

**St. George Planning Board
St. George Town Office
September 25, 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, Brendan Chase, Ray Emerson, Mary K. Hewlett, Michael Jordan and Alan Letourneau. Also present: CEO Terry Brackett, Richard Bates, Adam Schorn, Yvonne Rosenfield and Donna Masterson.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: The following adjustments were made to the agenda.

Hiring a Consultant was added and placed under Other Business.

James Masterson's seasonal ramp and float application was taken up after Public Comments.

Review of the Minutes:

Planning Board Meeting — September 11, 2018 – The minutes were amended as follows:

Pages 3, 4, and 7, delete the motion to waive the Performance Guarantees

Page 5, under c, line 2 correct line to read: ...take the application off the table...

Page 5, under c, paragraph 2, lines 1 and 4, correct spelling to: Marshal's

A motion was made by Jordan, seconded by Chase, to approve the minutes of September 11, 2018, as corrected, 5-0.

Planning Board On-site Public Inspection – September 24, 2018

James and Donna Masterson – The minutes were amended as follows: Page 1, paragraph 2, line 2, change to read: ...no decisions would be made...

A motion was made by Hewlett, seconded by Brown, to approve the on-site inspection minutes, as corrected, 5-0.

Findings of Fact:

Town of St. George – A motion was made by Brown, seconded by Chase, to strike the Performance Guarantees waiver statement, Chair Cox to initial the change, and accept the Findings of Fact and Conclusion of Law, as amended, 5-0.

Tenants Harbor Baptist Church – A motion was made by Chase, seconded by Jordan, to strike the Performance Guarantees waiver statement, Chair Cox to initial the change, and accept the Findings of Fact and Conclusion of Law, as amended, 5-0.

Little House of Hoarders – A motion was made by Jordan, seconded by Brown, to strike the Performance Guarantees waiver statement, Chair Cox to initial the change, and accept the Findings of Fact and Conclusion of Law, as amended, 5-0.

Public Comments: None.

Wharfs:

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

Donna Masterson was present. The application request is to install a seasonal wooden 8' long x 4' wide ramp and an 8' x 8' float located at 433 Seal Harbor Road on Harrington Cove. An on-site inspection was held on September 24, 2018 at 5 p.m. with two abutters present – Adam Schorn and Yvonne Rosenfield. A Public Hearing was held on September 25, 2018 at 6:30 p.m. in the Town Office, and Mr. Schorn and Mrs. Rosenfield attended.

Donna and James Masterson provided a copy of their deed which conveyed an easement and right to them for the purpose of pedestrian access to and from the waters of Harrington Cove and including the right to have a maintain a seasonal per and float in Harrington Cove. Mr. Schorn presented a written statement outlining his review of all the three deeds and stated the last two deeds had no mention of an easement or right of way. Mrs. Rosenfield made verbal comments that she did not ever remember giving the Masterson's an easement or right of way.

Ms. Hewlett did not feel the application was complete because there is an issue with the property easements and Chair Cox felt this was a civil issue and not a Planning Board issue. CEO Brackett agreed with Cox and felt issued needed to be cleared up. Jordan said this was not something the Board could resolve. Jordan felt the way the easement read, it was clear the deed granted the Masterson's an easement to the cove and to build a float and ramp. He thought it was a little unclear where exactly the easement was. He said if they wanted to put it some place on the land that's not covered by the easement, then they would get lawyers and it would get settled.

It was brought up at the Public Hearing that the Masterson's deed referred to an easement and right of way when they acquired the property, but the easement and right of way was not in other deeds involving property that Ms. Rosenfield conveyed to other people.

Hewlett thought whoever did the title search for the sale of the property to Mr. Schorn missed the easement. She said, "Mr. Schorn is under the impression that he owns the entire property and the Masterson's have a deed showing that they have an easement to that property." Jordan said from his experience, "An easement that appears in a recorded deed does not disappear because some later purchaser fails to learn of it, because it is in the public records and it should be found. This is not our issue," and he did not feel this made the application incomplete.

Chair Cox summarized: The Planning Board has the Masterson's deed which states there is an easement and right of way. The Board believes this. The exact location has to be determined. With the discussion and the information, Chair Cox asked if the application was complete?

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

CEO Brackett stated the Masterson's did not have to pay a fee for the on-site inspection because it is considered a residential permit. The Planning Board began review of Section 15(C) of the Shoreland Zoning Ordinance.

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 Jordan, seconded by Brown, standard has been met, 5-0. There is no other seasonal ramp and float on the lot and this application is for only one seasonal ramp and float.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. On a motion by Jordan, seconded by Hewlett, standard has not been met, 5-0. The applicant has not provided enough proof that the ramp and float as proposed will not be sufficient to control erosion.
3. The location shall not interfere with existing developed or natural beach areas. On a motion by Jordan, seconded by Brown, standard is not applicable, 5-0. This is not considered a natural beach area.
4. The facility shall be located so as to minimize adverse effects on fisheries. On a motion by Hewlett, seconded by Brown, standard is not applicable, 5-0. There are no fisheries located in this area.
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 motion was made by Chase, seconded by Brown, standard has been met based on the length of the ramp and the float, is no longer than necessary to carry on the activity, and is consistent with the surrounding character of the area. The vote was 1 in favor, 4 opposed; motion failed.

Jordan voted no because the projection of the float and ramp into the cove is too long for that area. Brown voted no because there are no other floats or ramps visible in the cove. Hewlett voted no based on the surrounding character of the existing cove and the Significant Wildlife Habitat designation. Chair Cox voted no because none of the other points under #5 deal with this.

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 Jordan, seconded by Hewlett, standard has been met, 5-0. No structure is being 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 Chase, standard is not applicable, because this is 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 Brown, standard is not applicable, 5-0. 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 Chase, seconded by Jordan, standard is not applicable, 5-0. No structures are being 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.
 - (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 Brown, seconded by Hewlett, standard is not applicable, 5-0. There are no plans to remove vegetation.

SECTION 16 (D)

PROCEDURE FOR ADMINISTERING PERMITS

After the submission of a complete application to the Planning Board, Code Enforcement Officer or Local Plumbing Inspector, the application shall be approved, or approved with conditions, if a positive finding is made based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions. On a motion by Jordan, seconded by Brown, standard has been met, 5-0. There are no unsafe or unhealthy conditions being proposed.
2. Will not result in water pollution, erosion, or sedimentation to surface waters. On a motion by Hewlett, seconded by Jordan, the Planning Board is unable to make a positive finding that the standard has been met, 5-0. Erosion and sedimentation to surface water is a factor with this proposed project.
3. Will adequately provide for the disposal of all waste water. On a motion by Hewlett, seconded by Brown, standard is not applicable, 5-0. There are no waste water systems being proposed.
4. Will not have an adverse impact on spawning grounds, fish aquatic life, bird or other wildlife habitat. On a motion by Jordan, seconded by Chase, the Planning Board is unable to make a

positive finding that the standard has been met, 5-0. This area is a High Value Bird Habitat and will have an adverse impact on the water fowl, wading birds and other wildlife. The ramp and particularly the float will ground out over a substantial area and not be supported; the rise and fall will cause silting and otherwise disturb the environment in the cove.

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters. On a motion by Jordan, seconded by Brown, standard has been met because it is a low-lying structure which will sit on top of the water, the ramp is not high, and it is not going to be in anyone's view. The vote was 2 in favor; 3 opposed; motion failed.

Chair Cox voted no. I do not think the shore cover will be preserved because I am not convinced that there would not be undue erosion of the grasses and would have an impact on it.
Chase voted no. Grasses are so susceptible to erosion and general impact that based on the application, I do not believe this has been met, at all.
Hewlett voted no. I concur with both of you.

6. Will protect archaeological and historic resources as designated in the comprehensive plan. On a motion by Brown, seconded by Hewlett, standard is not applicable, 5-0. To the Planning Board's knowledge, this property is not located in archaeological and historic resources as designed in the comprehensive plan.

7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District. On a motion by Hewlett, seconded by Jordan, standard is not applicable, 5-0. This location is a Marine Residential Zone.

8. Will avoid problems associated with flood plain development and use. On a motion by Brown, seconded by Chase, standard is not applicable, 5-0. The proposed structure is a float and it will not be a problem associated with flood plain development.

9. Is in conformance with the provisions of Section 15, Land Use Standards. On a motion by Chase, seconded by Hewlett, standard is not met, 5-0, based on the provisions of Section 15(C) #2 and #5.

No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered by the municipality.

A motion was made by Hewlett, seconded by Chase, to deny the application based on the findings under Sections 15(C) and 16(D) of the Shoreland Zoning Ordinance. The vote was 5-0; motion carried.

Building Permits:

a. Maine Coast Heritage Trust (MCHT) – 105 Long Cove Road / Map 225, Lot 033
Amanda Devine represented the applicant. The application is to construct a 3600 sq. ft. (four car and one school bus) unpaved parking area and trail head for the Bamford Preserve located at 105 Long Cove Road. Present use: Vacant lot; Proposed use: Year-round parking.

Ms. Devine said the proposed project is for a small, four car parking area at 105 Long Cove Road. She said this is the site of the former Woodcrafter's building which the Town donated to MCHT to serve as road frontage for a property they conserved several years that is in the process of being developed for low impact public recreation. It is called the Bamford Preserve in honor of the Bamford family that sold MCHT the land several years ago.

Ms. Devine said a few years ago the old Woodcrafter's building was taken down which had fallen into disrepair and was a hazard. Ms. Devine had the site graded in preparation for some parking development to accommodate four cars and a school bus. She has spoken with Allison England and the school is interested in using the property for educational purposes. It will be a small unpaved parking area with a trail head, and a kiosk with some interpretive information posted. Dale Pierson has agreed to draw up a planting plan and help do an installation of small native trees and shrubs. The part closest to the road would be developed for parking and the part closets to the tree line would be revegetated.

Chair Cox asked what the surface material would be. Ms. Devine said it would be a mix of pea gravel and stone dust, something that would be plowable in winter and semi-pervious. Chair Cox updated the Project Description to: Using a combination of stone dust and pea gravel plus a 4' x 4' kiosk with a cedar shingled roof to be located by the trail head, parking space #1.

Chair Cox asked if stone dust counted as lot coverage. Brackett said that would not be counted as lot coverage. Jordan asked what was the rule for gravel or small stones without stone dust? Ms. Devine said she was under the impression that stone dust was semi-pervious and that was why she included it since it seemed like a step up from gravel and step down from asphalt. Chair Cox updated Lot Coverage under Property Information to 0 (zero).

A motion was made by Brown, seconded by Hewlett to accept the application, as complete, 5-0.

A motion was made by Brown, seconded by Jordan to waive the on-site inspection, 5-0, because it is a parking lot and people are familiar with Long Cove Road. The Planning Board began the Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Hewlett, seconded by Brown, the standard has been met, 5-0. The proposed project shall in so far as practical minimize tree removal and retain existing vegetation during construction of the parking area but buffered it with shrubs and created a permeable surface.
2. Relationship of the Proposed Buildings/Structure to the Environment - On a motion by Brown, seconded by Chase, the standard is not applicable, 5-0. None proposed.
3. Vehicular Access - On a motion by Brown, seconded by Jordan, the standard has been met, 5-0. The proposed project will provide safe access and egress from public and private roads.
4. Parking and Pedestrian Circulation - On a motion by Brown, seconded by Hewlett, standards #1 and #3 have been met, standards #2 and #4 are not applicable, 5-0. The parking stalls and aisle layout exceed the town's standards, there will be adequate parking space for a school bus,

and the design will permit each motor vehicle to proceed to and from the parking space without requiring the moving of any other vehicles.

5. Surface Water Drainage - On a motion by Jordan, seconded by Brown, the standard has been met, 5-0. There is a slightly graded slope which will provide surface waters to drain away from the road and the surrounding buildings.
6. Existing Utilities - On a motion by Jordan, seconded by Chase, the standard has been met, 5-0. There are no existing utilities.
7. Advertising Features - On a motion by Chase, seconded by Brown, the standard has been met, 5-0. The kiosk sign will be 4' x 4' in size.
8. Special Features - On a motion by Brown, seconded by Chase, the standard has been met, 5-0. The hours of operation will be dawn to dusk.
9. Exterior Lighting - On a motion by Chase, seconded by Hewlett, the standard is not applicable, 5-0. There is no lighting proposed.
10. Emergency Vehicle Access - On a motion by Brown, seconded by Jordan, the standard has been met, 5-0. There will be convenient and safe emergency vehicle access to the parking lot at all times.
11. Municipal Services - On a motion by Hewlett, seconded by Chase, the standard has been met, 5-0. The proposed project will enhance the recreational programs and facilities available on the peninsula.
12. Water/Air Protection - On a motion by Jordan, seconded by Brown, the standard has been met, 5-0. No water or air pollution will be generated as a result of the proposed project.
13. Water Supply - On a motion by Hewlett, seconded by Chase, the standard is not applicable, 5-0. None proposed.
14. Soil Erosion - On a motion by Hewlett, seconded by Jordan, the standard has been met, 5-0. Revegetation and plantings will help control any soil erosion that may occur and will help control the permeability of the soil.
15. Sewage Waste Disposal - On a motion by Brown, seconded by Chase, the standard is not applicable, 5-0. None proposed.
16. Hazardous, Special and Radioactive Materials - On a motion by Brown, seconded by Jordan, the standard has been met, 5-0. There are no hazardous, special or radioactive materials proposed.
17. Financial/Technical Capacity - On a motion by Hewlett, seconded by Brown, the standard has been met, 5-0. Based on the applicant's statement that they had received a grant from the Maine Outdoor Heritage Fund and a Stewardship Endowment to care for the property, the applicant has the financial and technical capacity to complete the project.
18. Shoreland Zone - On a motion by Jordan, seconded by Chase, the standard is not applicable, 5-0. This project is not in the shoreland zone.
19. Flood Plain - On a motion by Brown, seconded by Hewlett, the standard is not applicable, 5-0. This project is not in the flood plain.
20. Lot Standards: On a motion by Brown, seconded by Hewlett, the lot standards have been met, 5-0.

The Board has reviewed the 20 Performance Standards and they have been met. On a motion by Brown, seconded by Jordan, it was voted 5-0 to approve the application 5-0 in pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance.

b. Look East Investments – 21 Mechanic Street / Map 104, Lot 002

Randolph Deutsch, property owner, was present. The application is for the placement of a commercial shipping container on his dock to store a fork lift and fishing equipment, located at 21 Mechanic Street. The Shoreland District is Limited Commercial.

Mr. Deutsch provided photographs and tax maps of his property. He stated that at the end of the Inn there is a dock area. Ty Babb, a local lobster-fisherman, has been using the dock for over 20 years. Mr. Deutsch noted when he bought the property, he wanted Babb to continue using the dock. Deutsch said he wants to support Babb as a lobster-fisherman, but it also works out well for the inn, too. Mr. Deutsch said Mr. Babb watches over a dock that he has no expertise on. His inn guests love it. But there is a building at the end of the dock that is grandfathered which has not been used in a very long time. He uses it for storage. He said he and Babb have been discussing this for a 1 ½ years on how to contain his lobstering operation a little better for both safety and esthetics. Deutsch said as he has more weddings and wants to consider allowing people to go to that area. He has had an engineer and Prock Marine look at it and he's talked with a lawyer.

Mr. Deutsch said Babb got ahead of himself and thought it would be a great idea to clean up his whole act by dropping a container in the corner of the property, which he did before getting a permit. Deutsch said Terry's been very fair and certainly has the expertise on this. "We have had discussions on this and I went ahead and filed for a permit, anyway. The container cannot be outside the 75' area and it cannot be on the front lawn of my inn. I have a very straight forward issue for the Planning Board. That is the footnote in 15-A6 where it says not applicable to piers, docks, wharfs, etc. as an operational necessity. Ty has been supporting his lobster business for 20 years without this, so if you look at it literally, I can't say on a literal basis this is an operation necessity. But I would suggest that you could look at it more broadly as a policy matter that to make the inn business and allow him to make the most out of the inn property to be compatible with his lobster business, something is going to have to be done as an operational necessity to better contain all the equipment he needs versus him being able to use the full property." Mr. Deutsch does not want to lose Babb, but he also wants to use his property. He said, "If the Planning Board feels that is too much of a stretch, I will accept that, and Ty will have to get rid of the container." He said he is trying to be able to have both of them maximize use of the property for the inn and allow Ty to fishing from the pier. This is why he brought it to the Board.

CEO Brackett noted that the shoreland zone was changed a few years ago to Limited Commercial at Mr. Deutsch's request to benefit him. "Consequently, it puts into effect the structures within 75' of the buffer zone and definition of functionally water dependent uses don't include his storing a forklift and bait in the container." Deutsch said it was primarily his forklift and gear. When Deutsch has a special event, he will put the bait in it. Brackett said basically none of those are water dependent, so he could store them further away. Hewlett said it is partly a safety issue. So, to have him be able to store his items into a container and not trip all over it would help.

Chair Cox reviewed the Shoreland Zoning Ordinance (SZO), page 59, definition of Functional Water-dependent. She said it seemed to be a fishing related storage issue. Brown agreed. Hewlett said the forklift was used to load bait and lobsters into his truck. Chase said it seemed

all fishing related. Brackett did not agree, saying the State did not classify storage of bait as being something that is acceptable in the 75' buffer zone, if it is Limited Commercial. Jordan asked, "Is there something about functional water dependent uses being allowed within the 75'?" CEO Brackett felt it did not tie it into to the 75 foot buffer zone but reviewed the definition of Limited Commercial on page 12 of the Shoreland Zoning Ordinance.

Jordan referenced and reviewed the tables on page 19 of the SZO where they impose the setbacks. Brackett disagreed that the forklift and bait storage was water dependent because they could be stored outside of this area. Chair Cox said functionally people had their bait and forklift for moving the bait around close to the water. Jordan said for Limited Commercial it had to be a functional water dependent use or operational necessity. Hewlett noted this was an After the Fact permit. She asked Brackett if the container had to be anchored down because it was in the flood plain. Brackett said he was not considering it had to be anchored down, just "it is not supposed to be there."

A motion was made by Chase, seconded by Jordan to accept the application as complete, 5-0.

A motion was made by Chase, seconded by Hewlett to waive the on-site visitation inspection as sufficient documentation and photographs were provided with the application. The vote was 5-0; motion carried.

A motion was made by Hewlett, seconded by Brown to extend the meeting beyond 9 p.m. for 15 minutes to review the Look East Investments, LLC application, 5-0.

Chair Cox asked what the difference was between his forklift and bait containers on the dock in the open air and having a container placed on the corner of the Inn's property? Brackett said the container is a structure. Hewlett asked if Cod End was Limited Commercial? Brackett said Cod End was also changed to Limited Commercial but would double check this. Hewlett noted they store their forklift in the building that's on the dock. Brackett said that had been permitted before the zone changed, too.

Mr. Deutsch said what they are trying to do is look to the future to make the two operations compatible. Chair Cox, "What Mr. Deutsch is saying is the 75' setback is an operational necessity but in fact it is not an operational necessity." Deutsch said he believed that Brackett's statement that you can deliver bait or salt from further than the 75' was not a necessity and too generic. "If you look at individual properties, you certainly can't have a forklift going up and down my driveway and I don't know where it would come from? If we don't have the container, then we will go back to the drawing board and figure out on how to make his operation more secure so that I can have people eventually, someday, going into that building."

Emerson asked if the container could be moved to the other side of the 75' mark? Deutsch said that could not be done. Brackett believed it could be done but not easily, if necessary. Chair Cox asked why Deutsch said it could not happen. He said he could not put it on the front lawn of the East Wind Inn, and one side of his driveway was the leach field and the container would go right through the leach field. On the other side, the lawn would have to be dug into to make it

level by about 15 feet. He felt he had a beautiful inn and did not want to dig up the lawn or ruin the leach field.

Emerson and Hewlett asked if he couldn't move over. Mr. Deutsch did not think so because the silt would rise up immediately behind it. He said the reason the container was there in that area was it was hidden. It cannot be seen from the lawn. Hewlett said it could be buried since there was a slope there. Deutsch said it would not be economically viable. "We would rather just lift it up and get rid of it. We are not going to spend the money to dig up the trees and dig a hole."

Chair Cox said she understood the desire to clean up and have the two operations mesh. Chase asked if it could not qualify as nonpermanent structure. Brackett said it was not a trailer because there were no wheels under it. He said there is no ordinance distinction between temporary and permanent structures.

Hewlett asked why the zoning was changed on the property. Brackett said because Deutsch asked for it because it helped him in his financing for the inn. Mr. Deutsch said he did ask for the zoning change as it had been miscategorized for many years. Brackett said that was true. Deutsch simply asked that it be brought into compliance as the bank would not finance it, otherwise. He said it had been run as an inn for years as residential zoning.

Chair Cox said it does not meet the setbacks for the Limited Commercial and unless the Board can determine the container a necessity, it just did not meet the setback requirements for this zone. Letourneau asked if the Board could waive this? Jordan said the Planning Board could not but asked if the Board of Appeals could grant a variance. Brackett said Deutsch could not go to the Board of Appeals unless the Planning Board denied the application. Mr. Deutsch said it was not up to CEO Brackett to make the policy division because it was a gray area.

Jordan reviewed the definition of water dependent use on page 18 of the Shoreland Zoning Ordinance which requires operational necessity and page 19, paragraph a. near the top of page 19. Jordan said, "The uses include fish related storage." It suggests because it says fish related that it doesn't have to be fish that you are storing there. It could be gear." "Where you stumble on it, is the requirement in the first sentence. It says that the structure cannot be located away from the water." Cox said it actually could be. Jordan said the opposing argument might be - the contours of the land and the other uses to which the land is being put and things that would make it not really work to be put somewhere else. Jordan felt the Board of Appeals might take this into account. Jordan thought the policy issues required the exercise of some discretion which the ordinance puts in the hands of the Board of Appeals and not the Planning Board.

On a motion by Brown, seconded by Chase, it was voted 5-0 to extend the meeting from 9:15 p.m. until the application review is completed. The Planning Board began the Site Plan Review.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Chase, seconded by Jordan, standard has been met, 5-0. The landscape will be preserved insofar as practical as moving the

container would have more soil and vegetation disturbance causing an adverse effect on the landscape.

2. Relationship of the Proposed Buildings/Structure to the Environment - On a motion by Jordan, seconded by Chase, standard has been met, 5-0. The proposed structure will reflect the natural looking environment of a working waterfront fishing wharf.
3. Vehicular Access - On a motion by Jordan, seconded by Chase, standard has been met, 5-0. There is no change of access to the wharf.
4. Parking and Pedestrian Circulation - On a motion by Jordan, seconded by Brown, standard is not applicable, 5-0. The traffic patterns to the end of the driveway will not change.
5. Surface Water Drainage - On a motion by Hewlett, seconded by Brown, standard has been met, 5-0. Provisions are adequate as the surrounding landscape will absorb the water runoff.
6. Existing Utilities - On a motion by Jordan, seconded by Brown, standard is not applicable, 5-0. The structure does not use utilities.
7. Advertising Features - On a motion by Jordan, seconded by Chase, standard has been met, 5-0. No signage is proposed.
8. Special Features - On a motion by Jordan, seconded by Brown, standard has been met, 5-0. The structure is adequately screened from view from the East Wind Inn and the surrounding area; the exposed section of the container is viewed as part of a working waterfront.
9. Exterior Lighting - On a motion by Hewlett, seconded by Brown, standard is not applicable, 5-0. None proposed.
10. Emergency Vehicle Access - On a motion by Jordan, seconded by Brown, standard is not applicable, 5-0. No change.
11. Municipal Services - On a motion by Jordan, seconded by Chase, standard has been met, 5-0. There will be no adverse impact on the municipal services.
12. Water/Air Protection - On a motion by Jordan, seconded by Chase, standard has been met, 5-0. The structure does not generate water or air pollution but will contain the odor of fish bait if stored within the building.
13. Water Supply - On a motion by Jordan, seconded by Chase, standard is not applicable, 5-0. The structure does not use water. None proposed.
14. Soil Erosion - On a motion by Chase, seconded by Jordan, standard has been met, 5-0. The structure will not cause unreasonable soil erosion and the soil is able to handle the water runoff.
15. Sewage Waste Disposal - On a motion by Jordan, seconded by Brown, standard is not applicable, 5-0. There is no sewage waste being generated and no waste disposal is proposed.
16. Hazardous, Special and Radioactive Materials - On a motion by Hewlett, seconded by Brown, standard is not applicable, 5-0. There are no hazardous, special or radioactive materials are being stored in the container.
17. Financial/Technical Capacity - On a motion by Hewlett, seconded by Jordan, standard has been met, 5-0. The financial and technical capacity has been proven and paid.
18. Shoreland Zone - On a motion by Jordan, seconded by Chase, standard has been met, 5-0. The structure will not affect the quality of the body of water.
19. Flood Plain - On a motion by Jordan, seconded by Hewlett, standard has been met subject to CEO Brackett's verification of the Floodplain Designation Zone, 5-0.
20. Lot Standards - On a motion by Jordan, seconded by Chase, the lot standards have been met with the exception of #20(D)(4) because the property is in the Shoreland Zone, and the

container is less than 75' from the water, as this is a Limited Commercial District. The vote was 5-0. The motion passed.

The Board reviewed the 20 Performance Standards and Lot Standards, 20(d)(4) Shoreland: as per Shoreland Zoning Ordinance, was not met.

On a motion by Jordan, seconded by Chase, it was voted to not approve the application, 5-0, in pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance.

There was no further business to come before the Board. On a motion by Jordan, seconded by Chase, the meeting adjourned at 9:37 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary