

**City of Ellsworth
Planning Board
Minutes of March 2, 2016**

Chairman John Fink, Vice Chairman Darrell Wilson, member Mike Howie, member Roger Lessard, and alternate member Barbara Hegenbart attended the regular meeting of the Ellsworth Planning Board. Barbara Hegenbart voted in place of Don Martin.

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.

Given that Don Martin has moved away from Ellsworth and is therefore no longer able to be a Planning Board member (his formal resignation will be considered at an upcoming City Council meeting), **Darrell Wilson moved that the Board nominate and elect a new secretary in order to adopt the minutes from the previous meeting. Mr. Wilson nominated Mike Howie as secretary and, hearing no other nominations, the Board voted all in favor to elect Mike Howie as Secretary of the Planning Board.**

1. Adoption of Minutes from the February 3, 2016 meeting.

Darrell Wilson moved to adopt the minutes as written with the revision to change the secretary's name in the signature block. With no discussion, the motion passed unanimously.

Call to Order [7:00 PM]

Election of Secretary for remainder of the year:

Mike Howie.

Adoption of minutes:

APPROVED WITH REVISION.

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2. **Final 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, DELIBERATIONS, FINDINGS OF FACTS, AND CONCLUSIONS.

Andrew McCullough of Andrew McCullough Engineering represented the applicant, John Bates, who was also present at the meeting. Mr. McCullough informed the Board that since the previous meeting, during which the Preliminary Plan application was deemed complete, he had submitted materials that were requested by the Board and the TRT. These materials include: a plan showing detail of the landscaping buffer, clarification on the request for a lighting waiver, and a revised letter from the Fire Inspector.

Darrell Wilson inquired about the request for a lighting waiver. Mr. McCullough explained that the greatest variation between the proposed plan and the lighting ordinance is at the active building entrance. He stated that his main reason for requesting a lighting waiver is to not take away from the residential character of the area. Mr. McCullough noted that in the proposed parking area, his lighting plan meets the minimum requirements and the maximum requirements, but that it does not meet the average maximum. He remarked that it is difficult to meet all three standards at the same time. In regard to lighting variation [going from dark to light or light to dark thus making it difficult for eyes to adjust and impairing vision], Mr. McCullough noted that there was little variation at the front walk and in the parking area and that he does not believe the proposed lighting plan poses a safety hazard. He mentioned that the lighting plan includes lighting along the back of the proposed building to provide for a secondary lighted egress from the building.

A lengthy discussion ensued between Mr. McCullough, the Board, and City staff on the merits of the City's lighting ordinance standards versus the Dark Sky Society standards, which the applicant's proposed lighting plan meets at the active building entrance (2-foot candles). During this discussion, it was divulged that Mr. McCullough could add an extra light fixture to each doorway in order to meet the City's active building entrance requirement, but that his position remains that his proposed lighting plan showing a 2-foot light candle at the active entrance is sufficient. It was also made known that the Board would like to become more knowledgeable about lighting standards through literature and data research as well as site visits to measure lighting. Chairman Fink remarked that there is tension between lighting standards designed for

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safety and lighting standards designed to protect the environment, with the City's standards leaning toward safety and the Dark Sky Society's standards skewing toward protecting the environment, and that a balance between this tension would need to be investigated further when reviewing the City's lighting ordinance.

Darrell Wilson commented that he struggled with granting a waiver on a proposed lighting plan that does not meet the minimum because he cannot be certain that it would not pose a safety hazard. Chairman Fink echoed this sentiment and added that if the applicant can meet the City's standard that there was no justification for a waiver to be granted. Mike Howie stated that he was inclined to grant the waiver because the Board cannot resolve if the City's minimum standards are adequate and that he has concern for light pollution affecting nearby neighbors.

Darrell Wilson asked Mr. McCullough to once again compare the applicant's proposed lighting plan with the City's lighting standards. Mr. McCullough explained that he is currently not meeting the minimum standard at the active building entrance, but that he could add lighting fixtures to meet this standard. He would still not; however, meet the average maximum standard.

Chairman Fink opened the Public Hearing at 7:52 PM. With no one coming forward, he immediately closed the Public Hearing.

Darrell Wilson moved in regard to the applicant's request for a waiver to the lighting standards, that the Board accepts the applicant's inclusion of additional fixtures to meet the minimum requirement at the active building entrance, that the Board allows the applicant to not meet the average maximum, as requested, and that the Board's reasoning, under Section 602.9 of the ordinance, is that the modification will not adversely affect the abutting landowners or the general health, safety, and welfare of the City, and that waiving this particular standard does not nullify the intent or the purpose of this ordinance, with the conditions that (1) a complete copy of the Dark Sky Society model ordinance is provided by the applicant to the City and Planning Board members to review; (2) that when the installation is complete, that the Board is allowed to have access to the site to take lighting measurements, not for the purpose of revising the applicant's plan, but solely for educational purposes only; and (3) that the City add this particular project to the list of projects that the Board has granted lighting waivers for in order to continue to build the record of why and when the waiver was granted, and that the Board grants this waiver.

**Public Hearing:
OPENED.**

**Public Hearing:
CLOSED.**

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Barbara Hegenbart seconded the motion. There was no discussion and the motion passed unanimously.

Darrell Wilson moved that a request be made to City staff to alter the lighting standards section of the City's ordinance to make a requirement that on the lighting plan, the applicant depict areas of non-conformance so that the Board is able to find them and evaluate them.

Barbara Hegenbart seconded the motion. There was no discussion and the motion passed unanimously.

Roger Lessard inquired if the naming of the proposed road had been properly dealt with and Mr. McCullough responded that it had. Mike Howie asked if the Maine DOT entrance permit had been updated from the previous proposal to develop storage units to the current proposal to develop apartments, and Mr. McCullough responded that the permit had been updated and is included in the submittal application.

Darrell Wilson moved in regard to Agenda Item Number 2, the Final Plan for a Major Use Site Development and Major Subdivision entitled Stone Park Properties, the Planning Board finds that this meets Section 607 Standards and Criteria, Article 7, Article 8, Article 9, Article 10, and Article 11, with the note of the waiver that has already been granted, due to the circumstances of this project, the conditions and waivers will be shown on the final plan, and that the Board approves the project.

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

Mike Howie seconded the motion. There was no discussion and the motion passed unanimously.

APPROVED.

Chairman Fink called a 5-minute recess at 8:01PM.

The meeting was called back to order at 8:05PM.

- 3. Final 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, DELIBERATIONS, FINDINGS OF FACTS, AND CONCLUSIONS.

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Alina Watt of Hedefine Engineering represented the applicant. Ms. Watt noted that she is working with the City on the Forrest Avenue extension project, which includes the development of a new entrance to the High School and modifications to the existing High School entrance. 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 signalized railroad crossing.

Chairman Fink asked the applicant to explain the rationale behind the newly proposed EBS entrance/exit. David Cole, City Manager, provided insight, stating that the newly proposed entrance/exit would provide EBS with access, primarily for their delivery trucks, to the newly proposed entrance road. He added that it would improve traffic flow and safety in the area. He also mentioned that EBS provided an easement to accommodate the alignment of the proposed road extension. Darrell Wilson confirmed that EBS would also be closing one of their existing curb cuts on State Street. It was concluded that this proposed entrance/exit would be an improvement both for EBS and for the residents of Ellsworth

Darrell Wilson asked the applicant to further describe the proposed modifications to the existing high school entrance. Ms. Watt explained that the proposal is to allow for vehicles to access the parking lot near the athletic fields, but that access from the parking lot to the high school would be narrowed to 11-feet in order to restrict this portion of the road to pedestrians only. Mr. Wilson asked what would be done to deter vehicles from driving on this narrowed portion of road. Ms. Watt noted that a curb cut and warning pavers would be installed and that there had been discussion about installing a removable bollard at that location. Mr. Wilson recommended that signage be installed at the entrance to the existing high school to warn vehicles that this entrance is limited to accessing the athletic fields only. Mr. Cole responded that a signage plan has not been proposed yet, but that the City will work on developing a plan to direct people to the new high school entrance.

Barbara Hegenbart asked Ms. Watt to explain the proposed changes to the railroad. Ms. Watt noted that a new signalized railroad crossing, designed by the DOT, would be constructed on the proposed road extension. Mr. Cole added that the crossing meets both Federal and State standards for a safe crossing, that the State held a public hearing early in the year regarding the crossing, and that a permit had been granted by the State for the crossing.

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Darrell Wilson asked Fire Inspector Hangge if he had any concern about emergency vehicles using the existing entrance to access the high school. Mr. Hangge responded that he had no issues. Mike Howie asked Ms. Watt to explain the proposed retaining wall. Ms. Watt replied that the retaining wall is designed to keep the grading out of the wetland and that it has been permitted through the Natural Resources Protection Act so that there is minimal disturbance to the wetland. Mr. Wilson confirmed that there were no changes between the preliminary plan submittal and the final plan submittal. Roger Lessard asked for an update concerning the lilacs that were identified as a concern by alternate member Barbara Hegenbart during the previous meeting. Michele Gagnon responded that Atlantic Landscaping had evaluated the lilacs and determined that their extensive root system makes it difficult and expensive to transport them to another location. It was also noted that the lilacs may not be affected by the proposed extension project. Ms. Hegenbart remarked that the lilacs did not seem to be in exceptional condition.

Chairman Fink opened the Public Hearing at 8:24PM. No one came forward and the Public Hearing was immediately closed.

Darrell Wilson moved with regard to the Final Plan for a Major Use Site Development Plan entitled Forrest Avenue Extension, Agenda Item Number 3, the proposal to create a new four-way intersection to serve as the main entrance to the Ellsworth High School and to provide access to the adjacent EBS building, that the Planning Board finds that this project meets Section 607 Standards and Criteria, and as applicable Article 8 Performance Standards, Street Design and Construction Standards, Stormwater Management Construction Standards, and Parking Standards, with no waivers or modifications, with the only condition that the City consider redirection signage at the existing entrance to the high school to help people navigate, and that the Board approves this project.

Roger Lessard seconded the motion. With no discussion, the motion passed unanimously.

4. Adjournment

Barbara Hegenbart made a motion to adjourn the meeting, Mike Howie seconded the motion, and it passed unanimously. The meeting was adjourned at 8:27PM. [Mylars were signed by the Planning Board after the meeting adjourned].

Public Hearing:

OPENED.

Public Hearing:

CLOSED.

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

APPROVED WITH CONDITIONS.

Adjourned [8:27 PM]

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

Minutes approved by:

4/6/16
Date



Michael B. Howie, Ellsworth Planning Board Secretary

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

