

**City of Ellsworth
Planning Board
Minutes of October 5, 2016**

Vice Chairman Darrell Wilson, Secretary Mike Howie, member Roger Lessard, member Jim Barkhouse, and alternate member Barbara Hegenbart attended the regular meeting of the Ellsworth Planning Board. Vice Chairman Darrell Wilson presided over the meeting in place of Chairman John Fink (absent).

City Planner Michele Gagnon, Assistant to the City Planner Janna Newman, Fire Inspector Mike Hangge, and Code Enforcement Officer Dwight Tilton also attended.

Vice Chairman Darrell Wilson called the meeting to order at 7:00 PM.

Call to Order [7:00 PM]

1. **Adoption of Minutes** from the September 7, 2016 meeting.

Mike Howie moved to adopt the minutes as written. Jim Barkhouse seconded the motion and, with no discussion, the motion passed, with four voting in favor of the motion and Barbara Hegenbart abstaining.

**Adoption of minutes:
APPROVED.**

2. **Sketch Plan for a Major Subdivision titled Cedar View Estates** for Cedar View Properties, LLC. The proposal is to create 11 lots located on a 67.2-acre property on Main Street, near the Hancock town line, (Tax Map/Lot: 28/12-5) in the Rural and Shoreland zones.

- a. PUBLIC HEARING AND GENERAL DISCUSSION.

The Planning Board did not consider the application for Cedar View Estates as the applicant, nor the applicant's representative, were present at the meeting.

3. **Preliminary Plan for a Major Subdivision titled Upper Lakewood** for Craig T. Fellis. The proposal is to create 7 lots located on a 22.3-acre property on the Mariaville Road (Tax Map/Lot: 117/20) in the Rural and Shoreland zones.

- a. PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.

Andrew McCullough represented the applicant. He explained to the Board that his client, Craig Fellis, purchased 35.5-acres of land, of which he sold 13.3 acres to Anne Rosborough (shown as Lot 7 on the proposed site plan). Mr. Fellis retained the remaining land (22.3-acres) and is proposing for this land to be subdivided into 6 lots (shown as Lots 1 through 6 on the proposed site plan) for residential purposes. Mr. McCullough noted that each of the lots has 200 feet or greater of shore frontage and that wetlands and sites for suitable subsurface wastewater disposal have been identified. He also mentioned that individual driveways for each lot have been proposed, and

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that an entrance permit application for each driveway has been submitted to the Maine Department of Transportation, a copy of which has been provided in the application before the Board.

Mr. McCullough, referring to the Technical Review Team report, indicated that driveway stream crossings would be completed with either a culvert or a small bridge, both able to sustain the live load of a fire suppression apparatus and construction vehicles. He stated that the flood zone of the abutting lake, Graham Lake, is at an elevation of 106 feet, which is shown on the proposed site plan, and that all buildings sites are set back 100 feet from the flood zone.

Mr. McCullough explained that he has provided stormwater calculations for phosphorus export through calculating the length of all driveways, the total square footage of all houses (using the approximate size of 2,400 SF), the total square footage of all outbuildings (using the approximate size of 900 SF), and the total square footage of all turning areas. Using this calculation, Mr. McCullough determined that the shoreland zoning buffers are adequate to provide treatment to the stormwater runoff in order to maintain the phosphorus exports within the allowable DEP limits for phosphorus loading into Graham Lake.

Mr. McCullough noted that he has sent a letter requesting information on the subject property from the State Department of Inland Fisheries and Wildlife and that utilizing the maps from the State's Natural Areas Program (bat habitat is not shown on these maps), no significant wildlife habitat are identified on the subject property.

Mike Howie pointed out that the location map refers to Beech Hill Pond, but not Graham Lake, and that a label should be added to identify Graham Lake. He also remarked that he finds it unlikely that bat habitat would be found on the subject property.

Darrell Wilson inquired if the test sites for the subsurface waste disposal can be located in the shoreland zone and Mr. McCullough responded that the sites have to be 100 feet from the shore. Mr. Wilson also inquired if retaining the shoreland buffers should be written in the deed or covenants to ensure they are undisturbed in the future. Mr. McCullough replied that the buffers are regulated by shoreland zoning. City Planner Michele Gagnon added that it would be prudent for language in regard to preserving the buffers to be added to the plan and to follow into the deed in order to remind future owners of the intent of the buffers for stormwater treatment. Mr. McCullough stated that the lots (1 through 6) are not allowed to be further subdivided.

Mike Howie pointed out on the proposed site plan an existing drilled well and Mr. McCullough explained that the well, which is just off the subdivision

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property line on the abutting property, was depicted on the plan to show that one of the test sites for disposal is 100 feet from the well.

Vice Chairman Darrell Wilson opened the Public Hearing at 7:24 PM.

Mr. Timothy Chandler, an abutting landowner, came forward to clarify the number of lots being proposed for the subdivision. It was determined that the subdivision is of 7 lots on a total of 35.5 acres. Mr. Chandler called attention to the stream depicted on Lot 1, stating that it can be full during the spring and can have significant runoff. He would like to ensure that the developer will not divert the stream during the development process. Mr. McCullough responded that there will be no diversion of the streams and that the crossings will be designed to handle peak storm flows.

Vice Chairman Wilson closed the Public Hearing at 7:30 PM.

Roger Lessard moved in regard to the Preliminary Plan for a Major Subdivision titled Upper Lakewood for Craig T. Fellis, the proposal to create 7 lots located on a 35.5 acre property on the Mariaville Road (Tax Map/Lot: 117/20) in the Rural and Shoreland zones, that the Board vote for the determination of completeness of the project, with the exception of the letter from IF&W, which will be provided in the Final Plan application, and that the buffers will be specified on the plan through a note and will be followed onto the deed.

Mike Howie seconded the motion and, with no further discussion, the motion passed unanimously.

City Planner Michele Gagnon added that the acreage of the subdivision listed in the application will need to be revised for the Final Plan submittal.

- 4. Final Plan for a Minor Subdivision titled Jesses Beach Subdivision for Norm Cote. The proposal is to create 3 lots located on a 111 acre property off of Route 180, on Garland Road (Tax Map/Lot: 107/17 and 107/17-9) in the Rural and Shoreland zones.**

- a. PUBLIC HEARING, DELIBERATIONS, FINDINGS OF FACT, AND CONCLUSIONS.**

Stephen Salsbury represented the applicant. He noted that there had been no substantial changes since the September 2016 Planning Board meeting. It was determined that two of the waivers listed in the original application had not yet been considered by the Board. In addition, one of the waivers for the inclusion of a letter from IF&W was removed from the application as the applicant received a letter from the department.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Preliminary Plan for a
Major Subdivision
titled Upper
Lakewood:
COMPLETE WITH
EXCEPTIONS.**

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Vice Chairman Wilson opened the Public Hearing at 7:40 PM. With no one coming forward, the Public Hearing was immediately closed.

Roger Lessard moved to approve the Final Plan for a Minor Subdivision titled Jesses Beach Subdivision for Norm Cote, the proposal is to create 3 lots located on a 111 acre property off of Route 180, on Garland Road (Tax Map/Lot: 107/17 and 107/17-9) in the Rural and Shoreland zones, and to include waivers, under Section 602.9.B, for soil test pits, mapping wetland areas, street design plans, and a letter from Maine Historic Preservation Commission.

Jim Barkhouse seconded the motion and, with no further discussion, the motion passed, with four voting in favor of the motion and Barbara Hegenbart abstaining.

- 5. Final Plan for a Major Use Site Development Plan & Major Subdivision titled Franklin Court for Downeast Maine Property Management. The proposal is to construct 3 duplex buildings (6 total units) on a 9,884 SF property at 90 Franklin Street (Tax Map/Lot: 134/80) in the Downtown Zone.**

Stephen Salsbury of Herrick & Salsbury Inc. Land Surveyors and Rene Courtemanche of Hedefine Engineering represented the applicant. Mr. Courtemanche explained that a few minor changes had been made to the site plan since the September 7, 2016, meeting, including showing ingress and egress of the buildings, the inclusion of curb stops in some of the parking spaces, and the addition of sheet C-1A that shows the existing and proposed flow paths for stormwater runoff, as were requested at the Technical Review Team meeting.

Mr. Salsbury noted that the applicant is requesting a waiver for the parking aisle width (the standard is 24 feet and the applicant is proposing 22 feet). It was clarified with Vice Chairman Wilson that the curb stops ensure that some of the parking spaces are conforming to the standard, but that the aisle width still requires a waiver. It was also clarified that the waiver was granted at the previous month's meeting, but that it was not substantiated.

Vice Chairman Wilson opened the Public Hearing at 7:46 PM. With no one coming forward, he immediately closed the Public Hearing.

Roger Lessard moved to make a final approval of the Final Plan for a Major Use Site Development Plan & Major Subdivision, titled Franklin Court for Downeast Maine Property Management, the proposal is to construct 3 duplex buildings (6 total units) on a 9,884 SF property at 90 Franklin Street (Tax Map/Lot: 134/80) in the Downtown Zone, and to approve the requested waiver for the width of the access aisles (Article 11, Section 1104) under Section 602.9.B, and that this approval covers

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Final Plan for a Minor Subdivision titled Jesses Beach Subdivision:
APPROVED.**

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**Final Plan for a Major Use Site Development Plan & Major Subdivision titled Franklin Court:
APPROVED.**

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both the review for Major Use Site Development and Major Subdivision under the ordinances.

Barbara Hegenbart seconded the motion and, with no further discussion, the motion passed unanimously.

- 6. Request of the City Planner for Recommendation to the City Council of a proposed amendment to the City of Ellsworth Official Land Use Map. The proposal, brought forth by DMJ, is to consider the rezoning of land from the Urban Zoning District to Business Park District for the purpose of developing a Commercial Composting facility.** The rezoning includes 2-acres of Tax Map/Lot: 50/75, accessed off the Industrial Road, and approximately 8.1-acres of Tax Map/Lot: 59/14-1-2, off the Mariaville Road (Route 180).
- a. DISCUSSION OF PROPOSED AMENDMENT.
 - b. PUBLIC HEARING
 - c. RECOMMENDATION TO CITY COUNCIL.

City Planner Michele Gagnon, referring to a map showing the City's Business Park and adjacent properties, provided a background and an overview of the proposed amendment. Ms. Gagnon reminded the Board that at tonight's meeting they would be making a recommendation, either favorably or not favorably, to the City Council in regarding to stretching the Business Park Zone to include more land.

Vice Chairman Wilson confirmed that the owners of the subject lots would have to come back before the Board in order to determine if the proposed composting facility is an allowed use in the zone and ultimately for final approval.

Vice Chairman Wilson opened the Public Hearing at 8:01 PM. With no one coming forward, he immediately closed the Public Hearing.

Mike Howie expressed his concern of rezoning a parcel of property for the needs of a landowner. Vice Chairman Wilson added that the rezoning would expand an existing zone and would not create an island of an incompatible zone within a larger zone.

Roger Lessard moved to make a recommendation to the City Council, for a proposal brought forth by DMJ, to consider the rezoning of land from the Urban Zoning District to Business Park District, the rezoning includes 2-acres of Tax Map/Lot 50/75, accessed off the Industrial Road, and approximately 8.1-acres of Tax Map/Lot: 59/14-1-2, off the Mariaville Road (Route 180).

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**RECOMMENDATION
TO CITY COUNCIL:
FAVORABLE.**

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Mike Howie seconded the motion. City Planner Michele Gagnon asked that the motion include the map she referred to during her presentation to the Board. Vice Chairman Wilson clarified that the Board is making a favorable recommendation to the City Council. With no further discussion, the motion passed unanimously.

7. Signing of Mylars & Adjournment

There were no mylars to be signed at this meeting.

Jim Barkhouse moved to adjourn the meeting. Roger Lessard seconded the motion and with no discussion, the motion passed unanimously.

**Meeting Adjourned
[8:15 PM].**

Minutes prepared by: Janna Newman, Assistant to the City Planner.

Minutes approved by:

Date **Mike Howie, Ellsworth Planning Board Secretary**

NOTE: For agendas and minutes, see: ellsworthmaine.gov