

**St. George Planning Board
St. George Town Office
3 Riverview Lane
July 13, 2021 – 7 p.m.**

Public Hearing – Robert Lehmann / Map 217, Lot 042

A Public Hearing was scheduled for 7 p.m. Present in person were: Chair Anne Cox, Jane Brown, Anne Cogger, Mary K. Hewlett, Michael Jordan, and Van Thompson. Also present in person were: CEO Terry Brackett, Richard Bates, Richard Erb, Bill and Karen Hardy, Jane Poskus, Rosalee Alligood, Sondra Perry, Raelani Marton, Gerrit Lansing Glen Hall, Elaine Wilson, Joe Richardi, and Andrew Hedrich. Present via Zoom were: Devin and Sandra Prock, Kim and Robert Lehmann, Bruce Garrity, Loreen Meyer, and David and Ruth Crater.

At 7:00 p.m., Chair Cox declared the public hearing open. Robert and Kimberly Lehmann are the applicants and were present via Zoom. Andrew Hedrich, Civil Engineer from Gartley & Dorsky and Joe Richardi, of Richardi Construction were present in person and represented the applicants.

Hedrich summarized the project application located on 3 Riverview Lane. The Lehmanns would like to remove and replace the existing residence from the edge of the shoreline to the fullest extent possible and construct a 6-foot wide by 30-foot-long pier with a seasonal 3 foot wide by 40-foot-long ramp and an 8 foot by 10-foot float. The lot is a triangular lot and approximately 0.21 acres. He stated the project is located close to the water and close to an abutter and there is not much room on the left of the structure to do much of anything.

Hedrich pointed out the septic field, the new area for the septic tank and the location of the well. He noted the new structure will have a smaller footprint than the existing structure. The primary goal is to pull the new structure away from the water to get it beyond the 25' setback. Between the house and the ocean, a vegetated buffer will be planted. The new structure will be raised above the flood zone to get it above the flood elevation as required. They are proposing the new structure be 17.6 feet off the property line as it is currently within 5 feet of the property line. The structure will be pulled forward a few feet towards Riverview Lane.

Perry: I am the next-door neighbor. I want to thank you all for showing up and coming. I am very concerned. The place had an enlargement in 1989 and 1990. The purpose of this is to increase their available living space. That is why they need to blast down into the ground. The term Richardi used was "blowing" into the ground. It is the same thing. I asked him about that blasting and he said yes. So, they want to blast an additional three feet into the ground and then raise the ceiling in the basement so they would have a whole complete living space down there, also.

Perry: I am very concerned about the blasting so close to my line, my septic, my little cottage is not pinned, and Richardi said that they would cover everything with a blanket type thing so there would be no debris. I have a flat rubber roof. It would only take one stone or one anything to

puncture it. I am concerned about that, but I am more concerned when you blast about the fractures and how they travel laterally under the ground. And they can travel quite far and affect other people's septic systems and other people's wells. Because of that and because of the tight area, I feel that this could be harmful to the area, the tight, tight area in there. I am just against it at this point. It has nothing to do with the neighbors, I just do not think it is a safe thing to do in our area. It could destroy other people's wells and the saltwater seeping in depending how the fractures laterally travel.

The other concern is the proximity to the line. It is very close. It is tight in there now. I only have a summer water system that's true but my deed allows me to go in and out, ingress and egress all year long and I would not let any of that easement block be blocked at anytime during construction because if there is a fire at my place or something going on, I want the services to be able to get there and not have the road blocked. It is a very narrow area. But the blasting scares me. It really scares me.

Marton: I had concern when I saw the picture that was distributed yesterday. Even when you look at the property lines, they cannot park two cars there without there being in the easement. If you look at this and that easement is how we get to these two individuals here, how they get to their property. So, whether it is UPS or FedEx or gas delivery, there is literally no room for two cars. Unless they are just going to have one vehicle, I do not know. My other concern is similar. You keep saying it is smaller. I would like to know how much smaller it is.

Hedrich: It is on the plan. The existing cumulative square footing is 1,528 square feet and the proposed, going to 1,489 sq. ft.

Marton: Right now, the basement is not useable, and you cannot even stand in the basement. So now you are going to elevate it all. Blow it all out for a basement. You said more than once, a walkout basement. Are you going to guarantee that that is not a livable space?

Hedrich: It is based on square footage (this town's ordinance).

Marton: Okay but they do not have a basement now. You are creating a basement.

Chair Cox: It is based on the area of the footprint.

Marton: Right. How tall is the new basement?

Richardi: It will be a full basement.

Marton: Right. So, it is going to be a full nine-foot basement. You are adding all that space.

Chair Cox: Correct. (Richardi said yes.)

Gerrit: I am the owner of 10 Riverview Lane, and I am the newest owner on the Point. I share some of the concerns but mainly those around the easement, the passage that we would have to our own property. There was also a question raised about a small triangle of land that might affect the calculation of the right of way as not being part of the property that I purchased. I

have gone through and confirmed also that that is true, but I have also spoken to the current owner of that small triangle of land who has agreed to transfer that land to me and have begun the process of having a deed written with an attorney in Rockland to have that done. I believe that is material to the calculation of the right of way. It would be approximately six feet from that right of way, and that distance is highly concerning to me. So, within that, I would struggle to see how they could park two cars without crossing their property boundary or without affecting our ability to exercise the easement in their case, or my property lines in my case.

Gerrit: Also, I share the concern about blasting. My house is not very far, and this being the Maine coast, it is almost certainly that that entire peninsula is ledge. That will carry the shock waves of the blasting. I have not had time having only owned the house for a week, to confirm whether my foundation can (unintelligible) but I have a holding tank there as well that is approximately under 100' away from their house.

Hardy: I was at the meeting last night and this is just hearsay. One of the neighbors who has been there for a very long time said that building has had a renovation for an add on already. Now, am I correct in saying that the ruling in this town is that you can only renovate your house or add on to your house, once. Is this true?

Chair Cox: No, that is not true. There is a percentage of the square footage that you can add, so if that has already been done, this is actually a reduction of the footprint of the square footage. It is not how many times. There is a limit on the square footage you can do to it.

Perry: Does the deck count as part of the square footage?

Chair Cox: Yes.

Perry: Could someone check in their records and see if that waterfront deck is the same deck that was supposed to be (unintelligible) on when they built that house? Renovated in 1990. I do not think it is the same deck.

Chair Cox: That may be.

Perry: They'd use that as a new calculation, now.

Chair Cox: They are reducing the area.

Perry: When they renovated in 1989 and 1990, they got permission to renovate that house from the town?

Chair Cox: In 1989, our Shoreland Zoning Ordinance went into effect. So, it may have overlapped with the Shoreland Zoning Ordinance coming into effect, so that may be some of what we are running into here. Terry, have you done any research on this?

CEO Brackett: I have not looked at the building permit at this point. (Cox: Okay, we will keep that in mind.)

David and Ruth Crater of Florida wrote a letter to the Planning Board and Chair Cox asked if they would like to speak to the letter they sent.

Crater: Yes, I would. We own the property at One Otis Point. The parties involved in wanting to do constructions, the Lehmanns, contacted me about building a dock. We had negotiated with them a little bit about the possibility of going in jointly on a dock because they had difficulties with the setbacks and were denied by one of the other parties involved, Sondra Perry. We were going to let them build a little bit into our extended property lines. But one of the other things that was mentioned at the time was, is that we share a common boundary, and their house is not setback by just a matter of feet from that boundary. I do not think they are any where close to the required setback from the property line to make any major changes to this house. I think that is a problem right off the bat. If you look at the extended property line, it is just down to the back of that steep hill upon which they are going to be building this.

The other issue that I have which is very concerning to me, is I have a 450' deep well that has been drilled to almost entirely through granite. And, like many wells out there on Otis Point in such close proximity to the salt water and since ours is so deep, should ours be affected by any drilling or explosives that might crack and send shock waves to the granite, it could cause an open seam which would cause saltwater intrusion. It would affect far more than our well. There is actually another well right over there near them that is even deeper and provides water for a number of people out there in the area. If that area gets intruded by saltwater, it could wipe out many of the wells in the area. This could be a major, major problem. I think there are better ways to handle this and that was in my letter I drafted to the town board for them to take a look at or they could use jack hammers mounted on backhoes in order to dig that basement.

I want to make it clear that I really would like to work with them to try and see to it that they can do some of the modifications they want to do to their home. I would even be willing to consider a waiver on the setbacks if that is allowed under the law. I do not know whether it is because I do not mind that they are building close to the property line, but I do not want them to build a pier out that is going to invade my view and my property in such a way.

Chair Cox: Excuse me. There is no pier involved in this particular application.

Crater: Good. I have heard different rumors. One, that it was in the original plan, but it had been pulled. Mr. Brackett told me that but then I heard from somebody that they had reintroduced it. The other is of course the construction in the fear that they might do damage to the well. I think that is a very important consideration and I think everybody needs to be made certain that there will be proper bonding, proper following of the laws, proper insurance on the part of the contractors and the people involved in case there is any damage. They need to test the wells before they do the drilling and after they have done the drilling to make sure no damage has been done to them. I am not asking for them to not be allowed to do this. I am asking for a tremendous amount of oversight to make sure no one is harmed.

I really would like to see them do this. I think it is wonderful we have people out there that are willing to spend their time, effort and money to try and improve their surroundings, but there are risks involved with this and those risks could have dire consequences to the people out there that

depend on wells for their water supply and for their sewage. That is the point I wanted to make. I hope you understand. I hope they understand. I am really, truly not trying to block it. I am trying to make this thing as safe as possible for everybody.

Chair Cox: Thank you. I think we have gotten the points you are worried about.

Crater: I appreciate your listening. Thanks. That is all I can ask for. Please consider that.

No other public comments were made.

At 7:13 p.m., Chair Cox declared the public hearing closed.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary