

**St. George Planning Board
St. George Town Office
April 12, 2022 - 7 p.m.**

The Planning Board meeting was called to order at 7:00 p.m. Present in person were: Anne Cox, Chair; Jane Brown, Anne Cogger, Mary K. Hewlett, Michael Jordan, Van Thompson, and Richard Moskowitz. Also present in person were: CEO Terry Brackett, Richard Bates, Kristin Falla, Jake Fongemie, Stephanie Smith, Suzy Kane, Gayle Elfast, and Nina Anthoine. Present by Zoom were: Judy Smith, Chris Moses, Veronika Carlson, Chip Bauer, Will Field, D. Esperanza, Alison Briggs, and Loreen Meyer.

Quorum: A quorum was present. Hewlett and Cogger stepped down as voting members for the review of the Planning Board meeting minutes, the Tenants Harbor General Store public hearing minutes, and for the Tenants Harbor General Store Findings of Fact and Conclusions of Law. Van Thompson and Richard Moskowitz were elevated to voting status for those three items.

Conflict of Interest: Hewlett stated she did not have a conflict of interest but because she was not present for three of the items under Review Minutes, she would abstain from voting on those.

Adjustments to Agenda: None.

Review of the Minutes:

Planning Board Meeting — March 22, 2022 – The Planning Board minutes were reviewed and corrected.

A motion was made by Jordan, seconded by Brown, to approve the Public Board minutes of March 22, 2022, as corrected. The vote was 5-0. The motion carried.

Public Hearing Minutes - Tenants Harbor General Store, LLC:

A motion was made by Thompson, seconded by Jordan, to approve the Tenants Harbor General Store Public Hearing minutes of March 22, 2022, as corrected. The vote was 5-0. The motion carried.

Findings of Fact and Conclusions of Law – Tenants Harbor General Store, LLC:

A motion was made by Thompson, seconded by Jordan, to approve the Findings of Fact & Conclusions of Law for the Tenants Harbor General Store, as corrected. The vote was 5-0. The motion carried.

Public Comments:

Falla: I'm Kristin Falla of Watts Avenue. I know the Happy Clam is not on the agenda tonight, but I wanted to share some things with you before we start moving forward into the Public Hearing process and Saturday's on-site visit. Because there are some concerns that I found in the authenticity of their application to expand, I wanted to share with you that I had been reviewing past documents of theirs and I found a handwriting expert who did an analysis and had concerns that this is a simulated forgery signature on the application of The Happy Clam and wanted to share it with you folks so you can all see her analysis and see the documents that she used. If you notice on the dates, they are both dated the same day in February and Mr. Howland said in March he couldn't be here because he is in Florida so there are concerns about how they could both sign the same document on the same day while in separate states and then the receipt for the application is the next day, the 17th (here in St. George).

Also, there are concerns about the estimates. From The Happy Clam's original application for the Outback in 2017, he estimated that entire building to be \$5,000. How do you build an entire commercial building for \$5,000? The application fees fund our Planning Department. Yet again, Mr. Howland is providing half the information and not being truthful to the town. His latest application shows the project at \$25,000. I would love to see how he is doing a food truck. A used food truck, on a google search, is \$20,000 to \$30,000. A deck. Look at lumber costs right now. The parking lot and the t-shirt building are \$25,000 and he only pays \$50.00 to the town.

I know that Nina has some things. There are just a number of things we reviewed that we wanted to share with you, so you had all this information as the process moves forward.

Chair Cox: Thank you, and everybody, do know that we will have a full public hearing.

Falla: I know those things get big and dropping you information at the 11th hour is not as productive, so we wanted you to have this before the process moves forward.

Anthoine: Good evening. I'm Nina Anthoine. I am an abutting property owner to The Happy Clam. I'll just mention one thing since you mentioned the current application. You'll find there is some creative math on them. This is probably due to his co-mingling of lots that are separated by the state route 131 and that 13 River Road presently has more than 8% lot coverage. That is just a visual.

The other issue that I did want to raise is a public health issue. There have been some concerns about the fitness of the wastewater disposal system on 13 River Road. Specifically, as it relates to Mr. Howland's "Tiki Hut" construction which I think you permitted back in 2017. Now that is a commercial use expansion, and it was a new building put on this site as well.

One of the things which seems to have been lost in oversight during that building application and which continues to this day is that the "Tiki Hut" waste, the waste from the "Tiki Hut" is not being pumped into the concrete, the 7,000-gallon concrete tank that Mr. Howland loves to tout. All your waste from effluent wastewater must go into that tank before it goes out the effluent line into the leach field. From the research I've done with the Department of Health and Human Services, there is no proper permit for a plumbing certification for that property ever done nor has there ever been an expansion of use permit issued.

I am submitting to you these materials for your review at a later date, including five photographs of the current state of 13 River Road which shows evidence of septic contamination from Mr. Howland having intentionally tapped into the septic pipe under the "Tiki Hut" and intentionally was never pumped uphill to the concrete tank. And that is why if you do a water and spill test today, you will find evidence of septic contamination.

Chair Cox: Thank you. Know that all of this is going to come up.

Commercial Building Permits:

a. Port Clyde General Store Complex, LLC, 2 Cold Storage Road / Map 102, Lot 087
Veronika Carlson was present by Zoom and represented the Port Clyde General Store as Will Gartley of Gartley & Dorsky Engineering & Surveying was not available. The application is to

remove 26 old fender pilings and replace them with 26 new wooden fender pilings along the main wharf. Shoreland Zone District: Limited Commercial. Floodplain Designation: AE (EL-11).

Carlson reviewed the application proposal. Gartley & Dorsky was hired for this project, completed the application, and submitted it to the Planning Board, but Gartley was unable to attend the Zoom meeting. The application is to replace 26 riding fender pilings around the dock at the Port Clyde General Store and those riding pilings are to allow the floats to move up and down with the tides. They have worn out, so the plan is to replace all of them at the same time. Art Tibbetts Marine will do the work.

Chair Cox: The application is before the Planning Board because this is a commercial property with an estimated cost of over \$10,000, and the Board is required to hear the application.

Carlson: And it is because this project is in Shoreland Zoning.

Thompson: As this is a replacement with no additions that would affect Shoreland Zone, how detailed does this proposal have to be in terms of review? Because it is a replacement without any effect on anything else.

Hewlett: I think this is a safety issue because we do not want the pier to fall into the water with someone on it.

Chair Cox: Did you apply to DEP for a Permit by Rule?

Carlson: Yes. Gartley & Dorsky applied for all permits that we need. However, we did receive one that I sent out to CEO Brackett, and I think it was from the Army Corps of Engineers which he said wasn't applicable and, we did not need to have a permit from them.

Chair Cox to CEO Brackett: Do you know about the status of the Permit by Rule?

CEO Brackett: Yes. We have that.

Chair Cox: Okay. When do you want to do the project?

Carlson: ASAP.

Chair Cox: We often have site visits, but we do not have to hold an on-site inspection or hold a public hearing on this, as the project seems straightforward.

Jordan: Doing an on-site visitation inspection is not a requirement.

Hewlett: The reason for not holding an on-site visit is that the structure is already in place, and they are just replacing existing pilings. The replacement of the pilings is a safety issue.

On a motion by Jordan, seconded by Hewlett, by a vote of 5-0, the Planning Board will not hold an on-site inspection and a public hearing because there is an existing wharf in place and the applicant will only be replacing the old fender pilings with new wooden fender pilings for functionality and safety.

Planning Board Discussion:

Jordan: One thing to keep in mind is that they are not even replacing the entire structure. They are replacing only the fender pilings. It doesn't change the footprint. It doesn't change the materials. It doesn't change anything that I can see that would affect any of the Performance Standards at least through #16. We might want to discuss Financial and Technical capacity and

confirm that there are no particular requirements in the Shoreland Zone Ordinance for this. Docks aren't flood plain issues and nothing about the Lot Standards and the setbacks is going to be affected. We might just take a single vote on all of them.

Moskowitz: Is there any Section in the ordinance that needs to be considered such as disturbing the silt or sediment?

Chair Cox: That is where the DEP with the Permit by Rule would weigh in if they saw that was a major issue.

Hewlett: The fee section on the application page is not filled in. Have they paid any fees?

Chair Cox: Yes, I have a receipt that shows they paid a fee of \$198.00.

The Planning Board began the Site Plan Review, Section V, Performance Standards A1-20.

Performance Standards:

1. Preserve and Enhance the Landscape
2. Relationship of the Proposed Buildings/Structure to the Environment
3. Vehicular Access
4. Parking and Pedestrian Circulation
5. Surface Water Drainage
6. Existing Utilities
7. Advertising Features
8. Special Features
9. Exterior Lighting
10. Emergency Vehicle Access
11. Municipal Services
12. Water/Air Protection
13. Water Supply
14. Soil Erosion
15. Sewage Waste Disposal
16. Hazardous, Special, and Radioactive Materials

The Planning Board determined by a vote of 5-0 that Performance Standards 1-16 were met or not applicable to the proposed project.

17. Financial/Technical Capacity – The Planning Board determined by a vote of 5-0 the standard has been met as the applicant represented that they have the financial and technical capacity to complete the project.

18. Shoreland Zone – The Planning Board determined by a vote of 5-0 the standard is met because there are no requirements in the Shoreland Zoning Ordinance regarding repair of wharf pilings, and the applicant has received the DEP's Permit by Rule.

19. Flood Plain – The Planning Board determined by a vote of 5-0 the standard is met because the wharf repair is not a Flood Plain issue.

20. Lot Standards – The Planning Board determined by a vote of 5-0 the standard is met because the lot size standards are not being affected by this project.

On a motion by Jordan, seconded by Hewlett, the Planning Board determined by a vote of 5-0 to approve the application pursuant to the Performance Standards Review, Section V, A1-20 in the Site Plan Review ordinance.

b. Hurricane Island Outward Bound School, 75 Marina Road / Lot 228, Lot 033

Neither the applicant nor a representative was present to address the application. The application was placed on hold.

c. Marshall Point Lighthouse Museum, 178 Marshall Point Road / Map 101, Lot 017

Chris Caffrey was present by Zoom and represented the Marshall Point Lighthouse Museum Committee. The application is to install an 18 kW propane-powered generator and one (1), 120-gallon propane tank on the right end of the new Keeper's Barn and Workshop to be used as emergency power for the Keeper's Barn and the Keeper's house. Shoreland Zone District: Marine Residential. Flood Plain Designation: It is not in the flood plain.

Caffrey explained the application. The request is to place a generator on the right end of the new barn (looking from the parking lot). The generator is for emergency power for the Keeper's Barn and Workshop and the Keeper's house. There is currently a monitor heater in the Keeper's Barn fueled by propane, so there is a propane tank there, already. We want to place another propane tank there to support the generator. The new generator is on-site but not hooked up.

Chair Cox: So, there will be two propane tanks. Will the other propane tank be placed next to the existing tank?

Caffrey: Yes. I circled where the new tank will be on the Site Plan.

Hewlett: Is there an issue of 12' to the water?

Chair Cox: It is not 12' to the water. It is 92' from the edge of the water.

Caffrey: I didn't go down the bank to the water but the cliff there is 92' towards the top of the chart I gave you.

Chair Cox: It does not extend closer to the water on the other side of the Keeper's house. It is 215' to the side property line. The tank will be 27' from the generator. (Caffrey stated correct to Cox's statements.)

Jordan: Do we know which part of Shoreland District this is in?

CEO Brackett: Marine Residential. Jordan requested the application to be amended to state Marine Residential.

Jordan to CEO: Is it outside the flood plain? Brackett: It is not in the flood plain.

Jordan: On the application, it states there is one bedroom but later in the application, it states four bedrooms.

Caffrey: On the lower level of the Keeper's house is a museum. Upstairs is a one-bedroom apartment that is rented out for income to support the museum. I did see on the assessor's sheet provided by the town website states it is a four-bedroom, so I am not sure how to correct that. There are not four bedrooms on that property. At one point it probably was when the lighthouse keepers manned the light.

On a motion by Anne Cogger, seconded by Brown, it was voted 5-0 to accept the Marshall Point Lighthouse application as complete.

The Planning Board began the Site Plan Review, Section V, Performance Standards A1-20.

Performance Standards:

1. Preserve and Enhance the Landscape – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because no change has been proposed.
2. Relationship of the Proposed Buildings/Structure to the Environment - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on the compliance with this standard.
3. Vehicular Access - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on vehicular access.
4. Parking and Pedestrian Circulation - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on parking and pedestrian circulation.
5. Surface Water Drainage - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on the surface water drainage.
6. Existing Utilities - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on the compliance of this standard.
7. Advertising Features - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because no change has been proposed.
8. Special Features - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because no change has been proposed.

Hours of Operation: On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because no change has been proposed.

9. Exterior Lighting - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard does not apply because no change has been proposed.

10. Emergency Vehicle Access - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on emergency vehicle access.
11. Municipal Services - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on municipal services.
12. Water/Air Protection - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on the water or the air.
13. Water Supply - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on compliance with this standard.
14. Soil Erosion - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on soil.
15. Sewage Waste Disposal - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the project will have no effect on sewage waste disposal.
16. Hazardous, Special, and Radioactive Materials - On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met based on the discussion that there is no bulk storage, and the propane tank will be far enough away from the property line.
17. Financial/Technical Capacity – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met based on the contracts and materials filed with the application.
18. Shoreland Zone – On a motion by Jordan, seconded by Cogger, the Planning Board determined by a vote of 5-0 that the standard has been met because there is nothing in the Shoreland Zoning Ordinance that will be affected by this project.
19. Flood Plain – On a motion by Jordan, seconded by Cogger, the Planning Board determined by a vote of 5-0 that the standard has been met because the project is not located in the flood plan.
20. Lot Standards – On a motion by Jordan, seconded by Brown, the Planning Board determined by a vote of 5-0 that the standard has been met because the setbacks are adequate.

On a motion by Anne Cogger, seconded by Jordan, the Planning Board on a vote of 5-0, approved the Marshall Point Lighthouse application to install an 18 kW propane-powered generator on the right end of the new Keeper's Barn and Workshop.

d. Seavey Group, LLC, 258 River Road / Map 222, Lot 012

Will Field of ReVision Energy was present by Zoom and represented Seavey Group, LLC. Chip Bauer, the property owner, was also present by Zoom. The application is to install a roof-mounted 7.2 kW solar electric system consisting of (18) 400-watt solar panels and (1) 6000-watt inverter on the Harbor Builders shop building. The existing and proposed use: Storage shed. This is not located in the Shoreland Zone District or a Flood Plain Designation area.

Field shared a visual of the proposed project and pointed out the location where the 18 solar modules were to be installed on the asphalt shingled roof of Bauer's storage shed. He pointed out where the modules would tie into the electrical system and stated the system would back-feed like any standard grid-tied electric system. He stated the building was about 600' off Route 131. The system is fully permitted with Central Maine Power.

Hewlett: This is a commercial project though it keeps saying residential. I do not feel we need to hold an on-site inspection as this structure is 600' off the road. The only people who will see it are Harbor Builder employees.

Chair Cox: I think we do not need a site visit or to hold a public hearing.

On a motion by Hewlett, seconded by Cogger, the Planning Board voted 5-0 to not hold an on-site inspection or a public hearing because the building is 600' off Rt. 131, and the only people who will see the solar panels are the employees of Harbor Builders Associates.

On a motion by Hewlett, seconded by Brown, the Planning Board voted 5-0 to accept the Seavey Group, LLC application as complete.

Performance Standards:

The Planning Board discussed whether the installation of solar panels affected any of the 20 Performance Standards.

Hewlett: There will be no change in footprint and the project is 600' off the main road.

Jordan: The solar panels do not have any effect on the 20 Performance Standards, in Section V, A1-20 of the Site Plan Review ordinance.

On a motion by Jordan, seconded by Brown, the Planning Board voted 5-0 to approve the Seavey Group, LLC application as the installation of rooftop solar panels will not change the footprint, the project is located 600' off Rt. 131, and the solar panels will have no effect on any of the 20 Performance Standards, in Section V, A1-20 of the Site Plan Review ordinance.

Other Business: Chair Cox reminded the Planning Board of The Happy Clam on-site inspection Saturday, April 16, 2022, at 9 a.m. Jordan noted he would not be able to attend.

There was no further business to come before the Board. On a motion by Cogger, seconded by Brown, it was voted 5-0 to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary

