

**St. George Planning Board  
St. George Town Office  
April 24, 2018 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Members present were: Anne Cox, Chair; Jane Brown, Mark K. Hewlett, Michael Jordan, and Ray Emerson. Also present: Tim Polky, Town Manager; Richard Bates, William R. Sepe, David Mumford, Randy Cushman, and Anita Seigenthaler. Absent: Terry Brackett, CEO; Brendan Chase, and Marguerite Wilson

**Quorum:** Ray Emerson was elevated to voting status. A quorum was present.

**Conflict of Interest:** None.

**Adjustments to Agenda:** The Findings of Fact on Long Property Management LLC Subdivision was not added to the agenda because CEO Brackett was absent from the meeting and it was unknown if he had received the legal documentation needed to complete the Findings of Fact and Planning Board member Brendan Chase was not present to review the Findings.

**Review of the Minutes:**

Planning Board Meeting – April 10, 2018 – A motion was made by Hewlett, seconded by Jordan to approve the minutes of the April 10 meeting, as written. The vote was 5-0.

**Public Comments:** There were no public comments.

**Building Permits:**

**a. David Mumford – 74 Taylor Point Road – May 224 / Lot 015**

William R. Sepe, Architect PA represented the Mumfords. David Mumford was also present. The application is to add an entry/mud room on the South elevation and to add a cantilevered window seat on the East elevation to the existing cottage. The proposed used is year-round; Shoreland Zone District is Marine Residential. Mr. Sepe said the application before the Planning Board tonight was to winterize the summer house by adding insulation, a mudroom and a bay window.

The Planning Board reviewed the proposed the proposed plans. Mr. Sepe said the existing window in the dining room would be pushed out 3.6 feet and skylights could be installed. Jordan reviewed the google map and located the deck area, the bedroom wing, the wall side where the mudroom would be built, and where the bay window would be installed. Hewlett and Jordan said that the proposed project would not be any closer to the water, and Mr. Sepe agreed.

Hewlett asked if the entire project was within the 75' setback, and Chair Cox and Jordan said it was within the setback. Mr. Sepe and Mumford said the highwater mark was close in front of the deck and they calculated it to be about 73 feet. Hewlett asked if the deck extended over the water. Mr. Sepe said no.

Chair Cox noted that the project is well within the 30%. She said CEO Brackett had researched property and there were no additions. Hewlett said the lot coverage would be less than 1% (one per cent) and had the Mumford's had plenty of acreage (lot size is 45 acres). Chair Cox asked about the height of the new roof, and Mr. Sepe and Mumford said the height of the roof was not changing.

Chair Cox noted the application fee had been paid, a receipt was on file and David Mumford had signed the application on 4/18/18.

A motion was made by Brown, seconded by Emerson to accept the Mumford building application as complete. The vote was 5-0; the motion carried.

A motion was made by Emerson, seconded by Hewlett to approve the Mumford building application as complete, based on the Shoreland Zoning Ordinance, Non-conforming Structures, Section 12(C)(1) Expansions: The expansion will not be located closer to the water, the addition is less than 30% of the footprint, and the roof height will not be greater than the existing structure. The vote was 5-0; the motion carried.

**Review of Amendments to the Shoreland Zone and Site Plan Review Ordinance:** (non-verbatim and edited)

Draft copies of the Shoreland Zone and Site Plan Review Ordinances dated 4/18/18 had been distributed to the Planning Board.

The Site Plan Review Ordinance was reviewed first. Planning Board member Jordan said a lot of changes were made to the amendments based on the review by Attorney William Kelly. Attorney Kelly said state law has very strong pre-emption language that says a town cannot pass an ordinance that would prohibit the cables from landing and a municipality cannot impose conditions that are different or more stringent than what the state imposes, when it approves a project. Jordan said, for example, as much as the Planning Board would like to have a provision that says the Planning Board should consider the economic effect of the entire project on the economy of St. George and particularly the fishing and related businesses, Attorney Kelly said if the PUC did not impose it, we couldn't.

Jordan said that the state law does not actually impose a lot of standards and the standards are not known until the PUC acts on a particular application. Jordan also said state law says that once the state has approved an application, the local Planning Board has 60 days to do whatever it is going to do or not do. He said with all that in mind, he thought the Planning Board was in a box where they could not do much more than what they have done.

Hewlett asked Jordan if he felt the changes were lawful and Jordan said he thought so. He said after the Planning Board reviewed the draft ordinances with the changes and had taken action on them, they would be sent to Attorney Kelly for a final review. Cox and Polky said the Site Plan Review did not have to go to the State for review.

The Shoreland Zoning changes were discussed. Jordan said the way the Site Plan Review and Shoreland Zoning Ordinances were constructed, most of the substance was in the Site Plan Ordinance. He said the Site Plan Review Ordinance would apply to the entire project and the Shoreland Zoning was an overlay. He said the 75' setback from the water needed to be amended, otherwise the cable could not go there.

Jordan said the next step was for the Planning Board to review the ordinance changes and make recommendations to the Select Board. The Select Board would review the changes, make recommendations, hold a Public Hearing, and then (if possible) be placed on the June ballot.

Chair Cox added that the current Site Plan Review already captured a lot of concerns such as the sound issue and it covered a lot of the physical issues. Cox said it also dealt with the decommissioning issue. Hewlett said it would help having the additional definitions added to (Section 2) in the ordinances.

Chair Cox asked if there were any comments.

R. Cushman: "Are you going to look towards that economic impact for the town of St. George?"

Chair Cox: "We have already made that recommendation to the Select Board and I think that is a Select Board issue. I thought it was something for a regional council to look at, but Atty. Kelly said no, it was a town and a group of towns would bank together and look for that. We have made that suggestion that the Select Board look at it. That would be a great tool down the road."

R. Cushman: "It would be a group of towns because it would impact not only St. George."

Chair Cox: "Exactly. That is what you all have been telling us." Referring to the ordinance, Cox said, "I also like what this has done to give some more options within our site plan review ordinance for any application not just related to this."

Hewlett: "Not just this one but any offshore energy project."

Jordan: "Actually, anything at all. Evidence of financial ability." He said we are not really compelled to lay it on really thick in the case of a small thing, but we have the ability to ask for it, if we need it. "And several other things like that which a lot of them came from suggestions that the public had made two drafts ago." (Cox and Hewlett agreed.)

Chair Cox: "Anymore discussion on this?" Hewlett thanked Cox and Jordan for all their work on the ordinances and to the public for all their comments. Hewlett noted that several public comments were incorporated into the draft ordinances.

On April 24, 2018, a motion was made by Planning Board member Hewlett, seconded by Brown, to approve the April 18, 2018 changes to the draft of Site Plan Review Ordinance of the Town of St. George and the draft ordinance be sent to the Select Board of the Town of St. George for their review. The vote was 5-0; the motion carried.

On April 24, 2018, a motion was made by Planning Board Hewlett, seconded by Emerson, to approve the April 18, 2018 changes to the draft of the Shoreland Zoning Ordinance of the Town of St. George and the draft ordinance be sent to the Select Board of the Town of St. George for their review. The vote was 5-0; the motion carried.

**Public Meeting Hearing Scheduled:** Chair Cox asked Polky if a public hearing could be held if the Select Board and Attorney Kelly agreed on the changes to the ordinances. Polky said May 22 would give the Planning Board time to hold a Public Hearing and have a June vote. A public hearing was set for Tuesday, May 22, 2018 at 6:30 p.m., prior to the regular board meeting.

There was no further business to come before the Board. At 7:32 p.m. on a motion by Emerson, seconded by Hewlett, it was voted 5-0 to adjourn the meeting.

Respectfully submitted,

Marguerite R. Wilson  
Planning Board Recording Secretary

(Minutes were typed from audio recording)