

**City of Ellsworth
Planning Board
Minutes of January 7, 2015**

Chairman John Fink, Vice Chairman Darrell Wilson, Secretary Don Martin, and member Mike Howie attended the regular meeting of the Ellsworth Planning board. Member Roger Lessard was absent.

City Planner Michele Gagnon, Assistant to the City Planner Elena Piekut, and Code Enforcement Officer Dwight Tilton also attended.

Call to Order [7:00 PM]

1. Adoption of Minutes from the December 3, 2014 meeting.

Darrell Wilson moved to adopt the minutes as written. Mike Howie seconded and the motion passed unanimously.

**Adoption of minutes:
APPROVED.**

2. Election of Officers for one year.

Darrell Wilson nominated John Fink as Chair. Don Martin seconded.

Don Martin nominated Darrell Wilson as Vice Chair. John Fink seconded.

Darrell Wilson nominated Don Martin as Secretary. Mike Howie seconded.

There was no discussion. The Board voted unanimously in favor of the proposed slate of officers.

Election of officers for one year:

**John Fink, Chair
Darrell Wilson, Vice Chair
Don Martin, Secretary**

3. Final Plan for a Major Use Site Development entitled J's Pit Stop and The Back 40 Sporting Center for J.M. and Cathy Gibbs. The proposal is to construct a 3,200-square-foot building for use as both a restaurant and a residence, as well as a pad for a seasonal ice skating rink and skateboard park, on 4.9 acres of 59.2 acres (Tax Map 84, Lot 5) on the Bangor Road (Route 1A) in the Rural Zone.

a. PUBLIC HEARING, DELIBERATIONS, FINDING OF FACTS, AND CONCLUSION.

Andrew McCullough, PE represented the applicant. He explained that he addressed several items since the December meeting, including:

- Showing emergency vehicle turning movements on the plan,
- Providing a full-size lighting plan,
- Meeting the stormwater flooding (peak flow) standard rather than requesting a waiver, and providing a plan that shows flow paths and watershed boundaries,
- Revising the site plan to include a table of lighting standard requirements and how they are met,
- And a finalized building plan, such that doorways and lighting locations are now shown on the site plan.

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Darrell Wilson asked whether the level spreaders are protected with forested buffers. Mr. McCullough said that the discharge areas do not need added protection.

Mr. Wilson noticed that the plan shows a parking space blocking the skating rink access ramp. Mr. McCullough said he would cross-hatch the space to prevent it being used for parking.

Chairman Fink opened the public hearing and, hearing no comment, closed it.

Darrell Wilson moved with regard to the Final Plan for a Major Use Site Development entitled J's Pit Stop and The Back 40 Sporting Center for J.M. and Cathy Gibbs, a proposal to construct a 3,200-square-foot building for use as both a restaurant and a residence, as well as a pad for a seasonal ice skating rink and skateboard park, on 4.9 acres of 59.2 acres (Tax Map 84, Lot 5) on the Bangor Road (Route 1A) in the Rural Zone, that it meets the requirements of Section 607 and Articles 8, 9, 10, and 11, and that the Board approves the project. Mike Howie seconded and the motion passed unanimously.

**J.M. and Cathy Gibbs;
Final Plan for a Major
Use Site Development
entitled J's Pit Stop
and The Back 40
Sporting Center:**

APPROVED

4. **Preliminary Plan for a Major Use Site Development entitled R.F. Jordan and Sons Gravel Borrow Pit for R.F. Jordan & Sons. The proposal is to extract gravel from 30 acres of a 77 acre property (Tax Map 52, Lot 7) in the Rural Zone. The property is accessed via the 79-70 Road from Route 179.**

a. **PUBLIC HEARING AND DETERMINATION OF COMPLETENESS.**

Andrew McCullough, PE represented the applicant. He reminded the Board that in March 2014, they reviewed the preliminary plan and found it lacking in demonstrating right, title, or interest. The legal relationship between PRB, LLC and R.F. Jordan & Sons was unclear. Mr. McCullough has added an email from Patrick Jordan stating that PRB, LLC has authorized R.F. Jordan & Sons to act as the applicant. The previous application also did not include a groundwater study, or hydrogeologic assessment, as required. Finally, the original plan showed the proposed pit connecting to the existing pit; however, because the two are owned by separate legal entities, a buffer is required at the property line per the ordinance. This is now shown on the plan.

Mr. McCullough explained that Fessenden GeoEnvironmental Services performed the hydrogeologic assessment and estimated the water table at 148 feet elevation. The original plan indicated that the bottom of the pit would be 150 feet. This has been revised to 155 feet elevation to protect the

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aquifer.

Mr. McCullough suggested that the ordinance be revised to allow gravel pits to meet without a buffer if both property owners agree, limiting sprawl and enabling both owners to make use of the "huge quantity of material" found there.

Chairman Fink brought up his concerns with the emails provided to clarify right, title, and interest. He explained that although Patrick Jordan granted permission to R.F. Jordan & Sons, on behalf of PRB, LLC, to operate a gravel pit, he did so from an email he signed as the president of R.F. Jordan. The application contains no formal evidence that Patrick Jordan is the principal of PRB, LLC. Mr. McCullough agreed to include clarification with the final plan application.

Chairman Fink opened the public hearing. Gil Grindle came forward to speak about the area surrounding the proposed pit and the history of the roads serving it. In particular he voiced concern about wetlands, a spring, and a trout brook in the area, as well as issues of access via the private road.

Mr. Fink closed the public hearing.

Mr. McCullough noted that the deed included with the application describes the access road, and that Fire Inspector Mike Hangge asked him to provide signage indicating where the pit is accessed off of the 79-70 road. He also addressed the concerns about wetlands and the spring, explaining that the existing road was created by a previous owner and is assumed to have been properly permitted at the time. Dwight Tilton also pointed out that page 6 of the deed describes an easement to Prentiss & Carlisle for hauling forest products and road-building materials. Mike Howie disclosed that he is the forester who put in the road in question, and that Mr. Grindle's concerns about it are out of the scope of the project at hand. However, he recommended that the applicant widen the road to allow two trucks to pass at once.

Darrell Wilson voiced his concerns about the aquifer's vulnerability and its role as backup water source for the City of Ellsworth. He relayed his research into state statutes, particularly the provision that if both owners agree and it is recorded in the deed, a zero-foot buffer is permissible. He also pointed out a statement in the application indicating that no buffers are proposed on the west or south side of the operation. Mr. McCullough said that the text should have been revised from the previous application and a buffer is proposed for the south property line. Mr. Wilson asked that the zero-foot buffer on the west side be recorded in the deed, with a note on the plan added to that effect.

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Mr. Wilson also referred to Section 801.3 Dust, Fumes, Vapors, Gases, Odors, Glare, and Explosive Materials and requested more information from the applicant regarding dust and dirt suppression. Mr. McCullough explained that R.F. Jordan utilizes watering and calcium chloride or similar applications to suppress dust. He will include this information in the final application.

Mr. Wilson asked how the applicant will address the standards of 801.4 Oil and Chemical Storage as well as state statutes governing the use of fuel in gravel pits. Mr. McCullough agreed to provide information as to how the project meets state and city standards.

Mr. Wilson asked for an explanation of how the gravel pit operators prevent excavating within five feet the water table and whether a monitoring well should be drilled in this pit, like in the adjacent one. Mr. McCullough explained that highly accurate GPS units and survey equipment are employed to avoid excavating below the proposed 155-foot floor of the pit. He said that the well in the adjacent pit provides a way to measure the water level and its quality, but that he was not involved in the permitting of that pit and is not aware of why the well was put in place. He said that the applicant had not discussed the possibility of another monitoring well with him, and noted that the existing well showed a "remarkably consistent" water level over the course of the year.

Discussion ensued as to whether the abutting Town of Hancock or Fletcher's Landing might have groundwater information or monitoring well data. Michele Gagnon suggested that seeking and providing such information should be the burden of the applicant. **Mr. Wilson moved to request that the applicant contact the Town of Hancock for any groundwater quality information relevant to the applicant's existing pit, including any groundwater impact data or analysis, monitoring well data, and any enforcement actions. John Fink seconded, and the motion passed with Mike Howie opposed.**

Mike Howie addressed the 50-foot buffers proposed the at the property lines. Mr. McCullough assured the board that those buffers will be well-defined before any excavation takes place.

Chairman Fink invited Gil Grindle to speak again. Mr. Grindle addressed the road again and encouraged the Board to consider that Ellsworth, Hancock, and Fletcher's Landing all meet there.

Darrell Wilson moved with regard to agenda item four, the Preliminary Plan for a Major Use Site Development entitled R.F. Jordan and Sons Gravel Borrow Pit for R.F. Jordan & Sons, the proposal is to extract gravel from 30 acres of a 77 acre property (Tax Map 52, Lot 7) in the Rnral Zone, the property is accessed via the 79-70 Road from Route

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179, the Planning Board finds that this is an allowed use in this zone and that the application is complete in terms of submission materials with the exception of:

- A letter from PRB, LLC that grants RF Jordan the right to operate the project,
- Adding a note to the final plan that a sign will be installed directing to the Hurley pit,
- And adding a note to the final plan that buffers will be recorded as part of the deed.

Mike Howie seconded and the motion passed unanimously.

5. **Amendments to Chapter 56 Unified Development Ordinance, Article 3 Zoning Districts and Article 8 Performance Standards.** The proposed amendment corrects an error to Section 306 Zone Purpose and rectifies a conflict between Table 307 Table of Use Regulations and Section 819.3 Zoning Districts.

a. PUBLIC HEARING AND RECOMMENDATION TO COUNCIL.

City Planner Michele Gagnon presented the amendments, which correct an inconsistency between Articles 3 and 8 regarding mobile home parks in the Urban and Rural Zones. Table 307 Table of Use Regulations allows for mobile home parks in both the Urban and Rural Zones as intended, but Article 8 Performances Standards, Section 819.3, states that parks are only allowed in the Rural Zone. The inconsistency was overlooked during the 2012 major ordinance revision and recently came to staff attention. Article 8 is amended to fix the inconsistency, and other small “housekeeping” changes such as typographical errors have been included in this amendment. There is also a correction to the descriptions in Section 306.1 Zone Purpose.

Chairman Fink opened the public hearing and hearing no comment, closed it.

Darrell Wilson moved with regard to the amendments to Chapter 56 Unified Development Ordinance, Article 3 and Article 8, that the Board recommend the proposed amendments to the City Council. Mike Howie seconded and the motion passed unanimously.

6. **Signing of Mylars.**

**R.F. Jordan & Sons;
Preliminary Plan for a
Major Use Site
Development entitled
R.F. Jordan & Sons
Gravel Borrow Pit:**

**COMPLETE WITH
EXCEPTIONS**

**City of Ellsworth;
Amendments to
Chapter 56 Unified
Development
Ordinance, Article 3
Zoning Districts and
Article 8 Performance
Standards:**

**RECOMMENDED TO
CITY COUNCIL**

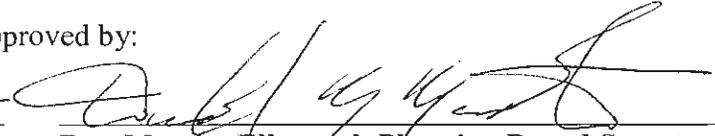
**Global Beverage Plaza
Mylars signed**

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7. **Adjournment.** Darrell Wilson moved to adjourn following the signing of Mylars. Don Martin seconded and the motion passed unanimously.

Minutes prepared by: Elena Piekut, Assistant to the City Planner.

Minutes approved by:

2/9/15 
Date Don Martin, Ellsworth Planning Board Secretary

**Meeting adjourned [at
8:10 PM]**

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