

**St. George Planning Board
St. George Town Office
June 26, 2018 - 7 p.m.**

The Planning Board meeting was called to order at 7:05 p.m. Members present were: Anne Cox, Chair; Jane Brown, Brendan Chase, Mary K. Hewlett, Ray Emerson and CEO Terry Brackett. Also present were: Richard Bates, Jerry Hall, James Wickenden and Matt Tibbetts. (Michael Jordan was absent.)

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

Conflict of Interest: None.

Adjustments to Agenda: None.

Review of the Minutes:

Planning Board Meeting – June 12, 2018 – The minutes were amended as follows:

Page 2, under Building Permits, a. James Wickenden, paragraph 4, line 3, delete the word **non** and change to read: in residential and for **tidal** piers...

A motion was made by Emerson, seconded by Chase, to accept the minutes of the June 12, 2018 Planning Board meeting, as amended 5-0.

On-site Public Inspection - June 25, 2018 – James Wickenden – A motion was made by Emerson, seconded by Hewlett, to accept the onsite public inspection minutes, as written, 4-0.

On-site Public Inspection – June 25, 2018 – Morris Minton – A motion was made by Emerson, seconded by Hewlett, to accept the onsite public inspection minutes, as written, 4-0.

Public Comments: There were no comments.

Building Permits:

a. James Wickenden – 357 Island Ave., Rackliff Island – Map 230 / Lot 033

A building permit application was submitted to the Town of St. George on June 1, 2018 to build a 6' x 80' wood piling supported pier, with a seasonal 3' x 50' aluminum ramp and a 12' x 24' wood float.

The contractor is Matt Tibbetts of Art Tibbetts Marine. An on-site inspection was held on June 25, 2017 at 5:00 p.m. and a Public Hearing was held at 7:00 p.m. on June 26, 2018 at the town office. There were three letters of opposition to Mr. Wickenden's request.

The applicant and Matt Tibbetts were present. Chair Cox noted that one letter discussed whether eel grass was present in the area that Mr. Wickenden wanted to build. Tibbetts said the eel grass issue had been addressed, as DEP required a marine biologist be hired to perform a grid pattern eel grass survey. The biologist submitted a report to DEP for review, who forwarded on to the other state and federal agencies and Maine Indian tribes.

Chair Cox cited page 3 of the DEP report. "No eel grass was found on the alignment of the proposed pier systems, small patches occurred twenty feet (20') away on either side of the proposed ramp. Eel grass bed with 70-100% coverage is located approximately five feet (5') seaward of the end of the proposed float. No portion of the proposed pier system would be located directly over the eel grass bed." Chair Cox said they reviewed it and there were minimal impacts to this eel grass bed.

B. Chase asked about the construction of the pier in relationship to the eel grass. Was the construction being done from floats, barges, or the land? Tibbetts said the construction supplies would mostly be floated in by barge at high tide; floating over the eel grass, not touching it. At low tide, they would put up the staging and pilings then back the barge out, so it did not ground out. Chair Cox reiterated Tibbetts statement that they were invested in backing the barge out, so it would not ground out and get stuck, and in order to protect the eel grass.

M. Hewlett referred to one of the letters written by a neighbor who had offered the use of their dock to the Wickenden's. Hewlett asked Wickenden if he would be interested in saving himself \$64,000 and using his neighbors pier? Wickenden said, "No. We bought on Rackliff Island because it is a beautiful view, but we did not want to just look at the water. I have three boys, aging from 8 to 24 and they want to fish and kayak and sail. We'd really like to use the water right in front of our house rather than drive down to a neighbor and launch a kayak off their pier." M. Hewlett noted that she understood but had to ask the question.

Chair Cox asked if the application was complete based on the on-site and information received. A motion was made by Emerson, seconded by Hewlett to accept the application as complete, 5-0.

Chair Cox had concerns about the ten foot (10') wide landing at the beginning of the pier. She was not sure if that width was allowable. She said the Board would need to review the ordinance. Hewlett said it is unusual to see ten feet (10'). Normally, the maximum width is six feet (6'), as stated on page 23, Section 15(C) of the Shoreland Zoning Ordinance.

Mr. Wickenden commented that he and his wife were both conservationists. "You have seen the property, had a very minimal impact on it. There is no grass. There is nowhere we put kayaks or storage for life jackets or paddles or anything else. We wanted something at the head of the pier to be able to do that without impacting the trees and foliage."

Brackett told Wickenden the Shoreland Zoning Ordinance stated that "structures cannot be built within 75' of the high-water mark." Chair Cox asked Wickenden if he was building this ten feet (10') wide didn't it seem more like a deck than the pier? She said they would have to figure that out. Wickenden said his kayaks are 17' in length. Hewlett said he would not be able hang his kayaks, just park them on the pier.

SECTION 15 (C)

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland and Shoreline Stabilization

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of the water body or within a wetland is allowed on a single lot. On a motion by Hewlett, seconded by Chase, the standard has been met, 5-0. There is only one structure being requested at this site.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. On a motion by Hewlett, seconded by Emerson, the standard has been met, 5-0. The soil will not be disturbed as the construction will be on the water off the barge and the existing path will remain.
3. The location shall not interfere with existing developed or natural beach areas. On a motion by Hewlett, seconded by Emerson, the standard has been met, 5-0. There is no natural beach area. The area is ledge.

4. The facility shall be located so as to minimize adverse effects on fisheries. On a motion by Hewlett, seconded by Chase, the standard has been met, 5-0. Based on the DEP findings, there will be a minimal adverse effect on fisheries.
5. The facility shall be no longer in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A pier, dock or wharf in non-tidal waters shall not be wider than (6') six feet for non-commercial uses. On a motion by Hewlett, seconded by Emerson, the standard has been met, 5-0. The proposed structure, float and ramp are minimized as much as possible to safely access the boat owned by the applicant.
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.
NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as and is registered with Maine Department of Inland Fisheries and Wildlife, as a watercraft.
On a motion by Hewlett, seconded by Brown, the standard has been met, 5-0. Based on the applicant's compromise, the width of the pier will be changed to 6' (six feet) for the entire length or 80' x 6'. This was based on the operational necessity issue.
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 Chase, seconded by Hewlett, the standard is not applicable, because it is in tidal waters, 5-0.
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 Emerson, seconded by Chase, the standard has been met, 5-0 as there are no new structures being built on this lot.
9. Except in the Commercial Fisheries/Marine Activities District, structures build 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 (20') twenty feet in height above the pier, wharf, dock or other structure. On a motion by Hewlett, seconded by Emerson, the standard is not applicable as the structure is not in a Commercial Fisheries/Marine Activities District and there is no structure 20' above the pier, 5-0.
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.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment access way must be restored.
 - (b) Revegetation must occur in accordance with Section 15(S).

On a motion by Hewlett, seconded by Chase, the standard is not applicable as the structure is being built on ledge and water and no vegetation will be removed, 5-0.

On a motion by Hewlett, seconded by Emerson, it was voted 5-0 to approve the application, with the agreed upon change by the applicant that the entire length of the pier will be six feet (6') wide. This was based on the review of the Shoreland Zoning Ordinance, Section 15(C)(#6).

b. Morris Minton – 37 Southern Avenue, Rackliff Island, Map 230 / Lot 062

A building permit application was submitted to the Town of St. George on June 1, 2018 to construct a new a 5' x 48' wood piling supported pier with a seasonal 3' x 60' aluminum ramp and a 12' x 24' wood float. The contractor is Matt Tibbetts of Art Tibbetts Marine. An on-site inspection was held on June 25, 2017 at 5:30 p.m. and a Public Hearing was held at 7:05 p.m. on June 26, 2018 at the town office.

CEO Brackett said he had received the Army Corps permit and would forward it to Chair Cox. Chair Cox noted the first (upper) part of the ramp was sloped. Tibbetts said as he reviewed Minton's file again and found the mapped sections of eel grass areas. He said if the pier were moved to the right, as discussed at the on-site inspection, it would put the pier in the eel grass bed.

On a motion by Chase, seconded by Emerson, it was voted 5-0 to accept the application as complete.

SECTION 15 (C)

C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland and Shoreline Stabilization

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of the water body or within a wetland is allowed on a single lot.

On a motion by Hewlett, seconded by Chase, the standard has been met, 5-0. There is only one structure being requested, at this site.

2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. On a motion by Hewlett, seconded by Chase, the standard has been met, 5-0. While it appears the soils can be appropriate for access, the Planning Board is concerned about actual soil erosion. A plan needs to be submitted by the owner and approved by the Code Enforcement Officer prior to construction of the proposed steps from the ledge to the wood pier.
3. The location shall not interfere with existing developed or natural beach areas. On a motion by Hewlett, seconded by Emerson, the standard has been met, 5-0 as there is no existing development or natural beach areas on this proposed site.
4. The facility shall be located so as to minimize adverse effects on fisheries. On a motion by Hewlett, seconded by Chase, the standard has been met, 5-0. Based on the DEP findings the proposed project will not have an adverse effect on the fisheries.
5. The facility shall be no longer in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A pier, dock or wharf in non-tidal waters shall not be wider than (6') six feet for non-commercial uses. On a motion by Hewlett, seconded by Emerson, the standard has been met, 5-0. The design is no longer in dimension than necessary for the applicant to safely access the water.
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.

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as and is registered with Maine Department of Inland Fisheries and Wildlife, as a watercraft. On a motion by Chase, seconded by Emerson, the standard has been met, 5-0 as there are no structures being proposed on the new pier/float.

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 Emerson, seconded by Chase, the standard is not applicable, because it is in tidal waters, 5-0.
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 Chase, seconded by Emerson, the standard has been met, 5-0, as there are no structures being built on this lot.
9. Except in the Commercial Fisheries/Marine Activities District, structures build 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 no exceed (20') twenty feet in height above the pier, wharf, dock or other structure. On a motion by Emerson, seconded by Brown, the standard has been met, 5-0. The proposed structure is not a commercial pier and does not exceed (20') twenty feet in height.
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.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment access way must be restored.
 - (b) Revegetation must occur in accordance with Section 15(S).On a motion by Chase, seconded by Emerson, the standard has been met 5-0, with the condition that a revegetation plan be submitted to the Code Enforcement Officer.

On a motion by Emerson, seconded by Chase the application was approved 5-0, with the following conditions as stated under Section 15(C) 2, a plan for the access to the dock; and Section 15(C)10, a plan for revegetation.

Other Business: Select Board Chair Richard Bates told the Planning Board that based on their recommendations, the Select Board approved contacting a consultant to understand the undue economic burden of water-based industries. Mr. Bates will contact and talk with Rachel Bouvier on Thursday.

A workshop to review the Minimum Lot Size Ordinance was scheduled immediately after the meeting.

There was no further business to come before the Board. At 8:10 p.m., on a motion by Emerson, seconded by Chase, it was voted 5-0 to adjourn the meeting.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary