, there is nothing that is going to impinge on the resource any more than it is.

Chris Leavitt

No, the change is going to be dormers. That's the only structural change but nothing is going higher than the existing structure is now. It's all below the existing ridge lines.

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

Chair Cox

You are here because it is more than \$10,000 worth of work in the Shoreland Zone but also because there is no change to the footprint; it is not impinging on the resource any more than it is. There is not a specific ordinance that really addresses that in general.

Jordan

There is a certain amount of allowance to increase the footprint within the setback area.

Chair Cox

But they are not proposing to do that.

Briggs

Is it because the interior decor is changing that costs more than \$10,000, because it's in the Shoreland Zone, but if it wasn't in the Shoreland Zone, then it wouldn't need a permit.

Chair Cox

He needs a building permit.

Briggs

He needs one to put in a new kitchen?

Brackett

He's putting in over \$750,000 worth of work.

Chair Cox

He needs a building permit. If he were not encroaching on the 75-foot setback, he wouldn't need to come to us. Terry would be able to approve it. Because part of the building is in the setback zone, the ordinance says he has to go through the Planning Board.

Cogger

There is nothing new in the setback.

Chair Cox

The only thing new is windows and things like that. When the new ordinance is in place, we have increased it to \$50,000.

Jordan

And we have excluded some things.

Chair Cox

We have excluded things like shingles, siding and roof.

Briggs

The new ordinance has not taken effect.

Jordan

Not in the Shoreland Zone; we still have the \$10,000 limit.

On a motion by Jordan, seconded by Cogger, on the basis that there is no change to the footprint and the project is not impinging on the resource any more than it is currently, the Planning Board unanimously approved the application.

Chair Cox

Are you coming back in two weeks, Chris?

Chris Leavitt

I'll see what I can do. There's a few more irons in the fire but I don't know if they all need Planning Board level approval.

Cogger

The site visit is on Monday at 5:00 pm. 175 Island Avenue; it's on Rackliff Island.

Adjournment

On a motion by Brown, seconded by Briggs, the Board decided at 7:43 pm by a unanimous vote to adjourn the meeting.

Respectfully submitted,

Tammy Taylor
Recording Secretary
Town of St. George, Maine