

**St. George Planning Board
St. George Town Office
August 14, 2018 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Members present were: Anne Cox, Chair; Ray Emerson, Mary K. Hewlett, and Michael Jordan. Also present: CEO Terry Brackett, Richard Bates, Timothy Polky, Chris Wells, Randy Elwell, Chris Leavitt, Robert and Margot Kelley, Cynthia Cremoni, David Chase, Jim Masterson and Sandra Dickson. (Absent – Jane Brown and Brendan Chase)

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

Conflict of Interest: None.

Adjustments to Agenda: There were no adjustments.

Review of the Minutes:

Planning Board Meeting — July 24, 2018 - A motion was made by Hewlett, seconded by Emerson, to approve the minutes of July 24, 2018, as written. The vote was 4-0. The motion carried.

Findings of Fact and Conclusion of Law – Hurricane Island Outward Bound School – A motion was made by Emerson, seconded by Hewlett, to approve the Findings of Fact and Conclusion of Law, as written. The vote was 4-0. The motion carried.

Findings of Fact and Conclusion of Law – Town of St. George School – On a motion by Hewlett, seconded by Jordan it was voted 4-0 to approve the Findings of Fact and Conclusion of Law, as written. CEO Brackett stated he had verified that the side setback was more than 75 feet.

Public Comments: Sandra Dickson asked if there was any liability to the town if someone who was working on Linda Bean's Reading Room got "zapped" by the overhead wires? Ms. Dickson said she understood they (Linda Bean) would not build until the wires were moved. But, Ms. Dickson said, they are very much in the process of putting up the structure.

Chair Cox said she did not know the answer. Ms. Dickson said she thought CEO Brackett said they would not build until the wires were moved but they (Linda Bean) have not waited. Brackett said he did not remember saying that but there should not be any liability to the town. Dickson said okay. Good.

Building Permits:

a. St. George Community Development Corporation (CDC) – 47 Main St. / Map 104,
Lot 076

Margot Kelley represented the St. George CDC. The contractor is Harbor Builders. It is not in the Shoreland Zone District or in a Floodplain Designation area.

The application is to develop a Community Food Bank/food pantry within the confines of the CDC located at 47 Main St., Tenants Harbor. The proposed plan is to finish the existing space by painting the walls, finish the trim and switch to LED lighting. Shelves will not be built in.

Chair Cox noted that the proposed project would be located in the back of the CDC office. Ms. Kelley told Hewlett the dance studio was located to the left of where the food pantry would be located but said it was currently empty. Ms. Kelly said eventually the dance studio would become the CDC's office.

Chair Cox asked what the food pantry's hours of operation would be. Ms. Kelley said the hours would be Thursdays from 2 p.m. to 7 p.m. Ms. Hewlett said the original building permit stated 6 a.m. to 9 p.m. because at that time, the Board did not know what was going into the building. Chair Cox said she did not think the building permit needed to state hours of operation because the food pantry

hours may change. Ms. Kelley agreed and said that once they got an understanding of who would come, the hours may have to change. Ms. Hewlett asked if the application could state, "Within the original building permit hours." She said that would restrict them to no Sundays. Ms. Kelley said that was fine, as they would not be doing Sundays. Ms. Hewlett said the application would then say 6 a.m. to 9 p.m., six days a week.

Mr. Jordan asked if any construction would take place other than trim installed and some painting. Brackett said they would be doing interior work, only. Chair Cox said the proposed project was a change of use. Ms. Hewlett said the application was not residential, so Performance Standards would need to be done.

A motion was made by Jordan, seconded by Hewlett, to accept the application as complete. There was no further discussion. The vote was 4-0; motion carried. The Planning Board began Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Hewlett, seconded by Jordan, standard is not applicable, 4-0. There will be no exterior changes made.
2. Relationship of the Proposed Buildings/Structure to the Environment – On a motion by Hewlett, seconded by Emerson, standard is not applicable, 4-0. There are no additional buildings being proposed. There will be no change to the existing building except for cosmetic work.
3. Vehicular Access – On a motion by Hewlett, seconded by Jordan, standard is not applicable, 4-0. The vehicular access is not changing; no new curb cuts are being proposed and the existing curb cuts will allow access to the parking lot.
4. Parking and Pedestrian Circulation – On a motion by Emerson, seconded by Hewlett, standard has been met, 4-0. There is sufficient parking. There are 15 parking spaces (includes handicapped parking and reserved parking) which are used at different times throughout the day, and there is sufficient pedestrian circulation.
5. Surface Water Drainage – On a motion by Hewlett, seconded by Jordan, standard has been met, 4-0. There is no change to the surface water drainage as the cosmetic work will be done to the interior of the building.
6. Existing Utilities – On a motion by Emerson, seconded by Jordan, standard has been met, 4-0. There will be no change to the existing utilities.
7. Advertising Features – On a motion by Emerson, seconded by Jordan, standard has been met, 4-0. No permanent signage is being proposed at this time.
8. Special Features – On a motion by Jordan, seconded by Hewlett, standard has been met, 4-0. There is no change to the previously approved existing hours.
9. Exterior Lighting – On a motion by Hewlett, seconded by Emerson, standard has been met, 4-0. The existing down shielded lighting is sufficient based on the applicant's assessment.
10. Emergency Vehicle Access – On a motion by Hewlett, seconded by Jordan, standard has been met, 4-0. There is ample emergency vehicle access to the building and property.
11. Municipal Services – On a motion by Emerson, seconded by Jordan, standard has been met, 4-0. The proposed project will have a positive effect on municipal services.
12. Water/Air Protection – On a motion by Jordan, seconded by Hewlett, standard has been met, 4-0. The proposed project will not result in any undue water or air pollution.
13. Water Supply – On a motion by Jordan, seconded by Hewlett, standard has been met, 4-0. There will be no change to the existing water supply.
14. Soil Erosion – On a motion by Hewlett, seconded by Emerson, standard is not applicable, 4-0. This project will not cause unreasonable soil erosion or reduction as no soil is being moved.
15. Sewage Waste Disposal – On a motion by Hewlett, seconded by Jordan, standard has been met, 4-0. The existing sewage waste septic system is adequate for this project.

16. Hazardous, Special and Radioactive Materials – On a motion by Hewlett, seconded by Jordan, standard is not applicable, 4-0. There are no hazardous, special and radioactive materials proposed for this project.
17. Financial/Technical Capacity – On a motion by Hewlett, seconded by Jordan, standard has been met, 4-0. Based on Margo Kelley's statement on behalf of the Community Development Corporation, the applicant has the financial and technical capacity to complete the project.
18. Shoreland Zone – On a motion by Hewlett, seconded by Emerson, standard is not applicable, 4-0. This project is not in the shoreland zone.
19. Flood Plain – On a motion by Hewlett, seconded by Emerson, standard is not applicable, 4-0. This project is not in the flood plain.
20. Lot Standards – On a motion by Emerson, seconded by Jordan, standard has been met, 4-0. There is no change as the lot standards for this existing structure was grandfathered in, on August 12, 2014.

A motion was made on August 14, 2018 by Mary K. Hewlett, seconded by Michael Jordan to approve the CDC's application to develop a community food bank/pantry within the structure located at 47 Main St., Tenants Harbor, Maine. The vote for 4-0. The motion carried.

b. Harbor Builders Associates – Scraggle Point Road / Map 229, Lot 008
Chris Leavitt represented the property owner, Charles Cragin of Santa Fe, NM.
Shoreland Zone is Marine Residential. Floodplain Designation is VE18.

The application is to prepare for the building of a foundation located on Scraggle Point Road and the installation of underground utilities to the structure. There will be soil disturbance and removal, including all utility trenching on the site and stump removal within the building envelope. Mr. Leavitt said Harbor Builders is waiting for the house plans to be completed and to keep the project moving along needs to do this interim permit application for the utility trenching within the buffer zone and digging for the footings for the house outside of the buffer zone. Mr. Leavitt stated the trenching within the buffer zone exceeded the threshold of soil disturbance within the buffer zone and they need to apply for the permit. He said the proposed application, if approved, allows Harbor Builders to move forward with the project. They have received the Permit by Rule from the Dept. of Environmental Development.

Chair Cox stated the application came before the Board because there is a small amount of trenching that is within the 75' setback. She asked if they intended to move more than 10 yards of material within the 75' setback. Mr. Leavitt said they would be moving more than 10 yards of material in the buffer zone. The digging for the footings is within the Shoreland Zone but is beyond 75 feet. Mr. Leavitt, "This one with the trenching, will be in the subdivision road and the driveway to the property. The rest of it is beyond 75 feet." Brackett said the trenching was the issue. Leavitt said that was the existing subdivision road when it was put in back in 1970's and it is within 75 feet of the shoreline. They are going to run the utilities down that path (the driveway). He said that would minimize disturbance and tree cutting elsewhere on the property. Mr. Leavitt said because they were within 75', they had to get a Permit by Rule.

Brackett said the sewer line is one of the utilities located in the buffer zone. Leavitt said the sewer line was the closest utility to the shoreline. He said it was a community system, so they would be tying the house into that system. He said a permit was submitted Monday for the house. Chair Cox read from the Shoreland Zoning Ordinance, Page 16, d. Other Essential Services, under Marine Residential which stated the Planning Board had to approve the application.

Mr. Leavitt said the last utility pole was approximately 125' from the end of the driveway and the lines would run underground from there. Hewlett asked if this was a service drop as defined on page 63, #22 and the Board reviewed this section. Ms. Hewlett said she thought that was what they were dealing with. Chair Cox said it would be the same for telephone service, and it seemed allowable. Mr. Leavitt said he had all the CMP easements of record and did have the ability to use the road for this purpose.

CEO Brackett told the Board they only had to deal with the first 75 feet from the High Water Mark. They reviewed the map for the building envelope and the 25' side setbacks. Hewlett asked Chair Cox to circle the area of concern and document the information on the map.

Ms. Hewlett asked if blasting would be done. Leavitt said not a lot, just removing two pieces of ledge. Brackett said it included the road to the common line. Chair Cox said the DEP permits had been applied for and had been approved. Brackett said he had a copy of the DEP permit in his office and would provide it for the file. Jordan, Hewlett and Chair Cox questioned whether it needed the Board's approval and asked why it came before the Board. Brackett said because it involved sewer and other utilities (other essential services).

Ms. Hewlett asked if Lots 20, 21, and 22 were already built on? Mr. Leavitt said those were grid points for timber harvesting under the Shoreland Zoning regulations.

Ms. Hewlett asked if there were houses close by where they would be doing the blasting? Leavitt said the closest house would be 219' from the blasting and had already done the pre-blast surveys. Chair Cox said they were not dealing with the blasting with this application. Leavitt said correct.

Chair Cox asked if the application was complete?

On a motion by Hewlett, seconded by Jordan, it was voted 4-0 to accept the application as complete, with the area of concern circled and a notation made on the plan.

On a motion by Jordan, seconded by Emerson, it was voted 4-0 to approve the application, as the portion of the trench within the 75' setback is minimal, there is no other good way to connect to the road and it will not disturb the terrain anymore than putting a road in.

c. St. George Fire Department – 274 Seal Harbor Road – Map 232 / Lot 029

The applicant is the Town of St. George. Town Manager Timothy Polky represented the applicant. The contractor is Joe Richardi Construction, Inc. Existing use: Fire Station Property Proposed use: Fire Station and Training Facility.

The application is to construct a Live Fire Training Facility as shown on the plans, dated 3/20/15. Chair Cox said the application was before the Board because the permit had expired. Mr. Polky said that was correct, the project description was the same, and nothing had changed. He said they just needed to renew their permit.

Ms. Hewlett said her only concern was that she and Emerson were the only two on the Planning Board when the permit was approved. CEO Brackett said since the Planning Board had approved it, they had to come to the Board to request an extension. Hewlett asked which ordinance this would come under.

Chair Cox read from the Site Plan Review, F. Limitation of Approvals, page 12, noting that substantial construction must commence within 24 months from date approval was granted and the criteria for which extensions can be granted. Jordan noted that the ordinance stated the extension should have been

requested prior to the expiration date and requested in writing to the Planning Board. Hewlett pointed out that the application was actually three years old.

Chair Cox asked why the facility had not been built. Mr. Polky said they applied through USDA for funding and had been waiting for it to come through. Brackett asked when did the USDA want them to start construction? Mr. Polky said USDA wanted them to start three months ago, but there been a holdup with the engineer in getting the bid package out. Polky said when he last spoke with the engineering firm, they anticipated bids would be back by September.

Since only two of the current Board members were named on the original Findings of Fact, the Board agreed to review the Performance Standards before issuing a new permit. Members of the Planning Board agreed to use as reference, the previous Findings of Fact and Conclusion of Law, dated July 28, 2015.

The Planning Board began the Site Plan Review, and there being no changes to those Findings of Fact, the August 14, 2018 Performance Standards are written as follows.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Emerson, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
2. Relationship of the Proposed Buildings/Structure to the Environment - On a motion by Hewlett, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
3. Vehicular Access – On a motion by Hewlett, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
4. Parking and Pedestrian Circulation - On a motion by Hewlett, seconded by Emerson, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
5. Surface Water Drainage - On a motion by Hewlett, seconded by Emerson, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
6. Existing Utilities - On a motion by Hewlett, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
7. Advertising Features - On a motion by Emerson, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
8. Special Features and Operations of the Development - On a motion by Emerson, seconded by Hewlett, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
9. Exterior Lighting - On a motion by Hewlett, seconded by Emerson, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
10. Emergency Vehicle Access - On a motion by Emerson, seconded by Hewlett, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
11. Municipal Services - On a motion by Hewlett, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
12. Water/Air Protection - On a motion by Emerson, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
13. Water Supply - On a motion by Hewlett, seconded by Emerson, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
14. Soil Erosion - On a motion by Emerson, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.

15. Sewage Waste Disposal - On a motion by Hewlett, seconded by Emerson, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
16. Hazardous, Special and Radioactive Materials - On a motion by Emerson, seconded by Jordan, standard has been met 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
17. Financial/Technical Capacity - On a motion by Hewlett, seconded by Emerson, standard has been met 4-0. The funding has been secured and the financial and technical capacity is within the limits of the St. George Fire Chief and the Town Manager.
18. Shoreland Zone - On a motion by Emerson, seconded by Jordan, standard is not applicable 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
19. Flood Plain - On a motion by Jordan, seconded by Hewlett, standard is not applicable 4-0. There is no change based on the approved Findings of Fact, dated July 28, 2015.
20. Lot Standards - On a motion by Hewlett, seconded by Jordan, the existing lot standards have been met 4-0.

On a motion by Hewlett, seconded by Jordan, pursuant to the Performance Standards Review of August 14, 2018, it was voted 4-0 to approve the issuance of a permit to the Town of St. George to construct a Live Fire Training Facility on Route 73.

d. Town of St. George Transfer Station – 176 Wallston Road, Map 218 / Lot 002

The applicant is the Town of St. George. The contractor is James Kalloch. This is not in the Shoreland Zone or in a Floodplain Designation Area.

Randall Elwell and Timothy Polky represented the Town of St. George. The application is to place two, 500-gallon fuel tanks at the Transfer Station for town use; one tank for gasoline and one tank for diesel fuel. Mr. Elwell said the Town of St. George and the St. George Municipal School Unit (MSU) are splitting the cost on fuel. The fuel will be used for the school buses, school vehicles, town vehicles, the equipment at the transfer station, the town trucks and James Kalloch's plow trucks. He said it would save the town money and the school will save on fuel. He said each vehicle authorized to use the pumps would have an electronic key, access the fuel 24 /7, and would allow the Town to track fuel usage for each vehicle. He said the Transfer Station was the recommended site for this project.

Chair Cox said the area was between Wallston Road and the Transfer Station. Mr. Polky said it was directly behind the electronics recycling building. He said the fuel tanks were doubled walled and, would not be permanently mounted but would sit on a gravel pad. The pump and the electronics would sit on a concrete pad. Mr. Polky said a road would have to be built in order for the vehicles to access the fuel. Ms. Hewlett asked if there was a proposal for the road. Mr. Polky said it would start from the entrance gate and go to the exit gate across the current grassy area. Chair Cox and Hewlett said there was no mention of the road on the application and would like a better drawing of the plan.

Chair Cox asked about the 59' plus or minus setbacks from the Wallston Road noted on the application. Mr. Polky said that would probably be the driveway. The tanks would be closer to 80' off the Wallston Road. Hewlett asked, "Up against the existing building? So, you are going to do some culvert work because there are large ditches back there." Mr. Polky said yes there would have to be a culvert put in because of the hill. Emerson said it would have to be rounded out, otherwise the bus would get hung up. Chair Cox asked if there was enough turning radius for the bus to do a tight turn off Wallston Road into the Transfer Station entrance. Ms. Hewlett, "Then to pull a big U-turn to get onto the driveway." Emerson said as much equipment as they have moved around there, where they dumped the dirt, buses should be able to turn in there and then turn onto the hill.

Chair Cox asked, "Is this the only reasonable location? Are there other locations on the property that would also work?" Hewlett, "Would it make sense to put one by the salt shed and then you could just back into it?" Mr. Elwell said they are trying to minimize backing up, especially for the buses. Mr. Polky said in August on a Saturday, there would be so many cars in that area, you would not be able to get to the tanks. Ms. Hewlett was concerned that people might start to think the town had a gas station. Emerson thought they would have to have some type of security implemented. Chair Cox asked about combustible material needing to be 75' from the property line. Mr. Polky said that met the 75' setback. Mr. Polky said they went all over property, and the proposed area was the only logical location, if they were going to put the fuel tanks at the Transfer Station. He said they also reviewed all other town properties and it did not make sense to have the project anywhere else.

The Planning Board discussed tabling the application and reviewing it at their next meeting on August 28. The Board felt they needed more information including a site plan for the driveway, and the measurements. Ms. Hewlett asked if they would be keeping the existing gates? Putting up new gates? Moving the gates? Mr. Polky said for now, they were planning to keep the same ones and thought it was too early to tell how they were going to gate the area. Hewlett asked if the hours of operation would be 24 / 7. Mr. Elwell said nighttime plow drivers would need access to the fuel. Ms. Hewlett recommended adding 24 / 7, 365 to the application. Chair Cox said they would also ask about the exterior lighting. Mr. Polky said they would have all that information for ready for the next meeting.

On a motion by Hewlett, seconded by Emerson, it was voted 4-0 to table the application until further information is received.

e. Hurricane Island Outward Bound School - 75 Marina Road, Map 228 / Lot 033

Chris Wells represented the applicant and property owner, Hurricane Island Outward Bound School. Proposed Use: Seasonal. The Shoreland Zone is Commercial Fisheries/Maritime Activities. The applicant's request is to increase the size of the picnic table shelter enclosure from 16' x 24' (approved on July 24, 2018) to 20' x 40'. The Planning Board reviewed the Site Plan Review ordinance on page 12, G. Minor Changes.

Mr. Wells said the change requested was to increase the size of the enclosure to 20' x 40' and to set the enclosure on a concrete slab. He said this would better secure the shelter from windy conditions and a level hard ground would make for a better facility. He did not think the grass would stay, as there would be a lot of foot traffic. Chair Cox said, on the first application, the Board was concerned about whether the structure would be tied to the ground securely enough for windy conditions. Brackett asked for the dimensions of the concrete slab. Chair Cox said it would be 12-inch haunched perimeter.

Chair Cox questioned whether the changes to the structure (4' wider and 16' longer) would be considered a significant or a minor change. Jordan said even though it was a decent increase in the volume, it was a minor change. Chair Cox said the large, wide opened field had the capacity to handle a structure and Emerson noted there were no houses around shelter. Before approving the original application, Hewlett said the Planning Board had suggested the structure be bigger and have a concrete floor, and all they did was take the Planning Board's suggestions.

Chair Cox asked Brackett would he have an issue if the Board considered it a minor change? Brackett said he did not, as he believed it was a minor change. The Board discussed page 12, G. Minor Changes, in the Site Plan Review. Hewlett thought the wording "or alter the essential nature of the proposal" was key.

A motion was made by Hewlett, seconded by Emerson, to approve the requested change to increase the size of the enclosed picnic table structure to 20' x 40' and add a concrete pad to set the structure on

because this is a minor change which does not alter the essential nature of the proposal. The vote was 4-0. Motion carried.

Wharf:

a. James Masterson – 433 Seal Harbor Road / Map 233, Lot 040

The applicant was present. The property owners are Donna and James Masterson. The application is to install a seasonal 4' x 8' ramp and an 8' x 8' float, located at 433 Seal Harbor Road. Mr. Masterson said no boat navigation occurs in the cove except for a few people who kayak. He said the ramp and float will be used during the summer months and pulled out in the fall.

Chair Cox asked how the ramp would be attached to land. Mr. Masterson said he would probably use a couple of stakes in the ground by the side of the ramp. Chair Cox asked how wide was the ramp? Masterson said it was 8' long by 4' wide. Ms. Hewlett requested the project description wording be changed from dock to ramp (as a dock indicated a permanent structure) and add 8' x 8' float attached to ramp. Masterson agreed.

Chair Cox told Mr. Masterson that site visit inspections are done on applications for wharfs and docks, and the abutting property owners are notified. Mr. Masterson said the proposed request, if approved, would be for next year. The Planning Board scheduled an onsite inspection for Monday, September 24, 2018 at 5 p.m. The Planning Board will meet on Tuesday, September 25, 2018 at 6:30 p.m. for a Public Hearing for the Masterson's season ramp/float permit.

There was no further business to come before the Board. At 8:23 p.m., a motion was made by Emerson, seconded by Hewlett to adjourn the meeting and go into an ordinance workshop, 4-0. Motion carried.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary