

## **St. George Planning Board Minutes**

**July 12, 2022**

**7PM at Town Office and via Zoom**

The Planning Board meeting was called to order at 7:00pm.

Planning Board Members present were Chair Cox, Anne Cogger, Richard Moskowitz, Alison Briggs, Michael B Jordan, Jane Brown and Mary K. Hewlett. Also present: CEO Terry Brackett, Dan Falla, Jacob Fengimo, Greg Howland, Bill Reinhardt, Meg Rasmussen, Bonnie Percival, David Percival, Gene Ror, Kristin Falla, Karen Mason, Deb Hurst, Nina Anthoine, Jamie Darling, and Barbara Aras.

Present via Zoom: Adele Welch, Suzanne Luzius, Diane Speranza, Van Thompson, Will Gartley, Justin Long, Loreen Meyer, Kristin Collins, and Michele Gee.

### **Quorum:**

**Chair Cox:** We have a quorum with the regular board members.

### **Conflict of Interest:**

**Chair Cox:** Any conflicts of interest other than what has been noted by Michael dealing with the Happy Clam permits?

No other conflicts were noted.

### **Adjustments to Agenda:**

**Chair Cox:** We should move the election of officers to the beginning of the meeting, rather than to the end of the meeting.

**Hewlett:** Do you also want to add the onsite under reviewing of the minutes? The onsite inspection for the Thalheimer residence?

**Chair Cox:** Yes, we need to add that.

### **Hewlett**

I think the Planning Board Minutes instead of 6/14, should be the 16th.

### **Election of Officers:**

**Chair Cox:** Vote for Chair and Secretary. I'm very willing to do this or not if someone else would like to?

**Hewlett**

I nominate the slate existing.

A motion was made by Ms. Hewlett, seconded by Ms. Brown to nominate the existing officers, Ms. Chair Cox as Chair and Mr. Jordan as Secretary. The vote was 5-0. The motion carried.

## **Review of the Minutes**

**Jordan:** Let me report I met with Tammy on Monday, going over various people's comments on the minutes, produced so far, and the meeting was very helpful. We're going to work on getting rid of the backlog. I think for the moment I'd suggest that we might defer considering the May and June minutes.

**Jordan:** The plan is to do one from the backlog plus the current until we're caught up so that should take about three weeks.

## **Thalheimer Residence On-site Inspection Minutes**

**Chair Cox**

We have the onsite inspection. The only people who can vote on this are people who were there. So, for this vote, we need to elevate Richard Moskowitz. We need a motion.

A motion was made by Mr. Jordan, seconded by Mr. Moskowitz, to approve the Thalheimer Residence On-site Inspection minutes of July 7, 2022, as amended. The vote was 5-0. The motion carried.

## **Happy Clam/Outback Findings of Fact and Conclusions of Law Minutes**

**Chair Cox**

Michael Jordan will recuse himself. Chair Cox noted some corrections to the proposed findings and conclusions and requested a motion to approve them as corrected.

**Reinhardt**

A copy of the draft findings has been requested.

**Chair Cox**

I'll be glad to give you a copy immediately.

A motion was made by Ms. Cogger, seconded by Ms. Brown, to approve the Happy Clam/Outback Findings of Facts and Conclusions of Law, as amended. The vote was 4-0. The motion carried.

## **Public Comments**

### **Kristin Falla**

Kristen Falla of 19 Watts Avenue: As I've sat through many of these meetings over the last number of months, it's become clear that the planning board does review an entire lot when you're doing your site plan review. And I mulled it over and looking at is that the entire lot for this proposed parking lot at 24 River Road really hasn't been subject to any sort of scrutiny. We're just talking about one little sliver where we're changing use here. And in reviewing the site plan review ordinance, it says some substantial development or major change in the use of land that can cause profound impact... And that the purpose of this ordinance is to avoid such impacts when they are unreasonable and potentially caused by developments including commercial, retail, industrial and multifamily residential dwelling units consisting of three or more attached dwelling units. And I feel like that it's something that needs to be due diligence of reviewing the entire lot. So recently, a community member posted a number of village drone photos, and you can see all of the additional inhabitants at the residence that's not being discussed, we're only talking about over here. And there's some concerns that there's a subdivision that's happening that hasn't been reviewed for you folks and looking at the subdivision. It is the construction or placement of three or more dwelling units on a single tract or parcel of land within a five-year period. And there's rules about vehicle road access for emergency personnel driveway with specific standards for them septic water supply, quote, The preservation of scenic historical and environmentally desirable areas for preservation of natural drainage ways. If you don't feel this is applicable to a subdivision, then look at the definition of a campground that is the any area tract of land that can accommodate two or more parties and temporary living quarters, including but not limited to tents, recreational vehicles or other shelters. Also, to be considered as mobile home park that is defined as a parcel of land under unified ownership designated in or used to accommodate three or more manufactured housing units. I urge you to take a full look. It's not a true vision of what's happening when you're only looking at 1/3 of a piece of property. You look at entire lots for their coverage percentages, and I urge you to take a look.

### **David Percival**

I believe you will allow the Happy Clam to stay open until 11pm.

### **Chair Cox**

Not until the standards have been met.

### **David Percival**

Well, let me advise. This used to be a restaurant in town. We live across the hill and have people leaving that establishment early 9 o'clock, and (it's as if) they were in our bedroom so I feel a late hour like this... protesting, it's going to cause additional noise or whatever for the community. And noise as we know travels very easily at that hour of night.

### **Chair Cox**

Thank you. On Zoom, does somebody wanted to speak.

### **Cameron Ferrante**

I just wanted to speak on the Happy Clam building permit application. So I represent Jamie Wyeth with Kristin Collins and Preti Flaherty I believe we submitted a letter to the planning

board on July 12. I just wanted to make a couple points about the parking area and the applicant's existing compliance with the expansion. So the first issue here for us at least is that the street crossing here... there's really no way to provide a safe traffic and pedestrian crossing here to the parking lot. Right now, the town really has no idea how many vehicles accessing the development and how many would do so with the parking expansion. So at this point, we believe that it would really be irresponsible to grant the permit without conducting a professional traffic analysis and bringing an engineer to review the situation and determine whether it would be possible to construct a crossing, either with a traffic light or a crosswalk that would satisfy the Maine Department of Transportation standards, or even just satisfy any standards that were necessary for just general health, safety and welfare. Under the Department of Transportation standards, if a crosswalk is necessary anywhere, it must meet ADA requirements and within a 45 mile an hour zone, it would have to be a lighted crosswalk... there needs to be a traffic light there. And so at this point, we don't believe that there's any way that the applicant could make this safe crossing for either its clients or clientele or anyone else attempting to use that crosswalk so it would be ill conceived, in our opinion for the town to proceed at this point without conducting further analysis. Additionally, as I think we've already mentioned previously, I don't think there's a way for the applicant here to demonstrate the technical capacity standard, because of its existing record of violating Planning Board conditions. The applicant, in fact, is already in violation of the conditions that were attached to the expansion application so I believe the Planning Board should take that into consideration when considering this application and that at this point, denial of the permit application would really be the only way to insure against potentially harmful impacts on the neighborhood.

**Karen Mason**

Karen Mason of 11 Watts Ave.: How many spaces are going to be in that parking lot? There should be a limit.

**Chair Cox**

Well, we'll deal with it when we get to the details, but it's 40.

**Karen Mason**

And, the motorcycles that go by...when they go past that restaurant, they let it out. I don't know how they do it. But they let it out very, very loud. Until they go down the road, you know, it's like to let them all know that they're going past. There should be a restriction on that.

**Meg Rasmussen**

Meg Rasmussen 91 Watts Ave.: I think the parking lot is really not in keeping with the residential character of the neighborhood and I think it's really unfair to burden the neighbors. It's huge. It's not screened well. The way that the other parking lot is kept up probably is indicative of how this new parking lot will be kept up, not in keeping with the character of this town. The Planning Board's decision is critical.

**Jeff and Lizbeth Thalheimer, 219 Otis Point Rd.**

**Chair Cox**

Jeff and Lizbeth, you want to very briefly go over what it is that you're asking for again?

**Lizbeth Thalheimer**

In December of 2021. Our house burned down and we're requesting to rebuild in the same location, increasing the actual footprint of the house, but not increasing the area coverage that is existing. And we're requesting to build it where it was because of the site, the irregularities of the site and the ledge, and location of the garage and our leaching pools and there really is no other place without either having to really, you know, blast, nobody wants to go there, the ledge, or you know, make it a lot higher. I mean, there's really nowhere else.

**Jeff Thalheimer**

The bottom line is we're not going to be closer to the water, it's not going to be higher than it was and again, setting it back. The ledge just comes up as you go towards and away from the water. And it would really be an economic burden on us to have to deal with more ledge and chopping away at it in order to satisfy the requirements.

**Lizbeth Thalheimer**

And you saw how it was there before, and the ledge is right there.

**Chair Cox**

Yes, those who were there did see that. You said that you had sent in a site plan?

**Lizbeth Thalheimer**

Yes, we had emailed the site plan, I think last week.

**Chair Cox**

Terry, did you get it?

**Terry Brackett**

Yes. I got this one.

**Chair Cox**

Yes, it'd be nice if everybody had seen this as it shows the relationships with everything, where the building was, the well, you know, everything in there.

**Lizbeth Thalheimer**

The driveway, the garage and we can't even really move it side to side because to one side, it comes into a lot. The cove comes in on the other side, we're already pretty close to our neighbor, close to the side setbacks.

**Chair Cox**

Okay, looking at this, we had some questions on the original application in terms of just making sure we had the right information in terms of total square footage of all buildings and the lot coverage. Terry, why do I see present 19.2% crossed off on what we received and total of 16.6 put in?

**Terry Brackett**

The driveway total is 1476 square feet. The total of the improvement is 3758 square feet.

**Jordan**

I couldn't quite hear, is the difference because you've added the driveway?

**Chair Cox**

How did it go from 19.2 to 16.6?

**Jeff Thalheimer**

I can help with that. So when we bought the house, the gravel driveway extended from the road all the way to the house, that grassy area between the shed and the house was all gravel. And we had eliminated the gravel and added the lawn. So that's why a large percentage of that was cut back.

**Chair Cox**

So it's hard when you're dealing with something in the past. So I get it now. We can't say present 19.2 because present is 16.6 Right?

**Lizbeth Thalheimer**

Yeah, we're at 16.6.

**Chair Cox**

You're not proposing to add any more lot coverage?

**Lizbeth Thalheimer**

No, not at all. No, no, we're actually reducing it a little bit because because of the decks that were there before and the ramps that were eliminated.

**Chair Cox**

Okay. Any other questions on the application here?

**Moskowitz**

I do have a question. If you look at the last three boxes on the bottom, just for consistency to make sure I understand this... number of bedrooms, no change. Present is one, proposed is one, total is one. If you go over to the far-right septic system design is zero, it's 3-0-3. Right? From a consistency perspective, is it an additive? The same thing with the bathroom.

**Jordan**

Proposed should be zero.

**Chair Cox**

Proposed should be zero.

**Jordan**

Proposed means what's going to be added?

**Moskowitz**

Gotcha. So, so it should be zero in the number of bedrooms proposed and should be zero proposed for the number of bathrooms.

**Chair Cox**

Right? Because they're planning to.... and the same with the number of stories. Present to propose zero. Total two

**Hewlett**

It should be present zero, because it's not there. Present should be zero because the house burned down.

**Chair Cox**

I guess we could flip and replace every one.

**Terry Brackett**

Everyone has a different opinion on how to fill it out.

**Lizbeth Thalheimer**

We're not sure how to handle that either.

**Chair Cox**

Right. So in the Height of Buildings, let's just stick with it consistently proposed? Zero. So it's 22 feet? Right? It's not 44 feet. So as long as we've got one zero in there we're good. Okay. Anything else? Any other information we need?

**Cogger**

I am confused about that. On the bottom where it says number of bedrooms, one and then over on the septic systems and bedrooms present three?

**Chair Cox**

That's because there are two bedrooms... I'm imagining two bedrooms in the garage apartment.

**Jeff Thalheimer**

That is correct.

**Chair Cox**

So does someone want to accept this application as complete with the addition of the site plan?

On a motion by Ms. Brown, seconded by Mr. Jordan, the application, with the addition of the site plan, was accepted as complete by a vote of 4 to 0 (members Briggs, Cogger and Hewlett not voting because they were not present for the site visit).

**Chair Cox**

So what we need to do is to go to the shoreland zoning and this is page eight, 12C4.

**Jordan**

Based on looking at the site when we were out there, I don't see how it really could go anywhere other than where it was. I mean, maybe a foot or two back but not enough to make it worth going through a lot of brain cells.

**Chair Cox**

Right... and even moving it further back moves it closer to the well. So I think that was kind of my conclusion to their effort. So let's sort of break this up in a few chunks.

**Hewlett**

Can I step down and Richard be elevated because I wasn't at the on-site.

**Chair Cox**

The members Hewlett and Cogger stepped down because they were not present at the site visit. Mr. Moskowitz would be elevated to voting status; and that Ms. Briggs was not be similarly elevated because she was not present at the site visit.

On a motion by Jordan and seconded by Brown, the Planning Board by a vote of 4 to 0 found as a fact that locating the replacement structure to the west of the existing garage and farther back from the river would require it to be built over the existing septic pump, tank, and line to the septic field, and that there is insufficient room to locate the structure to the west of those features without violating the side-yard setback requirement.

On a motion by Jordan and seconded by Brown, the Planning Board by a vote of 4 to 0 found as a fact that locating the replacement structure to the east of its present location or to the east of the garage would require extensive regrading because of the steepness of the slope in that area and the presence of a considerable amount of ledge rock.

On a motion by Jordan and seconded by Brown, the Planning Board by a vote of 4 to 0 found as a fact that locating the replacement structure directly back from the river and closer to the garage would interfere with the existing water pump.

On a motion by Jordan and seconded by Brown, the Planning Board by a vote of 4 to 0 found as a fact that locating the replacement structure to the south of the garage would require it to be built over the septic field.

On a motion by Jordan and seconded by Brown, the Planning Board by a vote of 4 to 0 concluded as a matter of law that, on the basis of the foregoing findings of fact, the replacement of the structure as proposed would be in compliance with the-water body, tributary-stream or wetland setback requirement to the greatest practical extent.

On a motion by Jordan and seconded by Brown, the Planning Board by a vote of 4 to 0 approved the application on the basis of its findings of fact and conclusion of law.



## **162 Seal Harbor Road - Justin Long**

### **Chair Cox**

Next up is a request for a partial zone change at 162 Seal Harbor Road. This is something that we talked a little bit about, we passed it on to the Conservation Commission to ask them to look at it and Michael, you linked with the Conservation Commission about that?

### **Jordan**

Yes, I did. I was at a meeting at which they thought about the idea and discussed what steps to take and maybe I'll just summarize what their thoughts were. Well, let me back up. First, of course, everybody understands that in order to make this change in the district boundaries requires a vote of the town and in order to get a vote of a town, that would have to be submitted on the ballot by the Select Board or by a citizen petition. If the Select Board has to do that, I mean, I think it would be likely November before the vote is taken. In considering whether or not to put it on the ballot, the Select Board I think would be influenced to some extent by what the Planning Board thinks about it, and probably to a greater extent what the Conservation Commission thinks about it, because they're the body with the expertise about habitat. And so I'll just report to you what happened at the meeting. The Commission decided that it would be a good idea to have them do a site visit with some expertise from state government, whether that's the Department of Environmental Protection or the Department of Inland Fisheries and Wildlife, I'm not quite sure. It's inland fisheries and wildlife mapping basis for the request. I'm not sure who they reached out to, to do that but I think that is what they plan to do. I urge Will or Justin to ask them to maybe get in touch with the commission so that you can participate in that process. I don't frankly know where it stands. I can tell you that they thought that it might not be as simple a question as saying the map was drawn in such a way in the 1980s, or whenever it was first drawn, on the basis that it corresponded with the Department of Fisheries determination about wading bird habitat, and waterfowl habitat. That map was redrawn to shrink the area in 2008 to the boundary to which you're looking to shrink the resource protection designation. The Commission's answer was that they really don't know what people were thinking in the 1980s and maybe that was not the only reason that they drew it that way. We also don't know what people were thinking in 2008, what the town was thinking in 2008, or whether it was thinking about it at all, when the boundaries of the Inland Fisheries were redrawn. And in both cases, there may have been other reasons why not to follow that and treat it like there may be other habitat issues other than wild waterfowl, and wading birds. And finally, things may have happened since 2008, which was after all what, 14 years ago? So that's what they're thinking about and that's why they wanted to have a walkthrough with somebody from the government who can help. That's all I know.

### **Chair Cox**

All right. Will and Justin, do you want to speak to this? We should be able to hear you Will. We're not hearing you.

### **Hewlett**

He's trying to log back in again.

### **Will Gartley**

All right. Can you hear me now? Yes. plug and unplug. All right. So thank you for the patience. Well, first, I was going to say I'm glad to hear that everybody's talking about it a little bit. No, we sent a letter in back in 2018 requesting this discussion. I do struggle with any logic that thinks that the town shoreland zoning map mapping this is resource protection was anything other than following the inland wading bird habitat map because the lining is exactly the same. I think the other point I would like to make is under Section 13. In your establishment of districts under the definition of resource protection, there was nothing else about this that could make it resource protection, other than it being in wading bird habitat as mapped by the state. So I would definitely look forward and encourage the chance to have that discussion with the Conservation Commission and would welcome having somebody from IF&W come out there. I know that in talking to them, when you look at an aerial photograph, you can clearly see the change in vegetation and the difference between what they actually have mapped now and what they did before. Wading bird habitat typically isn't just heavily forested land along with a river or brook; it actually has marshes and more open areas with forested stuff adjacent to it. If you look at any of the habitat maps that are in St. George, you can see that very clearly. And so IF&W made it clear to me when they responded that once they looked at this closer and had more data on what was actually out there, they made the adjustment and made it accordingly. So I think that, like I said, I'd be happy to help facilitate a meeting out there to look at it, to get somebody from IF&W to explain that. And then, I would welcome a discussion about the definitions in your Shoreland Zoning ordinance and what makes something resource protection.

**Chair Cox**

So how about we put you and the chair of our Conservation Commission in touch with each other? If I send an email to introduce the two of you?

**Will Gartley**

That would be great.

**Chair Cox**

That'd be good. Okay.

**Hewlett**

Is that Ken Oelberger?

**Chair Cox**

Yes.

**Will Gartley**

Who is that? Ken Oelberger? Oh, yes. I've been working with him on the Fort Point Trail. I have his email. I'll reach out to Ken and coordinate. I've been working with him for about a year and a half on the Fort Point Trail... on the bridge.

**Chair Cox**

Good. They've made some progress I understand connecting with an expert from the state, but it may be stalled right now. So if you can move that along, that would be great.

**Will Gartley**

Okay.

**Chair Cox**

Thank you.

**Will Gartley**

All right. Just in curiosity, though, if we do get some feedback from the state, does the Planning Board have an opinion or any questions that we can follow up on concurrently?

**Cogger**

I have some questions.

**Chair Cox**

Go right ahead.

**Cogger**

I look at the stream that looks like it's on the western side, couldn't that piece of property be cut back a little bit? That's what the resource protection is for.

**Hewlett**

He can own it, but he can't develop.

**Cogger**

Right, but (inaudible)

**Hewlett**

And he can't fit it.

**Cogger**

Could it change in different direction or in different styles?

**Chair Cox**

I'm not sure what you're asking.

**Cogger**

Well, if you look at this, you can see this footprint is right on top of the resource.

**Chair Cox**

Right.

**Cogger**

Can they go back? Why can't they develop back from that?

**Chair Cox**

Well, this just the property that he owns that blue thing is the property build line.

**Cogger**

And so right now it goes back two hundred fifty feet. Why can't he do that.

**Chair Cox**

Right. And right now that's the restriction he has and that's what he would like to have left out.

**Cogger**

But I'm saying why can't he do that?

**Terry Brackett**

It's cheaper to build within 75 feet. That's all they are asking.

**Cogger**

I know. But I'm asking like why they don't try to build 250 feet back

**Chair Cox**

Because he can have more lots. That's the difference between 75 and 250 foot setback gives him a chance to have more lots

**Cogger**

I have questions about that.

**Chair Cox**

I do too. I do too. I'm very leery about reducing any resource protection areas, particularly along a stream like Jones Brook so it would take a lot to convince me that it is a good thing to reduce the resource protection. That's what I'm thinking right now.

**Hewlett**

I will concur. So you can see it from the road you can see from route 73.

**Jordan**

So, I'd be influenced by what the Conservation Committee says. The Comprehensive Plan also refers to other important wildlife. I just don't know what else is there.

**Chair Cox**

So there are concerns.

**Cogger**

You know, it is Jones Brook but people are now growing oysters which can be very sensitive (inaudible).

**Chair Cox**

And, in our comprehensive plan in the town, it's noted the whole Jones Brook, Long Cove and adjacent islands area has been noted as a value of a significant ecological area and so wanting

to protect it has already been stated. It mentions deer wintering and all sorts of things other than the title waterfowl... so I'd be interested in what the Conservation Commission thinks.

**Hewlett**

Yes. And the other point is when he purchased the property, he knew that this was existing I hope he knew.

**Chair Cox**

Okay, does that help you?

**Will Gartley**

Yeah, it gives us some direction I'll reach out to IF&W and Ken.

### **Happy Clam and Outback Permit - Mr. Howland and Mr. Reinhardt**

**Chair Cox**

Thank you. Building permit for Mr. Howland and Mr. Reinhardt. Alright, just related to this, Terry has just handed me the letter that was being referred to.

**Reinhardt**

I just got a couple of questions. and you approved the findings of fact.

**Chair Cox**

Yes.

**Howland**

And just want to make sure we're all on the same page, because two things one thing is contradictory. You added no building permit for any of these developments will be issued until all conditions A-F are met and that's written by hand. Right?

**Hewlett**

Yes, that was one of the changes we just made. Right.

**Howland**

Well, whatever it says A through F, and mine says handwritten A-F.

**Chair Cox**

I cannot find my copy right now.

**Hewlett**

But I think you gave it to them. No, Terry gave it back to me.

**Chair Cox**

Anyway, what is the question?

**Reinhardt**

You added that on, but D is contradictory to what you added on, so we want to make sure.

**Chair Cox**

I was aware as we were going through that I realized that in D. Indeed, I think that needs to be clarified that we allowed you the additional time by July 1 2023. The additional fence section, I think my brain was a little slow. So that we need to have, since we've got it there, we need to make the except for that clause, because it says in D, all trees and the portion of the fence on the south and southeast sides of the property must be in place before a building permit can be issued. So that would conversely, that means that a building permit can be issued once the trees and the prescribed portion of fencing are in. Right. That is correct. And we negotiated because you said you just couldn't complete the restaurant fence. And so we need to in our conclusions, acknowledge that D. exception. Yeah, that was an oversight on that.

**Reinhardt**

Just to make sure because some of those directions are confusing when you say South or Southeast.

**Chair Cox**

I'm using the language you guys use.

**Reinhardt**

Because North is here. Okay. So what we agreed on, and I think everybody agreed on was the fence and the trees on this here, that's where you come up with 20 trees because this is 20 trees.

**Chair Cox**

But the fence is going to be on the other side of the trees.

**Reinhardt**

Correct. The trees are going to be on the outside here four foot high.

**Chair Cox**

Okay. And all those trees are to be planted,

**Reinhardt**

Right. But the rest of the fence can wait till next year. Right?

**Chair Cox**

That's correct. Okay.

**Reinhardt**

Language is a little bit confusing because of the direction south and south. And then later on it says East is over on the gaming side.

**Hewlett**

Next time we'll say ABCD

**Reinhardt**

Just want to make sure we are all on the same page.

**Chair Cox**

So you're ready to talk... we're going to look at the parking... anything more you want to tell us about the parking?

**Howland**

I've got a lot to say about that. Report. Issue. Just trying to get some cars off the street. Okay.

**Chair Cox**

Cars need to be kept off the street due to a condition that you have created.

**Howland**

Well, I understand. Okay. All right. So, most recently, I have managed to put everything in my lot or across the street.

**Chair Cox**

Do you want to withdraw your application? You would like to withdraw your application?

**Howland**

Yeah. I'll just seed it and make a field out of it.

**Chair Cox**

Okay, and not park cars there. See, that's the problem. That is the problem. That you've shown an inclination to just do what works for you.

**Howland**

People may. I'm told that I don't need any permit to make a field up there where people park. That's all I'm saying.

**Chair Cox**

No, you cannot let people park... using it that way turns it into a commercial operation. When you're letting people park there for your business.

**Howland**

Okay. Then we'll keep going. That's all.

**Chair Cox**

Okay. All right. And what's going to happen when we deny it?

**Howland**

They will probably end up parking, where they park. We have no control about where they're going to park.

**Chair Cox**

Basically, you could create a situation in which there weren't too many people or to plan parking lots... if there weren't too many people for the number of seats that you are going to be licensed for. Right? You could.

**Howland**

But what's the alternative? I don't know.

**Chair Cox**

The alternative is to not be creating a situation when you are bringing so many people into town.

**Howland**

People come.

**Chair Cox**

And why did they come... because you have advertised and invited and made something attractive to them, which I understand. But you've created the situation and now you're asking to have a parking lot to address that. The problem isn't parking. The problem in my mind is that you've created the numbers of people for this, for the site and you are exceeding the numbers that you are licensed for.

**Hewlett**

You're right. I think what she's trying to say. And I don't want to say any words, but if you run your business as a restaurant, you would be fine with your parking. As soon as you add a special event, there's trouble with parking. Would you agree with that statement?

**Howland**

Well, we have, we've had that before on Friday night to where people are out on the street, or, you know, Saturday night, dinner night. We're busy. And in August, though, we're pleased like back as it was, I mean, people be hanging off the decks and waiting in the streets.

**Hewlett**

And now you're creating more decks to hang off of, quote, unquote, your words, not mine.

**Howland**

Sunday.

**Hewlett**

I'm just saying, as a restaurant, hopefully, you have enough parking. But as soon as you add a special event, there's an issue. And now that we've found out that you're in a 45 mile an hour zone. We didn't know that. It was news to me.

**Chair Cox**

It's a reality. And then I understand that... I mean, there's history. Right? And there are all sorts of complicated issues. I understand that you've started planting the trees and you've started building the fence. I also understand that you have opened up the food truck and extended your



hours. Okay, but you opened up the food truck. A few days after, it was very clear, you weren't to do that until after the trees had been planted.

**Bill Reinhardt**

(Inaudible) That's what Kate said.

**Chair Cox**

Well, if Kate did say that... I bet Kate didn't mean you get your food truck tomorrow? Well, I mean, that's, you heard I mean, we went through this and through this, and so you've been inclined to just ignore what the Planning Board says.

**Howland**

I'm not ignoring it. I just try to do my business.

**Chair Cox**

Well, part of your business involves I mean, these ordinances are done to try to weigh individual rights, property rights and community good. And your business has got to kind of work with the community good. And we were trying to weigh it. Which we said, Okay, it looks like you can handle the additional seats to have 144 seats. Okay. That's developing your business. But beyond that. It's exceeding.

**Hewlett**

Well, and the issue is when you want to do one thing on your property, it does open you up to looking at your entire property.

**Howland**

And I could put a herd of pigs up there just as easy.

**Hewlett**

No, if you want one thing, then we've got to look at the whole parcel. We can't just look at the sliver that you want to make into a parking lot.

**Chair Cox**

And I don't know what to do with what we've got going here with that additional information about what's going on, on the rest of your property. I will say that I believe, and we'll go through the standards, but I believe there's no way that we can approve the parking lot given the pedestrian safety issues.

**Hewlett**

I agree.

**Reinhardt**

The safety issues for an overflow parking lot usually utilizing it for one day a week and because it's a 45 mile an hour zone. I drove back I drove from Port Clyde up here tonight and went by the Grange Hall. There was parking on both sides of the roads. You had one lane through it, that's a 45 mile an hour zone. You know, and of course they don't need a permit for any of that.

**Reinhardt**

That's a 25 mile an hour zone for the sign; the sign happened to be placed before it, but you're saying now...

**Briggs**

I'm not saying; the DOT is saying.

**Reinhardt**

His restaurant goes to 25. At the other end of the restaurant.

**Briggs**

At the end of the restaurant with the service entrance.

**Bill Reinhardt**

But you're the ones not DOT, you are the one saying that he must have a crosswalk in order to be safe for a few people to walk to a parking lot.

**Chair Cox**

I would argue that if the DOT standard is that in a 45 mile an hour zone, there must be a pedestrian crosswalk and traffic signals and lighting and ADA for pedestrians crossing. If the DOT standard ...

**Reinhardt**

I can't walk across the street? No, they're not saying that.

**Chair Cox**

They're saying you can jaywalk.

**Bill Reinhardt**

But people cross. At the Town Hall they cross the street, at the post office they cross the street you're saying they can't cross the street without a crosswalk?

**Chair Cox**

When we have institutionalized a parking lot that is related to a business that we have institutionalized something and you know that if you're successful doing that, you're going to have more events. It's not just going to be Sunday afternoon.

**Howland**

(Inaudible)

**Hewlett**

Friday and Saturday nights.

**Chair Cox**

He needs extra parking on Friday and Saturday nights he said.

**Howland**

Well, there are Friday and Saturday nights. Every year since we've been open.

**Bill Reinhardt**

So they can just park on the streets. Right? Last Fall we came to you to talk about that because there were complaints about a Sunday in September, with people parking on the side of the road. So he came up with the idea...let's address that and get a little parking area so anybody that wants to park on the street can have a little sign that says you park off the street. If you don't want that and it's not your concern I'd say we'll withdraw the application and then we will have to worry about it. Well, the town will have to worry about it I guess if someone wants to park there. You know.

**Howland**

As long as they are inside the line, they're not illegal.

**Bill Reinhardt**

Greg has been there for the last Sunday's (inaudible)

**Chair Cox**

I understand that but...

**Bill Reinhardt**

We were just trying to address your concerns that have been expressed in public. And that's what Greg came up with, to have a little, a small overflow parking lot. If you don't like the size, make it small. But if you're going to throw in a sidewalk and a crosswalk with whites and everything, it's not worth his money to place that.

**Hewlett**

What choice do we have knowing that the DOT that this is a standard for safety standard for the DOT?

**Chair Cox**

I think there would be liability to the town, if anybody got hurt.

**Howland**

They already looked at that and said you could have a commercial or convert it to a commercial.

**Chair Cox**

They said you could do that, but only for a commercial opening but that is not what this is.

**Howland**

They knew it was associated with my business. I know I talked to him.

**Hewlett**

Do you want to bring that person here and explain?

**Howland**

Actually you're the ones that are required are saying I of course we haven't gone into review of saying that he needs a crosswalk. DOT is not saying it's a crosswalk.

**Hewlett**

They are absolutely saying.

**Bill Reinhardt**

They are not saying it; you are saying it.

**Hewlett**

In a 45 zone you need a crosswalk for people to cross the road safely.

**Reinhardt**

No, you do not. People cross the road all the time; they cross in a 60 mile per hour; they cross all through St. George. People are crossing down the church in Port Clyde, at 25 mph...

**Hewlett**

But they're going from a commercial property to a commercial parking lot across the street. Yes you want to take a look at it? Yes. One more time, where is this happening?

**Chair Cox**

You're right. We're not required. However, It's an issue of pedestrian safety.

**Bill Reinhardt**

Okay, well, then you can require it.

**Chair Cox**

Before we understood the speed zone issue, we bandied around could there be a crosswalk? And no, there has to be landings on either side and all of that ADA landings. So it gets complicated.

**Reinhardt**

Typically they want to have a safe landing level and lots of times they like sidewalks.

**Chair Cox**

So it's a problem. So it's pedestrian safety, I believe they cannot meet that without seeing a crosswalk and we can't do a crosswalk. So when we get to that standard, that's going to be a stumbling point. I don't think you can meet that standard. So you will withdraw your parking application? Well, that makes it easy to get out of here before 10.

**Howland**

I would like to comment on something. I've been in this town for 15 years and a few of my neighbors are here. I just want to say I made a list of all the things that I've been called, things that my wife's been called.

**Chair Cox**

Are these expletives?

**Howland**

No.

**Chair Cox**

Okay.

**Howland**

No, but it is defamation of character. Let's see I've been called a liar, a drunk, drug addict, drug dealer, a cheat, dishonest, I've got people overdosing at the Outback. My wife has been called a Nazi. Oh, this is my favorite. I have an illegitimate business. I'll tell you I do not want to hear this. If I was Johnny Depp, I would sue for defamation of character but I'm not. But if I hear any more derogatory, slanderous comments come from anybody over here, I'm putting in a pig farm all the way down the line. That's what I'm doing. And I will do it. I'm good at it. I promise. It is wrong. I'm trying to do it the right way.

**Hewlett**

That's not coming from the Planning Board.

**Howland**

I know that.

**Chair Cox**

I'm trying to be respectful; we disagreed.

**Howland**

That's okay. That's fine.

**Chair Cox**

And, I've been taunted and bullied, and I've had letters as well. so I get it and feelings have been high.

**Howland**

Sure, and I don't want that either.

**Chair Cox**

So I think withdrawing this is fine.

**Howland**

The trees are there along 80% of the fence.

**Chair Cox**

When they're planted Terry will talk about someone who can go and make sure.

**Howland**

And Dale came out also a couple of days ago, he was just there for another matter. I said hey, would you please look at this and he's going to give some pointers and so I did that already.

**Chair Cox**

Are a lot of these trees cedars you are providing

**Howland**

Both but well, cedar and spruce, some pine. I just bought 44 more.

**Chair Cox**

Could I suggest for your long-term longevity of the cedars particularly as they are young, that somebody to help you do a little winter protection from the deer. The spruce will be fine. But the cedars...

**Howland**

Dale said he would help me.

**Chair Cox**

Dale is a good person to help you because he runs a nursery and he knows how to get plants to survive.

**Hewlett**

So just to reiterate, as soon as that portion of the fence is done and the trees are planted, you can go to Terry to get your building permit.

**Howland**

I'll go I'll wake him up at his house. (laughter)

**Hewlett**

But you can go to Terry to get your building permit and that would allow you to open the food truck right away. Sounds like you're getting towards that.

**Terry Brackett**

You need something written?

**Chair Cox**

I do. I need to know or it can be reported that he's looked at it and seen a reporting from you... that you've checked with the fire marshal's office and all the things that the application says. So once all of those A through G with the exception of D. I'll make sure it's clear in there that the fence portion gets fixed. Yes, I think we need to have a written statement because this has been so contentious, saying this has been accepted. I think it can be done.

**Howland**

Do you have Dale's number?

**Chair Cox**

I'll have Dale come talk to you and talk to Terry. Okay, thank you.

**Planning Board Packets**

Mr. Brackett said that mailing the Planning Board meeting packets to members was very expensive and that the town is looking to save on that cost by distributing the packets by e-mail or by requiring members to pick them up at the town office. Some members indicated that they would prefer to pick up paper copies, and others said that e-mail would be satisfactory except for large-scale plans and drawings, which they would pick up. It was suggested that e-mail documents be furnished in both PDF and Word format to permit members to annotate them with notes.

A motion was made to adjourn by Ms. Cogger, seconded by Ms. Brown. The vote was 5 – 0. The motion was carried and the meeting was adjourned.

Respectfully Submitted,

Tammy Taylor  
Recording Secretary  
Town of Saint George