

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

Chairman John Fink, Vice Chairman Darrell Wilson, Secretary Don Martin, member Mike Howie, member Roger Lessard, and alternate members James Barkhouse and Barbara Hegenbart attended the regular meeting of the Ellsworth Planning Board.

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

Chairman Fink called the meeting to order at 7:00 PM.

Call to Order [7:00 PM]

1. Adoption of Minutes from the January 6, 2016 meeting.

Darrell Wilson moved to adopt the minutes as written. Roger Lessard seconded. After no discussion, the motion passed unanimously.

**Adoption of minutes:
APPROVED.**

2. Preliminary Plan for a Major Use Site Development Plan & Major Subdivision entitled Stone Park Properties for Stone Park Properties. The proposal is to construct a 9-unit apartment building on an 8.9 acre property at 431 Bangor Road (Tax Map/Lot: 58/19-3) in the Urban Zone.

a. PUBLIC HEARING & DETERMINATION OF COMPLETENESS.

Andrew McCullough of Andrew McCullough Engineering represented the applicant, John Bates, who was also present at the meeting. Mr. McCullough explained that almost two years ago [March 2014], the applicant had been approved by the Planning Board to develop a storage building at the subject site. At that time, the applicant had submitted a stormwater management and erosion control plan. The storage building was never built, aside from preliminary site work, and the applicant has now chosen to develop a 9-unit apartment building instead.

Mr. McCullough further detailed that while the building footprint of the proposed apartment building is smaller than the proposed storage building, the layout, grading plan, stormwater plan, and entrance are similar to what was previously submitted to the Board for the storage building project. New documents that have been prepared and submitted to the Board in regard to the proposed apartment building include: a lighting plan, a Maine DOT entrance permit for a residential use, a septic design plan, and details on a proposed water supply, solid waste disposal, and liquid propane gas tanks. Mr. McCullough explained that they are proposing two wells be drilled for two primary reasons: (1) to provide adequate capacity for fire suppression and for domestic water, and (2) to avoid the potential of being considered a public water supply.

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

Chairman Fink asked Mr. McCullough to explain the difference between a public and private water supply. Mr. McCullough stated that a public water supply classification, which requires continual testing and increased setbacks from septic systems, is triggered when a certain amount of people are users of the water supply. Darrell Wilson inquired to the location on the site of the proposed wells. Mr. McCullough informed the Board that the wells are proposed to be dug on the north side of the building while the septic tanks would be on the south side of the building to ensure a 200 + foot separation between them. Mr. Wilson remarked that the distance between the pump station and the leach field seemed long and asked if there was a certain grade necessary to enable the system. Mr. McCullough responded that no grade was necessary because it is a pressurized system and that the reason for the distance, which Mr. McCullough remarked is manageable, is to ensure the leach field will be in a location with suitable soils. Mr. Wilson asked if a generator would be installed and Mr. McCullough responded that he would discuss it further with the applicant. Mr. Wilson confirmed with Fire Inspector Mike Hangge that the proposed sprinkler system does not require a generator backup.

Mr. McCullough explained that the applicant had requested a lighting waiver, but that he wished to add more details and clarify the request in his next submission to the Planning Board. Darrell Wilson requested that the applicant modify the table on the Lighting Plan to minimize confusion. Jim Barkhouse asked Mr. McCullough for the dimensions of the proposed building and Mr. Wilson directed Mr. Barkhouse to the Lighting Plan and Site Plan, both of which show the dimensions. Mike Howie confirmed that the entrance Right of Way had not changed from the previous application for the storage building. City Planner Michele Gagnon reminded the applicant to provide a cross-section and profile of the road, as well as a note on the plan that ensures the 30-foot paved section at the entrance to the road will remain paved.

Chairman Fink opened the Public Hearing at 7:20PM. No one came forward and Chairman Fink closed the Public Hearing at 7:21PM.

Darrell Wilson inquired if an advertising sign has been proposed and Mr. McCullough responded that no advertising signage has been proposed. The Board confirmed that they would wait until the next meeting to review the lighting waiver.

Prior to making a motion, Darrell Wilson inquired if the application was to be reviewed as a Major Subdivision. Michele Gagnon explained that the Planning Board is able to review the application as a Major Site

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

Development Plan.

Darrell Wilson moved in regard to the Preliminary Plan for a Major Use Site Development Plan & Major Subdivision entitled Stone Park Properties, Agenda Item Number 2, the proposal to construct a 9-unit apartment building on an 8.9-acre property at 431 Bangor Road, that it is an allowed use in this zone, and that the application is complete in terms of submission materials, with the understanding that a road cross-section and profile will be added and that a note will appear on the plan indicating that the 30-foot entrance to the road will remain paved, per Articles 6, 8, 9, Street Design, Stormwater Management, Construction, and Subdivision, the application is complete.

Mike Howie seconded and the motion passed unanimously.

- 3. Final Plan for a Major Use Site Development Plan entitled RH Foster On the Run for RH Foster Energy, LLC. The proposal is to redevelop the existing *On the Run* convenience store and 8 gas pumps on a 0.7 acre property at the corner of High and Elm streets (51 High Street; Tax Map/Lot: 135/125) in the Downtown Zone.**

- a. PUBLIC HEARING, DELIBERATIONS, FINDINGS OF FACTS, AND CONCLUSIONS.

Andrew Hamilton, from Eaton & Peabody, Jeff Jeter, from RH Foster, and Sean Theis, from CES, Inc. represented the applicant.

Sean Theis, project engineer from CES, Inc., provided an overview of the proposed redevelopment project. He indicated that the car wash and outdoor restroom facility had already been removed from the site. Email correspondence with the City's Water and Sewer departments, as well as existing and proposed water and sewer flow rates, have been included in the Final Plan application. Mr. Theis referred to the Drainage Plan, indicating that there is a drainage divide approximately half way between the site, with the front half of the property draining toward High Street, and the back half draining into a catchbasin that is connected to the City's stormwater system on Elm Street. Three new catchbasins are proposed for the back half of the property, which will continue to flow into the City's Elm Street drainage system, while the front half will drain into two existing catchbasins on High Street. Mr. Theis explained that all five catchbasins will be retrofitted to treat the quality of the stormwater runoff. He also noted that a pre- and post-runoff calculation was not required because the amount of impervious surface on the site was going to be reduced. Mr. Theis described the changes made to the Lighting Plan, noting they adjusted the lighting

Preliminary Plan for a Major Use Site Development & Major Subdivision entitled Stone Park Properties:

COMPLETE WITH CONDITIONS.

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

under the canopy so that it is in compliance with the Ordinance and, that while they are not meeting the minimum standard in one area of the site due to eliminating lighting that was bothersome to abutting properties, they did add two bollard lights in order to reduce safety concerns in the parking area per the suggestion of the Board during the previous meeting. Mr. Theis mentioned there would be no changes to the entrances accessing the site, except for modifications that were recommended by City staff and the State DOT to the Elm Street entrance.

Chairman Fink asked the applicant to provide an update on the cemetery issue that was discussed at length during the previous meeting. Andrew Hamilton reminded the Board of the motion that was adopted at the previous meeting. He also noted that a site walk was taken with Mr. Marc Blanchette after the previous meeting to rectify his childhood recollection of where the graves were located in comparison to the RH Foster property line and the area where ground penetrating radar was conducted.

There was some discussion on waiver requests and clarification was provided to the Board on which waivers were granted to the applicant during the previous meeting.

Chairman Fink opened the Public Hearing at 7:41PM.

Mr. Vinal Tainter, an abutter on High Street, came forward to ask if a retaining wall would be built between the RH Foster property and his property. He expressed his concern over sand encroaching onto his property from the RH Foster property. Sean Theis replied that there are no plans to build a retaining wall, but that curbing will be installed that should prevent runoff that holds sand from leaving the RH Foster property. After Mr. Tainter expressed further concern regarding this matter, it was decided that the applicant would follow up with Mr. Tainter outside the realm of the Planning Board Public Hearing.

Mrs. Sunshine Barrett of 33 Elm Street came forward to express her concern on noise pollution and traffic. She noted that there is an existing issue with traffic and speed down Elm Street and that she believes the proposed modifications to the Elm Street entrance to the RH Foster property would further increase traffic flows down Elm Street.

Ms. Carrol Lange of 31 Elm Street came forward to also express concern over traffic safety on Elm Street. She asked the Board to consider the modifications that are being proposed for the Elm Street entrance to the RH Foster property.

**Public Hearing:
OPENED.**

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

Mr. Ed Prall of Elm Street came forward to also express concern on the proposed Elm Street entrance modifications. He also inquired with the Board on the setback requirements in the Downtown Zone and questioned how far back from the property line the proposed building is slated to be built. Sean Theis explained that there are zero setbacks in the Downtown Zone and that the closest point of the building to the back property line is approximately four feet. Mr. Prall remarked that the back property line seemed steep in grade and it was noted that there is a retaining wall in that area.

Mr. Marc Blanchette of 74 Birch Avenue came forward. He began by disclosing that he is a City Councilor but that he would be speaking as an Ellsworth resident. Mr. Blanchette asked if there would be an anthropologist or professional who is knowledgeable in grave excavation on site during construction, particularly during the excavation of the underground storage tanks. Andrew Hamilton stated that he believed the condition that was included in the motion that was made by the Board during the previous meeting covered Mr. Blanchette's request to the Board. Mr. Blanchette expressed further concern that a professional be on site because he was told that the remains of civil war veterans may be buried in the church cemetery. Mike Howie asked Code Enforcement Officer Dwight Tilton if it was within his purview to be on site during excavation of the RH Foster property and Mr. Tilton responded that he would be willing to be on site at the request of RH Foster.

Mr. Brad Manette of 35 Elm Street came forward and referred to Mr. Prall's testimony regarding the retaining wall abutting the back property line of the RH Foster lot. He remarked that he and his wife built the wall and he was uncertain if the wall would support the proposed building on the RH Foster lot. Sean Theis stated that a geotechnical study on the soils and the slope in the area where the building is proposed to be built would be conducted in order to determine the foundation design of the building. Darrell Wilson confirmed with the applicant that the study and design would take into consideration the adjacent property in addition to the RH Foster property.

Ms. Kim Gourley of 35 Elm Street came forward to voice her concern on the modifications to the Elm Street entrance to the RH Foster property and an increase of traffic on to Elm Street. She suggested seasonal speed bumps on Elm Street to deter and slow traffic, or to allow traffic to exit out toward High Street from the Elm Street entrance.

Chairman Fink closed the Public Hearing at 8:15PM.

**Public Hearing:
CLOSED.**

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

Andrew Hamilton summarized and addressed the comments heard during the public hearing on lighting, pollution, noise, and traffic. Michele Gagnon pointed out that there are two existing full access entrances on High Street that will remain in the proposed design. She also noted that the City is in the process of organizing a neighborhood meeting for Elm Street to discuss their safety concerns. Chairman Fink asked the level to which the Elm Street entrance to the RH Foster property was necessary. Sean Theis replied that it provides an alternative option to High Street for those using the site. Mike Howie remarked that it is an issue that would be best addressed by the City.

The Board discussed the lighting waiver.

Darrell Wilson made a motion that for the purposes of the lighting standard, that the applicant has substantially met the standard in many ways, that they have taken efforts to incorporate all of the Board's suggestions into the plans, that to increase the lighting in order to meet the standard would go against the request of the abutters, that the area that does not meet the standard is a small area of the development, that the surrounding areas do meet the requirement, that it does not have a substantial effect on the health, safety, and welfare of people moving through the parking lot in that one particular area, and that for those reasons it be recorded on the plan that the applicant has been given a waiver for that section that does not meet the lighting standard.

Roger Lessard seconded and the motion passed unanimously.

Darrell Wilson moved in regard to the Final Plan for a Major Use Site Development Plan entitled RH Foster On the Run for RH Foster Energy, LLC, the proposal to redevelop the existing *On the Run* convenience store and 8 gas pumps on a 0.7 acre property at the corner of High and Elm streets in the Downtown Zone, Agenda Item Number 3, that the Board approves the application on the condition that the stability of the adjacent property and the foundation design is appropriately evaluated so as to not be a hazard, and in regard to the chapel lot and the graves, that the prior motion stands in that the Board iterates that there is a condition that excavation conducted outside the chapel lot that exposes any remains or evidence of a cemetery or remains will be appropriately dealt with in the proper manner that the applicant has already demonstrated and in accordance with the deed, and that the applicant include the City in this process to the greatest degree possible and to the best of the City's ability, and that the Board approve this application.

Final Plan for a Major Use Site Development entitled RH Foster On the Run:

APPROVED WITH CONDITIONS.

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

Roger Lessard seconded and the motion passed unanimously.

Chairman Fink called a recess at 8:33PM. The meeting was called back to order at 8:42PM.

- 4. Preliminary Plan for a Major Use Site Development Plan entitled Forrest Avenue Extension** for the City of Ellsworth. The proposal is to create a new four-way intersection that will serve as the new main entrance to the Ellsworth High School and provide new access to the adjacent EBS building supplies store on approximately 7 acres at the intersection of Forrest Avenue and State Street (Tax Map/Lot: 141/36 & 34/5) in the Urban Zone.

a. PUBLIC HEARING & DETERMINATION OF COMPLETENESS.

Alina Watt of Hedefine Engineering represented the applicant. Ms. Watt provided a summary of the project. She noted that the existing High School entrance will be discontinued and that the signal would be moved to the new intersection at Forrest Avenue and State Street. The existing entrance road will be narrowed to discourage vehicle access, but will still allow for emergency vehicle access. This access will be controlled using a sliding gate at the railroad crossing. Ms. Watt also explained that the proposed extension project would be done in coordination with the Maine DOT's reconstruction of State Street and that the DOT would be in charge of the signal and crosswalks at the intersection, and that the DOT has also proposed constructing sidewalks along State Street that would connect with sidewalks on the Forrest Avenue extension. Don Martin asked if the new intersection would improve access to the middle school and Ms. Watt responded that traffic flow and safety considerations for access to schools in the area were analyzed.

Michele Gagnon added that the plan calls for sidewalks alongside the proposed road and for a four foot paved shoulder in both travel lanes that will allow for both pedestrian and bicycle access to the High School.

Mike Howie referred to the new proposed entrance to the EBS building supplies store and inquired if it would be used for deliveries and tractor trailers. Ms. Gagnon provided clarification that the EBS access is an exit only and that it would be gated. Bob Jancewicz of EBS explained that the exit would be used during business hours for delivery trucks. The gate would be closed at approximately 6:30PM. Mr. Jancewicz clarified that EBS intends to close the entrance on the north side of their property where their garage is located. Mr. Jancewicz also wished to go on the record stating that there is a large amount of stormwater that

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

flows east to west on the edge of the EBS property (in between the curb and the travel way) and that he would like the DOT to make sure adequate sized catchbasins are provided to solve the pooling problem.

Darrell Wilson asked if the road extension was facilitated by the purchase of the property that is adjacent to EBS. Alina Watt responded that there was a transfer of property from EBS to the City (with a release deed signed on January 18, 2016) and that the City retains ownership of the subject parcels. Mr. Wilson also clarified that people will be able to use the existing entrance to the school to access the parking lot near the baseball field, but that they will not be able to access the main entrance because of a partially closed gate. It was also clarified that the rail crossing at the proposed entrance would be signalized, while the rail crossing at the existing entrance would only be for pedestrians with no signal.

Chairman Fink opened the Public Hearing at 8:58PM. No one came forward and the Public Hearing was immediately closed.

Ms. Watt asked if the plan was found to be complete, if the application could also be considered for final approval at this meeting. Chairman Fink responded that this was not possible as the public was only notified of the preliminary plan hearing.

Barbara Hegenbart brought forth a concern of the City's Garden Club for the lilac bushes that are located on one of the subject parcels and asked if the City would be willing to relocate them. Michele Gagnon responded that she would work with the City Manager to make an effort for the bushes to be relocated.

Darrell Wilson asked if a proposed lighting plan was submitted for the road. Ms. Watt responded that given that it is a public road, it is exempt from the lighting ordinance, but that the site lights meet the standard for sidewalks. Mike Howie asked if it is the intent of the City to finish the project during this calendar year and Ms. Watt responded affirmatively, and also noted that the project is proposed to be constructed in coordination with the DOT project. Mr. Wilson asked if the High School sign was in conformance with the ordinance and it was clarified that there was no plan to re-locate the sign at this time.

City Manager David Cole came forward to provide an overview of the project. He added details on the width of the road, noting it would be built to City standards with 11-foot travel ways and 4-foot shoulders. In terms of timing of the project, Mr. Cole stated that the City hopes the project will be tandem with the DOT, who has a tentative bid date of

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

**City of Ellsworth
Planning Board
Minutes of February 3, 2016**

Use Site Development Plan entitled Forrest Avenue Extension, the proposal to create a new four-way intersection that will serve as the new main entrance to the Ellsworth High School and provide access to the adjacent EBS building supplies store on approximately 7 acres, Agenda Item Number 4, the Planning Board finds that this is an allowed use in this zone and the application is complete in terms of submission materials per Article 6, 8, 9, 10, and 11.

Chairman Fink seconded and the motion passed unanimously.

5. Adjournment

Mike Howie made a motion to adjourn the meeting, Don Martin seconded the motion, and it passed unanimously. The meeting was adjourned at 9:12PM.

**Preliminary Plan for a
Major Use Site
Development entitled
Forrest Avenue
Extension:**

COMPLETE.

**Meeting Adjourned
[9:12 PM]**

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

Minutes approved by:

3/2/16 
Date **Michael B. Howie, Ellsworth Planning Board Secretary**

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